

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 14, 2018 - 6:30 PM**

MINUTES

Call to Order: Chairman Tengel 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: Dean Tengel, Jean Ledford, Bill Rockwell, Michele Kreutzberg, and Amy Ruthig, Zoning Official. Absent were Board Members McCreary and Rassel.

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 Rockwell, seconded by Board Member Ledford, 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. 18-31... A request by Robert and Janette Wilk, 4770 Narrow Trail, for a side yard variance to construct a detached accessory structure.

Mr. Robert Wilk was present. The rear of his property is 25-30 percent wetlands. The location of the septic field also makes it difficult for him to meet the side yard setback. He does not believe it will impair light or increase congestion on the street or increase the danger of public safety. His home would be the fifth home built on this street.

Board Member Rockwell questioned why the distance between the house and the garage could not be decreased. Mr. Wilk stated he has already moved the garage closer to the home. He garage is required to be 10 feet away from the house per Township Ordinance.

Chairman Tengel questioned why the applicant did not attach the garage to the home. Mr. Wilk stated he prefers to have a detached garage.

Board Member Ledford questioned where the water will drain since the garage is so close to the wetlands. Ms. Ruthig advised that Mr. Wilk will need to obtain a permit from the Livingston County Drain Commissioner to determine where the water drain.

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

Motion by Board Member Ledford, seconded by Board Member Kreutzberg, to approved Case #18-31 for 4770 Narrow Trail for Robert and Janette Wilk of 22915 Watt Drive, Farmington Hills, MI for a 10-foot side-yard setback variance from the required 30 feet to 20 feet to construct a detached accessory structure at the applicant's location in accordance with Section 11.04.01(f)(1) of the Zoning Ordinance, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent the applicant from constructing the detached accessory structure. The variance does provide substantial justice since there are quite a few detached accessory structures in the surrounding area.
- The exceptional or extraordinary condition of the property is the location of the septic field on the side of the proposed home, topography of the lot, and wetlands located on the property. The need for this variance is not self-created.
- 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 the public safety, comfort, morals or welfare of the residents of Genoa Township.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of the adjacent properties in the surrounding neighborhood.

The approval of this variance is conditioned upon the following:

1. Shall comply with the accessory structure requirements.
2. A 25 foot natural undisturbed buffer from the wetlands must be maintained at all times.
3. The detached accessory structure cannot be utilized until a Certificate of Occupancy of the home is received.

The motion carried unanimously.

2. 18-32... A request by Donald Terns, 5440 Sharp Drive, for a waterfront and front yard variance to construct an addition with an attached garage.

Mr. Brad Hinkson with Hinkson Design Build, the contractor, and Mr. Donald Terns, the applicant were present.

Mr. Hinkson stated they are proposing to construct an addition with an attached garage. They will be removing the existing six-car detached garage. There will be storage below the garage. They are requesting a water front (rear yard) and front yard setback variance. The addition will be further back from the lake than what is currently there.

The call to public was made at 6:49 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #18-32 for Donald and Judith Terns of 5440 Sharp Drive, Howell, MI for a 31-foot front yard variance and an 8-foot waterfront variance for the construction of an addition to a single-family home, based on the following findings of fact:

- Strict compliance with the setbacks would prevent the applicant from constructing the proposed addition. There are other homes in the area that have reduced setbacks similar to what is being proposed. Granting variance would offer substantial justice. Granting the variance would make the property consistent with other properties in the area.
- The exceptional or extraordinary condition of the property is the location of the road right of way in conjunction with the road location, shallow lot depth between road right of way and the water and the topography of the lot.
- The granting of these variances would not impair an adequate supply of light and air to adjacent properties. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and endanger the public safety.
- The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood provided proper site grading and drainage maintained on site.

The approval of this variance is conditioned upon the following:

1. The existing detached garage must be demolished prior to issuance of Certificate of Occupancy.
2. Proposed deck must maintain a 15 foot green space to the water's edge.
3. Retaining walls, if required, must be included when applying for land use permit for approval.
4. The proposed addition will not encroach any closer to the water than the existing home.
5. The structure must be guttered with drainage toward the lake.

The motion carried unanimously.

3. 18-33... A request by McCotter Architecture and Design, 1900 Euler Road, for a front yard variance to construct an addition.

Mr. Tim McCotter is representing the home owner. They wish to expand their home to increase their living room and add an entrance way. The home predates the ordinance, which now requires a 75-foot front-yard setback. The existing home is currently non-conforming. It currently encroaches 11 ½ feet into the front yard setback.

There are existing homes on this street that are also within the 75 foot setback.

Board Member Ledford believes the need for this variance is self-created. She does not see other homes in the area that are the same distance from the roadway as what is being proposed. Mr. McCotter stated the home across the street and others further up the road are within the 75 foot setback. He added that the configuration of the existing home does not make it feasible to expand the rear of the home. The living room is in the front of the home.

The call to the public was made at 6:59 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Kreuzberg, to deny Case #18-33 from McCotter Architecture and Design for Mario and Valory Pecchia of 1900 Euler Road for a front yard variance of 21.5 feet for the construction of an addition to an existing single-family home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the addition however does not unreasonably prevent use of the property. The variance does not provide substantial justice since it would greatly reduce the front yard setback and would not make the home consistent with properties in the same zoning or vicinity.
- The exceptional or extraordinary condition of the property is the location of the existing home. There is no evidence why the property prevents an addition to the existing home to the south or west. There is ample building envelope on this lot and the variance request must be the least necessary. The need for the variance is self-created.
- 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.
- The proposed variance 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.

Administrative Business:

1. Approval of the minutes for the October 16, 2018 Zoning Board of Appeals Meeting.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the October 16, 2018 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig presented the Board with the meeting dates for next year, noting that the October 2019 meeting will be on a Wednesday due to the Columbus Day Holiday.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meeting held on November 5, 2018.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on November 13, 2018.
5. Zoning Official Report – Ms. Ruthig stated staff has determined to remove drainage requirements from the conditions of approving a variance. If a resident's stormwater drains onto a neighboring property, it is a civil issue.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 7:19 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary