

Genoa Township Zoning Board of Appeals Meeting
July 20, 2021
Approved Minutes

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 20, 2021 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:34 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Marianne McCreary, Jean Ledford, Michelle Kreutzberg, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Bill Rockwell.

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 6:35 pm with no response.

1. 21-14...A request by Gina Gerbe, 894 Del Sher Drive, for a side yard setback variance to allow for an addition to an existing home.

Mr. and Mrs. Gerbe were present. Ms. Gerbe stated they would like to put an addition on their home for a fourth bedroom. Most of the homes in the neighborhood are four bedrooms and are similar in size. They have a pie-shaped lot. The addition will be in line with the garage.

Board Member Kreutzberg questioned if the neighbor to the north could build close to their lot line. Ms. Gerbe stated that property is one three-acre lot.

Board Member McCreary asked if the septic field will accommodate the additional bedroom. She recommended that the applicant speak to the Health Department to determine if the size of the septic field will need to be increased.

The call to the public was made at 6:41 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member to McCreary, to approve Case #21-14 for Gina Gerbe of 894 Del Sher Drive for a side yard setback variance of 3 feet

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from the required 20 feet for a side yard setback of 17 feet for a home addition, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent/restrict use of property.
- Granting this variance will provide substantial justice in granting the applicant the same right as similar properties in the neighborhood and is not self created.
- The extraordinary circumstance being the location of the existing home on the irregularly-shaped lot.
- The granting of the variance will not impair adequate light or air to adjacent properties and would not increase congestion or increase the danger of fire or or threaten public safety or welfare.
- The proposed variance 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 applicant shall consult with the Livingston County Health Department regarding adding an additional bedroom that may require an enlarged septic field.

The motion carried unanimously.

2. 21-15...A request by Robert Savage, Lot 144 Sunrise Park Tax ID 4711-09-201-156, for front and rear yard setback variances to construct a new home on a vacant lot.

Mr. Robert Savage of 8436 Woodland Shore Drive stated he is requesting front and rear yard setback variances to build a three-bedroom home with a two-car garage on an empty lot. Nine houses to the left of his property have similar setbacks. This home would be consistent with the houses on this side of the street. The homes on the other side of the street are closer to the road.

Board Member McCreary advised the Board that she contacted the architect to discuss the stakes that were at the site. She wanted to ask if the stakes that were at the roadside show where the porch or where the end of the home will be. Mr. Savage stated that is where the end of the porch will be. She also noted that the applicant did not submit an engineered survey. Mr. Savage stated they did not hire a surveyor; however, they found the pins on one side of the property and measured from there.

Board Member Kreutzberg asked if there will be a basement. Mr. Savage stated there is a basement and at this time, it will not be finished.

Board Member McCreary is not in favor of the home being so close to the alley.

Ms. Ruthig stated that the variance amount includes the stairway.

The call to the public was made at 6:52 pm.

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Ms. Jean Rudzski of 1081 Sunrise Park lives across the street from this property . She agrees that some of the properties on the lake side are close to the road. She is concerned with the house taking up the entire lot and then more parking area will be needed. If they park on the street, then it will be difficult for fire trucks and EMS vehicles to pass as Sunrise Park is a very narrow road. She asked if the construction will be monitored to ensure that the home is being built in the location that was approved. Ms. Ruthig stated that the Township does not have surveyors so they rely on the plans that were submitted. If a complaint is filed, then they will visit the site.

Mr. Tom Kovach is the builder and he reassured everyone that he will put the house where it is supposed to go and there will be no problems.

Ms. Natalie Schenck of 1076 Sunrise Park stated she purchased her home in September and her builder pointed out where the pins were and she believes they were moved. She would like this property to be surveyed so she can be sure that she is not losing part of her property. She does not believe that the size of this home will be consistent with the others on their block. She is also concerned that since the home is so tall, it will block the southern sun exposure to her home. Ms. Ruthig stated the applicant is not asking for a side yard or height variance.

Brian Morgan of 1054 Sunrise Park Drive stated there is currently a drain in front of the property and he questioned if it will be impacted. Mr. Kovach stated they will not be doing anything with the drain.

The call to the public was closed at 7:04 pm.

Board Member McCreary asked if the applicant would be opposed to surveying the property to confirm the irons are in the appropriate locations. Mr. Savage agreed to having the property surveyed.

Board Member Fons stated this is a large house. He understands that it is allowed by the Township, but it will not be uniform to the others in the area due to the second story. Mr. Savage stated that the entire basement is not out of the ground. Mr. Kovach stated that the home is much higher on the alley side and comes down toward the road side. There will be approximately four to five feet of the basement above the ground in the front and it will be finished with siding to match the house.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve Case #21-15 for Lot #144 Sunrise Park Tax ID#4711-09-201-156 for Robert Savage of 8436 Woodland Shore Drive to construct a new home with the following variances: front yard setback variance of 13 feet, 5 inches from the required 35 feet for a front yard setback of 21 feet, 7 inches, which includes the stairs, and a rear yard setback variance of 23 feet, 7 inches from the required 40 feet for a rear yard setback of 16 feet, 5 inches, based on the following findings of fact:

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- The unroofed stairway projecting three feet is a permitted projection.
- Strict compliance with the front and rear yard setback would prevent the applicant from constructing the single-family home as proposed. Granting this variance would offer substantial justice to the applicant due to other homes in the immediate vicinity having similar non-conforming front and rear yard setbacks 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 property.
- The extraordinary condition of the property is the narrowness of the lot. The need for the variance is not self-created and would make it consistent with other properties in the vicinity.
- 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 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.

This approval is based on the following conditions:

1. Structure must be guttered with downspouts.
2. No tap fee would be required to hook to the public sewer since the property has already been assessed for sewers.
3. The applicant shall recertify the corners of the property.
4. The house will meet the 25 foot setback requirement.

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

21-16...A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for three front yard setback variances to construct a new home on a vacant lot.

Ms. Skolarus provided a petition signed by three of her neighbors who are in approval of her request. When she was before the Board previously, she was told that her request was self created. Her new design fits within the building envelope and meets the size requirements of the by-laws. The 45-foot radius and cul-de-sac is more than sufficient for emergency vehicles. If this is not approved, then the home would only be able to be built with a one-car garage and that will not meet the requirements of the bi-laws. She is requesting only a three-foot variance. Because she is not able to enter into the wetland area for the construction of the home, she has to move the house closer to the roadway; however, her home will still sit 75 feet from the blacktop of the road. Her neighbor was granted a 32-foot variance for an addition, including a three-car garage. She has made every possible effort to meet the requirements of the Township and the Zoning Board of Approval's comments at the previous meeting.

Board Member Ledford noted that when a variance is denied, a variance request cannot be submitted within one year. Ms. Skolarus stated the Township Manager stated her new design and request is different from her previous one so it could be submitted.

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Board Member McCreary stated that both the active and reserve septic fields are on the easement. Ms. Skolaris stated it does not sit within the road Right-of-Way and the Health Department approved it.

The call to the public was made at 7:36 pm.

Chairman Rassel noted that a petition was received from three neighbors who are against the request.

Mr. Roger Myers, the attorney representing Wade and Marilyn Bray, who live to the east of Ms. Skolarus' property was present. He reviewed the letter that was submitted to the Township. He agrees with Ms. Ruthig's review letter in that none of the requirements that must be met to approve a variance have not been met. The reasons why the variances were denied last time are still true with this application. This is not a buildable site and the need for the variance is self created. He requested the Board reach the same conclusion this evening that they did previously.

Ms. Margie Gilbert of 6530 Challis would be directly impacted by this. Her opinion is that the lot is buildable. She feels this plan is better than the first one. She was one of the neighbors who signed the petition.

The call to the public was closed at 7:41 pm.

Board Member McCreary does not feel that this should not have been before the Board this evening. Per Ordinance Section 23.08.05 "Re-application. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one (1) year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid." She does not feel there has been evidence or conditions that have changed. These requests are self created.

Ms. Skolarus stated that the original request was for a 37 foot-variance. This is a major change from that. The hardship is the terrain of the property. All of the homes that were built in this subdivision were approved. She is only requesting a six-foot variance for a two-car garage. It is not the same request that was presented in April and Mr. Archinal agreed.

Moved by Board Member Ledford , second by Board Member McCreary, to deny the request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for three front yard setback variances to construct a new home on a vacant lot, based on the following findings of fact:

- The topography of the lot prevents the use of the property for residential development and therefore is an unbuildable lot.

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- The greatly-reduced front yard setbacks do not support substantial justice to other property owners in the district.
- The proposed location of the home is not similar or consistent with the majority of other properties in the area. The applicant split the lot without securing a feasible building envelope, making the need for a variance self-created.
- The original approved private road site plan was designed for the road runoff to flow to the vacant lot.
- To eliminate an unbuildable lot, the applicant should consider combining the property that abuts the subject parcel, which is under common ownership.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the June 15, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve the minutes of the June 15, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there are three cases scheduled for next month's meeting.

Board Member McCreary was re-appointed to the Planning Commission and the Zoning Board of Appeals for three years, Board Member Rockwell was re-appointed to the Zoning Board of Appeals for three years, and Board Member Ledford was re-appointed for one year.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Ledford, to adjourn the meeting at 7:5 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary