

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 20, 2015, 6:30 P.M.**

MINUTES

Call to Order: 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: Barb Figurski, Marianne McCreary, Jean Ledford, Jeff Dhaenens and Jerry Poissant. Also present was Township staff member Amy Ruthig. There were 7 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 Jean Ledford, seconded by Jerry Poissant to approve the agenda as submitted. **Motion passed.**

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

15-28 ... A request by John and Sasha Klavon at 411 Porta Drive, for a setback variance for a deck surrounding a pool.

Mr. and Mrs. Klavon were present for the petitioner.

Petitioner addressed the Zoning Board of Appeals. He indicated there is no malicious intent to violate the ordinance, but feels that there was miscommunication. He stated that he built the deck to the specific guidelines but there was discrepancy as to the lot line. Petitioner claims the township told him that there was a 10 foot setback. It is impossible to move the deck due to the pool location.

Dhaenens inquired what the orange stakes were located on the property. Petitioner indicated that they represent the lot line. The survey line is missing, but the stakes remain.

McCreary inquired about the accessory structure on the pool permit. Petitioner thought he was pulling permit for both. The backyard was enclosed at the time of the pool permit in 2013.

McCreary questioned what the front yard of the parcel was. The petitioner said the front of his property faces Hacker Road. The petitioner explained the orientation of his property and his pool. Petitioner stated the fence was installed in 2013. Petitioner has been working on the deck for the last 1 ½ years. Petitioner could not utilize his main turnaround to place deck toward the front.

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

Marie Sarrer, 542 South Hacker Road stated that she has no objection to the petition.

Raymond Ducharme, 366 Porta Drive, submitted a letter and photos to the Board. Ducharme reviewed his letter to the Board stating that he was against the variance.

Dhaenens explains that petitioner can have a pool and deck on their property. The petitioners still must pull all permits necessary for both.

Petitioner indicated there is no railing on the deck. Petitioner now understands they need a permit for the pool and a permit for the deck.

Letters were received from Kristi Schaefer and Andrew and Nicole Maloney.

The call to the public was closed.

Moved by Poissant, supported by Jean Ledford, to approve case 15-28 for a setback variance for a deck surrounding a pool, based upon the following findings of fact: Applicant contacted the Township staff to determine what the setback requirements were for the deck, they were given a copy of the zoning statute, which for decks, is 10 feet. Petitioner relied upon that information and began construction on the deck. Subsequently, it was determined that the deck would be adjacent to a swimming pool, therefore the setback requirement was 15 feet rather than 10 feet.

The deck, which is now substantially completed and due to the fact that this extraordinary circumstance which was not self-created since it was based upon erroneous advice provided by Township staff. Strict compliance with required rear yard setback requirements would place a substantial burden on the applicant to disassemble, move and reassemble the swimming pool and deck. Granting this variance request would provide the applicants with substantial justice.

The neighboring property immediately adjacent to the property at issue is heavily wooded and undeveloped. A residence has been constructed on the west side of the lot which is across the street from the portion of the lot which is adjacent to the property where the deck is being built. The granting of this variance would not interfere with any future construction of an accessory building on that portion of the property.

The granting of this variance will not impair an adequate supply of light and air to the 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. It will have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This is subject to the following conditions:

Any necessary permits must be pulled in a reasonable period of time. It was decided by the Board to give petitioner to the end of the year 2015 to complete this project. **Motion carried as follows:** Ayes: Dhaenens, Ledford, and Possiant. Nays: Figurski and McCreary.

Administrative Business:

1. Approval of the August 18, 2015 and September 15, 2015 Zoning Board of Appeals meeting minutes. **Moved** by Figurski, seconded by Poissant to approve the August 18, 2015 minutes. **Motion passed.** **Moved** by McCreary, seconded by Ledford, to approve the September 15, 2015 minutes as submitted. **Motion passed.**
2. **Correspondence:** there was no correspondence at this time for the Board.
3. **Township Board Representative Report:** Ledford stated at the last Township Board meeting on October 19th, 2015 the following took place: Approved Resolution #5- Grand Oaks Drive Special Assessment District slated to be constructed in spring 2016 and SELCRA was discussed.
4. **Planning Commission Representative Report:** Figurski stated that the Planning Commission was canceled due to power outage at the Township and rescheduled for October 26th, 2015.
5. **Zoning Official Report:** Ruthig stated that she and Sharon Stone Francis, Code Enforcement Officer, have been doing code enforcement all over the Township.
6. **Member Discussion:** Ledford inquired about the status of case 14-27, Todd and Julie Hutchins. Ruthig stated they are allowed two extensions. They have received their first one this month. Ledford also inquired about case 14-30, James Harmon. Harmon was supposed to remove the accessory structure this spring. Ledford stated that the neighbors on Pineridge Lane were asking about neighborhood blight. Dhaenens thought there was something about a blight ordinance. Ruthig stated that the Township does have a litter ordinance and she will look into Ledford's inquiries. McCreary discussed the House Bill with regard to the dismissal of their members on the Board of Review. The legislation is coming next month. There is also pending legislation that 7 people, 4 attorneys, 1 appraiser, etc for the tax tribunal. McCreary will send the page numbers and material.
7. **Adjournment:** **Moved by Dhaenens, seconded by Poissant,** to adjourn the meeting at 7:48 p.m. **Motion passed.**

Signed,

Peggy Toms
Recording Secretary