

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
August 16, 2016, 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 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, Dean Tengal, and Amy Ruthig, Zoning Administrator.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board introduced themselves.

**Approval of the Agenda:**

**Moved** by Figurski, seconded by Ledford, to approve the agenda as presented. **The motion carried unanimously.**

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

1. **16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.**

Mr. Gucciardo was present. He has had the front of the property line staked, but did not have a survey drawn up. He feels his hardship is the distance of his lot line from the road.

The call to the public was made at 6:40 pm with no response.

**Moved** by Ledford, seconded by McCreary, to approve Case #16-19 at 4133 Highcrest by Stephen Gucciardo for a 29' 6" variance from the required 35 feet to 5' 6" to construct a second story addition and an attached garage due to the following findings of fact:

- The need for the variance is not self-created.
- Constructing the garage would make the property consistent with other homes in the area.
- The need for this variance is due to the location of the existing single-family home and the narrowness of the lot.
- Granting of the requested 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 residents of the Township.
- Granting the requested variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon:

- Drainage from the structure must be maintained on the lot.
- The structure must be guttered with downspouts.

- The existing shed is to be removed.

**The motion carried unanimously.**

**2. 16-23... A request by Jeffrey and Mary Christina Beyers, 5373 Wildwood Drive, a variance to install a fence in the required waterfront.**

Mr. and Mrs. Beyers were present. Mr. Beyers stated they have a small, 15-pound dog and want to put up a fence to allow the dog to be in the yard without a leash. They are proposing to put it 30-35 feet from the water's edge. It will be 18 inches from the existing stone wall. It will be three-feet high and made of black aluminum. He noted that the fence will not be as close to the water as decks are in the area.

Board Member McCreary questioned if the Beyers considered an electric fence. Mr. Beyers stated they have tried that, but the dog is terrified of it. Also, there are other dogs in the area that wander and this would deter them from coming into their yard. If he put the fence where it is allowed by ordinance, it would be very close to his house.

Mrs. Beyers stated that both of her neighbors are in support of this. She reiterated that it will not be as close to the water as decks in the area.

The call to the public was made at 7:04 pm.

Mr. Eric Moore of 5377 Wildwood, who lives next to the Beyers, stated they have made many improvements to the home and property since purchasing it a year ago. He is in support of the fence in the proposed location.

The call to the public was closed at 7:05 pm.

**Moved** by McCreary, seconded by Figurski, to deny Case #16-23 at 5373 Wildwood Drive by Jeffrey and Mary Christina Beyers to install a fence in the required waterfront setback based on the fact that the need for the variance is self-created and there is no hardship. **The motion carried (Ledford – yes; Dhaenens – no; Figurski – yes; McCreary – yes; Tengel – yes)**

**3. 16-27...A request by Tim Chouinard, 1253 Sunrise Park, for front, side, rear, and waterfront variances to construct an addition to an existing home.**

Mr. Chouinard was present. He has relocated the home forward to match the existing home and moved it further from the waterfront so his variance requests have changed. He also narrowed the home by 6 inches.

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

**Moved** by Ledford, seconded by Figurski, to approve Case #16-27 at 1253 Sunrise Park by Tim Chouinard, builder, and Glen and Sally Hope, owners, for an 18.9' front yard variance from the required 35 feet to 16.1 feet; a 5 foot side variance from the required 10 feet to 5 feet; a 2 foot rear yard variance from the required 40 feet to 38 feet; a 37.1 foot variance from the required 128.3 feet to 91.2 feet; and a 1% lot coverage variance from the maximum 35% to 36% to demolish part of and add an addition to a single-family home based on the following findings of fact:

- The extraordinary circumstances are the small lot size and the large waterfront setback of the adjacent home.
- The need for the variances is not self-created.
- Granting these variances will make this home consistent with other waterfront properties in the vicinity.
- The granting of these variances 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 residents of the Township of Genoa.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood. The neighbor adjacent to the north has the potential to be impacted by a diminished view of the lake due to the depth of the proposed home.

This approval is conditioned on the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.
- The existing shed is to be removed.
- Due to the lot coverage, no other structure or building is allowed.

**Administrative Business:**

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

Board Member McCreary asked that a statement regarding the underground storage tank be added to the discussion regarding Case #16-22.

**Moved** by Figurski, seconded by Ledford, to approve the July 19, 2016 Zoning Board of Appeals Meeting minutes with the following statement added under the discussion of Case #16-22 – "Board Member McCreary questioned if the underground storage tank is going to be removed. Mr. McCotter stated there is no tank underground; it is simply a lid on a drain. "

**The motion carried with Board Member Tengal abstaining.**

2. Correspondence - There was no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of August 1<sup>st</sup> and August 15, 2016.

4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of August 8, 2016
5. Zoning Official Report – Ms. Ruthig stated she is working with the property owner who was required to tear down a pole barn addition. He is working with his neighbor to purchase land in order to comply with the ordinance requirements for the barn.
6. Member Discussion

Chairman Dhaenens welcomed Dean Tengel to the ZBA, who will be replacing Board Member Poissant. Dean has served on the Planning Commission and ZBA in the past.

Board Member McCreary advised that a bill has been passed by the governor regarding site condominiums and undeveloped parcels. These lots must be developed within 10 years or the association can take back the land.

Chairman Dhaenens questioned the procedure for variance requests that have expired before the work has been done. Ms. Ruthig stated an extension can be approved administratively. She will advise the Board when such extensions are given.

7. Adjournment

**Moved** by Ledford, seconded by McCreary, to adjourn the meeting at 7:58 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary