

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 17, 2018 - 6:30 PM**

MINUTES

Call to Order: Ms. VanMarter 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: Jean Ledford, Bill Rockwell, Greg Rassel, Michelle Kreutzberg, and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent was Marianne McCreary and Dean Tengel.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Board Member Rassel advised the applicants that there are only three members of the Board present this evening, and the Chairperson and Vice-Chairperson are two of the members that are absent so an approval will require a unanimous vote of all members present. Petitioners have the option to table their request until there is a full board present.

Election of Officer

Ms. VanMarter noted that because the Chairperson and Vice-Chairperson are absent, a temporary chairperson will need to be elected for tonight's meeting.

Moved by Board Member Ledford, seconded by Board Member Kruetzberg, to elect Board Member Rassel as Chairman for tonight's meeting. **The motion carried unanimously.**

Chairman Rassel advised the applicants that there are only three members of the Board present this evening, and the Chairperson and Vice-Chairperson are two of the members that are absent so an approval will require a unanimous vote of all members present. Petitioners have the option to table their request until there is a full board present.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Genoa Township Zoning Board of Appeals

Minutes Approved

July 17, 2018

Chairman Rassel noted that two of the Case #'s are listed incorrectly on the agenda. Case #18-22 should be Case #18-21 and Case #18-23 should be Case #18-22.

Moved by Board Member Ledford, seconded by Board Member Kruetzberg, to approve the agenda as amended. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 6:35 pm with no response.

1. 18-16 ... A request by James Mitte, 5248 Prairie View, for a side yard variance to construct a detached accessory structure (Tabled from previous meeting).

Mr. Mitte was present. He stated he would like to add a detached garage and is requesting a five-foot side-yard variance. Since he was before the Board last month, he learned the location of the septic field. He provided a new drawing showing where it is in relation to the proposed garage. He noted the health department requires a 10-foot setback from the septic field to any structure. He would not be able to meet this requirement and move the garage further back because of the topography of his property.

The call to the public was made at 6:40 pm with no response. Chairman Rassel noted that letters of support were received from two of Mr. Mitte's neighbors.

Moved by Ledford, seconded by Kreutzberg, to approve Case #18-16 for 5248 Prairie View for James Mitte for a five foot side-yard setback variance from the required 10 feet to a five foot side-yard setback to construct a 20 x 36 (720 square foot) detached accessory structure based on the following findings of fact:

- The slope of the land drops approximately 25 to 35 feet from one side to the other
- Part of the applicant's driveway and retaining wall was put on the neighbor's property
- The extraordinary circumstances are the location of the septic field behind the house and the orientation of the home and driveway location on the lot.
- The granting of this 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 residents of the Township of Genoa.

- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

1. Drainage from the detached structure must be maintained on the lot.
2. The structure must be guttered with downspouts.
3. The petitioner shall comply with the accessory structure requirements.

The motion carried unanimously.

2. 18-19 ... A request by Marcel Normand, 4137 Clifford Drive, for a variance to create a lot with a detached accessory structure without a principal structure to be able to split the property (Tabled from previous meeting).

Wayne Perry of Desine Engineering was present. He noted this request will only be temporary because when the land division is complete and the property is sold, the new owners will build a home on the lot. Once the principal structure is erected, the variance will no longer be needed.

There was a discussion regarding the time frame for a home to be built. Mr. Perry stated that the property owner, who will be splitting the property, will comply with the any time period deemed by the Board for when the new home shall be built. It was also questioned as to how this will be enforced. Ms. VanMarter stated that the seller and/or the buyer can sign an affidavit agreeing to this. If the home is not built, then the accessory structure will need to be removed.

Board Member Ledford is not comfortable approving a temporary variance. She suggested the applicant table his request until there is a full Board present.

Mr. Perry requested to have his request tabled.

The call to the public was made at 6:55 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to table Case #18-19 per the petitioner's request to the August 21, 2018 Zoning Board of Appeals meeting. **The motion carried unanimously.**

3. 18-20 ... A request by James Soloman, 7000 Brighton Road, for a waterfront variance to allow for an addition to an existing single-family home.

Mr. Soloman was present. He stated that he believed he didn't need a permit to enclose a portion of his deck because it was less than 200 square feet. The Livingston County Building Department advised the Township that this work was done. Enclosing the deck requires a variance because it is within the 100 foot waterfront setback. He

added that the setbacks have changed since the home was built. The new setback is 100 feet. The entire home is currently 80 feet from the water.

The call to the public was made at 7:02 pm.

Mr. Todd Richards owns 7114 Brighton Road and is in support of Mr. Soloman receiving the variance.

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

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #18-20 for 7000 Brighton Road for James Soloman for a 200 feet waterfront setback variance from the required 100 feet for a waterfront setback of 20 feet to allow an existing addition to a single-family home based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from maintaining the enclosure of the existing deck
- The exceptional or extraordinary condition of the property is the location of the existing home on a corner lot and the lake inlet that is located on the property.
- Granting this variance 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 residents of the Township of Genoa.
- It is believed that granting the variance would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

4. 18-21 ... A request by Meghan and Anthony Combs, 6060 Challis Road, for a fence height variance and a variance to install an in-ground pool in the front yard.

Mr. and Mrs. Combs were present. Mrs. Combs stated they technically have two front yards because there is a small private road, Meadow Point Circle, behind their home. They would like to place the pool in the portion of the yard that they use as their backyard. They also need a variance to place a four-foot fence in the front yard. The ordinance limits the height of a fence in the front yard to three feet; however, the law requires a four foot fence around a pool.

She submitted letters of five of her neighbors within 300 feet of her property that are all in favor of them receiving the variance.

The call to the public was opened at 7:11 pm.

Bob Murray, the father of Meghan Murray and their next door neighbor, lives at 6022 Challis Road. He stated that the front of the home faces Challis Road, the address is Challis Road, and they use the part of their property where they want to put the pool as their backyard.

The call to the public was closed at 7:12 pm.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #18-21 for 6060 Challis Road for petitioners Anthony and Meghan Combs for a variance to install an in-ground swimming pool in the front yard and a fence height variance to enclose the pool with a 48 foot fence as required per Ordinance #11.04.03 based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from installing the proposed in-ground pool and fence south of the existing home.
- The home next door has three front yards, both a corner lot and a through lot, and has a pool located in the front yard. Many other homes have pools located in the rear of the home; therefore granting the request will provide substantial justice to the petitioner.
- The exceptional or extraordinary condition of the property is the through-lot with two front yards created by the private road along the south property line.
- The need for the variance is not self-created by the applicant.
- 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 residents 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.

The motion carried unanimously.

5. 18-22 ... A request by Todd and Tracie Richards, 7114 Brighton Road, for a variance to encroach into the 25 foot natural undisturbed features wetland setback to enhance the natural drainage in order to construct a new home.

Mr. and Mrs. Richards were present. Ms. Richards stated that grading the area in question will enhance natural drainage when they build their new home. The natural drainage of the wetlands has been disturbed because of fill that has been brought in due to the abandonment of the old Brighton Road behind their property. They would be removing this fill and making the area lawn for their backyard. Niswander Environmental performed a wetland delineation and they noted that the wetland is low quality and consists of invasive herbaceous plants. They found that the grading is

necessary to allow the the natural flow of drainage from Brighton Road to the wetland and will not negatively impact the existing wetlands.

The call to the public was made at 7:26 pm.

Aaron Road, of 10498 Skeman Road, Brighton, owns the property next to the applicant. He is in favor of the applicants receiving this variance. He agrees it is important that the property drains properly.

The call to the public was closed at 7:27 pm.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #18-22 for vacant land at 7114 Brighton Road for Todd and Tracie Richards, Nonni Enterprises for a 15 foot rear setback variance from the required 25 foot wetland setback to a 10 foot setback based on the following findings of fact:

- The Zoning Board of Appeals finds that the conditions in Items (a) through (e) of section 13.02.05 are met.
- An MDEQ permit is not required for work inside the 25 foot setback from wetlands.
- The practical difficulty is old Brighton Road debris and fill material prohibit proper drainage to the wetland from this property as well as others in the area.
- Approval of the variance will improve drainage.
- The extraordinary conditions are the irregular shaped lot and the wetland creates a small building envelope
- The property is currently undeveloped
- 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 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 residents of the Township of Genoa.
- The granting of this variance will not have a negative impact on continued use or value of adjacent properties in the neighborhood.

This approval is based on the following conditions:

1. The applicant shall permanently demarcate and install educational signage to indicate the edge of the undisturbed natural area. This shall remain in perpetuity to ensure future owners do not further encroach.
2. The entire remaining 10' setback buffer area shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.

3. The applicant shall submit for Township approval a landscaping enhancement plan for the remaining 10' buffer zone area. Native wetland friendly vegetation shall be provided to help reduce erosion and maintain water quality.
4. Downspouts shall be directed into dry wells or rain gardens containing native plants to help slow the flow of water to the wetlands.
5. If used, the applicant shall utilize slow release and low phosphorus fertilizers.
6. Silt fencing must be utilized during the construction phase, and the applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the June 19, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the June 19, 2018 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 provided a review of the Township Board meeting held on July 16, 2018.
4. Planning Commission Representative Report – Board Member McCreary was not present this evening.
5. Zoning Official Report – Ms. VanMarter had nothing to report.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to adjourn the meeting at 7:46 pm. **The motion carried unanimously.**

Respectfully submitted:

Genoa Township Zoning Board of Appeals
Minutes Approved
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Patty Thomas, Recording Secretary