

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
February 21, 2017 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:

It was noted that the "Election of Officers" should be removed from the agenda.

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

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

1. **17-01...A request by Tim Chouinard, 1185 Sunrise Park, for a side-yard, rear yard variance and a lot coverage variances to construct an addition to an existing home.**

Tim Chouinard presented a history of the project and the previous variance requests. Due to the size of the lot, he had difficulty staying within the existing home's footprint. Both stories are eight-feet high. They will not be erecting the garage, which was stated on the original paperwork.

The call to the public was made at 6:39 pm with no response.

Letters of support were received from Glen and Sally Hope of 1253 Sunrise Park and Gary and Jan Letkmann of 1146 Sunrise Park. There was also a letter from one of the neighbors, Mr. Dikson, who is against the variance request.

Moved by McCreary, seconded by Ledford, to approve Case #17-01 for 1185 Sunrise Park by Tim Chouinard for a side yard variance of 3.9 feet for a side yard setback of 6.1 feet from the required 10 feet, a rear yard variance of 34 feet for a side yard setback of 6 feet from the required 40 feet, and a building lot coverage variance of 6 percent for a lot coverage of 41 percent from the minimum building lot coverage of 35 percent, based on the following findings of fact:

- The only changes to the footprint of the existing home are what are depicted on the Site Plan dated April 16, 2015, referencing Job #15-093.

- The lots in this area are narrow.
- The setback from the shoreline includes an area that is not owned by the property residents and will remain open and unbuilt as references in the Sunrise Park plat map. This open area extends both north and south of the subject property to surrounding homes.
- The distance between Lot #13 to the west will be 5.9 feet (greater than five feet) and the other side yard is over 10 feet as allowed in the LRR zoning.
- The extraordinary circumstances are the narrowness of the lot and the current location of the home on the lot.
- The sellers have made numerous revisions to accommodate an improved property and respect the harmony of the surrounding properties while revising the variance requests.
- Granting these variances will give substantial justice to the owners given the current modifications and improvements of homes in the nearby neighborhood.
- Granting of the variances will not impact traffic, unreasonably increase congestion or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- Granting of the variances will not impair an adequate supply of light or air to adjacent properties.

The granting of this variance is conditioned upon:

- Gutters and downspouts will drain water toward the lake
- Drainage is maintained on this lot and not onto neighboring properties

The motion carried unanimously.

2. 17-03...A request by Jerry Sprague, 2696 Little Sunset Trail, for a side and rear yard variance to construct a detached accessory structure.

Mr. Jerry Sprague was present and stated that under the current guidelines, he is zoned rural residential and the required set back is 60 feet for the rear and 30 feet on either side. If he met the setbacks, the proposed pole barn would touch the back south corner of his pool. He would like a setback of 15 feet from the side and 25 feet from the rear so the pole barn is out of the way. He cannot put it in the other corner of the lot because of the hill.

He noted that he recently purchased .17 acres of property from his neighbor, which changed the setback requirements.

The call to the public was made at 6:53 pm.

Mr. Rick Patrick of 6381 Herbst lives behind Mr. Sprague. He has three concerns: He does not want any access from his driveway to the building. He owns the roadway leading to his home. He does not want to have any grading done that will bring more water onto his property. He would like only the minimum amount of trees necessary to be cut down.

The call to the public was closed at 6:55 pm.

Board Member Ledford asked how high the barn will be. Mr. Sprague stated it will be approximately 14 feet high. Ms. Ruthig stated the overall height is 15 feet and that is within the ordinance.

Board Member McCreary feels the applicant can move the structure further inside the property line. Mr. Sprague reiterated that he recently acquired .17 acres to the rear, which changed his setback requirements. He is requesting these variances so he can use the property that he purchased.

Moved by Tengel, seconded by Figurski, to approve Case #17-03 for 2696 Little Sunset Trail by Jerry Sprague, for a side-yard setback variance of 15 feet and a rear yard setback variance of 35 feet to construct a 24 x 32 square-foot accessory structure, due to the following findings of fact:

- Strict compliance with the rear and side yard setbacks would not allow the applicant to construct the detached accessory structure in the desired location. He did walk the property and agrees that the slope of the land would prohibit it in another location.
- The property is a non-conforming lot in the rural residential zoning district.
- The need for the variance is self-created; however, the applicant's acquisition of an additional .17 acres created larger setbacks.
- The granting of these variances will not impair an adequate supply of light or 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 of Genoa.
- The proposed variances will have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The granting of this variance is conditioned upon:

- The structure must be guttered with downspouts
- Drainage from the detached structure must be maintained on the lot
- There will be no access to the structure from the private drive along the rear of the lot.

The motion carried (Tengel – yes; McCreary – yes; Figurski – yes; Dhaenens – no; Ledford – yes).

3. 17-04...A request by Kevin and Nancy Sarpolis, 2055 Webster Park, for a waterfront variance to construct an addition to an existing single-family home.

Mr. Timothy Cotter, the architect, was present and stated that the need for the setback is because the waterway "juts" into the property. They are proposing to add a second story and add a new garage to the rear as well as a kitchen and dining room to the side. The existing home is non-conforming. He added that the required setback of 100 feet is due to the property having well and septic.

The call to the public was made at 7:10 pm with no response.

Moved by McCreary, seconded by Figurski, to approve Case #17-04 for 2055 Webster Park by Kevin and Nancy Sarpolis, owner, and Timothy McCotter, architect, for a waterfront setback variance of 14.6 feet from the required 100 feet for a setback of 85.4 feet, based on the following findings of fact:

- The addition to the home will not impede the neighbors' lake views.
- The setback requested will still have the home being further back from the neighboring properties and not obstructing lake views.
- The extraordinary circumstances are the location of a bayed waterfront area along the shoreline and the slope and grade of the lot.
- The need for the variance is not self-created.
- The orientation of the existing home at the far northwest corner of the property.
- The grade slopes significantly just beyond where the variance is requested.
- The shoreline area of approximately 20 to 30 feet deep and approximately 40 feet wide is paralleled to the location of the home where this variance is being requested.
- The remaining shoreline is further out from the bayed area.
- The granting of this variance will provide substantial justice to the owner and grant the same opportunities as surrounding homes in the neighborhood.
- The granting of this variance will not impair an adequate supply of light or air to adjacent properties or unreasonably increase congestion on the street or increase the danger of fire or endanger public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance will have very limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The granting of this variance is conditioned upon:

- The homeowner will ensure silt fences are on site
- Gutters and downspouts will drain water toward the lake
- Drainage is maintained on this lot and not onto neighboring properties

The motion carried unanimously.

4. **17-05...A request by John J. Jones 5525 E. Grand River, for a side yard variance, lot coverage variance and a setback variance from the principal structure to allow for a 10 x 16 detached accessory structure.**

Mr. John Jones was present and stated he has already put up the shed. The Livingston County Building Department told him he did not need a permit due to the size, but he did not realize he would need a variance. He has always wanted to put up the shed so he could clean up his property.

Board Member Figurski is concerned with the shed being so close to the property line. The need for the variance is self-created.

Chairman Dhaenens does not see a practical difficulty for this request.

Mr. Jones stated there was a smaller shed there, and he replaced it with this one. There is no other location on his property where it can be placed.

Board Member McCreary appreciates that Mr. Jones wants to clean up his property; however, the shed is only two feet from the neighbor's property.

The call to the public was made at 7:34 pm with no response.

Moved by Tengel, seconded by Ledford, to deny Case #17-05 by John J. Jones of 5525 E. Grand River for a side-yard variance of 8 feet, a variance of 6.25 feet from a primary structure, and a lot coverage variance of an estimated 13 percent, due to the following findings of fact:

- The need for the variance is self-created
- There are no extraordinary circumstances
- Granting the variance could have an impact on the surrounding neighborhood due to the structuring being only two feet from the side lot line and four feet from the principle structure, which could prohibit access for emergency vehicles.

The motion carried unanimously.

Mr. Jones was advised that the structure must be removed within 90 days.

5. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e).

Moved by Figurski, seconded by McCreary, to enter into a close session at 7:46 p.m. **The motion carried unanimously with a roll-call vote.**

The Board resumed the regular meeting at 8:04 pm.

Administrative Business:

1. Approval of minutes for the January 17, 2017 Zoning Board of Appeals Meeting

Moved by Figurski, seconded by Ledford, to approve the January 17, 2017 Zoning Board of Appeals Meeting minutes with the changes discussed. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig had no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board and joint meetings, both held on January 30th and the February 6, 2017 Township Board meeting.
4. Planning Commission Representative Report – Board Member Figurski advised there was no Planning Commission meeting in February.
5. Zoning Official Report
Ms. Ruthig stated there will be a Planning Commission meeting in March. There is one item, which is the Hampton Inn that is being proposed to be built by USA To Go.

As of today, there is one item for the March ZBA meeting. She will not be in attendance.

6. Member Discussion

There were no member discussion items.

7. Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 8:44 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary