

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 15, 2017 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Jean Ledford, Barb Figurski, Marianne McCreary Dean Tengel 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 Tengel, 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. 17-19 ... A request by John Mullaney, 2166 Webster Park Drive, for a variance to exceed the 15 foot deck extension into the waterfront yard for an existing deck.

Mr. Mullaney was present. He stated that he has already put up the deck. He uses the area under the deck for storage of outdoor equipment, etc. He was not aware that there was a limit of 15-feet for the deck to extend into the yard. He extended the deck 20 feet so that he could see around one of his neighbor's home and his other neighbor's shed. He noted that if the stairs are not counted, then he would only need a five-foot variance. He could move the steps to the side of the deck; however, he would lose a parking space and parking is very difficult in that area.

The call to the public was made at 6:45 pm.

Mr. Tom Plane of 2115 Webster Park Drive is on the Board of the homeowner's association. He stated that Mr. Mullaney has made wonderful improvements to the home and keeping the deck in the existing location will not disrupt the neighbors or the lake.

Chairman Dhaenens stated that letters of support for the variance were received from Jim French, the Pardee Lake Homeowner's Association President, Marsha and Dale Noble of 2187 Webster Drive, Kelly Devine of 2172 Wester Park Drive, and Deborah Hall, a Pardee Lake Homeowner's Association Trustee.

The call to the public was closed at 6:48 pm.

All Board Members agree that the deck is beautiful; however, they do not see a hardship.

Board Member Tengel asked staff for clarification of the ordinance. Ms. Ruthig stated that a deck is not allowed to extend more than 15 feet past the home on a lakefront lot and there must be 15 feet of greenspace between the deck and the shoreline.

Mr. Mullaney stated that he has 58 feet of lawn area between the deck and the lake at the narrowest point of his yard. At the deepest part, there is 110 feet. Most of the yard is very wet so having the deck will allow him to use his property.

Ms. Ruthig advised the Board that the plans submitted by the applicant show a gazebo being built on the deck in the future. She stated that if the variance is requested, it would then be a non-conforming structure and the gazebo would not be allowed. She asked the Board to consider this when determining if the variance should be approved or denied.

Mr. Mullaney stated that if he receives the variance, he would not build the gazebo. He is also willing to move the stairs to the side.

Board Member Tengel noted that the applicant has more than three times the amount of greenspace from the deck to the water's edge.

Board Member McCreary noted that the yard is very wet and approving the variance would allow the applicant to enjoy being outside.

Moved by Tengel, seconded by McCreary, to approve Case #17-19 for 2166 Wester Park Drive, petitioned by John Mullaney, for a variance to exceed the 15 foot deck extension into the waterfront yard to allow for an existing deck to project 26' 6" into the waterfront, based on the following findings of fact:

- The extra greenspace is three times what is required.
- Granting the variance will do the applicant substantial justice due to the wetness of the property.
- Granting this variance will not impair an adequate supply of light and air to adjacent property 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 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

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

2. 17-20 ... A request by Brian Catrinar, Oak Tree Court Lot 23, for a rear yard variance to construct a single family home.

Mr. Catrinar was present. He stated that he would like to build a single-family home on the lot and he is asking for a variance in order to preserve the very large, old oak tree that is in the front of the property. There is also a utility easement on the north side of the property. These items limit the placement of the home. He noted that a variance of 9'9" was previously granted for this property and he is requesting a 3.6 foot variance.

The call to the public was made at 7:10 pm.

Mr. Gerald Ostach of 4624 Oak Tree Court asked how large the home would be and if the applicant has received approval from the homeowner's association.

Mr. Catrinar stated that he has submitted the plans to the association and the home is going to be almost 5,000 square feet.

The call to the public was closed at 7:12 pm.

Moved by Ledford, seconded by Figurski, to approve Case #17-20 for Oak Tree Court Lot 23 (Tax Code #4711-28-401-023), petitioned by Brian Catrinar of 556 Black Oak Trail, Howell, for an Oak Pointe PUD rear-yard setback variance of 3.6 feet from the required 50 feet for a rear-yard setback of 46.4 feet, to construct a new home, based on the following findings of fact:

- Strict compliance with the rear yard setback would not prevent the applicant from constructing a single family home. Based on a review of aerial photos it does appear that there are multiple homes in the immediate vicinity that do not meet the required 50 foot rear setback therefor granting the variance would provide substantial justice.
- Granting this variance would make the orientation of the property consistent with the majority of homes in the area.
- The exceptional circumstance of the property is to retain the existing oak tree at the entry of the property, the orientation of the lot with Brighton Road at the rear property line, and the existence of the utility easement to the north.
- The need for the variance was not self-created by the applicant.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property 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 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.

This approval is conditioned upon the following:

- Dust control measures shall be taken during construction.
- The home must be guttered and the water must be maintained on the lot.

The motion carried unanimously.

3. 17-21 ... A request by Mark Szerlag, 2300 Genoa Business Park Drive, for a front yard variance for an existing building.

Mr. Szerlag was present. He represents both the seller and the buyer. He stated that the buyer was required to present a clear title so a survey was done. During the survey, it was determined that the building is 5 inches inside the front-yard setback. In order to meet the setback requirements and have a clear title, part of the front of the building will need to be removed. The location of the building is consistent with others in the area and the need for the variance was not created by the applicant.

The call to the public at 7:25 pm with no response.

Moved by Ledford, seconded by McCreary, to approve Case #17-21 for 2300 Genoa Business Park Drive, petitioned by Mark Szerlag, for a rear-yard setback variance of five inches from the required 50 feet for a front-yard setback of 47'5", based on the following findings of fact:

- The need for the variance is not self-created.
- The current building is non-conforming and will bring the building into conformity.
- The location of the building has not proved to be a nuisance or threat to any occupants, tenants or visitors to the building currently or in the past.
- Substantial justice will be granted to the applicant by way of giving them complete title assurances for ownership of the property without limitations that could limit their ownership ability.
- The request for a five-inch variance is negligible in the scale of the project, but necessary for complete assurance to the buyer transfer now or in the future.
- Strict compliance with the side-yard setback and setback from the principal building.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property 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 inhabitants of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

Administrative Business:

Approval of the minutes for the July 18, 2017 Zoning Board of Appeals Meeting

There was a brief discussion regarding the language of one of the motions. It was suggested to table the approval of the minutes and discuss it with the Community Development Director/Assistant Township Manager.

Moved by Figurski, seconded by McCreary, to table the approval of the July 18, 2017 Zoning Board of Appeals Meeting minutes until the next regularly-scheduled meeting. **The motion carried unanimously.**

Correspondence – Ms. Ruthig had no correspondence.

Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on August 7, 2017.

Planning Commission Representative Report – Board Member Figurski stated there was no Planning Commission meeting in August.

Zoning Official Report – There were no items to report.

Member Discussion – There were no items to discuss.

Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 7:35 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary