

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FEBRUARY 18, 2014
6:30 P.M.**

MINUTES

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda: **Moved** by Ledford, supported by Figurski to approve the agenda with the addition of an item added to member discussion regarding zoning within lakefront communities. **Motion passed.**

Call to the Public: (Please Note: The Board will not begin any new business after 10:00 p.m.)

14-02...A request by Larry and Christa White, Section 28, 4489 Oak Pointe Drive, for a variance from the maximum allowable building height to construct a new single family residence.

Mr. Dennis Disner, Arcadia Design and Mr. Larry White were present for the petitioner.

Mr. Disner stated that the house is lesser in height and in overall mass than the current home. The owners are trying to be sensitive to not over power the sight of the neighbors. The property is part of the LRR zoning district, however this lot is not typical in that zoning.

It was discussed by the Board that if the structure met the ordinance for a cupola it would not have required a variance.

A call to the public was made with Joe Perri- 3962 Highcrest- I think this would be a welcome addition to the community and there is substantial justice. They are being very reasonable. Mr. Disner read into record a letter that was signed by Mr. and Mrs. Price-4495 Oak Pointe Drive, Mr. and Mrs. Rachner of 4514 Lakeshore Ct. and Charles Fort of the Oak Pointe County Club stating the following "Larry and Christa White have been in contact to make them aware of their height restriction variance request and have reviewed the same documents as the ZBA. As described in the drawing, its seems they intend to build a home of less height than they actually could under the ordinance. This recognizes the true intent of the height restriction, and appreciate their sensitivity in developing this proposal. They would like to voice their support for this request."

Moved by McCreary, supported by Grajek, to approve case#14-02, 4489 Oak Pointe Drive, Mr. and Mrs. White for a 5 foot roof height variance with a 30 foot allowed height. Conditioned

upon the owner producing an easement with the Golf Course to cross their property to install a sewer line and the home is to be guttered with downspouts.

The practical difficulty is the uniqueness of the property itself not being part of the Oak Pointe PUD when it was created. There is not a public safety hazard to the neighborhood and it is substantial justice in regards to the neighbor next door. **Motion passes as follows: Ayes- Ledford, Grajek, and McCreary. Nays- Figurski and Dhaenens.**

14-03...A request by Michael and Gail McLean, Section 21, Parcel ID# 4711-21-401-015, on Homestead Drive, for a variance from the required front yard setback to construct a new single family residence.

Mr. Dennis Disner, Arcadia Designs and Mr. and Mrs. McLean were present for the petitioner.

Mr. Disner stated that the lot exists just at the end of Homestead Drive. The proposed home would be 1339 sq.ft. on the main level with a 2 car attached garage. They are looking for help on the front yard setback. It is a 35 foot setback requirement with an 8 foot variance to construct a 2 garage attached garage. It is important to get two cars in the garage and the cars off the road. The owners are sensitive to the two neighbors regarding the waterfront setback.

Dhaenens questioned if the neighbor would be taking down the fence that is along the property line. If it is not taken down then the petitioner would require a 5 foot side yard variance.

A call to the public was made with the following response: Don Davis- 3907 Homestead stated that he is here to support the variance and that he is going to be taking down the landscape trellis as soon as the weather breaks. Tom Rafferty- 4344 Highcrest- thinks this a welcome addition to the area. There is plenty of room to park down there. Caroline Kerr- Siem- she is going to be looking at this structure and she is not against the variance. Scott Thomas- 4291 Homestead stated that he is in support of the variance. Joe Perri- 3962 Highcrest- thinks this will be a wonderful addition and they are being very reasonable.

Moved by Grajek, supported by Ledford to approve case#14-03, parcel 4711-21-401-015, for Mr. and Mrs. McLean for an 8 foot variance with a resulting setback of 27 feet. Conditioned upon the landscaping trellis is removed before issuance of land use permit and the new structure is guttered with downspouts.

The practical difficulty is the narrowness and typography of the lot and there is not a public safety hazard to the neighborhood and it is substantial justice in regards to the neighborhood. **Motion passed.**

Moved by Figurski supported by McCreary to approve the January 14, 2014 Zoning Board of Appeals minutes. **Motion passed.**

Township Board Representative Report: Ledford stated that at the February 3, 2014 Board of Trustees meeting, a request to hold an old car show in the Home Depot Parking lot was heard. The Zoning Ordinance did not have anything specific in regards to this request however it does state that they are not allowed car sales. The applicant would like to have the car show on Wednesday nights. Also at the last board meeting the subject came up for salary raises. Ledford stated that ZBA and Planning Commission members should be included. The salaries will be discussed at the March 17th, 2014 Board of Trustees Meeting.

Planning Commission Representative Report: Figurski reported that the January and February Planning Commission meetings were canceled.

Ron- permits have been slow for this time of the year. I have been working on issues with commercial properties that had lingering site plan compliance issues. There is some interest in the March meeting however there are not applications turned in as of today.

Member Discussion: Discussion was held in regards to updating the Zoning Ordinance for lakefront parcels and parcels in the Lakeshore Resort Residential (LRR) zoning. It was stated that the Planning Commission needs to look at the setbacks from the waterfront and the road side. The majority of variances that are brought before the ZBA are due to the narrowness of the lots. The biggest concern with waterfront properties is parking. Akers recommended an annual report be created describing the variances there were approved for the year. Discussion was held regarding roof height and having the same setback for the front and the rear and waterfront property line.

Moved by Figurski, supported by Grajek to adjourn the Zoning Board of Appeals meeting at 8:02 p.m. **Motion passed.**