

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
January 16, 2018 - 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:34 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, Marianne McCreary, Dean Tengel, and Kelly VanMarter, Community Development Director/Assistant Township Manager.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Election of Officers

Moved by McCreary, seconded by Ledford, to have Mr. Dhaenens continue to serve as the Chairman. **The motion carried unanimously**

Moved by Tengel, seconded by Ledford, to have Ms. McCreary continue to serve as the Vice-chairperson. **The motion carried unanimously.**

Chairman Dhaenens noted that there are only four members present this evening as one of our Board Members has resigned and a new one has not yet been appointed. Any of the petitioner have the right to have their item tabled this evening.

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

- 1. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for two side yard variances to construct a single family home.**

Mr. Luzod and Mr. Ballinger, the builder, were present. Mr. Luzod stated that they have addressed the concerns of the Fire Department. They have submitted the required drainage plan. Mr. Ballinger reviewed the plan.

Board Member McCreary questioned the new location of the septic field. Mr. Ballinger stated he can move it if that is preferred. They believe that there will be access to the tank if maintenance is needed.

She asked if the materials for the retaining wall were available for review. Mr. Luzod stated he has not chosen them; however, he anticipates using stone. She asked when it will be installed. Mr. Ballinger stated it will be done prior to the final grade of the property.

The Call to the Public was made at 6:46 pm with no response.

Board Member McCreary believes that the applicant has provided sufficient information and has addressed the concerns of the Township and the Fire Department. Chairman Dhaenens agrees.

Moved by McCreary, seconded by Tengel, to approved Case #17-22 for 4798 Narrow Trail from Andrew Luzod for a 10-foot side yard setback on one side and a 15-foot side yard setback on the other side from the required setbacks of 30 feet for a 20-foot side yard setback on one side and a 15-foot side yard setback on the other side as well as a retaining area on the waterfront side of the property based on the following findings of fact:

- The current cottage on the property is unsafe and noncompliant with health and safety issues.
- The grade, elevation and the slope of the property are very challenging.
- The practical difficulties of the property are as follows:
 - The driveway access to the site, a safe turn around, and an exit for a building site is limited due to the significant slope and narrowness of the lot, thereby making the area on which to place a building on this site limited.
 - Strict compliance with the ordinance would prohibit building in an area that would allow reasonable traffic access for use and turn around for both residents and emergency or safety vehicles accessing this property, thereby providing substantial justice.
- The extraordinary circumstances are the shape of the lot and the elevation and access from the easement to a building site.
- The need for the variances is not self-created.
- The granting of the variances will not affect public safety, welfare or an adequate supply of light or unreasonably affect the surrounding residents.

- The granting of these variances will not adversely affect values of the surrounding homes.

The following conditions shall be complied with for the approval of the variances.

1. Strict adherence to drainage, silt fence maintenance, and grading will be attended to throughout the building process. Engineer plans provided by Livingston Engineering will be strictly adhered to and every effort to maintain the elevations as noted on this plan will be followed. See Plan dated 12/05/17, Job #17121. Every effort will be made by the builder and owner to control any soil erosion and / or draining on the site.
2. The slopes on the west side will need to be managed by retaining walls to prohibit runoff. These walls shall be installed prior to or within the seasonal year of the finalizing of a Certificate of Occupancy.
3. The applicant will comply with Fire Marshall Rick Boisvert's letter of review to Kelly VanMarter and recommendations as submitted as part of this file to be completed with the Certificate of Occupancy.
4. The home will be guttered with downspouts and water remaining on the site will drain toward the lake.
5. The applicant shall submit a letter of Brighton Area Fire Authority approval prior to receiving a Certificate of Occupancy.

The motion carried unanimously.

2. 17-29... A request by Brian and Carol Morgan, 1054 Sunrise Park, for a front yard variance to construct a roof over a deck.

Mr. Morgan was present. He stated that they had a previous variance approval for a deck and garage. During the process of designing the deck, they realized that the roof of the house hangs over five feet and the deck is eight feet wide. They would like to extend the roof over the entire width of the deck.

Board Member Ledford questioned why this request was not made previously. Mr. Morgan stated that they did not notice the difference until they were working on the details of the plan. The roof will not serve any purpose; however, they believe it will look better, more finished, and will give them more shelter from the rain. He noted that the roof extension is shown on their original submitted on one view, but it not on the other.

Ms. VanMarter stated that if that issue was not published or discussed at the meeting, then the fact that it was on the plans is irrelevant.

The Board Members agree that there is no practical difficulty. Board Member McCreary agrees that a deck with a railing is needed to allow for a secondary source of exit for safety; however, the extension of the roof is not needed for this reason.

Mr. Morgan asked to have his request tabled so he can review his request.

The Call to the Public was made at 7:09 pm with no response.

Chairman Dhaenens stated that two letters of support were received. Michael and Marion Suciu of 1071 Sunrise Park are in support of the Morgan's request. John Hull of 1065 Sunrise Park, who lives across the street from the Morgan's has no issues with the Morgan's request.

Moved by Ledford, seconded by McCreary, to table, per the petitioners' request, this matter until the February 20, 2018 ZBA Meeting in order for him to provide a definition of a practical difficulty. **The motion carried (Dhaenens - yes; Ledford - yes; McCreary - yes; Tengel - no).**

3. 17-30 ... A request by Stephen and Stacia Siddall, 5011 Grover Drive, for a front yard variance to construct a covered porch.

Mr. and Mrs. Siddall were present. Mr. Siddall stated they would like to change the existing porch into an entryway and mudroom and then change the existing 4 foot x 8 foot steps into a covered porch. They are requesting a 31-foot variance from Crest Drive. He noted that this portion of Crest Drive has not been an active road for over 40 years. There was a variance granted to the neighbor to the east in 2003 to construct their home.

There was a discussion regarding the issue of Crest Road being shown on the mortgage survey. Mr. Siddall stated that he is in the process of requesting to have the road vacated and become part of his property.

The Call to the Public was made at 7:20 pm.

Mr. Robert Zebco of 5020 Grover stated that he has lived there for 40 years and there has never been a road running parallel to those homes.

The Call to the Public was closed at 7:21 pm.

Moved by Ledford, seconded by McCreary, to approve Case #17-30 for 5011 Grover by Stephen and Stacia Siddall for a 31-foot front-yard setback from the required 35-foot setback for a 4-foot setback to construct a covered front porch based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing a covered front porch to the existing single-family home as proposed; however, it does not unreasonably prevent the use of the property. There are other homes in the vicinity with reduced front-yard setbacks that would support substantial justice.

- The need for this variance would not be required if the applicant petitioned the circuit court to have the platted road vacated.
- The exceptional or extraordinary condition of the property is the non-conforming location of the existing home on the property, and the unused platted road, known as Crest Drive, which reduces the property size.
- Granting of the variance would make it consistent with other homes in the vicinity.
- The need for the variance is not self-created by the applicant.
- The granting of this 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 little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The following conditions shall be complied with for the approval of the variance.

1. Drainage from the home is to be maintained on the lot.
2. The structure must be guttered with downspouts.
3. The applicant is encouraged to obtain a staked survey.
4. The applicant shall start quiet title to abandon the road.

The motion carried unanimously.

4. 17-31 ... A request by Earl and Rosemary LaFave, 4469 Quebec Lane, for a rear yard variance to build a three-season room on an existing deck.

Mr. Earl LaFave was present. He stated they purchased the detached condominium a year ago and would like to put up a three season room on the existing deck. The neighbors to the east have a pond. He learned that his neighbors to the west are against their proposal because it would block their view of the pond.

Because of this, he would like his request to be denied this evening.

The call to the public was made at 7:42 pm with no response.

Moved by Tengel, supported by Ledford, to deny, at the petitioner's request, Case #17-31 for 4469 Quebec from Earl and Rosemary LaFave for a rear-yard variance to build a three-season room on an existing deck based on the following findings of fact:

- Strict compliance with the rear-yard setback would prevent the applicant from constructing a three-season room, but it does not unreasonable prevent the use of the property. Based on a review of aerial photos, many of the homes in the neighborhood were placed on the rear setback line and they do not appear to have made additions or added sunrooms to the rear of their homes. Therefore,

the variance would not provide substantial justice and is not necessary to preserve or enjoy a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.

- There are no exceptional or extraordinary circumstances or conditions applicable to the property or the intended use, which are different than other properties in the same zoning district.
- The variance would not make the property consistent with the majority of other properties in the vicinity.
- 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 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 variance would have no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the November 14, 2017 Zoning Board of Appeals Meeting.

Board Member McCreary noted some typographical errors that need to be changed.

Moved by McCreary, seconded by Ledford, to approve the November 14, 2017 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

2. Correspondence – There were no correspondence this evening

3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on November 20, 2017; December 4, 2017; and January 2, 2018.

4. Planning Commission Representative Report – Ms. VanMarter gave a review of the Planning Commission meeting held on December 11, 2017.

5. Zoning Official Report – Ms. VanMarter stated there are two gentlemen in attendance this evening who are interested in filling the vacant position on the ZBA. Marianne McCreary has been selected to fill the open position on the Planning Commission.

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

7. Adjournment

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

Respectfully submitted:

Patty Thomas, Recording Secretary