

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 15, 2015, 6:30 P.M.
Minutes

Chairperson Jeff 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: Jeff Dhaenens, Jean Ledford, Jerry Poissant and Marianne McCreary. Barb Figurski was absent. Also present were Township staff member Mike Archinal and Recording Secretary Kathleen Murphy. There were 14 people 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 Ledford, seconded by McCreary to approve the agenda as amended. **Motion carried unanimously.**

Call to the Public: A call to the public was made with no response.

Motion made by McCreary, seconded by Poissant for Case 15-18, the property at 4066 Highcrest, to be inserted as Item 4 on the agenda in anticipation that the petitioner will arrive. **Motion carried unanimously.**

15-23... A request by Lyn Hewitt at 837 Sunrise Park, for a variance from the maximum lot coverage in order to construct a detached accessory building.

Petitioner Lyn Hewitt was present.

Hewitt addressed several questions the Board had at the last meeting:

1. Why the garage was not attached in the plans: Hewitt said the revised plans are for an attached garage. This would change the road setback from 20 feet to 35 for an attached garage.
2. Size of footprint? There is a little overlap on first story and the footprint is now slightly smaller. The proposed lot coverage goes from 40% to 37%, only 2.7% over the township specification.
3. Drainage? Met with Ken Recker of Livingston County Drain Commission. Water had been re-routed to a new line to lake, solving some issues but not all. There is still a drain in driveway that can be used for some drainage, taking care of water flow issue. That drain is not part of the county system, but still can handle water flow. Hewitt will have to maintain the drain. McCreary and Poissant asked about the drainage issues. Water will now be diverted to eastside of the property. Ledford also asked about drainage from downspouts. Hewitt said they would add a drain across property to deal with the flow. They are removing sheds on property.

A call to the public was made with no response.

Moved by Poissant, supported by Ledford, to approve 15-23 for Lyn Hewitt at 837 Sunrise Park, the request for a variance from the maximum lot coverage of 35% to a maximum lot coverage ratio of 37.7 percent in order to construct an addition to the home. Based on the following finds of fact:

1. Strict compliance with the maximum lot coverage ratio would prevent the applicant from erecting an addition to the dwelling of the size desired.
2. The small size of the lot makes it difficult to construct an addition to the dwelling that is functional for the intended purpose.
3. The variance requested is substantially consisting with a few existing variances on neighboring properties.
4. The applicant has adequately addressed the drainage issue which would otherwise be worsened by the increased coverage ratio.
5. The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
6. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Subject to the following conditions:

1. Completion of the drainage work proposed in the modified plan.
2. Removal of two accessory buildings.

Motion carried unanimously.

15-26... A request by Brandon Sredzinski at 1001 Sunrise Park, for side and front yard setback variances in order to add a second story to an existing family home.

The petitioners, Brandon and Megan Sredzinski, were present.

Brandon Sredzinski said they are seeking setbacks for a second-story addition on their current home. Dhaenens noted the couple is not changing the footprint, but they were still required to get a variance because the home is nonconforming. Archinal noted bay windows are an exception in the ordinance so the side yard variance is not needed.

Call to the Public:

Lynn Hewitt 837 Sunrise Park: She supports the project, saying it will improve the community and was encouraged the couple planned to stay in Sunrise Park.

Moved by Ledford, supported by Poissant, to approve Case 15-26 for 1001 Sunrise Park, for petitioner Brandon Sredzinski, for a variance from the required 35-foot front yard setback to a 29.5-foot front yard setback variance in order to construct a second story addition to an existing home.

The practical difficulty is the lot sizes around Sunrise Park are small and narrow. The orientation and location of the existing structure makes meeting the required front yard setback difficult. The property is a nonconforming structure and the variance is not self-created. Extraordinary circumstances are the depth of the lot and the orientation of the existing structure. Granting the variance would make the property consistent with several other properties in the vicinity, will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion in public streets or increase the danger of fire, endanger public safety, comfort, morals or welfare of the residents of Genoa Township.

Granting the variance would have little impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhoods.

Motion carried unanimously.

15-27 ... A request by Michael E. Williams at 3654 Westphal, for side yard setback variance in order to build a detached accessory building.

The petitioner, Michael E. and Dawn Williams was present.

Michael Williams said they are asking for a 5-foot setback instead of 10 because property drops off a lot in the backyard. He said it starts dropping off fast after about 10 feet. His proposed out-building will be 20 feet wide. He said he is worried about drainage and topography. Dhaenens asked why not build up the yard on one side? Williams indicated that was because of the drop-off and to build it up would change the yard too much. McCreary questioned him about the electrical line and asked if he knew where easement is located. Williams said Edison has never had to come into the yard but said he would have to head west on the property if the proposed building is in Edison's easement. He said he would be checking with Edison before building. He is also removing his sheds to make way for new structure and provided 13 signatures from neighbors saying they approve of his plans.

Call to the public was made with no response.

Moved by Ledford, supported by Poissant, to approve Case 15-27 for 3654 Westphal for Michael and Dawn Williams, petitioners, for 5-foot side yard variance to construct an accessory structure based on the following findings of fact:

Practical difficulty is that the parcel is located in Country Estate zoning and is non-conforming. Because the property is not over an acre, the normal accessory structure setback of 40 feet does not apply. The variance is necessary to preserve a substantial property right similar to other neighboring properties in the Country Estate District.

Extraordinary circumstances are the non-conforming lot size and existing grade makes the required 10-foot setback difficult. The variance was not self-created by the petitioner. Approval of this variance is conditioned upon the removal of non-conforming accessory structures on the property and the removal or relocation of two large pine trees.

Granting the variance may impact the development, continued use or value of the adjacent property.

Motion carried unanimously.

15-18 ... A request by David Gruber at 4066 Highcrest, for shoreline setback variance, a rear yard setback variance, a front yard setback variance, and a variance from the maximum lot coverage in order to construct a new single family home.

Petitioner David Gruber was present.

Gruber said he has hired a surveyor but there has been great difficulty finding any of the monuments in order to provide an accurate survey. Ledford asked about taking measurements from neighboring properties, but Gruber said he questions those surveys saying depth of his property is 4 feet short based on the plat map. Dhaenens said they struggle with filling up the lot and going so close to the road; Ledford agreed. Poissant questioned the stake at water's edge, while Dhaenens and McCreary questioned the stakes at the other side. Dhaenens said he will give Gruber the benefit of the doubt at one last meeting, but Gruber has to have the lot staked out properly so the Board can make a better-informed decision. "We don't have enough to make a decision but we want to be fair to you," Dhaenens said. Archinal suggested that when the survey is completed, Gruber can contact the Township so notices can be sent out again to the neighbors. Poissant said a smaller footprint and setback farther from lake would be a benefit; and also said he would not vote to approve the current plans.

Moved by McCreary, supported by Poissant, for 15-18 Dave Gruber's, 4066 Highcrest, request to withdraw the application for variance at the petitioner's request. **Motion carried unanimously.**

Administrative Business:

1. **Approval of minutes: Moved** by Ledford, supported by McCreary, to postpone the approval of the August 18, 2015 minutes to the next regularly scheduled meeting, which is Oct. 15. **Motion carried unanimously.**
Member of the public stood up for comment: Robert Stork, resident of North Shore, wanted to know why there was not mention of case in that subdivision. Archinal explained that it was never on the agenda and that issue is being handled in the office. He invited Stork to come see him the following day.
2. **Correspondence:** None.
3. **Township Board Representative Report:** Ledford said the Board discussed Homestead Road improvements, Cleary University, sidewalk improvements, renewed the lease for the Brighton Area Fire Department, and the budget for upcoming MAP conference.
4. **Planning Commission Representative Report:** None, Figurski absent.
5. **Zoning Official Report:** Archinal announced that Amy Ruthig will be the new Zoning Official.
6. **Member Discussion:** None
7. **Adjournment: Moved** by Poissant, supported by Ledford, to adjourn the meeting at 7:44 p.m. **Motion carried unanimously.**

Signed,

Kathleen Murphy
Recording Secretary