

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FEBRUARY 16, 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: Marianne McCreary, Jeff Dhaenens, and Jean Ledford. Absent were Barb Figurski and Jerry Poissant.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda: **Moved** by McCreary, seconded by Ledford, to approve the agenda as presented. **The motion carried unanimously.**

Chairman Dhaenens advised the petitioners that there are only three board members present this evening, instead of five. Three votes are needed for approval. He stated that a petitioner can request to have their item tabled until the next regularly-scheduled meeting when there will be more members in attendance.

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

1. 16-02...A request by Douglas Milne, 6505 Forest Beach, for two side-yard setback variances to construct a new home.

Mr. Milne stated he would like to build a 24-foot wide by 79-foot long, 3-bedroom, 3 bath, home with a walk-out basement. The current side-yard setback requirements are 30 feet and his property is only 50-feet wide. He is asking for a variance for a 13-foot side yard setback on the south and an 11-foot side yard setback on the north. He stated that there is enough room for emergency vehicles to access the entire site.

Ms. Ruthig stated that the home will be 100 feet from the lake, which is within the requirement, so he does not need a variance.

The call to the public was made at 6:47 p.m.

Mr. Michael Morgan of 6483 Forest Beach Drive presented the legal easement document for the augmentation well located on Mr. Milne's property. He wants to ensure that trucks will be able to access the well as this is the property of all residents on Baetcke Lake.

He also stated that the plans show that the garage is 24-feet wide, and is not as wide as the home, therefore the home is wider than 24 feet, so the setbacks will be different than what is being requested. There are also trees on the side of the lot and this could hinder trucks being able to access the well.

Also, the location of the proposed septic tank will be located where the well truck would be accessing the property and they would have to drive over it.

He stated there is an observation well on the side of the lot that is used for the augmentation well at the back of the property.

The call to the public was closed at 7:03 p.m.

Chairman Dhaenens asked Mr. Milne to confirm the dimensions of the home. He stated that the entire width of the home is 24 feet. The width of the garage is 20 feet. Mr. Milne stated he will remove the trees on the north side of the lot.

Mr. Milne stated that he will use the observation well that is currently on the property as the well for the new home. Board Member McCreary wants to ensure that the Livingston County Health Department approves of all of the well and septic locations and that they can be accessed for maintenance.

Board Member McCreary has concerns about the site lines at the end of the driveway.

Moved by Ledford, seconded by McCreary, to approve Case #16-02 for Douglas Milne of 6505 Forest Beach Drive for a requested side setback variance of 13 feet on one side and 11 feet on the other side from the required 30 foot side yard setbacks to construction a new two-story home on Lot #19, based on the following findings of fact:

- The need for a variance is the narrowness of the lot and was not self-created by the applicant.
- The extraordinary circumstance is this lot is legally non-conforming for the LDR zoning, which is not consistent with this lot size.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- Granting the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood. The proposed home is consistent with properties in the area.

Granting this variance is conditioned upon:

- The home shall be guttered with downspouts and runoff draining toward the lake.
- The applicant shall provide verification from a well-drilling authority that there is adequate access to the augmentation well.

The motion carried unanimously.

2. 16-03...A request by Kirk Pielet, 1530 Oak Haven, for a side yard setback variance to construct a detached garage.

Mr. Pielet stated that he has remodeled his home and he would like to replace the existing garage with one that will match the house. He is requesting a two-foot side yard variance.

The call to the public was made at 7:27 p.m. with no response.

Moved by Ledford, seconded by McCreary, to approve Case #16-03 from Kirk Pielet of 1530 Oak Haven Drive for a two-foot side-yard setback variance from the required five feet to three feet to demolish the existing garage and construct a new 24' x 37.5' garage based on the following findings of fact:

- Granting the requested variance will do substantial justice to the applicant as well as to other property owners in the district and would make the property consistent with the majority of the properties in the vicinity.
- The need for a variance is the narrowness of the lot and was not self-created by the applicant.
- Granting the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety, comfort, morals or welfare of the inhabitants of Genoa Township.

Granting of this variance is conditioned upon the detached accessory structure being guttered with downspouts and runoff draining toward the lake.

The motion carried unanimously.

3. 16-04...A request by Holly and Ray Coppielle/E.B.I. Inc., Vacant, Long Pointe Drive (11-10-301-221) for a waterfront setback variance to construct a new home.

Mr. Ray Coppielle is requesting a waterfront setback variance due to the irregular shoreline on his property. Aerial photographs were shown showing the irregularity.

The call to the public was made at 7:40 p.m.

Mr. Brett Gierack of 921 Sunrise Park stated that since Ray is in a wheelchair, there are limitations to how they can design their home.

The call to the public was closed at 7:41 p.m.

Moved by Ledford, seconded by McCreary, to approve Case #16-04 from Raymond Coppielle/E.B.I. Inc. for a vacant parcel on Long Pointe Drive for a waterfront setback of 40 feet to construct a new home based on the following findings of fact:

- Granting the requested variance would not impact the adjacent homes.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger

of fire or endanger public safety, comfort, morals or welfare of the inhabitants of Genoa Township

- The variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood.

Granting of this variance is conditioned upon the home being guttered with downspouts and runoff draining toward the lake.

Administrative Business:

1. Approval of minutes for the January 19, 2016 Zoning Board of Appeals Meeting

Moved by McCreary, seconded by Ledford, to table the approval of the January 19, 2016 Zoning Board of Appeals Meeting until the next regularly-scheduled meeting when there are more members present. **The motion carried unanimously.**

2. Correspondence – There was no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of January 11th, February 1st, and February 15, 2016.
4. Planning Commission Representative Report - Board Member Figurski was not present this evening.

Ms. Ruthig stated that the Planning Commission approved an outdoor storage location for Wal-Mart.

CRW Plastics was seeking a variance for outdoor storage; however, the item was tabled because the Planning Commission would like to see additional screening on the I-96 side of the lot.

Phase III of Lakeshore Village will be on the March agenda. Their request will require a rezoning. A proposed day care facility behind Lowes will also be on the agenda.

Board Member McCreary asked when the construction of the roundabout on Chilson Road will begin. It will begin in April and then the construction on Bauer and Brighton Road will occur.

5. Zoning Official Report - Ms. Ruthig stated she will have the year-end report for the Board at the March meeting. She is also working on updating the zoning ordinance and it will be given to the planners for their review.

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6. Member Discussion – Board Member Ledford stated that she received a call from Mr. Don Priest regarding the letter he received about the condition of his yard. He has been out of town but is hoping to be in compliance by the time frame given in the letter.

7. Adjournment

Moved by Ledford, seconded by McCreary, to adjourn the meeting at 8:13 p.m. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary