

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
May 16, 2017 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, Dean Tengal, and Amy Ruthig, Zoning Official.

**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 6:32 pm with no response.

1. 17-08 ... A request by Jonathon McLachlan, 1193 Chemung Drive, for a rear-yard variance to construct a detached accessory structure.

Mr. Jonathon McLachlan was present. He would like to replace his existing 8x8 shed with a new 16x20 shed for storage. He does not have a garage. His lot is narrow and he has two large trees that he does not want to cut down in order to meet the ordinance requirements.

Board Member Ledford questioned why Mr. McLachlan doesn't put up a garage. Mr. McLachlan stated the well is in the area where the garage would be and he does not want a garage. He would prefer to have the open space.

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

Board Member McCreary asked if he could move the shed further from the rear property line. Mr. McLachlan stated his concrete contractor advised him that there are very large tree roots in that area and he wants to avoid damaging them.

**Moved** by Tengal, seconded by Ledford, to approve Case #17-08 for 1193 Chemung Drive by Jonathon McLachlan for a rear-yard setback variance of 5 feet to construct a 16x20 detached accessory structure based on the following findings of fact:

- Strict compliance with the rear-yard setback would not allow the applicant to construct the detached accessory structure in the desired location.
- There exists multiple detached accessory structures in the vicinity that do not meet the setback requirements; therefore the variance will provide substantial justice to the property.

- The exceptional condition of the lot is it is a narrow lot and the applicant has stated that they would like to preserve the old trees that are located on the property.
- The need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of 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 variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon:

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

**The motion carried unanimously.**

2. 17-09 ... A request by John and Wendy Myers, 7505 Forest Beach (vacant), for a side-yard variance to construct a new single-family home.

Mr. Chouinard was present to represent the applicant. He stated that the property is zoned low density residential. They previously received a 13-foot side-yard. He believed the lot was 50 feet wide; however, when the survey was completed, it showed that it tapers slightly so an additional variance is being requested.

Chairman Dhaenens asked if the size of the home has changed since the previous variance was granted. The previous house was 24 feet wide, and this home is 26 feet wide.

Board Member McCreary noted that a requirement was attached to the previous variance approval, which required verification from a well-drilling authority that there is adequate access to the augmentation well. She asked if this has been submitted. Ms. Ruthig stated it has been received by the Township.

Board Member Ledford asked if the well and septic have been approved by the Livingston County Health Department. Mr. Chouinard has received this approval.

The call to the public was made at 6:50 pm with no response.

**Moved** by McCreary, seconded by Ledford, to approve Case #17-09 for the property located at 6505 Forest Beach (vacant land) for a side-yard variance of .8 feet from the required 13 feet for a side-yard setback of 12.4 feet to construct a new single-family home based on the following findings of fact:

- Previous approval was given for a 13-foot side-yard setback.
- A stake survey provided by a licensed engineering firm indicated the property was wider in the building area than originally shown.
- Strict compliance with the current setback requirements would not allow a building to sit within the width allowances.
- The need for the variance is not self-created.

- The extraordinary circumstances are the lot's dimension for the LDR zoning with a minimum of one acre. The acreage of this parcel is just under 24,000 square feet as opposed to the 43,560 square feet minimum requirement and has a legal non-conforming status.
- The need for the variance is the narrowness of 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 of 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 structure would be of sufficient distance from adjacent structures to not create any fire or other impact on the surrounding neighborhood.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood and will be consistent with other homes in the surrounding neighborhood.

Approval of this variance is conditioned upon:

- The home shall be guttered with downspouts with water running towards the lake
- Access to the augmentation well will not be restricted from maintenance or necessary work being performed by a well company. The applicant shall provide verification from a well-drilling company to satisfy this requirement.

**The motion carried unanimously.**

3. 17-10 ... A request by Joe Tiano, vacant lot between 5481 and 5525 E. Grand River, for a variance to construct a detached accessory structure on a vacant lot.

Chairman Dhaenens asked Mr. Tiano if he knows that he is not able to build on the easement between the two properties that he owns. Mr. Tiano is aware of the easement and this restriction.

Board Member McCreary asked Mr. Tiano how he accesses his home. He stated that he drives through the vacant lot being discussed this evening. She noted that if this variance is granted, she would require that the two lots remain under the same ownership in perpetuity. If Mr. Tiano wants to sell the lot with the existing home and garage, he would have to also sell this vacant property.

The call to the public was made at 7:04 pm with no response.

Chairman Dhaenens stated that a document signed by four of Mr. Tiano's neighbors who are in support of this variance was received.

**Moved** by McCreary, seconded by Figurski, to approve the request for a variance for Parcel #11-10-301-031 by Joe Tiano to construct a detached accessory structure on a vacant lot based on the following findings of fact:

- The vacant lot #31 gives access off of Grand River to the residential property with an address of 5520 Wildwood, which is how the applicant enters and exits his property.
- The extraordinary circumstances are the division of the lots with a walking path in between and the inability to change the platted subdivision.
- The owner is in sole possession of two parcels that are separated by a walking trail in between them.
- The granting of the variance would give substantial justice to the applicant due to the uniqueness of the plat.
- The need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of 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 variance may have little impact on the appropriate development, continued use or value of adjacent properties and the surrounding properties and is similar to homes surrounding it that front Grand River with waterfront on the opposite site.

Approval of this variance is conditioned upon:

- No other additional structures are allowed on the lot.
- A deed restriction requiring that the vacant land cannot be sold separately from 5520 Wildwood shall be prepared by the Township Attorney and given to the Township to record.

**The motion carried unanimously.**

4. 17-11 ... A request by Janet Evans, 4276 Highcrest, for a front-yard variance to construct an addition.

Ms. Janet Evans, the applicant, and Mark Carlson, the builder, were present. They would like to build a 29x34 garage addition to their existing home. There is a shed there currently and they want to incorporate this as part of the addition. It would be a breezeway from the home to the garage and there would be additional living space above. There is an existing grinder pump and a well on the north side of the property.

She stated they will still have space to park four cars. Mr. Carlson stated there would be approximately 28 feet from the face of the proposed addition to the curb edge. The Board expressed their concerns with site distance for vehicles backing out of the driveway because of the curve of the road to the north of their property. It is a safety issue. Board Member Ledford would like to have the garage moved further from the front property line.

Board Member Figurski stated that when she visited the site and parked in the driveway where it would be if the addition was to be built, her car was right at the curb. She would not vote in support of this variance.

The applicant asked to have their item tabled this evening to review the Board's comments this evening and possibly return with a revised plan, if a variance would still be needed.

Board Member McCreary stressed to the applicant that safety is very important so if a revised plan is presented, proof needs to be given that there is adequate site distance.

The call to the public was made at 7:31 pm.

John Booker of 4268 Highcrest does not have any issues with the proposed plan.

Chairman Dhaenens stated an e-mail was received from Vince and Amy Parlove of 4284 Highcrest in support of the variance request.

The call to the public was closed at 7:32 pm.

**Moved** by Ledford, seconded by Tengel, to postpone Case #17-11 at the applicants request until the June 20, 2017 ZBA meeting. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the April 18, 2017 Zoning Board of Appeals Meeting

**Moved** by Figurski, seconded by McCreary, to approve the April 18, 2017 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig stated that a neighbor submitted a video and pictures of Mr. Okopski of 100 Chilson Road burning the bedding and manure of his chickens, which is in direct violation of the GAAMPS. She presented a letter that she sent to Mr. Okopski advising him of this violation. She asked Mr. Okopski to contact her by May 5<sup>th</sup> and she has not received a response. Board Member McCreary suggested sending a certified letter to Mr. Okopski advising him that his non-compliance with GAAMPS violates his variance and it is hereby revoked so he needs to remove the farm animals within a certain amount of time. Ms. Ruthig will confirm with the Township Attorney that this can be done without any other steps needed.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on May 1<sup>st</sup> and May 15, 2017.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the May 8, 2017 Planning Commission meeting.
5. Zoning Official Report - Ms. Ruthig had nothing to report.
6. Member Discussion - There were no member discussion items.

7. Adjournment

**Moved** by Figurski, seconded by Ledford, to adjourn the meeting at 8:06 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary