

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 15, 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, Marianne McCreary, Bill Rockwell, Jean Ledford, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Craig Fons.

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 6:31 pm with no response.

1. 21-12...A request by Chris Cetnor, 1825 Westgate Drive, for a size variance and side yard setback variance to allow for an existing addition to an existing detached accessory structure and an additional size variance for a proposed addition to an existing detached accessory structure and a proposed additional detached accessory structure.

Mr. Cetnor stated he was not aware that he needed a variance. He thought that since he had five acres he was able to build the accessory structure. He built the lean-to to protect his camper. His builder determined where the house and barn would be placed. He knows he should have educated himself. He is also asking for another variance for another lean-to on the other side of the building to protect his trailer and another building that is a pool shed.

Board Member McCreary questioned when the lean-to was built. Mr. Cetnor stated that when he learned that the original size of the barn was too big, he decided to install the lean-to. He noted that the lean-to material matches the barn so it would look like his barn from his neighbor's property, and he cannot see the camper.

Mr. Cetnor stated there are two homes in his area that have more than one pole barn.

Chairman Rassel stated he noticed there are two homes that have very long breezeways connecting the homes to the outbuildings. Ms. Ruthig confirms this is done so that the residents can have a larger accessory structure.

Ms. Ruthig stated that with what is currently there and what the applicant is proposing, it would all be 1,296 square feet over what is allowed; however, he is allowed to have two structures as long as they meet the maximum square footage.

Board Member Rockwell asked if the property was zoned Country Estates, which is five acre lots, would he be able to have unlimited square footage. Ms. Ruthig stated, "yes". He also noted that if a breezeway was built, he could have a larger structure.

The call to the public was made at 6:50 pm.

Mr. Kerry Sincock who lives next to the applicant had also requested a variance for a barn and was denied. He then built a breezeway and attached it to the barn so a variance was not needed. There is a berm between their properties and he cannot see the house or the building. The building cannot be seen driving up the road. The pool house will not be able to be seen either because it is all surrounded by trees.

The call to the public was closed at 6:56 pm.

Mr. Cetnor stated he would modify his application to request only the existing lean-to and not the additional lean-to or the second accessory structure.

Ms. Ruthig stated there is a discrepancy in what was submitted on the application and what was on the land use permit so the side yard variance would be 14 feet and not 16 feet. If a variance is granted for only the existing lean-to, the size variance would be 725 square feet. She also suggested that a condition of any approval should be that the property is not able to be split unless the structure is removed.

Moved by Board Member Rockwell, seconded by Board Member to Ledford, to approve Case #21-12 for Mr. Chris Cetnor of 185 Westgate Drive, Howell, MI for two variance requests to keep an existing detached accessory structure. The first, is a variance of 720 square feet from the maximum allowable 1,200 square feet for a total square footage of 1,920 square feet. The second is a side yard variance of 14 feet from the required 30 feet for a side yard setback of 16 feet, based on the following findings of fact:

- Strict compliance with the side yard setback and square footage requirement would prevent the addition to the existing detached accessory structure to remain. The property is a conforming lot in the Rural Residential Zoning District with a 2 acre minimum, however, there are properties in the vicinity that are zoned Agricultural - at 10-acres - and Country Estates - at 5-acre minimum-, in which detached accessory structures are not limited by

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size. This would support substantial justice and is necessary for 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 location of the current home, pole barn and the unique size of the lot of five acres.
- The granting of these 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 endanger the public safety, comfort, morals or welfare of the inhabitants 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.

The approval is conditioned upon:

1. The lot may not be subdivided unless the detached accessory structure is in compliance with current zoning rules.
2. The applicant shall apply for a land use permit and a building permit.

The motion carried (Rockwell - yes; Kreutzberg - yes; McCreary - no; Rassel - yes; Ledford - yes).

2. 21-13...A request by Adam Marchwinski, 1183 Fendt, for a variance to exceed the spacing between nearest parking space and building entrance requirement to allow a parking lot on a vacant lot.

Mr. Hugo Ceron, the project engineer, described the proposed project. The variance request is for the parking lot across the road from their building. They are maximizing the amount of parking spaces for the two-hour employee shift change. The improvements to the parking lot are paving, curb and gutter, drainage, and landscaping. They will also be installing an ADA-compliant sidewalk from this site to the site that has their building.

Board Member McCreary stated she reviewed this application when it was before the Planning Commission in the fall. This site is in the back of the industrial complex and she understands there is a need for the additional parking. The Township's engineer, planner, and attorney have all reviewed this.

The call to the public was made at 7:36 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #21-13 for 1183 Fendt Drive by Adam Marchwinski and the Planning Commission for a variance of ten feet to exceed the spacing between the nearest parking space and building entrance requirement to allow for a parking lot on a vacant lot. This approval is based on the following findings of fact and information referenced in Brian Borden's letter dated June 11, 2021 addressing this subject.

- Although variance is not necessary for development of any permitted industrial use, one is needed for the proposed employee parking lot. The proposed employee parking lot will mitigate the deficient amount of parking at the UPS facility, which is a nonconforming condition, yet is fully compliant with the zoning ordinance and is the minimum necessary. Strict compliance may be viewed as unnecessarily burdensome to the applicant
- The subject site is somewhat irregular in shape with a curved front lot line and angled north side lot line.
- The approved site plan includes pedestrian connections between the proposed parking lot and the existing UPS facility for public safety and welfare.
- Granting of the variance will not impair the supply of light and air, nor will it unreasonably impact traffic or public safety and will have no impact on the surrounding neighborhood since the neighborhood contains industrial land uses.
- Granting of the variance will not negatively impact development, continued use or value of surrounding properties.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the May 18, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve the minutes of the May 18, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there are no cases scheduled for next month's meeting as of today.

3. Member Discussion

Ms. Ruthig stated that Ms. Skolarus would like to return to the ZBA with a different setback; however, the zoning ordinance states that an applicant cannot reapply for a variance within 12 months except on the grounds of new evidence or proof of a change in conditions for the original denial of the appeal. She has given Ms. Skolarus a copy of this ordinance.

After a brief discussion, the Board Members agreed that there has not been a change in conditions to the property.

4. Adjournment - **Moved** by Board Member Rockwell, seconded by Board Member Ledford, to adjourn the meeting at 7:59 pm. **The motion carried unanimously.**

Respectfully submitted:

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Patty Thomas, Recording Secretary