

GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

September 17, 2013

6:30 P.M.

MINUTES

Chair Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members of the staff of the Zoning Board of Appeals were then introduced. The board members in attendance were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present was Township staff member Ron Akers and 5 persons in the audience.

**Moved** by Figurski to approve the agenda with the tabling of item 4 to the next Zoning Board of Appeals, as requested by the petitioner. **Motion carried unanimously.**

**13-23...A request by Charles Denning, Sec. 10, Parcel ID # 4711-10-301-029 on East Grand River, for a variance to add a carport on the property without a principle structure.**

Charles Denning was present for the petitioner.

Grajek asked if a permanent structure was present and would he need to go to Livingston County. Petitioner explained it is freestanding. Anchor rods would hold the structure, 4 anchors on each side. It is not a permanent structure and the property is classified as a vacant lot. Dhaenens asked if the carport was attached to the existing garage whether the petitioner would still be required to present to Zoning Board of Appeals. Akers explained it would still be considered an accessory structure.

Dhaenens asked the petitioner whether a hardship or difficulty existed which would require the variance, expressing concern that there are already two non-conforming structures on the lot and this would be a third. The petitioner said there was no hardship and explained there are three lots. Two lots are combined along the front of Grand River.

Figurski asked if there was another place to store the item. Petitioner asked why that would be necessary when he has all the room he needs on the property. Figurski asked about the shed in poor repair. Petitioner said he could take it down if he was required to do so. Figurski indicated that the need for a variance request was self-created.

Grajek said that in order to grant the variance, there needs to be a hardship, something that is being required that is unfair to the petitioner. Petitioner said he is paying taxes on a lot that is useless. Figurski said that anyone driving along Grand River would only see two carports.

Petitioner reminded the board that it is not a permanent structure. Grajek said it is an accessory building.

A call to the public was made with no response.

**Moved** by McCreary supported by Grajek to deny case #13-23 for a variance request for the property on East Grand River, Sec. 10, Parcel ID# 4711-10-301-029 to construct a carport on the property without a principal building based on the finding of fact that there is no allowance for additional structures. **Motion carried unanimously.**

**13-24...A request by Bob Maxey Ford, Sec. 06, 2798 E. Grand River, for a variance to increase allowable wall sign square footage from 150 square feet to 169 square feet and to install two (2) additional walls signs which will exceed the maximum number of allowable wall signs by three (3) for a total of five (5) wall signs on the building.**

Mike Maxey of Bob Maxey Ford and Tony Delicolli of CityScape Architects were present for the petitioner.

Petitioner said they are looking to expand the dealership and include signs. To comply with Ford renovations guidelines, a blue oval logo sign needs to be added to the front of the building. He also needs to indicate to the public where the new collision center is located.

Grajek asked if Ford was mandating a second sign. Can you not just take one down. Maxey indicated Ford wants it on the building and on the new tower. Ford will invest \$700,000 if Maxey complies with Ford guidelines in this way. Other dealerships are able to get approvals. There are three businesses on the site: new car sales, service, and collision. He needs to direct customers to the collision center.

Delicolli indicated that they are looking for the addition of the word collision on the building which has no exposure to the street. The oval logo being introducing is being instituted by Ford at 500 locations nationally. The difference in the second oval is that it's a little smaller in scale than the other one. He referred to the rendering of the proposed look.

Grajek indicated the collision sign makes sense because we want people knowing where to go while they are driving. The second Ford logo is an issue of supporting local businesses and is not compliant with local ordinances.

Maxey indicated that other dealerships have two and three logos on their buildings as well. Figurski indicated that the size of the building was significant. Delicolli indicated that the issue is about street frontage. The property has 278 feet of frontage along Grand River. If you have 201-400 feet of frontage, then you're allowed a 150 square foot wall sign. So the request is for a 19 foot variance. Based on automotive company's requirements, they are trying to make it as conforming as possible.

Grajek said he sees everything covered except the second Ford logo. I can see directional signs being needed. Ledford said that the building is very long and that the second logo makes sense.

A call to the public was made with no response.

**Moved** by Figurski, supported by Ledford to approve case #13-24 for the property located at Parcel ID # 4711-10-301-029, 2798 East Grand River for a variance of 19 square feet of allowable wall sign area and for two additional wall signs with the finding of fact that the length of the building and the speed of traffic on Grand River Avenue requires the additional signage to safely guide traffic in and out of the property. **Motion carried unanimously.**

**13-25...A request by Jane and Randy Evans, Sec. 28, 4444 Glen Eagles Court, for a variance from the deck setback requirement between condominium units to extend an existing deck.**

Jane and Randy Evans were present for the petitioner.

Mr. Evans stated they are asking to extend their deck as it runs up against a common wall. They are asking to come forward 4 feet. They have Oak Pointe, Glen Eagles Association approval. They have approval in writing from their neighbor. Extending the deck will make the deck more usable.

McCreary asked whether it was built without a variance or setback when originally built. Akers explained that yes, when two condos are attached, the zoning requires that a deck be set back 4 feet from the common wall or a midway point between the condominium units. It was architecturally designed to have a deck extend to the common wall. This deck was likely in place before that zoning ordinance provision was adopted. Grajek cautioned about build-up of water on the deck.

A call to the public was made. Letters of support were acknowledged by Dhaenens from the Glen Eagles Condominium Association and Jack Thibeau.

**Moved** by Ledford, supported by McCreary to approve case #13-25 for a 4-foot variance to extend a deck which is located between two condominium units based on the findings of fact that the condominium was built in 1996 and at the time did not meet the standard set forth in Section 11.04.02(b), the need for the variance was not self-created by the applicant, the layout and design of the building created a need for the variance, and granting this variance will make the property consistent with other properties in the area. **Motion carried unanimously.**

**Moved** by Figurski, seconded by Grajek, for approval of August 20, 2013 minutes, with corrections made. **Motion carried unanimously.**

### **Addition of Conflict of Interest Section to Agenda**

Akers explained the issue, recommending a set of by-laws to ensure consistency in meetings. They speak to how we conduct business. Grajek indicated that some lakefront points are archaic. Clarification is needed. Akers indicated that one of the requirements in the Zoning Enabling Act is that the Zoning Board of Appeals has members who are liaisons with the Planning Commission and Township Board. Akers asked whether the board would like him to work on by-laws and have something together for the next meeting. The board agreed. McCreary asked that the township attorney review the by-laws.

### **Correspondence**

Akers indicated that a Citizen Planner classroom series is being offered in Howell. One class does fall on the day of the next meeting. The Zoning Board of Appeals could hold a special meeting instead of a regular meeting if there is interest in the class. Jean Ledford indicated that she could not attend due to SELCRA commitment. McCreary, Dhaenens, and Grajek will attend.

Ledford indicated that a former member of the Zoning Board of Appeals had questions at a recent Board meeting, dissatisfied with a ruling regarding Curt Brown. Ledford said that members of the Zoning Board of Appeals go to the properties, ask questions, and hear input of many kinds and that the Zoning Board of Appeals does a great job.

Akers also discussed that future motions should be based on findings of fact and provisions in the zoning ordinance. Grajek indicated that we need a justification why something does not make sense, rather than why it makes sense. Discussion was held on wording of motions. Grajek recommended a template be made on how to make a motion which includes finding of fact and other important components of a motion. Akers said he would draw something up before next meeting. Grajek and Dhaenens indicated that more structure would be helpful.

### **Member Discussion**

Dhaenens had a question regarding Denning: if he had attached the carport to the existing garage and said can I add an awning, would the board have felt differently? Grajek said it's a non-conforming property already and we should avoid steps to make it further non-conforming. Akers said it's still an accessory structure. He did not have a principal building on the property.

**Motion** by Ledford, supported by Figurski to adjourn the Zoning Board of Appeals meeting at 8:10 p.m. **Motion carried unanimously.**