

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 15, 2020 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Bill Rockwell, Craig Fons, and Amy Ruthig, Zoning Official. Marianne McCreary was absent.

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 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. 20-07 ... A request by Nicole Bartolomucci, 3968 Highcrest, for front, side and waterfront setback variances to construct a new home.

Ms. Bartolomucci was present. She wants to demolish the existing home and build a new one. She reviewed the variances she is requesting. She has lived on Highcrest for over 18 years; 10 years in her current home. She has seen the size of the homes increase. She and her husband are blending two families with four small children. The current home is not large enough. Also, the existing foundation could not support a second floor.

The hardship is the topography and the narrowness of the lot. The lot width is currently non-conforming. The waterfront setback will not encroach further than it is currently so as not to interfere with residents' views of the lake. The proposed garage will be further from the roadway than the existing garage, which will increase the safety of their children when playing in the area. She showed plans outlining the locations of the current and proposed homes. These improvements will help support increasing the values of homes in the area. She provided

examples of properties on Highcrest that were granted similar variances to what she is requesting.

Board Member Ledford asked the applicant if she is aware that a letter was sent to the Township from Tedd Handelsman, who is their next door neighbor. Ms. Bartolomucci is aware of the letter. She is within the required side-yard setbacks on the north side. The other side variance of one foot is needed for the chimney.

The call to the public was made at 6:49 pm.

Mr. Tedd Handelsman of 3262 Highcrest, which is directly north of the applicant's property, stated that when he purchased his home, he checked on the setback requirements. The windows in his home all face the applicant's home. The size of the home and the variances would obstruct some of his views from the windows on that side of his house and could hurt his property value. Flipping the house would help his views.

Chairman Rassel asked for clarification that the waterfront setback is remaining the same and the house is moving further back one foot from the road. Ms. Ruthig agreed.

The call to the public was closed at 6:55 pm.

Moved by Board Member Kreutzberg, seconded by Board Member Fons, to approve Case #20-07 for Nicole Bartolomucci of 3968 Highcrest granting the front yard setback variance of 27 feet 1 inch, a side yard setback of 1 foot and a waterfront variance of 9.02 feet to demolish and construct a new single-family home, based on the following findings of fact:

- Strict compliance with front, side and waterfront setbacks would unreasonably restrict use of the property or cause it to be unbuildable. There are other homes in the vicinity with reduced setbacks. The applicant is keeping the waterfront setback the same as the existing structure. Granting these variances would provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood.
- The exceptional or extraordinary condition of the property is the narrowness and typography of the property. The need for the variances are not self-created and appear to be the least necessary and would make the property consistent with other properties in the area.
- The granting of the variances will not impair adequate light or air to adjacent properties or unreasonably increase the congestion or increase the danger of fire or endanger the public safety, comfort, morals or welfare.
- The proposed variances would have little or no impact on 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. If improvements are requested for the expansion or improvements of the current accessory building, they shall comply with Section 24.04.06 of the zoning ordinance.
3. The applicant must contact the MHOG Utility Dept. in regards to the sewer disconnect and if relocating the grinder
4. The applicant must receive MHOG Utility Dept. approval for new location prior to land use permit issuance.

The motion carried unanimously.

2. 20-15 ... A request by Chestnut Development, 6253 Grand River, for a height variance for an addition to an existing monument sign.

Board Member Fons requested to be excused from any discussion or decision regarding Chestnut Development.

The applicant was not present.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to table Case #20-15 until the end of the meeting to allow the applicant to arrive. **The motion carried unanimously.**

3. 20-16... A request by Chad Newton, vacant lot located on the northwest corner of Grand River Ave. and Wildwood Drive (4711-10-301-033), for a variance to allow an addition to an existing nonconforming detached accessory structure.

Board Member Fons stated that he sold this property to Mr. Newton two years ago. He asked the Board to vote if he should excuse himself from the discussion and decision. All Board Members agreed that it would be appropriate for Board Member Fons to participate in the discussion and decision on this case. **Moved** by Board Member Kreutzberg, seconded by Board Member Rockwell, to allow Mr. Fons to discuss and vote on Case #20-16. **The motion carried unanimously.**

Mr. Newton was present. He apologized to the entire Board because he did not seek formal approval for constructing the addition to the shed. He was not being dishonest or trying to deceive the Township. He received all positive responses from his neighbors when he advised them he was planning to build an addition to the structure.

This is a very difficult property. While it appears to be one piece of property, there are actually three pieces of property that are separated by the walking path; however, no one uses the walking path and residents have built fences and sheds across the path. The practical difficulty is that he is surrounded by several homes that have sheds, but he cannot build a shed on that property because there is no house there. He does not believe there is any danger to public safety if he puts this addition on the building. He has spoken to his neighbors and they are all in support of this variance. Many have submitted letters to the Township.

Board Member Ledford asked if this is Mr. Newton's permanent home. He stated that they live in Plymouth Township, but are here each weekend. They also hope to retire to this property.

Board Member Kreutzberg asked if there was a house on the vacant lot, would Mr. Newton be able to build an accessory structure. Ms. Ruthig stated that if there was a house, he could build a 900-square-foot accessory structure on the lot.

The call to the public was made at 7:20 with no response.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approved Case #20-16 for Chad Newton of 47327 Hunters Park Drive, Plymouth, MI for a variance to allow a 16x12 existing non-conforming detached accessory structure on a lot on the northeast corner of GRA and Wildwood Drive, Lot #3, based on the following findings of fact:

- The Applicant owns a single home at 5536 Wildwood.
- The two properties are divided by a six-foot platted walkway preventing him from combining all parcels into one tax code parcel.
- Strict compliance with the ordinance would prevent the 16 x 12 addition to the existing detached accessory structure to remain.
- The exceptional or extraordinary condition of the property is the location of the platted walkway making it difficult to combine the parcels. The lot constraint is not self-created.
- The granting of this variance will not have an impact on adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- The proposed variance will not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. No other additional structures are allowed on the lot.
2. Deed restrictions requiring vacant lot cannot be sold separately from 5536 Wildwood and must be recorded with the Register of Deeds.

Prior to Chairman Rassel calling for the vote, Mr. Newton questioned the condition of the motion stating that no other buildings could be built on this property. Chairman Rassel answered "yes". Mr. Newton advised that he hopes to build a house on that property when he and his wife retire.

There was a brief discussion between the Board and the application. Mr. Newton requested to have his request tabled this evening as the condition of the deed restriction is not agreeable to him.

Board Member Ledford rescinded her motion and Board Member Kreutzberg rescinded her second.

Zoning Board of Appeals
September 15, 2020 - 6:30 pm
Approved Minutes

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to table Case #20-16 until the October 20, 2020 Zoning Board of Appeals meeting at the applicant's request. **The motion carried unanimously.**

2. 20-15 ... A request by Chestnut Development, 6253 Grand River, for a height variance for an addition to an existing monument sign.

The applicant for Case #20-15 was not present.

Moved by Board Member Rockwell, seconded by Board Member Fons, to table Case #20-15 until the October 20, 2020 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Adjournment

Moved by Commissioner Fons, seconded by Commissioner Ledford, to adjourn the meeting at 7:39 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary