

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 15, 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, Jean Ledford, Marianne McCreary, Dean Tengel, Bill Rockwell, and Amy Ruthig, Zoning Official. Approximately 8 persons in the audience.

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 with the addition of a presentation by Township Staff members, Sharon Stone Francis and Amy Ruthig. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 6:32 pm with no response.

Amy Ruthig, Zoning Official and Sharon Stone Francis, Code Enforcement Officer presented to the Zoning Board of Appeals a presentation on “Phasing in Natural Shorelines” to obtain their Master Citizen Planner Certificate.

Chairman Dhaenans thanked Ms. Francis and Ms. Ruthig for the information.

- 1. 18-05 ... A request by Greg Cameron, 3651 Conrad Road, for a front and two side variances 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 thanked the Board for allowing him to postpone this meeting so he could address their concerns. He spoke with the Brighton Area Fire Department and the inspector submitted a letter. Mr. Tataara from the Genoa Township Utility Department submitted a letter with approval for the addition placement with conditions.

Chairman Dhaenans thanked the applicant for the staking the property and proposed addition.

Board Member Rockwell stated that Mr. Tatara's letter should be dated May 3, 2018.

A call to the public was made with no response.

Moved by Board Member Rockwell, supported by Board Member Ledford, to approve case# 18-09 for Greg Cameron of 3651 Conrad Road for a dimensional front water yard variance of 23'6" and one side variance of 2' and other side variance of 5", and approval of a variance to construct deck in the front yard.

Approval is based on the following finding of facts:

1. Practical Difficulty/Substantial Justice – Strict compliance with the front and side yard setbacks would prevent the applicant from constructing the proposed addition with the proposed deck. The other homes in the vicinity do not meet the front yard setback from Conrad Road therefore granting of the requested variances would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.
2. Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the location of the private road easement (not recorded) which includes the Consumer's Gas easement and the topography of the property. These variances would make the property consistent with other properties in the vicinity. The need for the variance is not self-created. The unique nature of the lot which the waterfront yard is also the front yard makes the deck in the front yard appropriate.
3. Public Safety and Welfare – The granting of these variances 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.
4. Impact on Surrounding Neighborhood – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The following conditions must be followed:

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1. The structure must be guttered with downspouts and drainage must be maintained on the lot.
2. The conditions of the Utility Director's letter dated 5-3-17 (5-3-2018) must be followed.

The motion carried unanimously.

2. **18-10 ... A request by David and Deborah Sullivan, 5372 Wildwood Drive, for a size variance and a variance to construct detached accessory structure in the front yard.**

The petitioner was not present for the meeting.

Moved by Board Member McCreary, supported by Board Member Tengel, to moved case #18-10, David and Deborah Sullivan, 5372 Wildwood Drive to the end of the agenda for tonight's meeting. **The motion carried unanimously.**

3. **18-11 ... A request by Nathan DesJardin, 582 Hilltop Drive for a variance to construct a detached accessory structure in the front yard.**

Nathan DesJardin, homeowner, was present for the petitioner. Mr. DesJardin stated that he would like to construct a detached garage in the front yard due to the steep hill at the rear of the house.

Board Member McCreary stated that the location of the gas and sewer lines leaves the homeowner limited room for placement of the garage. Board Member McCreary spoke to Mrs. DesJardin at the site. Ms. DesJardin stated that the side property line is where the fence is currently located. Board Member McCreary stated that she would like to see where the side property line actually is located by a line survey. If the road is a public road the Livingston County Road Commission would need to approve a secondary drive permit.

A call to the public was made with the following response: Gary Boyd, 2715 Meadowlark Street, Brighton 48114, stated that if the neighbor had issues they would be here tonight.

Moved by Board Member Tengel, supported by Board Member Ledford, to approved case #18-11 for Nathan DesJardin, 582 Hilltop for a variance to construct a detached accessory structure in the front yard per the following findings of facts:

1. Practical Difficulty or Substantial Justice – Compliance with the strict letter of the

ordinance would prevent the applicant from constructing a detached accessory structure. Granting of the requested variance would do substantial justice to the applicant as well as to other property owners in the district. There are some detached accessory structures in the front yards within the surrounding neighborhood.

2. Extraordinary Circumstances – The exceptional or extraordinary condition of the property is location of the existing single family home pushed back to the rear of the lot to create a large front yard and topography of the property. The property is considered a through lot with two front yards. The need for the variance was not self-created by the applicant.

3. Public Safety and Welfare – 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.

4. Impact on Surrounding Neighborhood – The proposed variance would have a very little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The following conditions must be followed:

1. The detached accessory structure will be guttered with downspouts. The applicant must maintain drainage on their property.
2. Detached accessory structure located in the front yard will be removed before issuance of Certificate of Occupancy. **The motion carried as follows: Ayes: Tengel, Rockwell, Dhaenans and Ledford. Nay: McCreary**

4. 18-12 ... A request by Samuel Orvelo, 1752 Woodhill Drive, for a rear yard variance to allow for an addition to the existing home.

Samuel Orvelo, homeowner and Gary Boyd, 2715 Meadowlark Drive, were present for the applicant. Mr. Boyd stated that he built the structure. The owner needed additional storage and the breezeway was leaking. He chose to make the addition flush with the rear of the home. If required to remove the 3 feet from the rear of the structure, water could leak into the storage area.

Board Member Tengel explained to the applicant that there has to be a hardship with the land. The Zoning Board of Appeals is creating a legal document when approving a variance.

Chairman Dhaenans stated that the structure was built before a permit was issued. The process should have started with a land use permit.

Board Member Rockwell stated that the Zoning Board of Appeals is bound by section 23.05.03 which includes 4 criteria for approving a variance. All 4 criteria need to be met to approve a variance.

Mr. Boyd stated that they will remove 3 feet off of the structure.

A call to the public was made with no response.

Moved by Board Member Rockwell, seconded by Board Member McCreary, for case# 18-12, Mr. Samuel Orvelo, 1752 Woodhill Drive to deny the rear yard variance of 3 feet for the following finding of facts:

1. No practical difficulty or substantial justice in the request to justify the need for the variance.
2. There is no exceptional or extraordinary condition of the property. The need for the variance was self-created by the applicant.
3. Public Safety and Welfare – 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.
4. Impact on Surrounding Neighborhood – The proposed variance would have a very little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

2. **18-10 ... A request by David and Deborah Sullivan, 5372 Wildwood Drive, for a size variance and a variance to construct detached accessory structure in the front yard.**

Moved by Board Member McCreary, seconded by Board Member Ledford, to postpone case# 18-10 until the next scheduled Zoning Board of Appeals meeting on June 19, 2018. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the April 17, 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 April 17, 2018 Zoning Board of Appeals Meeting minutes with one change noted. **The motion carried unanimously with Board Member Ledford abstaining.**

2. Correspondence – There was no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on May 4 and 14, 2018.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on May 14, 2018.
5. Zoning Official Report – There are 2 cases for the June meeting to date.
6. Member Discussion – Chairman Dhaenans informed the Board that he has been appointed to the Genoa Township Planning Commission and will be stepping down from the Zoning Board of Appeals. Board Member Rassel will be a full ZBA member. Ms. Ruthig informed that board that the township is looking for a new alternate for the ZBA.
7. Adjournment

Moved by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 8:18 pm. **The motion carried unanimously.**

Respectfully submitted:

Amy Ruthig