

Zoning Board of Appeals
March 16, 2021
Approved Minutes

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 16, 2021 - 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, Jean Ledford, Marianne McCreary, Bill Rockwell, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Michele Kreutzberg.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board and staff introduced themselves.

Approval of the Agenda:

Moved by Board Member Ledford, seconded by Board Member McCreary, 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.

1. 21-04...A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for two front yard setback variances to construct a new home.

Ms. Paulette Skolarus was present. She currently lives across the road from this property. Her husband recently passed and she now lives alone. She would like to stay close to her daughter. She asked that Board Member Ledford excuse herself from this item as she voiced ill will toward her, and she does not believe that she should vote on this case.

Ms. Ruthig reviewed the ordinance detailing what can be considered a conflict of interest, which are family members of the applicant, if a board member has business or financial interest in the property involved or if a family member of the board member has business or financial interest in the property involved. Board Member Ledford volunteered to excuse herself from this item, noting that she will not participate in the discussion nor she will vote on the item.

Ms. Skolarus stated this property is zoned for one acre parcels and this parcel is a three-acre parcel that was split 23 years ago. She has paid taxes on this property. The drainage will not affect the neighboring properties. She has spoken to three neighbors and they have no objection to the variance requests. The home will sit 50 feet from Challis Court. This is the only location where the home can be built. The northeast side drops between 35 and 45 feet straight

down and the vacant site to the east will be used for the septic field. The hardship is the topography of the site. It is a two-bedroom, 1,500 square-foot, home and is the smallest in the neighborhood. Preservation of the prairie on this property was one stipulation of another variance she was granted.

Board Member McCreary questioned the applicant regarding the property splits that were done in the past. Ms. Skolarus advised that she used to own all of this property, eleven acres, but she split it into four parcels 23 years ago. Board Member McCreary questioned if soil evaluations for a septic field were done on the properties and Ms. Skolarus stated yes.

Board Member McCreary asked if the setback requirements have changed since the property was split. Ms. Ruthig stated they have not changed. Board Member McCreary noted there is a discrepancy in the original site plan from 1998 versus the engineering plans that were submitted with Ms. Skolarus' application. She does not feel comfortable reviewing this request without the complete information. The part of the cul-de-sac that is on Ms. Skolarus' property does not show on the engineering plans that were submitted. Ms. Skolarus stated she has put the home as far back as she can because of the extreme drop off at the rear of the property. Board Member McCreary is concerned because the septic field is being proposed to be in the location where the cul-de-sac is shown on the approved plans when the property splits were done. Ms. Skolarus stated she owns the property next to this, so she can put the septic field there.

Ms. Skolarus stated the cul-de-sac is sufficient for garbage trucks and emergency vehicles to turn around.

Board Member Rockwell suggested the engineer provide updated plans that match the original plan and location for the private road. Ms. Skolarus agreed she would provide this information.

The call to the public was made at 7:02 pm.

Mr. Alex Reuter from Myers and Myers was present representing Marilyn and Wade Bray. They are opposed to the request. One of their concerns is safety and the narrowness of the private access drive. The Fire Marshal has expressed concerns with the number of homes and the amount of traffic on this private road. Adding another access drive will only aggravate the safety hazard. There are restrictive covenants that specifically state all homes must comply with all setbacks of the Township ordinance when being constructed on this private road. The request is completely contrary to the restrictive covenants. Neighbors purchased their homes based on these covenants. This is a self-created need for a variance. The applicant previously owned the property that was split and she did perk tests, which would have shown her the only buildable area on this site. The gas main serving the properties in the neighborhood runs directly through this property and within a few feet of where the foundation is being proposed.

Mr. Wade Bray of 6600 Challis Court pointed that there is a 66 foot wide ROW easement off of Challis Road, which is Challis Court, and that the perk locations are within this 66 foot easement. He showed on the plan that the driveway to Ms. Skolarus' home would be at the 90-degree turn in Challis Court, which is a safety issue. There are also requirements for the size of homes that can be built on this private road, and the proposed home does not meet these requirements and is very different from the other homes in the area.

Ms. Skolarus stated the gas line that is on the property will be moved closer to the road so it will not be next to the home. She could turn the home so that the driveway would be further from the 90-degree turn. The home is very attractive and will not detract from the neighborhood. She stated the Brays have been in conflict with their neighbors to whom they sold their property. Ms. Skolarus stated that the water drainage will not be affected with the location of the home.

Mr. Bray stated that the issue has been resolved with the neighbor. They have had safety concerns with this area and they have spoken to the Fire Marshal. He was concerned with the turning radius of the roadway and then the hill; however, he was comfortable with what is there, but would be concerned if additional homes are built in this area. Board Member Rockwell asked to see documentation from the Fire Marshal outlining his concerns.

The call to the public was closed at 7:19 pm.

Ms. Skolarus requested to have her request tabled this evening so she can meet with her engineer and builder to update the site plan to include where the cul-de-sac right of way is located in accordance to the approved private road site plan dated 1998, placement of septic field, gas line and any other easements to ensure public safety and that the setbacks are the least amount necessary.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to table Case #21-04 at the applicant's request until the April 20, 2021 ZBA meeting. **The motion carried unanimously with Board Member Ledford abstaining.**

2. 21-05...A request by Ron and Sara Bomberger, 4182 Highcrest, for front and side yard setback variances to construct a new single family home.

Ms. Dennis Dinser of Arcadia Design, representing Mr. and Mrs. Bomberger, stated they are asking for two variances. One is a front yard variance. This is reflective of the eight homes on either side of theirs. They took an average of their setbacks, which equals seven feet. The second one is a one-foot side yard variance on the south side, for a four-foot setback. This setback would center this home between the two homes on either side. This will also allow them to move materials and machinery on the north side of the property during construction and there will not be a need to move equipment or materials on the south side.

Board Member McCreary asked if a new well has been installed on this property. Mr. Dinser stated they have not made any improvements on this site; they have only removed the existing home. She stated she saw a new well on the property. Mr. Bomberger stated there were two wells on the property when they purchased it; this is not a new well. She asked if there will be enough room to maintain the sides of the properties for either the applicant or their neighbors. Mr. Dinser stated yes.

The call to the public was made at 7:29 pm with no response.

Board Member McCreary questioned if there are any plans for retaining walls that will be required on the lake front side of the lot. Mr. Dinser stated they will be addressing this with the building department. Ms. Ruth stated they do not allow retaining walls in the waterfront yard; only a natural boulder-type retaining wall is permitted.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve Case #21-05 for 4182 Highcrest for Ron and Sara Bomberger for a front-yard variance of 7 feet from the required 35 feet for a setback of 28 feet and a side-yard setback variance of 1 foot from the required 5 feet for a setback of 4 feet in order to demolish the existing home and construct a new single-family home, based on the following findings of fact:

- There are other homes in the vicinity with reduced front and side yard setbacks and granting these variances would support 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 vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the narrowness of the lot. The need for the front and side yard setback variances is not self-created and seems to be the least amount necessary.
- The granting of these two 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, public safety, comfort, morals or welfare of the residents 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.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department in regards to the sewer disconnect, and if relocating the grinder, it must receive MHOG Utility Department approval for the new location prior to land use permit issuance.
3. The applicant will work with staff with regard to retaining wall and landscaping materials and locations.

The motion carried unanimously.

Administrative Business:

Zoning Board of Appeals

March 16, 2021

Unapproved Minutes

1. Approval of minutes for the February 16, 2021 Zoning Board of Appeals meetings.

Needed corrections were noted.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the February 16, 2021 ZBA meeting as amended. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be an April ZBA meeting. Due to the number of cases on the agenda, it may be necessary to have two separate meetings that evening due to the limited number of people allowed inside buildings.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Rockwell, to adjourn the meeting at 7:47 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary