

(corrected)

GENOA TOWNSHIP
Zoning board of Appeals
November 10, 1998
7:00 p.m.

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 following board members were present constituting a quorum for the transaction of business: Rick Staley, Barbara Figurski, Robert Murray, Paulette Skolarus and Chris Hensick. Also present were Mike Archinal, Township Manager and approximately 50 persons in the audience.

Moved by Figurski, supported by Hensick, to approve the Agenda as presented.

A call to the public was made with no response.

1. Discussion of a request regarding the Robert Jones petition, Lot 41, Webster Park Subdivision for a special use for riparian use on a non-riparian lot.

A call to the public was made with the following response: Dale Cooper, Attorney (representing the Pardee Lake Homeowners Association) – Cooper made reference to a letter from the law Office of Wallace R. Haley that outlined the opposition to the Jones' request. The interpretation as represented by the Township Manager and Attorney allows anyone to accomplish Keyholing. The Dugas' gave a deed to the Hammers for ingress and egress and an alternate septic field. Mr. Jones gave an easement to himself for exclusive use of Parcel B that is across the road. We now have two persons asking to use the easement to the lake. I submit that this action now creates a group. The Jones easement is not for just one piece of property. Mr. Jones 1.45 acres may be split. The Hammer Deed is for four building sites. This easement would be controlled by the current ordinance.

Jodie Rogers – We have acreage and have 135' of frontage on the lake. Can we allow other properties to access the lake?

Staley – I do not support the current interpretation of this ordinance. Skolarus – The language of the ordinance is vague. Certainly this action today is exactly what our ordinance was written to prohibit. Hensick – The language of the ordinance is applicable to this situation in which you have a common use. Staley – Mr. Jones should make his application to the Planning Commission. Murray – I am opposed to Keyholing, but do support the Zoning Administrator's decision because I believe Mr. Jones' easement is invalid.

Moved by Hensick, supported by Figurski, to approve the appeal by the petitioner and reject the interpretation by the manager of the Township Zoning Ordinance as applicable to Mr. Jones' application for Special Use Permit. The motion carried as follows: Ayes – Staley, Skolarus, Figurski and Hensick. Nay – Murray.

2. 98-47...A request by Joyce Dressler, 6455 Herbst Road, Section 14, to split a parcel into an area less than allowed under the current zoning.

The petitioner originally asked for the parcel to be split into three sites. Under the negotiated agreement between the board and petitioner, Parcels A and B will be combined into one parcel totaling approximately 3.44 acres. The division of parcel C from the parent parcel will be allowed – resulting in a parcel 1.76 acres in area, which is less than allowed under the current zoning, noting that the original parcel exceeds 5 acres in area and a split is achievable under the current zoning.

A call to the public was made with no response.

Moved by Hensick, supported by Figurski, to approve a split as previously outlined. The hardship is the existing location of the residential structure and the natural division from the parent parcel as delineated by the existing mature tree line on the site. The motion carried unanimously.

3. 98-52 & 98-53...A request by Jason Newton, 145 South Hughes Road, Section 3 for a two acre minimum split and for 200 foot minimum frontage.

A call to the public was made with no response. A signed petition in support of the Newton request was provided to the board.

Moved by Hensick, supported by Figurski, to deny the petition since no hardship or practical difficulty was presented. The motion carried unanimously.

4. 98-54...A request by Ramon Schlichting, 1082 S. Hughes Road, Section 10, for a variance to the side yard setback.

A call to the public was made with no response.

Moved by Figurski, supported by Skolarus, to grant a 2' variance to the side yard setback as depicted on the mortgage report to allow construction of a 24' x 24' garage with gutters. The hardship is the narrowness of the lot and the location of the house. The motion carried unanimously.

5. 98-55...A request by Smede Son Steel, 7288 East Grand River, Section 13 for variances to the building, parking setbacks, access locations, gravel yard, fence and sign height, and acreage.

Staley – I am concerned with granting this petitioner the above variances when they failed to comply with previous restriction granted for variance – specifically the screening from view of outdoor storage. As the fence screening deteriorated it was not replaced.

A call to the public was made with no response.

Moved by Murray, supported by Hensick, to approve a 16' side yard variance and a 28' rear yard variance as requested. The hardship is the narrowness and depth of the parcel that will not allow reconstruction under the current zoning ordinance. The motion carried unanimously.

Moved by Skolarus, supported by Murray, to approve a variance to the access standards of the ordinance with regard to the two driveway access locations. Further that the driveways are pre-existing and will remain in their current location. The motion carried as follows: Ayes – Murray, Skolarus, Staley and Hensick. Nay – Figurski.

Moved by Skolarus, supported by Hensick, to approve the provision of outdoor storage on a parcel .95 acres in area, with no storage above the Planning Commission approved fence line, further, that screening will be provided at or above the fence line with no view of the stored materials from Grand River and the petitioner has agreed to remove the existing sign. The motion carried unanimously.

6. 98-56...A request by Richard Hock, for a variance on vacant property on Hughes Road for a reduction in the minimum rear wetland setback and from the 43,500 square foot requirement for a site without municipal sewer.

Dale Brewer, Realtor (representing Mr. Hock) addressed the board with an overview of the petition. This property was originally part of the Lake Edgewood Development. Sewer taps were purchased. We are asking for two home sites on this parcel of 1.7 acres.

A call to the public was made with the following response: Jeanne Young – Petitions from 40 residents objecting to the variance were submitted to the board. Young responded to the petition and provided an overview of the project with the reasons for objection by neighbors living in the Lake Edgewood Development. Sam Borenstein – What does it mean “Road under construction” Archinal – The road is built off center from the road right-of-way. Lori Gretowski - When Lake Edgewood filled in some wetland they had to replace them with others. That is why this parcel was abandoned. Bill DelGado - The natural beauty of this area is worth something and should not be abandoned.

Staley – What hardship or practical difficulty is applicable to this parcel? Brewer – The return is not enough to qualify for development considering the location of the road and wetland. Hensick – The hardship would then be strictly economic.

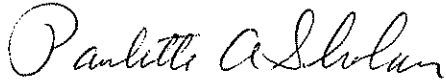
Moved by Skolarus, supported by Figurski, to deny the request since no practical difficulty other than economic was presented. The motion carried unanimously.

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Moved by Murray, supported by Figurski, to approve the Minutes of the Oct. 13, 1998 regular meeting correcting pg. 2, case 98-43 with regard to the setback variance. The motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 10:00 p.m.

Respectfully submitted,



Paulette A. Skolarus
Genoa Township Clerk