

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 19, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Barb Figurski, Marianne McCreary, Jeff Dhaenens, and Jerry Poissant. Absent was Jean Ledford.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda: It was noted that the “Election of Officers” should be moved to the first item under “Administrative Business”. **Moved** by McCreary, seconded by Figurski, to approve the agenda as amended. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:32 p.m. with no response.

- 1. 15-31... A request by Thomas and Beverly Smith, 5415 Wildwood Drive, for reapplication of a variance that was denied in part. The variance granted did not allow for the second floor to be used as living space. The applicant is requesting reconsideration of this condition.**

Tom and Beverly Smith were present. Mr. Smith stated that when they built the home in 2003, they only wanted to finish the first floor. Now they would like to finish the second floor to accommodate their grown children and grandchildren when they come to visit from out of town.

Board Member McCreary reviewed the other variances that were requested, approved, and denied in 2002 and 2003. Mr. Smith explained the reasons for those variance requests.

Board Member Figurski questioned if the work has started on the second floor. Mr. Smith stated he has put up some drywall, he has installed some heat ducts and studs for the walls, but it is not livable.

Board Member Poissant stated that in 2003, the applicant received variances for the front yard, side yard, and waterfront setbacks. They also received a maximum land coverage variance for 41 percent, conditioned upon there be no living space on the second floor, which included no installation of plumbing or heating. He believes that this was done to control the density and the number of people who would be able to live on the site and the number of cars that would be parked on the site, as well as to control traffic. He does not see any reason to change this condition.

Board Member McCreary does not feel that the circumstances of the request represent a hardship. There is no hardship on the property; it is a personal hardship.

Chairman Dhaenens agrees. This request does not meet the requirements of granting a variance.

The call to the public was made at 7:00 p.m. with no response.

Chairman Dhaenens stated that they have received two letters from the applicant's neighbors who are against granting this variance. The letters were received from Malisa Price and Deborah Sullivan.

Board Member McCreary feels the condition of not improving the second floor that was put on the original variance approval was to limit traffic in this area and that is a concern of hers also.

Moved by McCreary, seconded by Figurski, to deny the variance request to remove the restriction of the variance granted in June of 2003 based on the fact that there is no practical difficulty and the hardship is self-created. The applicant accepted the conditions put on the original variance approval. There is a safety issue with an increase in traffic and it would have an impact on the neighborhood. The applicant should place gutters on the home to properly drain away the rainwater per the condition of the previous variance approval. **The motion carried unanimously.**

2. 16-01...A request by John Minni, 4300 Crooked Lake Road, for a variance to allow for an accessory structure which exceeds the maximum square footage requirements and height requirements.

Mr. Minni was present. He stated he has lived in this home for 20 years and would like to be able to keep this structure. He has an autistic teenage daughter and he would like to be able to do more work at home to help with her care. He will use this structure to store equipment that he currently keeps in a rented storage unit. He believed he was allowed to build it. He noted that his neighbor has offered to sell him 2.5 acres to allow him to have the appropriate amount of acreage for this size structure; however, he would prefer to receive the variance.

Chairman Dhaenens does not feel there is a hardship on the property.

The call to the public was made at 7:27 p.m.

Mr. Dave Henderson of 4316 Crooked Lake Road lives next door to Mr. Minni. He has offered to sell him the acreage; however, he would prefer that Mr. Minni receive the variance. He would like Mr. Minni to be able to keep his structure. He stated that Mr. Minni is a good neighbor and a good person.

Mr. Brian Barker of 4222 Crooked Lake Road lives on the other side of Mr. Minni, adjacent to where the building is located. He does not have any issues with the structure.

The call to the public was closed at 7:30 p.m.

Moved by Poissant, seconded by Figurski, to deny the variance request to allow for an accessory structure which exceeds the maximum square footage requirements and height requirements. The applicant is required to remove the structure for which the variance has been requested within six months from today or acquire additional property to bring his lot size into conformance with the zoning requirements. There is no practical difficulty and this is a self-created hardship. **The motion carried unanimously.**

Administrative Business:

1. Election of Officers

Moved by Figurski, seconded by Poissant, to nominate Board Member Dhaenens as Chairman. The nomination was accepted and **the motion carried unanimously.**

Moved by Figurski, seconded by Poissant, to nominate Board Member McCreary as Vice-Chairperson. The nomination was accepted and **the motion carried unanimously.**

2. Approval of minutes for the December 8, 2015 Zoning Board of Appeals Meeting

Board Member Figurski noted that under the Planning Commission Representative Report in Administrative Business it should state “....pavilions for the Chaldean Catholic order on McClemens Road”.

Moved by Figurski, seconded by McCreary, to approve the December 8, 2015 Zoning Board of Appeals Meeting Minutes as amended. **The motion carried unanimously.**

3. Correspondence - Ms. Ruthig stated each Board Member has received information on the Michigan Association of Planners Zoning Essentials training.
4. Township Board Representative Report - Board Member Ledford was not present this evening.
5. Planning Commission Representative Report - Board Member Figurski had nothing to report.
6. Zoning Official Report - Ms. Ruthig had nothing to report.
7. Member Discussion - There was no member discussion.
8. Adjournment

Moved by Poissant, seconded by Figurski, to adjourn the meeting at 7:57 p.m. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary