

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MAY 20, 2014

6:30 P.M.

MINUTES

Call to Order: Chairman 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 and staff of the Zoning Board of Appeals were as follows: Chris Grajek, Jean Ledford, Barbara Figurski, Marianne McCreary and Jeff Dhaenens. Also present was Township staff member Ron Akers. There were 25 people in the audience.

Approval of Agenda: Moved by Ledford, supported by Figurski to approve the agenda. Motion passed.

Call to the Public: (Please Note: The Board will not begin any new business after 10:00 p.m.) A call to the public was made with no response.

14-08... A request by E.B.I. Inc., 5411 Ridgemont St., for a rear yard setback variance and a variance from the minimum required distance between a principal building and an accessory building, to remove the existing house and construct a single family home.

Bill Rogers, owner of EBI Inc. and Mary Tibaldi Homeowner were present for the petitioner.

Mr. Rogers stated that they have a rather old plat and they would like to retain some mature trees that are located on the property. About 90 percent of the existing house is not in compliance. The reason that the structure is close to the garage is due to a conversation with the Fire Department. There is a 6 foot pathway according to the plat and there are already structures encroaching on the pathway on other properties.

A call to the public was made with the following response: Dave Larson-5472 Wildwood, I live directly behind the house and my backyard is behind their house. I love the design and it will help the neighborhood with values. There have been 3 generations there and I don't blame them to want and stay to improve the property. The only issue I have is with the new porch toward the lake which would be in our backyard. There was a screened in porch there before and I could barely see them on the porch. The new proposed deck is wide open on our backyard. I came up with a compromise to build the house and a screened in porch that would provide a little of a barrier. It would give them a porch away from bugs and us some privacy. This is the only reservation that I have with the plan. Bert Knickerbocker- 5468 Wildwood, I live directly next door and I am looking forward to the new home and I would recommend that a survey of the property be done on the property since there are property line issues in the area.

Moved by Grajek, supported by Ledford, to grant approval of case #14-08, 5411 Ridgemont, for a 30 foot rear yard variance and 5 foot variance of separation between the principal structure and the accessory structure.

The practical difficulty is the topography of the platted subdivision which was approved in a different time and zoning. Conditioned upon the new home to be guttered with downspouts and the property owner obtaining a staked survey to identify property boundaries. **Motion passed.**

14-09... A request by Kelly Cadegan, 652 S. Hughes Road, for a side yard setback variance to construct a detached accessory building.

Kelly and Kathy Cadegan were present for the petitioner.

They would like to construct a garage on their property that would match the house and would look appropriate on the property. They would like to move the garage 3 feet from the property line and maintain a distance of 12 feet between the garage and existing structure.

Dhaenens asked why a 22 foot garage cannot be constructed. Mr. Cadegan stated that he would like to be able to move around and work on his car. He would not be repairing cars out of the garage. The 12 feet would be better between the garage and the house. But if he went to 11 feet it would be able to work too. The homeowner had Boss Engineering survey the property and that is how they obtained their figures.

Figurski questioned if the 2 sheds that are currently on the property are going to be removed. Mr. Cadegan stated that they are definitely going to be removed. The size of the current garage is 24 X 36 and he would be able to reduce it to 32 feet. Mr. Cadegan stated that the height of the building might be a little bit taller than the house at 17 to 18 feet.

A call to the public was made with no response.

The Zoning Board of Appeals stated their concerns about the lack of practical difficulty and requesting that the applicant work with their engineering company to comply with the Zoning Ordinance.

Moved by Grajek, supported by Figurski to table case 14-09, 652 Hughes Road per the petitioner's request until the next scheduled Zoning Board of Appeals meeting on June 17, 2014. Motion passed.

14-10... A request by Jan and Ann Pitzer, 3680 Dorr Road, for a side yard setback variance to construct a single family home.

Jan and Ann Pitzer were present for the petitioner.

The property that they own is zoned Suburban Residential and they are surrounded by Lakeshore Resort Residential. There is a wetland between the house and the lake with a large tree that they are trying to save that has forced them to expand the footprint of the house. They have talked to the two adjacent neighbors and there are some objections to the 10 foot side yard setback on the south side and they are trying to work it out with the neighbors and the Zoning Board of Appeals.

Mr. Pitzer stated that the screened porch is attached to the foundation by sharing a foundation wall. The porch is 16 by 16 feet and it is 9 feet from the house. They have talked about it with their neighbors and would be willing to try and satisfy the neighbors by requesting the side yard setback on the north property line. Figurski asked if the owners could reduce the size of the deck and move the screened in porch. Mr. Pitzer stated they need to have some distance from the house for ingress and egress which is 9 feet. Dhaenens questioned if they would be able to move their house up in the front of the property. Mr. Pitzer stated that they would not be able to not have a walkout basement. The tree is about 23 feet from the screened in porch. The owners stated that they would not be here if they were zoned Lakeshore Resort Residential. Akers explained the rezoning process if they would like to rezone their property to Lakeshore Resort Residential.

Grajek explained the Board's difficulty in demonstrating practical difficulty on variances due to design stating that this home could fit into the setbacks on the property.

A call to the public was made with the following response: A letter was received from Michael and Andrea Penner of 3747 Conrad Road. Gary Srock-3639 Conrad Road stated that he has no objection and his property runs along the side of the property with the screened in porch. Michael Penner-3747 Conrad Road stated that they have no objections with the variance showing in the new drawing submitted today. Katie Fox owner of parent parcel stated that she has no objection to the project.

Moved by Figurski, supported by Ledford, to deny case# 14-10, 3680 Dorr Road as submitted due to no existing hardship with the land. **Motion passed.**

14-11... A request by Charles E. and Corrine Horan, 1828 S. Hughes Road, for side yard setback variance, a front yard setback variance, a shoreline setback variance and a variance from the maximum allowable building height to add onto the existing house, convert the first floor into garage space and construct a second story on the existing house.

Charles Horan and Steve Ward of Fortress Builders were present for the petitioner.

Mr. Horan stated that they would like to get an additional size with the 12 feet setback. Their current neighbor is 12 feet closer to the lake than he is. Mr. Ward stated that they will not need a height variance and that the footprint will support the new home with piers.

Akers stated that the site plan does not depict the covered enclosed porch off the rear of the house.

A call to the public was made with the following comment: David Carey stated he lives directly across the street and he has lived there since 1970. His house was built in accordance with the zoning as it was meant to be. The homes have been expanded and with that there have been parties and the parking has become an issue. They park in front of his house. Mr. Carey stated that he feels that he is being walled off from the lake. Owners are trying to construct homes on 50 foot lots and taking cottages and building them as to where they can live in them all year round which is making him not see the lake. He does have access thru the property that the Township owns. He owns a 1200 sq. ft. house with 3 bedrooms however he is located on a 75 feet lot. Gary Bolover-1824 Hughes lives directly next door since 1979. The new owners are

trying to improve the property and he is in favor of that. They are keeping it clean and cutting the grass. He believes that the petitioner does have a hardship. If someone would like to see the water than they should buy property on the lakefront. The parking is allowed on the road and it does not back up traffic. It will improve the neighborhood and he has no objection to the variance.

Moved by Ledford, supported by Figurski, to grant approval of case# 14-11, 1828 Hughes Road, for an 11 foot front yard setback variance, 6.6 foot side yard setback variance and a 12 foot shoreline variance to construct an addition which maintains the current setbacks of the existing footprint. Conditioned upon the new home being guttered with downspouts. The practical difficulty is the property is non-conforming and does not present any safety or welfare issues for the neighborhood. **Motion passed.**

The Board had a break at 8:10 and reconvened at 8:16 p.m.

14-12... A request by Todd Hurley, 3292 Beck Road, for a variance from the maximum allowable size of a detached accessory building to construct a 2,880 square foot accessory structure.

Todd Hurley was present for the petitioner.

Mr. Hurley stated that he is looking to construct a 2400 sq. ft. pole barn with a 12 x 40 foot lean-to to store a fifth wheel. His neighbor has a large pole barn that is attached to his home by a breezeway and for Mr. Hurley to be able to construct a breezeway he would have to bring in more fill dirt and he would have drainage issues. The board questioned why the petitioner needs that large of a pole barn. Mr. Hurley stated that he has 5 kids and they are getting to the driving age and he is going to have cars and trucks all around his property. He stated that he would remove the existing shed on the property.

Grajek explained that the petitioner can build a 1200 sq. ft. pole barn with no variance and there is no hardship presented.

A call to the public was made with Laura McDonald-3148 Beck Road stated that she has no problem with the structure and they keep their property nice and tidy. She questioned how much of a structure does he need to attach it. Akers stated that he would have to connect it somehow to the principal structure but would not have to be enclosed.

Moved by McCreary, supported by Figurski to deny case #14-12, 3292 Beck Road petitioned by Todd Hurley to deny the variance due to no practical difficulty being presented. **Motion passed.**

14-14... A request by Tom Secrest, 4089 Homestead, for a side yard setback variance and a front yard setback variance to construct an attached garage and second story on an existing home.

Tom and Rosemary Secrest and Rick Napier, builder were present for the petitioner.

Mr. Secrest stated that they are looking to down size and would like to live at this property. He would like to construct a home similar to his neighbor. He would like to be able to have his property accessible to emergency vehicles. They are almost the last house in the area to do any improvements to their property. Dhaenens stated the concern with pulling out into the road and the garage and also that the property was not staked. Mr. Secrest stated that everything he has designed was in keeping with the neighborhood.

It was stated for the Board to be able to make a decision that the property should be staked to evaluate if a driver could safely back out of the garage.

A call to the public was made with no response.

Moved by Ledford, supported by McCreary to table case#14-14, 4089 Homestead, until the June 17, 2014 Zoning Board of Appeals meeting to allow the petitioner to stake the proposed addition. **Motion passed.**

Correspondence:

Approval of Minutes: Moved by Figurski, supported by Ledford to approve the April 15, 2014 Zoning Board of Appeals minutes with typographical corrections and an amendment to case#14-06. **Motion passed.**

Correspondence: Akers presented the 2013 Zoning Board of Appeals year-end report to the Board. The Board complimented Akers on an exceptional report. **Moved** by Figurski, supported by Grajek to accept the draft of the 2013 year-end report. **Motion passed.**

Township Board Representative Report: Ledford stated that on June 2, 2014 the Board is going to hear an amendment to the temporary tent sale ordinance. Ledford stated that Supervisor McCririe informed the Township Board that Akers is doing a great job.

Planning Commission Representative Report: Figurski stated that the May 2014 Planning Commission was canceled due to lack of agenda items.

Zoning Official Report: Akers stated that the office is very busy and he will be monitoring the Caldean Camp activities in regards to sound issues this summer.

Member Discussion: Discussion was held in regards to prior cases.

Moved by McCreary, supported by Ledford, to adjourn the Zoning Board of Appeals meeting at 9:10 p.m. **Motion passed.**