

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
October 17, 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, and Amy Ruthig, Zoning Official. Absent was Dean Tengel.

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 McCreary, 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.

Ms. Marlene Luzod was present and stated she and her husband are requesting two side-yard variances to construct a new home. They are requesting a variance of 10 feet on one side and 15 feet on the other side. This is their retirement home and would like to be as close to the lake as possible. They meet the front yard and waterfront setbacks.

Most homes in the area have been given variances for less side-yard setbacks. If the home was put within the building envelope and met the side-yard setbacks, it would be on the back side of a large hill.

Board Member McCreary is concerned about the access on the site. She had difficulty getting over the large hill and is questioning how a fire truck would maneuver. Ms. Luzod stated they will be moving dirt on the site to change the grade.

Board Member McCreary spoke to the Fire Marshall, and he stated they can review the plans to ensure that they meet their code. She does not believe this site will meet their requirements, but would like for them to review the plans and provide their approval. She is also concerned with the owners' as well as their visitors' safety when entering and exiting the property. She feels it is a beautiful piece of property and a gorgeous view; however, she cannot vote to approve this variance with the information that is being provided. The plan does not show the

driveway, well or septic locations. Additionally, the gravel path shown for their access to the lake runs through their neighbor's property. Ms. Luzod stated they will not be using the gravel path to access the lake. They will be keeping it; however, they will be accessing the lake from the other side of the property as it is not as steep.

She also would like to see a grading plan from an engineer if the applicant is proposing to move dirt around on the site.

Ms. Ruthig noted that any retaining walls being proposed should be shown on the plans so the Township can ensure they meet their requirements.

The call to the public was made at 7:00 pm.

Lisa Izant of 6275 Brighton Road owns the properties on both sides of this property. She is in favor of granting these variances. She noted there is also a life estate attached to this property, which means that the person who sold the home has the right to live here until he or she passes. In order for Mr. and Mrs. Luzod to build a new home, a clear title must be obtained.

Ron Stanaway of 4790 Narrow Trail stated he is the neighbor to the east of this property. He knew there would be concerns due to the topography of the site; however, he believes these can be addressed.

The call to the public was closed at 7:03 pm.

Moved by McCreary, seconded by Ledford, to table Case #17-22 for 4798 Narrow Trail by Andrew Luzod until the next regularly-scheduled Zoning Board of Appeals meeting on November 14, 2017 so the applicant can review the requests that were mentioned today; specifically, grading, retaining walls, driveway location, well and septic locations, the fire department's review of the property for safety of specifications, and a clear title. **The motion carried unanimously.**

2. 17-26 ... A request by Max Collins, 566 Hilltop Drive, for a variance to construct a new detached accessory structure in the front yard.

Mr. Collins was present. He would like to put a detached garage in the front yard. They are on a residential lake-front property. He will be removing the existing garage and anticipates this to be done in the spring of next year. It meets the size and height requirements. This garage will be further away from the road than the existing one. He cannot put the garage in the back yard because there is a steep hill at the rear of his site. He noted that there are garages in the neighborhood that are closer to the road than what he is proposing.

Mr. Collins noted that he will be relocating the existing chain link fence from the rear of the new garage to the other side of his property. Ms. Ruthig stated that fences in the front yard are only allowed to be three-feet high and they cannot be chain link; however, since the existing fence is

non-conforming, moving it back may decrease the non-conformity. She will need to research this further and contact Mr. Collins with her findings.

Board Member Ledford asked if there was enough room for a truck to access the site to maintain or repair the well. Mr. Collins stated there is plenty of room for a truck to access the well.

The call to the public was made at 7:17 pm with no response.

Moved by Ledford, seconded by Figurski, to approve, Case #17-26, for 566 Hilltop Drive, requested by Max Collins to construct a 26 x 36 detached accessory structure in the front yard and demolish the existing 20 x 22 detached accessory structure, also located in the front yard, which will be removed in the spring of 2018, based on the following findings of fact:

- Compliance with the strict letter of the ordinance would prevent the applicant from constructing a detached accessory structure; however, granting of the requested variance would do substantial justice to the applicant as well as to the other property owners in the district.
- The extraordinary circumstance of the property is the location of the existing single-family home at the rear of the lot.
- The need for the variance was not self-created.
- There are other detached accessory structures in the front yards in the surrounding neighborhood.
- The granting of the variance will not impair an adequate supply of light and 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 residents of the Township of Genoa.
- The proposed variance will 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:

- The detached accessory structure shall be guttered with downspouts and drainage will be maintained on the property by the applicant.

The motion carried unanimously.

3. 17-27 ... A request by Jeremy Bowman, 3680 Robinson Lane, for a variance to construct a detached accessory structure in the front yard.

Mr. Jeremy Bowman was present. He would like to put a 30x40 outbuilding in the front yard. His hardship is that the existing home is on a hill and close to the rear property line. There is a septic field at the rear of the site. He has a drainage swale along the back of the property. Also, his property is zoned County Estates, which has a five-acre minimum; however, his property is only two acres. This makes it difficult to comply with the large setbacks in the County Estates zoning district.

Board Member Ledford questioned if the applicant's proposed structure will affect the installation of the cul-de-sac that could possibly be built in the future. All Board Members agree the building will not interfere with the cul-de-sac.

Board Member Ledford questioned if there are other locations on the property where the building could be . Mr. Bowman stated he would still need a variance and due to the topography of the site, placing it in a different location could affect the natural drain pattern of the site as well as require the removal of trees and site grading; however, he would be willing to move it further to the south and toward the house, as long as he would not need to remove too many trees or disrupt the draining. Chairman Dhaenens stated that Mr. Bowman has requested a setback of 30 feet; so he can move it further away from the property line and still be in compliance if the variance is granted.

The call to the public was made at 7:34 pm.

Sandy and Ernie Bowman, who own the property next to the applicant, are in favor of granting this variance.

The call to the public was closed at 7:35 pm.

Moved by McCreary, seconded by Figurski, to approve Case #17-27 by Jeremy Bowman of 3680 Robinson Lane to construct a detached accessory structure in the front yard with a minimum setback of 30 feet based on the following findings of fact:

- The constraints of the zoning, which is Country Estates, of five-acre minimum and the applicant's property is two acres, thereby giving the owner less ability to build and utilize the property to its maximum opportunity.
- The initial approval of the west property line is the "front" of the lot, and the seller built their home on the property based on these guidelines.
- There is nowhere else to place the structure based on the location of the well and septic and due to the topography of the lot and the responsible grading and drainage of the property.
- Compliance with the struct ordinance would prevent the applicant from constructing a detached accessory structure. Accessory structures are typical in this rural area of the Township and granting the variance would provide substantial justice.
- The need for the variance is not self-created.
- he granting of the variance will not impair an adequate supply of light and 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 residents of the Township.
- The proposed variance would have a limited impact on the appropriate development or use of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The detached accessory structure will be guttered with downspouts.
- The applicant must maintain drainage on the property.

A site plan showing the cul-de-sac shall be submitted for land use permit approval. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the September 19, 2017 Zoning Board of Appeals Meeting

Board Member Ledford noted that the ordinance referenced in the motion for Case #17-24 was incorrect. It should be 11.04.02.

Moved by Ledford, seconded by McCreary, to approve the September 19, 2017 Zoning Board of Appeals Meeting with the change noted. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig distributed the meeting dates for 2018.

3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on October 2nd and 16, 2017.

4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting held on October 10, 2017.

5. Zoning Official Report – Ms. Ruthig had nothing to report this evening.

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

7. Adjournment

Moved by Ledford, seconded by Figurski, to adjourn the meeting at 8:11 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary