

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 21, 2019 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Bill Rockwell, Greg Rassel, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Jean Ledford.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Moved by Board Member Rockwell, seconded by Board Member McCreary, to nominate Greg Rassel as Chairman. **The motion carried unanimously.**

Moved Board Member Rassel, seconded by Board Member Rockwell to nominate Board Member McCreary as Vice-Chairperson. **The motion carried unanimously.**

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Chairman Rassel noted that Case #19-15 and #19-19 were requested by the applicants to be tabled until the June 18, 2019 ZBA meeting.

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

Call to the Public:

The call to the public was made at 6:34 pm with no response.

Chairman Rassel outlined the criteria needed for granting a variance.

1. 19-18... A request by Gerald Shipley, 1320 Chilson Road, for a side yard variance to construct an addition to an existing home.

Mr. Shipley was present. He is hoping to add onto his existing house to add a bathroom and a special shower for his wife. The addition would be in the rear of the home and allow his wife to look out at the woods. He cannot put the addition on either side of the home because there is no room. Also, the well is in the front of the home. The septic field is in the rear of the home, and to the south. The addition will not encroach any further into the side yard setback than the existing home.

The call to the public was made at 6:41 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case #19-18 for 1320 Chilson Road for side yard variance of 13 feet from the required setback of 30 feet for a side yard setback of 17 feet to construct an addition to an existing home, based on the following findings of fact:

- The current footprint of the existing home will not be extended more than it currently exists today.
- The size of the lot is non-conforming and smaller than the required one acre minimum.
- Granting this variance will grant substantial justice to the applicant that other properties receive the benefit of.
- Granting this variance will allow the same preservation and enjoyment of the property that others possess in properties in the vicinity.
- The extraordinary circumstances are the non-conforming size of the lot and the location of the septic field. The need for the variance is not self-created.
- 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 inhabitants of the Genoa Township.
- The proposed variance would not have any impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.

The motion carried unanimously.

2. 19-20... A request by Danny and Vicki Brady, 1076 Sunrise Park Drive, for a front yard variance to demolish an existing home and construct a new home.

Mr. and Mrs. Brady were present. Mr. Brady stated the placement of the existing well does not allow them to meet the front yard setback. The proposed home will be within the same footprint of where the existing home currently sits.

The call to the public was made at 6:48 pm with no response.
Two letters of support.

Moved by Board Member Rockwell, seconded by Board Member Kreuzberg to approved Case #19-20 for 1076 Sunrise Park Drive for Danny and Vicki Brady for a front yard variance of five feet from the required front yard setback of 35 feet for a front yard setback of 30 feet to demolish an existing home and construct a new home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the single family home as proposed. Granting this variance would offer substantial justice to the applicant due to other homes in the immediate vicinity have similar non-conforming front yard setbacks and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the property.
- The exceptional or extraordinary condition of the property is the Livingston County Environmental health department's setback from the existing well. The need for the variance is not self-created and would make it consistent with other properties in the vicinity.
- 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 inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriated development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. Dust control measures shall be taken during the demolition of the existing home.

The motion carried unanimously.

3. 19-21... A request by Lawrence and Lorraine Persh, 2157 Webster Park Drive, for a front yard variance to demolish an existing home and construct a new home.

Mr. and Mrs. Persh were present. They are requesting a front yard variance of 20 feet. They will be building the home within the footprint of the existing home, but it will actually be smaller. The front yard setback will be the same as the current home. Board Member McCreary noted that a sketch drawing was presented and not an engineer's survey. Ms. Persh stated a survey has been requested, but has not been completed. Mr. Persh reiterated that the new home will be within the footprint of the existing home.

The call to the public was made at 7:01 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case #19-21 for 2157 Webster Park Drive for Lawrence and Lorraine Persh for a 20 foot front-yard variance from the required 35 foot setback for a setback of 15 feet to demolish an existing home and build a new one. It should be noted that the application presented at tonight's meeting says the setback will be 20 feet, but it should say 15 feet. The application in the file is correct, showing 15 feet. This approval is based on the following findings of fact:

- The variance request meets all standards of Section 25.05.03 of the Zoning Ordinance.
- Strict compliance with the front yard setback would unreasonably prevent the use of the property without the requested variance. It would provide substantial justice to the applicant that is necessary and similar to other properties in the same zoning district and vicinity.
- The extraordinary circumstances are the location of the new proposed septic and well, the shallow and narrow dimensions of the property and the setback requirements necessary to comply with health department requirements for the construction of the new home.
- The need for the variance is not self-created.
- Granting this variance will make it consistent with many of the homes in the vicinity.
- Granting the variance will not impair an adequate supply of light and air to adjacent property, will not unreasonably increase congestion in public streets, will not endanger the public safety in the event of fire, nor endanger the comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have any impact on the appropriate development, continued use, or value of adjacent properties and the surrounding
- Neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.

2. Review and approval by the Genoa Charter Township staff of a submitted site plan approval showing the civil engineer's survey of the property denoting the requested setbacks in relationship to the proposed new home and lot setbacks and corners.
3. Dust control measures shall be taken during the demolition of the existing home.
The motion carried unanimously.

6. 19-22... A request by John and Wendy Myers, 6505 Forest Beach Drive, for a variance to construct a detached accessory structure in the front yard.

Mr. and Mrs. Myers were present. They apologized for the area not being staked. They had a family emergency and were out of town for nine days. They are requesting to build a 12x16 shed in their front yard. They live on a lake and are zoned low density residential. They want to place the structure in the front yard so that it does not obstruct the neighbors view of the lake, it would be easier to use, would have the least impact on the surrounding neighbors and general public and will not negatively affect neighbors. They added that most neighbors have detached structures in the front yard in their neighborhood.

Board Member McCreary questioned the proposed location of the shed and how it is close to the slope toward the neighbor's property. Mr. Myers noted that the shed would be placed further away from the property line than what is shown on the plan. There was a brief discussion regarding postponing this item so the property can be staked and viewed by the Board Members.

The call to the public was made at 7:16 pm.

Mr. Doug Milne of 6501 Forest Beach Drive lives next door to the applicant. He is not concerned about the shed being too close to his property. He noted that the plans say "Living Area" and he wants to ensure that the building will not be used as living space and will only be used as storage.

The call to the public was closed at 7:17 pm.

Board Member Kreutzberg questioned also questioned the "Living Area" note on the plans. The applicant confirmed that it will be used for storage. They will make the change on the drawing.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to table Case #19-22 for 6505 Forest Beach Drive until the next scheduled Zoning Board Of Appeals meeting of June 18, 2019 for the purpose of clarifying specifically where the shed will be placed, to mark the location where the shed will be located, and identify the shed on the drawing. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the April 16, 2019 Zoning Board of Appeals Meeting.

Board Member McCreary noted an addition that is needed.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve the April 16, 2019 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig stated that Board Member Tengal resigned from the Board and Ms. Kreutzberg is now a full-time member. They are looking for another alternate.
3. Township Board Representative Report - Board Member Ledford was not present this evening.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on May 13, 2019.
5. Zoning Official Report – Ms. Ruthig provided summaries of two variance requests that will be coming before the Board.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member McCreary, seconded by Board Member Rockwell, to adjourn the meeting at 7:30 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary