

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 17, 2019 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel 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: Marianne McCreary, Jean Ledford, Bill Rockwell and Amy Ruthig, Zoning Official. Absent was Michelle Kreutzberg.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Chairman Rassel noted that Agenda Items #1 and #5 were requested to be tabled this evening. He noted that Item #1, Case #19-19, has already been tabled twice so if it is tabled tonight, the applicant would need to appear in October or reapply for a variance after one year.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to table Case #19-19 until the Wednesday, October 16, 2019 ZBA meeting and this is the last time it can be tabled and if the applicant does not appear, they will need to withdraw their application and reapply in a year. **The motion carried unanimously.**

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Case #19-34 for 4930 Brighton Oaks Trail until the next scheduled ZBA meeting of Wednesday, October 16, 2019 at the applicant's request. **The motion carried unanimously.**

Moved by Board Member Ledford, 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.

Old Business:

1. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.

The applicant was not present.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to move Case #19-29 to the end of the meeting to allow the applicant to arrive due to an accident blocking the road near the Township Hall. **The motion carried unanimously.**

New Business:

2. 19-32...A request by Allen and Sharon Miotke, 1142 Chemung Drive, for side yard variance to construct a covered porch.

Mr. and Mrs. Miotke were present. Mr. Miotke stated they would like a 4.3-foot side-yard variance to build a covered porch. It would protect them from the weather when they are going into and coming out of the house.

When their home was built, it needed to be moved over an additional three feet due to the location of the neighbor's chimney. That home was built non-compliant back in the 1950's. The chimney is three feet from the lot line so they had to move their home over an additional 5 feet to meet the setback.

Board Member McCreary noted that if the two lots that the Miotkes own were combined, a variance would not be needed. Ms. Miotke stated they would like to keep the lots separate in case their children and grandchildren would like to build a home on the vacant lot.

The call to the public was made at 6:42 pm with no response.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve Case #10-32 for Allen and Sharon Miotke of 1142 Chemung Drive, for a 4-foot, 3-inch side-yard setback from the required side yard setback of 10 feet to 5 feet 9 inches in order to construct a covered porch approximately 8 feet wide by 18 feet long to an existing home, based upon the following findings of fact:

- Strict compliance with the side-yard setback would prevent the applicant from constructing the proposed covered porch. Granting this variance would offer substantial justice to the applicant due to other homes in the immediate vicinity have similar non-conforming side 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
- The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the north neighbor's chimney projecting into the side yard setback thus requiring a 10 foot south setback. The need for the variance was 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 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.

This approval is based on the following conditions:

1. The structure must be guttered with downspouts.

The motion carried unanimously.

3. 19-33...A request by Michael Dowling, 7887 State St., for a front and side yard variance to construct an addition to an existing home.

Mr. and Mrs. Dowling were present. Mr. Dowling stated they would like to add an addition to their home. They will be moving the garage out 16 feet and adding more to the house behind there. Their lot is an old City-sized lot and is non-conforming to the current requirements. When they built the house, they requested variances so this addition would be at the same setbacks as the existing home. The proposed side yard setback is consistent with his neighbors.

Board Member McCreary questioned if the addition was for a garage. Mr. Dowling showed the floor plans noting the existing home and the proposed addition.

Mr. Dowling has spoken to two of his neighbors and advised what they were planning and neither had any concerns.

The call to the public was made at 6:54 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #19-33 for Michael Dowling of 7888 State Street for a 16-foot front yard variance from the required 40-foot setback for a 24 foot setback and a seven-foot side-yard variance from the required 20 foot for a setback of 13 feet to the west to construct an addition to their current home, based on the following findings of fact:

- Strict compliance with the ordinance requirement would unreasonably prevent the use of the property and would provide substantial justice to the applicant as well as to other property owners in the immediate area. There appear to be homes in the immediate area that do not meet the side and front yard setbacks.
- The exceptional or extraordinary circumstance of the property is the narrowness of the lot and the location of the existing septic field. The need for the variance is not self-created.
- The granting of the 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.
- 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.

Mr. Conely arrived at 6:56 pm.

4. 19-35... A request by Speros Kapetaneas, 5397 Brady Road, for a front yard variance to construct an addition to an existing home.

Mr. Kapetaneas was present. They have a quad-level home and now his wife has a serious condition where she will eventually be in a wheelchair. The request for the variance is to put in a first-floor bathroom and laundry room. The addition would be one foot past the existing front porch. This would allow them to be able to put a door in this area so his wife can get out of the house and into the car in the driveway. His property slopes so it cannot be put anywhere else adjacent to the home.

Board Member McCreary is sympathetic to the applicant's wife's health conditions; however, it cannot be a reason for the ZBA approving the variance request. She noted that there are active and reserve septic fields behind the proposed addition so it cannot be moved further back.

The call to the public was made at 7:03 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve Case #19-35 for Speros Kapetaneas of 5397 Brady Road for a front yard variance of 9 feet 9 inches from the required 75 foot setback for a setback of 65 feet, 3 inches to construct an addition to a single- family, based on the following findings of fact:

- The proposed addition appears to be 1 foot closer to the roadway and is the least amount requested.
- Strict compliance with the front yard setback would prevent the applicant from constructing the addition; however it does not unreasonably prevent the use of the property. The variance would provide substantial justice since there are other homes in the immediate vicinity with reduced front yard setbacks.
- The extraordinary condition of the property is the location of the existing home. The location of the active and reserve septic fields and topography of the lot is preventing the proposed addition to be constructed within the building envelope.
- 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.

5. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.

Mr. Conely reviewed his request discussed at the last meeting. The ZBA requested site conformance in their motion so he requested to have his item tabled. He has since met on site with Mr. Archinal, Ms. VanMarter, and Mr. Rogers. They had a good discussion and came to an agreement. He requests that contingency be removed from any approval this evening. He noted that Township Staff agrees that site compliance conditions should not be put on a variance approval.

Ms. Ruthig noted that the Township attorney advised that she can put site compliance requirements on a variance request, but it must be specific.

Board Member McCreary questioned if there are items that need to be completed as a result of the meeting. Mr. Conely stated there was a discussion regarding where vehicles can be stored, which he has rectified. There are some other items that he will be addressing.

The call to the public was made at 7:18 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case # 19-29 for 7208 W. Grand River, Brighton for John Conely for a sign setback variance in the general commercial district of 5.25 feet for a proposed side yard setback of 4.75 feet from the required 10-feet in relationship to the dimension of the sign that runs parallel with the property on the north/south boundary of the property closest to the entrance from the road. The sign will be brought into compliance on the north portion pulled back from the east/west ROW that runs along Grand River of 10 feet, based on the following findings of fact.

- The current lot line and placement of the sign as well as the water main dictates that this is the only location that will allow the sign to be placed, complying with the least restrictive variance.
- The extraordinary conditions are the location of the water main easement and the ROW for the road setback.
- The need for the variance is not self-created and it is determined that based on any ROW's and easements there is no other location for the sign.
- 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 danger of fire or public safety of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following condition:

1. The sign shall meet the Zoning Ordinance in regards to size and the LED portion of and occupy only one third (1/3) of the sign per Section 16.07.02 of the Zoning Ordinance.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the August 20, 2019 Zoning Board of Appeals Meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the August 20, 2019 Zoning Board of Appeals Meeting minutes with the changes noted.

The motion carried unanimously.

Zoning Board of Appeals
September 17, 2019 Approved Minutes

2. Correspondence – Ms. Ruthig had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the September 16 Board meeting.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the September 12 Planning Commission meeting.
5. Zoning Official Report – Ms. Ruthig stated there are two cases for October’s meeting. The meeting will be on Wednesday, October 16 due to the Columbus Day holiday on the 14th.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member McCreary, to adjourn the meeting at 7:43 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary