

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 16, 2014**

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 members and staff of the Zoning Board of Appeals present were as follows: Barbara Figurski, Jean Ledford, Jerry Poissant, and Chairman Dhaenens. Absent was Marianne McCreary. Also present was Township staff member, Ron Akers. There were 7 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 Figurski, supported by Poissant to remove case #14-15 and #14-22 at the request of the applicants and add the addition of election of a Vice-Chairman as Item #8 under Administrative business. **Motion carried.**

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

14-24...A request by Rod and Tamara Evans, 4174 Highcrest Drive, for a shoreline setback variance and front yard setback variance for the construction of a new home.

Mr. Rod Evans was present for the petitioner. Mr. Evans demonstrated that by placing his home closer to the road would maintain his neighbor's views. It is a 3 bedroom 2 story home with an attached garage and the setback from the front would allow for ample parking on the lot.

Ledford questioned if gutters and downspouts were included on the drawing.

A call to the public was made with no response.

Moved by Ledford, supported by Figurski to approve case #14-24 for a 4174 Highcrest for a 7.25 shoreline setback variance and a 16.25 front yard setback variance to construct a single family home with attached garage.

The practical difficulty and the extraordinary circumstances are the building envelope is limited due to the typography of the lot, narrowness of the lot and the placement of the well and sewer. The shoreline setback limits the available building envelope. According to the site plan the location of the house will be consistent with the site lines of the adjacent properties. Conditioned upon the structure being guttered with downspouts and the water runoff to be directed to the lake. **Motion carried.**

14-25...A request by Chilson Pointe LLC, 4666 Brighton Road, for a variance from the maximum allowable size of a detached accessory building.

Joe Perri and Carl Vagnetti, Chilson Pointe LLC., was present for the petitioner. Mr. Perri stated that the substantial justice to the property is due to the fact that other properties in the Low Density Residential Zoning District have detached accessory structures which exceed the maximum allowable size also Mr. Perri provided pictures of detached accessory structures that exceeded the allowance within Low Density Residential District in the Township including structures along Kellogg and Chilson Road.

The Board had concerns about the variance request being self-created. The Board also questioned if emergency vehicles could access the parcel and if there will be any storage of hazardous materials in the proposed accessory building.

Ledford asked if the title works states that the parcel has access off of the easement to the east and south of the parcel.

A call to the public was made with the following response:

Mark LeFevere- 4700 Brighton Road, his property is adjacent to 4666 Brighton Road and that Mr. Perri does not have access to the easement between their properties. He originally had intended on building homes back on that lot and did not start the project.

Don Kroeyer- 4688 Brighton Road stated that he had a few concerns which were as follows: the easement was never put in for the 5.26 acres. The property at 4666 Brighton does not have access to the easement. He also stated that Mr. Perri does not live at the property. They have had problems with the renters by not taking care of the place. There is already a detached garage on the site, he could add to that. The L-shaped part of the easement is on my property. The tenant is tearing down trees on my property despite the property line being surveyed twice. The easement was dropped when the subdivision could not use the easement. He

showed photos to the board of the staked area for the proposed structure and where his property line is.

Stacy Kroeyer- 4688 Brighton Road- stated that she has an issue with the tenant that has been burning and cutting down trees. They have trespassed with a gun on her property. The petitioner wants to build a Wal-Greens or whatever.

Mr. Perri requested that the decision on the variance request be postponed until the full membership of the Board can be present.

Moved by Figurski, supported by Ledford, to table until the October 21, 2014 Zoning Board of Appeals meeting per the petitioner's request. **Motion carried.**

Administrative Business:

1. **Approval of Minutes:** **Moved** by Figurski, supported by Ledford, to approve the minutes with typographical corrections. **Motion carried.**
2. **2013 Annual Report Executive Summary:** The Board members stated that maybe the fee for residents for the Zoning Board of Appeals meeting needs to be reviewed.
3. **Correspondence:** There was no correspondence to report.
4. **Township Board Representative Report:** There was no report given.
5. **Planning Commission Representative Report:** At the last Planning Commission meeting, Timbergreen Subdivision was approved an amendment to their PUD.
6. **Zoning Official Report:** Akers reported that he is busy with code enforcement.
7. **Member Discussion:** The Board Members stated that they would like to have I.D. tags for visiting applicant's sites.
8. **Election of Vice-President:** It was decided to postpone election until there is a full quorum.
9. **Adjournment:** **Moved** by Ledford, supported Poissant to adjourn the Zoning Board of Appeals meeting at 7:45 p.m. **Motion carried.**