

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 21, 2015
6:30 P.M.**

MINUTES

Chairperson 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 were as follows: Jean Ledford, Barbara Figurski, Jerry Poissant and Jeff Dhaenens. McCreary was absent. Also present was Township staff member Ron Akers. There were 12 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: Moved by Figurski, seconded by Poissant to approve the agenda as submitted. **Motion carried.**

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

14-25 ... A request by Chilson Pointe LLC, 4666 Brighton Road, for a variance from the maximum allowable size of a detached accessory building and a rear yard setback variance to construct a detached accessory structure.

Joe Perri, 3962 Highcrest was present for the petitioner. Mr. Perri stated he has already presented his case and that he is going to change his request and attach the existing garage to the home and would like to seek a variance for 800 sq.ft. for the proposed detached accessory structure. He noted that he has already shown substantial justice by demonstrating that there are already properties in the same zoning district that have larger than allowed detached accessory structures.

Figurski questioned the practical difficulty, extraordinary circumstances and public safety. Perri stated that he is only required to meet just one and he did show substantial justice. Poissant stated that the structures on Chilson Road which exceeded the allowable size as depicted in the packet looked to predate the Zoning Ordinance. Figurski questioned if he was installing a road at the other 7.5 acre parcel that he owns. Akers clarified that Article 23.05.03 reads as follows "No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the articles are met. In order to grant a variance all four standards have to be met.

A call to the public was made with the following response: Don Kroeyer, 4688 Brighton Road, stated he did research with a title company and found that the easement is for the two properties with existing houses and the acreage that Mr. Perri owns. The parcel in question was never in the easement. Now he wants to construct the detached building on the property line. There is not

enough room to build it in the situation. There was never anything that was brought up for the white house. Now that Mr. Perri purchased the other lots, he thinks he can do whatever he wants. If you have seven acres and don't plan on using it for anything then construct it on the other side and do not infringe on their easement rights.

Michele LeFevere, 4700 Brighton Road, stated that she owns Parcel 1 and her biggest concern is why does Mr. Perri need a building of that size. The purpose of this building is going to be used for commercial equipment and there is no reason for him to have that big of a building. Put the building so it is not infringing on their easement. She would appreciate not having to look at a big huge building.

The Board's concern is that Mr. Perri has demonstrated no practical difficulty.

Moved by Figurski, supported by Ledford, to deny the variance request for a 2000 sq.ft. detached accessory building located at 4666 Brighton Road due to the hardship being self-created, there are no exceptional or extraordinary circumstances or conditions applicable to the property or extended use which would prevent applicant from complying with the Zoning Ordinance and impact on the surrounding neighborhood by granting the variance would have a negative impact on the surrounding neighborhood due to there is no detached accessory buildings of that size. **Motion carried unanimously.**

The petitioner left the meeting before the call to the public was closed and the motion made.

15-03 ... A request by Carol and Jack Gatewood, 1022 S. Hughes Road, a variance from the maximum allowable building height, a variance from the required side yard setback and a variance from the maximum permitted projection into a required yard for an unroofed porch, in order to construct a single family dwelling.

Moved by Ledford, supported by Figurski to remove case 15-03 from the agenda per petitioner's request confirming the elimination of the need for the 4 requested variances. **Motion carried unanimously.**

15-04 ... A request by Stephen Widdick, 1612 S. Hughes Road, for a side yard setback variance in order to construct a three-season room on an existing deck.

Stephen Widdick was present for the petitioner. Mr. Widdick stated that he is requesting a variance to construct a three season room on the existing deck. That will be glass and vinyl. This is the third addition that he has requested. He has spoken with the Livingston County Building Department to make sure that he could construct it on the existing house.

Dhaenens stated that he is concerned that he keeps adding to the lake side. Mr. Widdick stated that the setback that he is allowed from the water is shorter than the deck. He also stated that the property will be guttered with downspouts directed toward the lake.

A call to the public was made with no response.

Moved by Ledford, to approve case#15-04 for 1612 S. Hughes for Stephen Raymond Widdick, for a 2 foot side setback and 8 foot variance to construct a 77 sq. ft. three season room on an existing deck. The east property line is adjacent to a 10 foot easement which provides sufficient separation between residential buildings, extraordinary circumstances are the narrowness of the lot and existing home on the property which was constructed prior to the enacted zoning ordinance. Granting the ordinance will have no impact on the public safety and welfare. **Motion carried unanimously.**

15-05 ... A request by Tim Chouinard, at Lot 20 McNamara's Sub, Parcel ID 4711-10-201-023, for a side yard setback variance to construct a single family dwelling.

Tim Chouinard, Chouinard Building, was present for the petitioner. They would like to construct 2600 sq. ft. building. The owners chose to go one foot over toward lot 18 because there is room. The reason for the variance is narrowness of the lot and typography of the land. Mr. Chouinard stated that the existing garage will be removed and that Boss Engineering contacted him and informed him that he would need a total of 6'3" on the side instead of 6'

Dhaenens asked about the existing trees. Mr. Chouinard stated that some trees will have to be removed. Figurski questioned if the total square footage would be 2600 with the garage.

Moved by Poissant, supported by Ledford, to approve case 15-05, request for a side yard setback variance to construct single family home located on lot 20. The variance request is 6'3" on one side and 1 foot on the other side. Granting the variance would not impair the adjacent properties and not impact the surrounding area. Conditioned upon the existing garage would be demolished and the addition being guttered. The narrowness of the lot is an extraordinary circumstance and granting the variance would not impair the adjacent properties and would not impact the surrounding area, it would not impact public safety and welfare. The lot is 46'7 feet wide and is less than the typical LRR in the neighborhood and it makes it consistent with the other properties in the neighborhood.

Motion carried unanimously.

Administrative Business:

- 1. Approval of Minutes:** moved by Poissant, supported by Ledford to approve the March 17th, 2015 Zoning Board of Appeals meeting minutes with typographical errors. **Motion carried unanimously.**
- 2. Correspondence:** Akers stated that included in the packet is information from Mr. Schindler that contains content on urban livestock and the Township has addressed this issue before. It is an interesting read of the recommendations that they made to the State of Michigan.
- 3. Township Board Representative Report:** Ledford stated that at the April 20, 2015 Board meeting they had two members from Hartland Library in to ask for a millage. The Board approved two firework displays for July 18th, 2015 located at Mt. Brighton sponsored by the Brighton Alumni and for July 4th, 2015 located on Crooked Lake. The Prairie House restaurant is going to be demolished. A special assessment was started for the Northshore Subdivision Entrance.

4. **Planning Commission Representative Report:** Figurski stated that Panera Bread and Culvers is going to build a drive-thru where the Bennigans' building was located which that building will be demolished. Chestnut Development was approved to rezone property located by Brighton Glass to be able to construct an office building. There was an addition to the Planning Commission By-laws. Champion Chevrolet was approved for an office addition. Chase Bank was seeking approval for an ATM in the Carson's parking lot located near Payless Shoe Source which was tabled due to traffic and design concerns.
5. **Zoning Official Report:** Akers stated that the past week the Township office has seen an increase in activity due to the spring weather. He stated that he going to be presenting the Capital Improvement Plan to the Planning Commission on May 18th, 2015 and he is currently working on a Local Support Plan which the Township has to adopt to receive state assistance of up to \$100,000 in the event of a disaster.
6. **Member Discussion:** Ledford questioned if the Board could address the Chilson Pointe LLC., situation in regards to postponing up to a number of times in the Rule of Procedures. Akers stated that they could add it by amending the Rules of Procedure by discussing it at the next meeting. Akers stated that the Board does not have to allow a petitioner to table a case.
7. **Adjournment: Moved** by Ledford, supported by Poissant to adjourn the April 21st, 2015 Zoning Board of Appeals meeting at 7:58 p.m. **Motion carried unanimously.**