

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 22, 2022 - 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, Michelle Kreutzberg, Jean Ledford, and Amy Ruthig, Zoning Official.

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 Rockwell, seconded by Board Member Ledford, 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. 22-06...A request by Kevin Kline, 2157 Webster Park Drive, Parcel # 4711-30-101-110, for a variance to construct a detached accessory structure on a vacant parcel.

Mr. Kline was present. He reviewed his request and the changes he has made since last month's meeting. He is now proposing to place the building to the back of the property, off of the slope, which negates the need for the retaining wall. This also keeps with the neighborhood as many properties have homes below grade with sloped driveways.

The call to the public was made at 6:34 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #22-06 for 2157 Webster Park Drive for a dimensional variance to build a detached accessory structure on a proposed vacant lot, based on the following findings of fact:

- Ordinance Section 11.04.01 reads, "No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized."

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- A variance was granted through Genoa Township to demolish an existing home and rebuild a new home in May of 2019 (Case # 19-21). The Livingston County Health Department determined afterwards the property was unsuitable for rebuilding.
- This building does not meet the requirements for sanitary code and sewage disposal system, does not maintain proper site isolation and the soils are not permeable to allow for a sanitary disposal system (See exhibit A) in tonight's ZBA packet.
- 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 zoning district and vicinity due to the property being unbuilding for a house.
- The exceptional or extraordinary condition of the property is the lot is not able to obtain a septic system permit from the Livingston County Health Department which would prohibit the construction of a single-family home due to the soil conditions. The need for the variance is not self-created.
- The granting of the variance will not impair the adequate supply of light and air to adjacent properties 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 would have a limited 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 structure cannot be used for living purposes.
3. No outside storage of any kind is allowed on the property.
4. A deed restriction must be approved by Township Staff and recorded with Livingston County Register of Deeds stating that Parcel #4711-30-101-110 cannot be sold separately from Parcel# 4711-30-101-132 prior to land use permit issuance.

The motion carried unanimously.

2. 22-07...A request by Gary LaCrosse, 1235 Boulevard Drive, for a rear setback variance to construct a new detached accessory structure.

Mr. LaCrosse stated he is asking for a variance to build his garage three feet from the rear-yard property line.

Board Member McCreary asked if there would be ample room to get around the wellhead. Mr. LaCrosse said there are 13 feet available between the garage and the well. She asked why the garage needs to be placed in this location. He stated that due to the way the stormwater flows on his property, this is the ideal location for the garage. She is not sure if this is the least amount necessary. The proposed garage is very close to the existing fence.

The call to the public was made at 6:46 pm with no response.

Board Member McCreary is not in favor of this request. While the proposed garage meets the ordinance for maximum impervious surface, she feels it is too large for the property. It could be a safety issue for the neighborhood if it goes on fire. She is also concerned with there being enough space to drive a car to the back of the lot to the new proposed garage.

Board Member Rockwell asked if the Township has jurisdiction over allowing vehicles to drive over the well. Ms. Ruthig stated the applicant will have to obtain permits from the Livingston County Health Department and Drain Commissioner.

There was a discussion regarding this neighborhood, the small lots and the large homes and buildings using most of the available property. Ms. Ruthig added that many times buildings in these types of neighborhoods will be required to have fireproof walls on the ones that are close to other structures.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #22-07 for 1235 Boulevard Drive, Howell, MI for Gary Lacrosse for a rear-yard variance of 7 feet, from the required 10 feet, for a rear-yard setback of 3 feet to construct a detached accessory structure, based on the following findings of fact:

- Strict compliance with the rear yard setback would not allow the applicant to construct the detached accessory structure in the desired location. There are other detached accessory structures in the vicinity that have reduced setbacks. The variance would support substantial justice and is necessary for the preservation and enjoyment of substantial property rights similar to those possessed by other properties in the same zoning district and vicinity.
- The exceptional or extraordinary condition of the property is the location of the existing home and the lot being small and narrow. The need for the variance is not self-created.
- 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 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. Drainage from the detached structure must be maintained on the lot.
2. The structure must be guttered with downspouts.
3. No other structures or impervious surfaces are allowed on the lot.
4. An engineering company shall confirm the property lines to ensure the setbacks are met.

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

Administrative Business:

1. Approval of minutes for the February 15, 2022 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the minutes of the February 15, 2022 meeting as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be four cases on the March agenda.
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 7:10 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary