

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 21, 2020 - 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. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Bill Rockwell, Marianne McCreary, and Amy Ruthig, Zoning Official.

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 Kreutzberg, 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.

New Business

1. 20-08...A request by Matthew Riesterer, 2533 Spring Grove, for a variance to construct a detached accessory structure in the front yard.

Mr. and Mrs. Riesterer were present. Ms. Riesterer stated the extenuating circumstance is the extreme terrain of the property. It rises very high from the front to the back and there is a steep slope from the south to the north. The property also narrows as it goes toward the back. The only place to put the accessory structure is in the front yard. There are no other lots in the area like this due to the topography. Also, it is very wooded. Outbuildings are very common in their neighborhood so allowing them to have one would provide substantial justice. The impact on the surrounding neighborhood would be minimal.

Board Member McCreary asked if the existing accessory structures on the site will be removed. Mr. Riesterer stated, "yes".

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

Moved by Commissioner McCreary, seconded by Commissioner Kreutzberg, to approve Case #20-08 at 2533 Spring Grove for a variance to construction of a detached 40 x 30 x 12 accessory structure in the front yard, based on the following findings of fact:

- Compliance with the ordinance would prevent the applicant from constructing a detached accessory structure due to the location of the home and the exterior improvements.
- The practical difficulty is the topography of the land and the location of the home and the improvements on it.
- The extraordinary circumstances are the slope of the property from the road to the home and the inability to access the rear of the property due to the pool, the septic, and the grade of the lot.
- By allowing the accessory building, substantial justice will be granted to the applicant and they will be afforded the same opportunities as other property owners in the area. The property is surrounded by hard landscape and trees that will further provide a buffer for any surrounding properties.
- The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light or air to adjacent properties 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 a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The approval is conditional upon the following:

1. The existing temporary structure will be removed prior to Certificate of Occupancy.
2. Section 03.03.02 Home Occupations of the Zoning Ordinance must be followed.

The motion carried unanimously.

2. 20-09...A request by Bernard A. Berger III, 5600 Crooked Lake Road, for a variance to construct a detached accessory structure in the front yard.

Mr. and Mrs. Berger were present. Mr. Berger stated they are proposing to place an accessory structure in the front yard. The home sits 450 feet off the road, which only leaves approximately 150 feet in the rear. The septic tank and field are to the rear of the home. They also have a wetland in their backyard and there are approximately 15 to 20 trees. The structure would be approximately 150 feet from the roadway. It should only be visible by the neighbor across the street due to the trees along both sides of the property.

Board Member Ledford asked for the size of the structure. Mr. Berger stated it is 30 x 40. Ms. Berger stated the existing two structures will be removed.

Board Member Rockwell questioned if the building could be moved further back so that the neighbor to the east would not see it in his front yard line of view. Mr. Berger stated there is a

large cherry tree further back. Ms. Berger stated they could move it a few feet back, but the builder advised that moving it back any further could harm the cherry tree.

The call to the public was made at 6:57 pm with no response. A letter was submitted by Jeff Dhaenens of 5494 Sharp Drive. He has no issues with the request; however, asked the applicant to consider a facade or exterior that aligns more closely with the look and feel of the house. Ms. Berger stated that they will pick a color that matches their house and the roof shingles will match the house.

Moved by Commissioner Rockwell, seconded by Commissioner Ledford, to approve Case #20-09 for Bernard A Berger, III at 5600 Crooked Lake Road to construct a 30 x 40 detached accessory structure in the front yard, based on the following findings of fact:

- Compliance with the strict letter of the ordinance would prevent the applicant from constructing a detached accessory structure. Detached accessory structures are common in this area and granting the variance would provide substantial justice 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 subject parcel.
- The exceptional or extraordinary conditions of the property are the location of the existing single family home being set back further from the road than the adjacent neighbors and the septic tank, septic field and wetlands are located at the rear of the property. The granting of the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not 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 a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon:

1. The two existing detached accessory structures will be removed prior to Certificate of Occupancy.
2. Section 03.03.02 Home Occupations of the Zoning Ordinance must be followed.
3. Building height shall not exceed 14 feet.
4. MISS Dig shall be called to ensure any pipeline, ROW or easements prior to construction.

The motion carried unanimously.

3. 20-10...A request by Tim Chouinard, 1247 Sunrise Park Drive, for a front- yard and two side-yard variances to construct an addition.

Mr. Tim Chouinard was present. This is a small lake lot with a trapezoid shape. The existing structure is not in line with the property lines. They will be removing the existing non-conforming

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car port, adding an addition, and more living space to the top of the existing home. It will be 7 ½ feet higher than the current structure. They are proposing a smaller garage than the existing carport.

Board Member McCreary questioned if the existing garage will be removed. Mr. Chouinard stated that will remain. It is a shed.

The call to the public was made at 7:12 p.m. with no response

Moved by Board Member Kreutzberg, seconded by Board Member McCreary, to approve Case #20-09 by Tim Chouinard for John J. and Luanne Woodley of 1247 Sunrise Park Drive for a front-yard variance of 12.8 feet from the required 35 feet for a 22.2 front-yard setback and a side-yard setback of and a side-yard variance of 7.5 from the required ten feet for a side-yard setback of 2.5 feet to construct a second story addition and attached garage, based on the following findings of fact:

- Strict compliance with the front and side-yard setbacks would unreasonably prevent use of the property. The garage will replace the carport, which is located closer to the side yard property line than the proposed attached garage.
- The variances will provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood and are not self-created.
- The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the existing home.
- The granting of these variances will not impair an adequate supply of light or air to adjacent properties and would not increase congestion or increase the danger of fire or endanger the public safety or welfare.
- The proposed variances would not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following condition:

1. The new structure must be guttered with downspouts.
2. The existing carport is to be removed.

The motion carried (Ledford - yes; Rassal - yes; McCreary - yes; Kreutzberg - yes; Rockwell - abstain).

Administrative Business:

1. Adjournment

Moved by Commissioner Rockwell, seconded by Commissioner Ledford, to adjourn the meeting at 7:15 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary