

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 15, 2014, 6:30 P.M.
AGENDA

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 members and staff of the Zoning Board of Appeals present were as follows: Marianne McCreary, Barbara Figurski, Jean Ledford, Chris Grajek, and Chairman Dhaenens. Also present was Township staff member, Ron Akers. There were 18 members of the public present.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: **Moved** by Barbara Figurski to approve the agenda. Support by Jean Ledford. **Motion passed unanimously.**

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

1. 14-15 ... A request by Kristinne Horvath, 3682 Beattie Road, for a variance from the maximum allowable building height of an accessory building to construct a detached accessory building.

Ron Akers reported that the applicant is requesting a postponement. **Motion** by Chris Grajek to postpone this item until the August meeting. Support by Barbara Figurski. **Motion carried unanimously.**

2. 14-16 ... A request by NorthRidge Church, 7555 Brighton Road, for a variance to install a wall sign in a single family residential zoning district.

Brian Ammon appeared on behalf of NorthRidge Church and addressed the Zoning Board of Appeals. They would like to put a sign on the front wall facing Brighton Road, which would not normally be permitted. There will be a monument sign, but given the curvature of the road and slope of the property, they desire a sign on the front wall, as well.

Ms. McCreary and Ms. Ledford voiced concerns that the additional sign, as proposed, would not be in a location that would be visible from the roadway. Mr. Ammon indicated that it would be more visible for the cars coming from the east. Mr. Grajek believed it would not be of assistance in navigation, but rather in confirming that the motorist had pulled into the correct driveway. Ms. Figurski indicated that the sign is more visible from Pine Creek than from the road. Chairman Dhaenens indicated that it was a shame that this is a residential area. Ms. Ledford expressed her concerns as it relates to the precedent that would be created if this is approved. The sign will not be

illuminated. Ms. McCreary asked the petitioner what harm would be suffered if this were not granted . He said none.

Rick Bibick, 7544 Brookview Drive addressed the Zoning Board of Appeals. He believes this is a self-created issue and he does not support this variance. He believes that only one criteria has been satisfied. He thinks the wall sign is larger than the monument sign. He is concerned about the precedence that would be set.

Ann Bibick, 7544 Brookview Drive addressed the Zoning Board of Appeals. She concurs with the comments made previously by the public and by the members of the Zoning Board of Appeals.

Motion by Jean Ledford to deny this petition. The need for this variance is based on the philosophy of the church, not on extraordinary circumstances applicable to the property or use and is therefore, self-created. The zoning prohibits the use of more than one sign. The petitioner has the ability to construct a monument sign, which may be relocated or redesigned. Support by Barbara Figurski. **Motion carried.**

Ayes: Grajek, McCreary, Ledford, Figurski. Nay: Dhaenens.

3. 14-17 ... A request by Tim Chouinard, 824 Pathway, for side yard setback variance, front yard setback variance and shoreline setback variance to construct an addition to the existing house.

Tim Chouinard addressed the Zoning Board of Appeals. The new drawings were submitted for review prior to this evening. The foundation was moved slightly to accommodate the oak tree.

Derek Dixon, 836 Pathway Drive addressed the Zoning Board of Appeals. He asked whether the side setback would require a cantilever. The two feet setback was granted for the eaves, not for the physical building. He discussed his concerns about preserving the oak tree. The view of the shoreline may be impaired, but they are more concerned about preserving the oak tree. The document from the Tree Doctor was shared with the petitioner and with the Zoning Board of Appeals members.

Motion by Chris Grajek to grant a variance of 27.5' from the front yard setback which is proposed at 7.5 feet; a variance of 1.34' from the side yard setback which is proposed at 8.66'; and a variance of 6' from the shoreline setback which is proposed at 39.5 feet. The side setback would be measured to the cantilevered area of the southeast corner of the house and would be specified as cantilever and not foundation to that setback to make allowance for saving the oak tree. The practical difficulty is the size of the lot(s) around lakefronts and their topography. In this case, there is substantial hardship because of where the road placement is. It does not affect the safety and welfare in neighboring housing. It is consistent with the neighborhood. Gutter and downspout installation is required. Support by Barbara Figurski. Motion carried unanimously.

4. 14-19 ... A request by John Smarch, 715 Pathway, for a side yard setback variance to construct an addition above the attached garage.

John Smarch, 715 Pathway, addressed the Zoning Board of Appeals. He wishes to add onto the attached garage upper level.

Mr. Grajek asked if there are any gutters or downspouts at this point. There is not.

Motion by Jean Ledford to approve case 14-19 for a side yard setback variance of 10 feet to construct an addition to the attached garage and resolve a drainage issue on the property. This need is not self-created, but it is necessary to correct the drainage issue. The unique circumstances of the property are the size of the lot and the current location of the house on the property. Because of the close proximity of the neighboring house, the applicant must construct the appropriate firewall to alleviate the situation. He must install gutters and downspouts. Support by Barbara Figurski. **Motion carried unanimously.**

5. 14-20 ... A request by Poloski Construction Inc., 3758 Noble St., for a shoreline setback variance and a front yard setback variance in order to construct a single family home.

Scott King, 3758 Noble addressed the Zoning Board of Appeals. He is requesting the setback variance from the property line of three feet. The road easement extends substantially from the road. This is partially to preserve the views of the neighbors. There was discussion about the views being partially obstructed. The house will be 1.5 stories. The deck will go 10 to 12 feet beyond the house. The deck will not be covered, so the setback should not be measured to the deck, but rather to the house. Height is measured at the center of the front of the building, which would be the roadside in this instance. Chairman Dhaenens indicated that he really wishes that the setback wasn't required, but that it appears to be a nice project.

A call was made to the public. No one wished to address the Zoning Board of Appeals.

Motion by Mr. Grajek as it relates to petition 14-20 to grant Poloski Construction a front yard setback required depth 35 feet; proposed depth 3 feet; shoreline setback required at 84 feet, proposed to be 80 feet. The practical difficulty is the narrowness of the land and topography. Consideration is given to the wide easement along both sides of the road which provides for adequate movement of emergency vehicles in spite of front yard setbacks. The improvements would not present any public safety or welfare issues. Gutters and downspouts will be required. This would be consistent with the surrounding neighborhood. Support by Jean Ledford.

Ayes: Grajek, McCreary, Dhaenens, Ledford. Nays: Figurski. **Motion carried.**

6. 14-21 ... A request by Delores Malysz, 1330 Clark Lake Road, for a front yard setback variance to construct an addition and raise the foundation.

Christopher Malysz addressed the Zoning Board of Appeals. There is a drainage and topography problem. The four homes to the north are draining onto this property. He is reducing his request from 10 feet to 9 feet in the front yard for the addition. Mr. Akers outlined the differences between the most recent plan and the plans that were approved

by an engineer. The issue really boils down to the fact that the petitioner was told he could not continue with his construction because his variance had expired.

Ken Fruceski, 1348 Clark Lake Road addressed the Zoning Board of Appeals. He asserted that the petitioner is living in the property. He believes there are safety issues and health issues. He would request an internal inspection as well as external. He does not feel safe with the situation as it currently is. Several neighbors have had their septic system redone. He is concerned that the septic on the subject property is not properly connected.

Cheryl Fruceski, 1348 Clark Lake Road addressed the Zoning Board of Appeals. She showed photographs that reflect pollution of the lake by the defendant's septic system.

Marilyn Lorigan, 1354 Clark Lake Road. She lives two houses east of the petitioner. She presented photographs, as well. She indicated the neighbors are all complaining of the smell. She wondered how long this can go on.

Dan Row, 1345 Clark Lake Road. He has eight children who swim in the lake. He is concerned about the septic draining in the lake.

Mr. Grajek explained to the members of the public that the Health Department must approve occupancy. The petitioner admitted that he is residing in the house. He indicated that the Building Department didn't have an issue with it. He indicated one sanitary line was disconnected. The electrical panel was placed on a temporary platform. A 60" piece of PVC was installed to reconnect the home to the septic line. He noted that the house was raised 60" rather than the 68" that was approved. He indicated that all plumbing and electrical continues to work.

Mr. Grajek asked how the petitioner enters the home. He enters through a ladder.

No height variance was granted initially. The front yard setback variance of 19' is what is in front of the Zoning Board of Appeals per Chairman Dhaenens.

Mr. Grajek asked why silt fence is not installed around the building. The petitioner indicated it was not required. The petitioner said he will install the silt fence tomorrow. Ron Akers requests the same conditions on the variance as were previously granted. If the porch is going to be changed, the plans must be resubmitted and reviewed/certified by an engineer. Ms. McCreary asked if there are contractors lined up. The petitioner said he believes it can be down and on the foundation within three weeks. The petitioner indicated he has plenty of funds to pay for the work.

Motion by Barbara Figurski to approve petition 14-21 for a front yard setback variance to construct an addition and raise foundation. Ms. Figurski quoted item 10-25 from the minutes of March 15, 2011.

... front yard variance for a covered porch with a variance amount of 20' and setback of 15'. The finding of fact is the topography of lot. This approval is conditioned upon the drawings that were submitted being

stamped and signed by a certified engineer, an as-built to be drawn up, and all the necessary approvals from the Health Department ...

and Building Department to be supplied to the Township. The applicant will agree to have Mr. Akers review the litter ordinance with the petitioner. Support by Jean Ledford. **Motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the June 17, 2014 Zoning Board of Appeals meeting. **Motion** by Barbara Figurski to approve the minutes as corrected. Support by Jean Ledford. **Motion carried unanimously.**
2. 2013 Annual Report Executive Summary. **Motion** by Barbara Figurski to table this until next month. Support by Chris Grajek. **Motion carried unanimously.**
3. Correspondence – There was none.
4. Township Board Representative Report - There was discussion about fireworks.
5. Planning Commission Representative Report – Barbara Figurski updated the Zoning Board of Appeals regarding Planning Commission business.
6. Zoning Official Report – The Township has been busy, but he is beginning to catch up. There will be a lot of code enforcement addressed in the next few weeks.
7. Member Discussion – There was general discussion.
8. Adjournment – **Motion** by Jean Ledford to adjourn the meeting at 8:53 p.m. Support by Barbara Figurski. **Motion carried unanimously.**