

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 17, 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: Jeff Dhaenens, Marianne McCreary, Jean Ledford, 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 Ledford, seconded by Figurski, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:33 p.m. with no response.

- 1. 16-05...A request by Michael A. Quin, 1731 Fisk Road, for a side yard variance and a variance from the required natural features setback from MDEQ regulated wetland to construct a detached accessory structure.**

Mr. Michael A. Quinn and Mr. Michael Quinn were present. Mr. Quinn stated they would like to build a 22 x 26 garage and they are requesting a variance due to the locations of the wetlands and the well.

Board Member Ledford asked the applicant if they were aware of the wetlands location on the property when the home was purchased. They stated they did not know they were wetlands.

The call to the public was made at 6:48 pm with no response.

Moved by Poissant, seconded by Ledford, to approve Case #16-05 from Michael A. Quinn for 1731 Fisk Road for a 22-foot side yard variance from the required 30 feet to 8 feet and a natural features setback variance of 7 feet from the required 25 feet to 18 feet with the following findings of fact:

- Strict compliance with the setbacks would prevent the applicant from constructing a detached accessory structure.
- The location of the existing home, well, public drain, and wetlands makes this the only feasible location for the building.
- The granting of the variances will not impair an adequate supply of light and air or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township.

- The granting of these variances will have little impact on the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood.

Approval of these variances is conditioned upon:

- The applicant shall obtain all of the necessary approvals from the Livingston County Drain Commission.
- There shall be a survey done showing the lot line on the south side of the property.
- Silt fencing shall be utilized during construction.
- The applicant must preserve the drainage pattern of the existing drain
- The applicant must enhance the remaining setback area with native wetland friendly vegetation.

The motion carried unanimously.

2. 16-12...A request by Tim Chouinard, 4009 Highcrest, for two side yard and a front yard variance to construct an addition onto an existing home.

Mr. Chouinard stated there was a variance granted on this home three years ago; however, that contractor did not complete the work. They have changed the plans and are requesting the three variances for an addition and a second story.

The call to the public was made at 7:12 pm with no response.

Moved by Ledford, seconded by Figurski, to approve Case #16-12 for 4009 Highcrest from Tim Chouinard, applicant, and Janet Exline, owner, for a 26-foot front yard variance from the required 35 feet to 9 feet, one 2.75-foot side yard setback variance from the required 5 feet to 2.25 feet, and a second side-yard setback variance of 6.32 feet from the required 10 feet to 3.68 feet to add an addition toward the water and add a second story on a portion of an existing single-family home due to the following findings of fact:

- The location of the existing home, which is non conforming, and the narrowness of the lot.
- The variance is not self created.
- The granting of these variances will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township.
- Granting these variances will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of these variances is conditioned upon:

- The addition shall be guttered with downspouts directing runoff to the lake.

The motion carried unanimously.

3. 16-13...A request by Scott Bederka, 3783 Highcrest, for a front yard variance to construct a new home and garage

Mr. Scott Tarkleson, the builder, was present. Mr. Tarkleson stated they would like to remove the existing non-conforming home and erect a new one with a garage.

Board Member McCreary is concerned with how close the garage is to the road. Mr. Tarkleson stated it is 18 feet and most trucks are 17 feet long.

The call to the public was made at 7:24 pm with no response.

Moved by Figurski, seconded by Ledford, to approve Case #16-13 from Scott Bederka of 3783 Highcrest for a front yard setback variance of 27 feet from the required 35 feet to 8 feet to construct a new home with an attached garage due to the following findings of fact:

- Strict application of the front-yard setback requirements would prevent the applicant from constructing a new home with an attached garage.
- The need for this variance is due to the topography of the lot.
- The proposed home and garage is consistent with other homes in the vicinity.
- Granting of the requested variance will not impair an adequate supply of light and air to adjacent properties
- Granting this variance will have little impact on the surrounding properties.

Approval of this variance is conditioned upon the addition being guttered with downspouts directing runoff to the lake.

The motion carried unanimously

16-14...A request by Brad Rondeau, 2800 Acorn Lane, for a front yard variance to construct an addition onto an existing home.

Mr. Rondeau was present. He stated the variance is needed because there is a 250-year-old tree on the west side of his property that cannot be removed as a condition of a variance granted by the Township. To the south of the property there is a rock retaining wall and the ground is very soft.

The call to the public was made at 7:36 pm with no response.

Moved by Poissant, seconded by McCreary, to approve Case #16-14 from Brad Rondeau of 2800 Acorn Lane for a front-yard variance of 32 feet from the required 50 feet to 18 feet due to the following findings of fact:

- Strict application of the front yard setback would prevent the applicant from constructing an addition to a non-conforming residence.
- The non-conforming home was approved by the Township on March 12, 1998.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- Granting the requested variance will have little impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

16-15...A request by Troy Locklear, 3406 Pineridge Lane, for a front yard variance to construct an addition onto an existing home.

Mr. Locklear and Mr. Mike Latimer, the architect, were present. Mr. Latimer stated they are requesting these variances due to the existing non-conforming and topography of the lot. Their proposal will not impair the view of the lake for the neighbors. He showed colored renderings of the front of the proposed home.

The call to the public was made at 7:46 p.m.

Mr. Doug Brown of 3420 Pineridge is Mr. Locklear's neighbor. He has spoken to him and has seen the plans and he feels this will be a fine addition to the neighborhood.

The call to the public was closed at 7:47 pm.

Moved by Ledford, seconded by Figurski, to approve Case #16-15 from Mr. Troy Locklear of 3406 Pineridge for an 8.2-foot front-yard variance from the required 35 feet to 26.8 feet to construct an addition onto an existing home due to the following findings of fact:

- Granting this variance will do substantial justice to the applicant and the neighbors.
- The variance is not self created.
- The need for this variance is due to the topography of the lot and the location of the existing home.
- Granting this variance would make the property consistent with the majority of other properties in the area.
- The granting of the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of Township residents.
- Granting the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

16-16...A request by Brian and Renee Mayday, 5400 Sharp Drive, for front and waterfront variances for demolition of an existing home and garage in order to construct a new home and garage.

Chairman Dhaenens stated that the applicant has requested to have their request withdrawn.

Moved by Figurski, seconded by Ledford, to withdraw Case #16-16 per the applicant's request. **The motion carried unanimously.**

16-17...A request by Daniel Prosper, 4105 Highcrest, for front, rear, and waterfront variances to construct a garage and a second story addition onto an existing home.

Ms. Laura Trosper stated they have received the survey and due to its results, they are requesting different variances than what was approved last month.

Board Member Figurski asked if the lot coverage is within the requirement. Ms. Ruthig stated is it below the maximum allowed.

The call to the public was made at 7:56 pm with no response.

Moved by Ledford, seconded by McCreary, to approve Case #16-17 from Daniel Trosper, 4105 Highcrest, for a 35-foot front-yard setback variance from the required 35 feet to 0 feet, a 9-foot rear-yard setback variance from the required 40 feet to 31 feet, and a 17-foot waterfront variance from the required 48 feet to 31 feet to construct a second story addition with an attached garage, based on the following findings of fact:

- Strict compliance with the setback would prevent the applicant from erecting a garage and second story addition.
- The need for the variance is due to the location of the existing home on the lot.
- The granting of this variance 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 or endanger the public safety, comfort, morals or welfare of the air of residents of the Township.
- The granting of this variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Granting of this variance is conditioned upon:

- The addition will be guttered with downspouts and water runoff directed toward the lake.

The motion carried unanimously.

Administrative Business:

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

Ms. Ruthig stated that Mr. Ikle would like to have a sentence removed from the minutes of the meeting when his case was discussed. All members agree that the sentence should remain because that is what was said in the meeting.

Moved by Figurski, seconded by McCreary, to approve the April 19, 2016 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig presented the commissioners with an updated Variance Request Application, which will help streamline the process. Ms. VanMarter has approved it. All commissioners agree and staff should begin using it.

3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of May 2nd and May 16th. She did not attend the May 2nd meeting, but reviewed what was on the agenda.

4. Planning Commission Representative Report – Board Member Figurski gave a review of the May 9, 2016 Planning Commission meeting.

5. Zoning Official Report

There will be a use variance request on next month's agenda. The applicant would like to have horses at a home in a zoning district where they are not allowed.

A draft of the zoning ordinance update will be received back from the consultants at the end of May for staff to review.

6. Member Discussion – No members had anything to discuss.

7. Adjournment

Moved by Figurski, seconded by Poissant, to adjourn the meeting at 8:19 p.m. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary