

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
AUGUST 18, 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:**

Chairman Rassel noted that the applicant for Case #20-17 has requested to be tabled this evening.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to approve the agenda with the tabling of Case #20-17 at the owner's request until the September 15, 2020 Zoning Board of Appeals Meeting . **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:33 pm with no response.

**New Business**

1. 20-12...A request by Brett and Jennifer Landacre, 528 S. Hacker, for a side yard variance to construct a detached accessory structure or a variance to construct a detached accessory structure in the front yard.

Ms. Jennifer Landacre was present. She was before the board last month and had her item tabled as the Board requested she obtain a survey. The survey has been submitted to the Township. She is requesting a rear yard setback variance of one foot to construct a 40 x 24 detached structure. A variance would have been needed to put this building anywhere on their property and this location makes the most sense for the building because there is an existing concrete pad. They will be removing the existing accessory structure on their property. This location avoids them being under the power lines. She provided examples of other properties in the area that have accessory buildings that do not meet the required setbacks. Because of the existing concrete pad, people who live behind her are using this area as access to their homes.

Having this structure will eliminate this. It will not negatively affect any of the values or public safety of the neighborhood.

Board Member McCreary reviewed the survey and stated that she is never in favor of supporting a one-foot setback; however, because of the easement, nothing can be built to the rear of the proposed location of the barn.

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

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #20-12 at 528 S. Hacker for Brett & Jennifer Landacre for a 29 foot side yard variance from the required 30 feet for a 1 foot side yard setback to construct a 40 x 24 accessory building with a height not to exceed the requirement as documented by Ordinance 11.04.01.j, based on the following findings of fact:

- The subject property was split from an original parent parcel and the splits that were created left the abutting parcel with a section of land that touches, and that parcel is separated by a 33-foot-wide road easement. The portion of the property that is abutting this property where the request for a setback is, does not have a home on it.
- The exceptional or extraordinary condition of the property is the configuration of the lot and power lines. The need for the variance is not self-created. Due to the unusual configuration of the split of the property from the original lot, it provides substantial justice to the applicant and affords the same rights as other properties in the surrounding area.
- The granting of the variance will not impair an adequate supply of light and 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 Genoa Township.
- The proposed variance should have limited impact on the adjacent neighbors nor the values of homes surrounding it. This approval is conditioned upon the following:
  1. All existing detached accessory structures will be removed prior to Certificate of Occupancy issuance.

**The motion carried unanimously.**

2. 20-13 ... A request by Mark St. Germain, 4071 Homestead Drive, for two side yard setback variances to construct a second story to an existing home.

Mr. St. Germain was present. He has a 1,200 square foot home and he would like to add a bedroom and a bathroom. It makes more sense to build up instead of toward the road or the lake. He would be adding 800 square feet and stay within the footprint of the existing home.

Board Member McCreary asked if the applicant and his neighbor are aware that the neighbor's home encroaches onto his property. Mr. St. Germain learned this when he obtained the survey. He is not sure if the neighbor is aware.

Board Member Kreuzberg wanted to confirm that the height of the home will not exceed the 25 feet height limit. Ms. Ruthig explained how the home height is determined. She confirmed that the proposed home is within the ordinance.

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

**Moved** by Board Member Kreuzberg, seconded by Board Member Ledford, to approve Case #20-13 for Mark St. Germain of 4071 Homestead Drive granting two two side yard setback variances of 2.6 feet from required 10 feet for a 7.4 foot setback and variance of 5.7 feet from required 10 feet for a 4.3 foot setback to construct a second story addition to an existing home, based on the following findings of fact:

- Granting the variances would provide substantial justice. Strict compliance with the setbacks would unreasonably restrict use of the property. The proposed structure will maintain the same setbacks as the existing home. Granting these variance will provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood and is not self-created.
- The extraordinary circumstances are the narrow lot and location of the existing home.
- The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion or increase the danger of fire or endanger the public safety, comfort, morals or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.
2. Building height must not exceed 25 feet.

**The motion carried unanimously.**

3. 20-14...A request by Jeff Weber, 5498 Sharp Drive, for a variance to construct a detached accessory structure in the front yard.

Mr. and Mrs. Weber were present. They would like to build a 12 x 18, 8 foot high shed. They have two front yards so they require a variance. Their three neighbors have structures in the front yards. Theirs will be smaller than those buildings.

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

Mr. Jeff Dhaenens of 5498 Sharp Drive stated that he has submitted an email to the Township in support of this request.

The call to the public was closed at 7:05 pm.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #20-14 for Jeff Weber of 5498 Sharp Drive for a variance from Section 11.04.01(c) of the Genoa Township Ordinance to construct a 12 x 18 detached accessory building 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. Since detached accessory structures are common in this area 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 condition of the property is that it is bordered by Merrow Lane on the south and east portion of the property and by Sharp Drive on the west portion of the property, the location of the creek and existing location of the home. Granting 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 the 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 will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. Section 03.03.02 - Home Occupations of the Zoning Ordinance must be followed.
2. Building height shall not exceed 14 feet.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for both July 21, 2020 Zoning Board of Appeals meetings.

Needed changes were noted. **Moved** by Board Member McCreary, seconded by Board Member Rockwell, to approve both July 21, 2020 ZBA meeting minutes as corrected  
**The motion carried unanimously.**

2. Correspondence - Ms. Ruthig had no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the August 3 and August 17, 2020 Board Meetings.

Zoning Board of Appeals  
August 18, 2020  
Unapproved Minutes

4. Planning Commission Representative Report - Board Member McCreary provided a review of the August 10, 2020 Planning Commission meeting.
5. Zoning Official Report - Ms. Ruthig stated there are six cases scheduled for next month's meeting. She is deciding if she will again have two separate meetings, and possibly on two separate days.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 7:29 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary