

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 20, 2021 - 7:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 8:07 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Jean Ledford, Bill Rockwell, Craig Fons, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Marianne McCreary.

Pledge of Allegiance: The Pledge of Allegiance was recited.

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

Approval of the Agenda:

Chairman Rassel noted that the Approval of the Minutes of the March 16, 2021 meeting was moved to this meeting's agenda.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the agenda with the approval of the Minutes of the March 16, 2021 ZBA meeting. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 8:08 pm with no response.

1. 21-08...A request by Jeff Tanis, 4195 Homestead, for a front and side yard setback variance to construct a new single-family home.

Mr. Tanis was present. He purchased the home with the intent to remodel it; however, after reviewing the structure, he determined it would need to be removed and rebuilt. They will be using the existing foundation so there will be no further encroachment into the setbacks. The existing home is an eyesore so rebuilding it will improve the neighborhood.

Board Member Fons asked if there will be any new footings installed. Mr. Tanis stated there will be one at the rear of the home, but it will not affect the setbacks.

The call to the public was made at 8:13 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Fons, to approve Case #21-08 for 4195 Homestead by Jeff Tanis for a front yard variance of 10.2 feet from the required 35 feet for a 24.8 foot setback and a side yard variance of 2.4 feet from the required 5 feet for a setback

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of 2.6 feet in order to demolish and 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. Granting the variance 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.
- The exceptional or extraordinary condition of the property is the location of the existing foundation and the shallowness of the lot. The need for the variances is not self-created and seems to be the least necessary since the applicant is utilizing the same foundation of the existing home.
- 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 public safety, comfort, morals or welfare of the residents of Genoa Township.
- 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 approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department regarding the sewer disconnect and if relocating the grinder, must receive approval of a new location from MHOG Utility Department prior to land use permit issuance.

The motion carried unanimously.

2. 21-09...A request by Kevin and Julia Poppe, vacant 4711-25-400-057 Shores Pointe Drive, for a variance to allow retaining walls in the front yard for the construction of a new single-family home.

Mr. and Mrs. Poppe were present. They are requesting a variance for a structure retaining wall for the safe development and use of the property. It will also have a fence on it, which is above the three-foot requirement. It is needed because of the two wetlands on the property that require enhanced setbacks and a smaller building envelope. There is also a very high-water table so digging and excavating a basement is not an option. They are proposing to use precast concrete block. He showed photos of similar retaining walls in their neighborhood as well as throughout the Township that have been used for the same purpose. This retaining wall will not have a negative effect on the surrounding areas. The wall cannot be seen from the private drive. He showed a graphic of the location of the retaining wall and its relation to their neighbor's house. The retaining wall will improve the drainage on both properties.

He has submitted letters from his neighbors who are not opposed to the variances.

The call to the public was made at 8:24 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #21-09 for 7881 Shores Pointe Drive by Kevin and Julie Poppe to allow retaining walls and a

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safety railing in the front yard to allow for the construction of a new home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the installation of a ledge stone or similar product retaining wall. The granting of the retaining wall in the front yard provides substantial justice is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity and same zoning district of the subject parcel.
- The exceptional or extraordinary condition of the property is the topography, shape of the lot, the location of two wetlands on the property and the presence of a high-water table (per Hastings Report, which shall be attached and made part of the approval). The need for the retaining walls was not self-created and is the least amount necessary.
- 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 should not have an impact on the adjacent neighbors in regards to any grading that would be required for the installation of the retaining walls.

The approval is conditioned upon the following:

1. Applicant should ensure that grading on site will not affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements.
3. Owner must obtain a recordable agreement from the adjacent property owner for the portion of the retaining wall that is located within the easement to remain on the adjacent property prior to land use permit issuance.

The motion carried unanimously.

3. 21-10...A request by Ron and Sara Bomberger, 4182 Highcrest, for a variance to allow retaining walls in the waterfront yard to construct a new single-family home.

Mr. Dennis Dinser of Arcadian Design representing the applicant was present. They were before the ZBA last month for other variances; however, they were not aware they would need a variance for the retaining wall.

He noted that there was no staking of the site. The engineer who was supposed to stake the site was unable to do so because he has COVID. All Board Members were agreeable to discuss this item this evening without it being staked.

He showed the rendering of the plan for the retaining walls. He noted that all of these walls are not as high as either of the next door neighbors'. It will be an engineered, reinforced, poured concrete system. The wall closest to the lake meets the 15-foot requirement from the water's edge and the ones on the sides are further back. These walls are absolutely necessary on this site.

The call to the public was made at 8:40 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Rockwell, to approve Case #21-10 for Ron and Sara Bomberger of 4182 Highcrest to allow retaining walls in the waterfront yard, based on the following findings of fact:

- Strict compliance with setbacks would restrict the use of the property.
- The variance will provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood and is not self-created. There are multiple properties around the subject lake with retaining walls on waterfront yards.
- The extraordinary circumstances are the topography of the lot, the steep slope at the waterfront.
- The granting of the variance will not impair an adequate supply of light or air to adjacent property, would not increase congestion or increase the danger of fire or threaten public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance could have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The approval is conditioned upon the following:

1. Applicant should ensure that grading will not adversely affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements.
3. Applicant must maintain a 15-foot greenbelt from the wall to the water's edge.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the March 16, 2021 Zoning Board of Appeals meeting.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the minutes of the March 16, 2021 ZBA meeting as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there is one case scheduled for next month's meeting.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member Fons, seconded by Board Member Kreutzberg, to adjourn the meeting at 8:46 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary