

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
September 19, 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, Jean Ledford, Barbara 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 McCreary, 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. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for a side-yard variance to construct a new single-family home.

Chairman Dhaenens stated the petitioner has requested this item be tabled until the next ZBA meeting.

**Moved** by Figurski, seconded by Tengel, to table Case #17-22 until the next Zoning Board of Appeals Meeting. **The motion carried unanimously.**

2. 17-23 ... A request by Lori D. Cook, 4358 Skusa Drive, for a front and waterfront-yard variance to construct a new single-family home.

Mr. Todd Hallett of TK Design and Associates was present to represent the applicant. They are requesting a front-yard setback variance of eight feet. He showed the site plan and colored renderings of the proposed home. The practical difficulty is the topography and the triangular shape of the lot. He does not believe it will impair an adequate supply of light and air to adjacent properties or increase the congestion on public streets or increase the danger of fire or endanger the public safety of the neighbors. It will have limited impact on the surrounding neighborhood.

He does not believe they need the waterfront-yard setback variance. Ms. Ruthig stated that the variance is required due to the encroachment of 3.2 feet into the waterfront setback requirement.

There was a discussion regarding moving the home closer to the road to avoid needing the waterfront variance. It will also move the home further away from the neighbor. Board Member Figurski asked for the size of the home. Mr. Hallett stated it is approximately 2,450 square feet.

The call to the public was made at 6:50 pm.

Mr. Ted Thuis of 4350 Skuza stated he lives to the east of this property. He received a variance when he built his home. He is close to the lot line; however, he is not sure of the setback. His home sits closer to the road than what is being proposed by Ms. Cook. He is not opposed to granting this variance. If the home is moved further toward the street, he hopes that it will not be closer to the road than his home. Mr. Hallett said it will only be moved a few feet forward.

Mr. Allen Wieszczyk of 4374 Skuza stated he is in support of the project.

The call to the public was closed at 6:52 pm.

Board Member Tengel stated that the location of the home on the original proposal is more consistent with the surrounding neighbors. He would prefer to grant the waterfront variance over moving the home further forward than the neighbors'. Board Member Ledford agrees.

Board Member Figurski would like the Board to consider how close the neighbor's home is to the lot line and if Ms. Cook moves the home further toward the front, it would move it further away from that home.

**Moved** by Ledford, seconded by Figurski, to approve Case #17-23 for 4358 Skuza Drive by Lori D. Cook for an 11.2 foot front-yard variance setback, from the required 35 feet, for a 23.8 foot front-yard setback, to construct a new home with an attached garage, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the proposed home with an attached garage.
- Approval would offer substantial justice to the applicant.
- The exceptional or extraordinary condition is the topography and shallow lot depth of the property. The variance would make the property consistent with the majority of other properties in the vicinity.
- 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 in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the residents of Genoa Township.

- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The addition shall be guttered with downspouts directing runoff to the lake.
2. Lots #10, 11, & 12 shall be combined under one tax code prior to the issuance of a land use permit.
3. Dust control measures must be taken during the demolition of the existing home.

**The motion carried unanimously.**

3. 17-24 ... A request by Carol and Brian Morgan, 1054 Sunrise Park, for a rear-yard variance to construct an attached garage and a variance to construct a deck in the front yard.

Ms. Morgan was present. She is requesting to build a garage attached by a breezeway and a deck in the front yard. They currently have a porch at the back of the home and would like to add a deck and stairs to the front. They do not have access off of Sunrise Park Drive. They use the alleyway behind their home, so the deck would be in what would be considered the back of their property.

The call to the public was made at 7:16.

Chairman Dhaenens stated two letters of support were received from neighbors. Ms. Lyn Hewitt of 837 Sunrise Park believes the addition will greatly improve the aesthetics of the property and provide storage. Mr. John Hull is ok with the request and is in support of the completion of the Morgan's projects.

Board Member McCreary stated the original intent of all of these properties was cottages and there will be a lot of lot coverage. She is concerned with the safety of people accessing their homes along the alleyway and the site distance. She is not in favor of granting this variance.

Board Member Tengel feels this proposal is consistent with the neighborhood and the alleyway is not heavily traveled.

**Moved** by Tengel, seconded by Ledford, to approve case #17-24 from Carol and Brian Morgan of 1054 Sunrise Park for a 28'9" rear-yard setback variance to construct an attached garage and a variance to construct a deck in the front yard, based on the following findings of fact:

- Strict compliance with the rear-yard setback and deck requirements would prevent the applicant from constructing an attached garage capable of housing a vehicle and the proposed deck and would prevent them from having a deck with a lake view
- Construction of the garage and deck would give the applicant substantial justice and is consistent with the surrounding properties.
- The exceptional or extraordinary condition of the property is the small size of the lot, the non-conforming location of the existing home and the rear accessed lot with lake view front yard.

- The need for 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 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 variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
- Zoning Ordinance Section 11.04.2 does not reference decks located in the front yard.

This approval is conditioned upon the following:

1. Drainage from the proposed structure must be maintained on the lot.
2. The structure must be guttered with downspouts.

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

4. 17-25...A request by Tim Chouinard, 1254 Sunrise Park, for front and rear-yard variances and a wetland buffer variance to construct a new single-family home.

Mr. Chouinard was present. The need for the variances is due to the irregular shape of the lot. The building envelope is very small. Without the variances, the lot would be unbuildable. The livable portion of the proposed home is 1,834 square feet. They are within the lot coverage limits. The garage will be under the home.

Board Member Figurski is concerned with it being so close to the wetlands. Mr. Chouinard stated the existing deck is in the wetland area, and he will be removing this.

Board Member Ledford stated the applicant must meet four requirements when requesting a natural setback (wetland) variance. She reviewed these requirements and Mr. Chouinard stated he will meet and/or comply with all of them.

Board Member McCreary questioned if the DEQ must approve this. Ms. Ruthig stated that the applicant is not building into the wetland so the DEQ will not have any requirements.

The call to the public was made at 7:38 pm.

Chairman Dhaenens stated a letter of support was received from Lyn Hewitt of 837 Sunrise Park.

Board Member Tengel does not believe that this project will have a negative impact on the people in the surrounding community. It will also improve the aesthetics of the property.

Board Member Figurski feels that the home is cramped on the lot. The coverage is 35 percent. She wants to ensure that the requirements for working near a wetland will be met.

Board Member Ledford agrees. There are too many restrictions on this property. The person who purchased the property should have known what its limits are. She is bothered by the wetland setback variance.

Chairman Dhaenens stated that this will be an improvement to this property. The existing home is not consistent with the neighborhood. Mr. Chouinard has brought a lot of projects to the Township and has always done what was asked or required.

Board Member McCreary agrees that anything that will be built will be better than what is there currently; however, she needs to be sure that there are no intrusions into the wetlands during the construction and their integrity is maintained after the home is built.

Mr. Chouinard believes that the improvements he will be making to the property will let less water go toward or into the wetland than what does currently.

**Moved** by Tengel, seconded by McCreary, to approve Case #17-25 for 1254 Sunrise Park by Tim Chouinard for a front-yard variance of 7 feet, a rear-yard variance of 5.5 feet, and a required natural setback variance of 20 feet to construct a new, single-family home, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from constructing a new home.
- Granting these variances would offer substantial justice.
- The exceptional or extraordinary conditions of the property are the small shallow lot size, location of the wetlands, and location of the existing detached accessory structure which will remain.
- The need for these variances is not self-created.
- Granting these variances would make the property consistent with the surrounding area.
- The granting of these variances would not have an impact on 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 variances would not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The applicant has demonstrated that the wetland setback is not necessary to preserve the ecological and aesthetic value of the wetland.
2. The applicant should provide information on construction methods and what efforts will be made to protect and preserve the wetland.
3. The natural drainage pattern to the wetland will not be affected due to the location of the current home and detached accessory on the lot. However the proposed location of the new home would be located closer to the wetlands.
4. The variance could increase the potential for erosion during and after construction. The applicant has discussed efforts to address any erosion, which should include the

utilization of silt fencing and obtaining any necessary permits from the Livingston County Drain Commissioner. The home will have downspouts draining toward the lake and the applicant should consider using rain gardens or bioswales to slow the rate of downspout runoff to the wetlands.

5. There is no feasible or prudent alternative that exists due to the location of the wetlands on the property. If the 25-foot natural buffer is observed, the lot would be unbuildable. The variance is the minimum necessary to allow the project to proceed.
6. Drainage from the structure must be piped toward the lake.
7. The structure must be guttered with downspouts and piped toward the lake.
8. No other additional structures or impervious surfaces will be allowed due to lot coverage.
9. The applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
10. Silt fencing must be utilized and soil/disturbed area impacts will be minimized along the wetland.

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

**Administrative Business:**

1.

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

It was noted that the dimensions of the proposed accessory structure were incorrect in the motions for Case #17-14.

**Moved** by Figurski, seconded by Ledford, to approve the July 18, 2017 Zoning Board of Appeals Meeting with the changes noted. **The motion carried unanimously.**

- Approval of the minutes for the August 15, 2017 Zoning Board of Appeals Meeting

It was noted that some typographical errors need to be changed.

**Moved** by Figurski, seconded by Tengel, to approve the July 18, 2017 Zoning Board of Appeals Meeting with the changes noted. **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 meetings held on September 5<sup>th</sup> and 18, 2017.

4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting held on September 11, 2017.

5. Zoning Official Report – Ms. Ruthig stated there will be a ZBA meeting in October.

6. Member Discussion – There were no items to discuss.

7. Adjournment

**Moved** by Ledford, seconded by Figurski, to adjourn the meeting at 8:14 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary