

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 17, 2018 - 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, Greg Rassel, Marianne McCreary, Dean Tengel, Bill Rockwell, 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 Board Member McCreary, seconded by Board Member Rockwell, 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. 18-06 ... A request by Kevin and Connie McCraith, 4026 Clifford Road, for front and waterfront yard variances to build a new single family home.

Kevin and Connie McCraith, homeowners and Julian Wargo Jr, Zeimet Wozniak and Associates were present for the petitioner. Mr. McCraith stated that the home is their retirement home and it has 1 ½ bedrooms only. They have looked into renovating the existing structure however due to the home being constructed in 1931 the cost of repairs and any renovations would have been too costly. Mr. Wargo presented the site plan and described the proposed project that consists of a 37 x 37 three bedroom, two story home with a basement. The McCraith's have lived in the home since 1988 and the home has been in the Mrs. McCraith's family since 1981. The project has been designed to keep with the character of the neighborhood.

A call to the public was made with the following responses: Mr. Gary Srock, 3639 Conrad Road, stated that people are using fertilizers for their lawns that are running into the lake and ruining the lake. Mr. Wargo replied that the owners use fertilizer that is lake friendly and there is 100 feet of filtration before reaching the lake. Chairman Dhaenens stated that letters of support were received from the following residents:

Todd Mathews of 4030 Clifford Road, Brighton, Melvin Hall of 4010 Clifford Road, Brighton and Craig and Beth Hagen of 4036 Clifford Road Brighton.

Moved by Board Member McCreary, supported by Board Member Rassel, to approve case# 18-06 for the property at 4026 Clifford Road, by Keven and Connie McCraith for a front yard variance and waterfront variance to construct a new home and maintain the current garage on the property with the following conditions:

- The required setback is 35 feet of which the applicant is requesting an 18 foot setback with a variance of 17 feet.
- Required waterfront setback is 134'3" with a requested setback of 101'9" for a 32'4" variance.

Based on the following findings of fact:

- Topography of the lot limits the building space based on the current required setbacks due to a severe sloping of the grade and a severe drop of grade.
- Homes to the east of this property sit closer to the water than the proposed footprint of this home thereby making the request for a waterfront variance inconsequential to the neighboring homes.
- Neighboring homes also have similar road setbacks due to the severe sloping grade and narrowing widths of the lots. The proposed location of the new home will be farther away from the road than sits currently and farther west of the lot line currently. Allowing the road variances will provide substantial justice to the applicant that the surrounding homes enjoy. Allowing this setback will grant the petitioner the same rights possessed by others for preservation and enjoyment.
- Granting the waterfront variance will not prohibit the enjoyment or preservations of the surrounding property owners as the setback does not impede the neighboring views. These will grant substantial justice to the applicant. The request for this is not self-created.
- Granting of these variances will not impair adequate supply of light, or air to adjacent property or unreasonably increase congestion in the streets or increase danger of fire or public safety, comfort or morals or welfare of the inhabitants of Genoa.
- The proposed variance will not have a negative effect on continued use or value of the adjacent properties in the neighborhood.

The following conditions shall be met with this approval:

1. The applicant shall be required to completely remove the detached accessory structure under the following conditions:

- a. If construction on the new principle residence is not commenced within 90 days of removal of the existing home; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of land use permit issuance
 - c. Township shall have discretion to approve extensions to the above deadlines under proven special or extenuation circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for item (b).
2. The final architectural design shall not exceed the 25 foot height requirement.
 3. The structure must be guttered with downspouts and drainage must be maintained on the lot. **The motion carried unanimously.**

2. 18-07 ... A request by Todd and Tracie Richards/Nonnie Enterprises, Lot 3A Brighton Road (11-25-300-057) for a front yard variance in order to establish a building envelope.

Moved by Board Member Tengel, supported by Board Member Rassel, to postpone case #18-07 for Todd and Tracie Richards/Nonnie Enterprises, Lot 3A Brighton Road (11-25-300-057) until the next scheduled Zoning Board of Appeals meeting on May 15th, 2018 per petitioner's request. **The motion carried unanimously.**

3. 18-08 ... A request by Larry Coley, Lot 3B Brighton Road (11-25-300-058), for a front yard variance in order to establish a building envelope.

Moved by Board Member Tengel, supported by Board Member Rockwell, to postpone case #18-08 for Larry Coley, lot 3B Brighton Road (11-25-300-058), until the next scheduled Zoning Board of Appeals meeting on May 15th, 2018 per petitioner's request. **The motion carried unanimously.**

4. 18-05 ... A request by Greg Cameron, 3651 Conrad Road, for a front and side yard variance and a variance to allow a deck in the front yard to build an addition to an existing home.

Greg Cameron, homeowner was present for petitioner. Mr. Cameron stated that they would like to retire to this home. However, it is a one bedroom home. There are no public safety and welfare issues and it is located back from the easement. Mr. Cameron apologized for not staking the property.

Chairman Dhaenens questioned how close the house is to the grinder. Mr. Cameron stated that the enclosed screened deck would overhang the grinder pump.

Board members agreed that with the property not being staked to show improvements it makes it difficult to make a decision.

Board Member McCreary and Rockwell questioned applicant on how the home would be accessed. Mr. Cameron stated that it would take 2 steps to enter the home. There are limitations in the home to make access easier.

Board Member Rassel stated that the applicant's home will not be located closer to the easement than the neighbor to the south.

A call to the public was made with the following responses: Jan Pitzer, 3680 Dorr Road, stated that the wall is a landscaping wall instead of a curb. The easement is the widest in front of their house. There is a gas line located on their property, find the line and measure 6 feet on each side. Allen Beckner, 3679 Conrad, stated that what the applicant is proposing is aesthetically improving the property. The Fire Department could access the properties with the 20 foot easement in the rear of the homes. If the building goes up to the easement it would not make a difference for access. Gary Srock, 3639 Conrad, stated the home was built by Joe Lewis. He questioned why his taxes are high.

The board members agreed that the property should be staked to represent what is shown on the supplied drawing and the Fire Department should have input on the addition encroaching on the easement.

Moved by Board Member McCreary, supported by Board Member Rockwell, to postpone case #18-09, for Greg Cameron, 3651 Conrad Road until the next scheduled Zoning Board of Appeals meeting on May 15, 2018 to allow petitioner to address the ZBA's concerns in regards to the following:

- Property to be staked to show location of improvements from lot lines;
- Provide the ZBA with a copy of the completed survey;
- Contact the Brighton Area Fire Department to receive input on location of addition for access to other homes
- Contact Genoa Township Utility Department in regards to grinder pump access requirements
- Survey to show improvements

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the March 20, 2018 Zoning Board of Appeals Meeting.

There was one typographical change that needed to be made.

Moved by Board Member Rockwell, seconded by Board Member Tengel, to approve the March 20, 2018 Zoning Board of Appeals Meeting minutes with one change noted. **The motion carried unanimously with Board Member Rassel abstaining.**

2. Correspondence – There were no correspondence this evening.
3. Township Board Representative Report – Ms. Ruthig provided a review of the Township Board meetings held on April 2 and April 16, 2018.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on April 9, 2018.
5. Zoning Official Report –Reminder about the Joint Meeting on April 30, 2018.

There will be a May ZBA meeting with approximately 3 items on the agenda.

6. Member Discussion

The Board Members discussed staking requirements and fees for the ZBA.

7. Adjournment

Moved by Board Member Rassel, seconded by Board Member McCreary, to adjourn the meeting at 8:00 pm. **The motion carried unanimously.**

Respectfully submitted:

Amy Ruthig