

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
August 16, 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, Jean Ledford, Michelle Kreutzberg, Craig Fons, 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 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.

**Old Business:**

1. 22-16...A request by Jeremy Clarke, 3742 Westphal, for a side yard and rear yard setback variance to construct a detached accessory structure.

Chairman Rassel noted that there was an email received from Mr. Robert Lagana of 3710 Westphal who is opposed to this request. Ms. Clarke also sent an email to the Township today.

Mr. and Mrs. Clarke were present. Mr. Clarke stated he has spoken to all of his neighbors and they are not in opposition to this request. The one neighbor, Mr. Lagana, is not willing to speak to them.

They have made the barn smaller so the only variance being requested is a rear-yard setback variance of 30 feet. He had previously requested a variance of 40 feet. Ms. Clarke stated they have spoken to the new homeowners at 2823 Westphal and they are not against the variance. They have items that they want to store in the barn. There are wetlands that occupy the rear of their property by the pond, there is a 75-foot setback off of Westphal they are required to meet, and there are underground lines on their property. She showed the location of the septic field. She noted that they have no intention of housing their business at their home.

Mr. Clarke stated that the original barn requested was 50x80. He then decreased the size to 40x50; however, he learned that a 40x60 barn is the same price as the 40x50 so they would like to build the larger size.

Board Member McCreary stated that any size accessory structure is allowed in the applicant's zoning district; however, the setbacks need to be met. She questioned why the larger size is being proposed. One of the criteria for requesting a variance is that it should be the least necessary. Ms. Clarke stated the portion of the building that is being increased does not require a variance.

Board Member Fons visited the property today and there were no markings as to where the structure will be put or the location of the septic field. The applicant apologized. He asked if the wetlands are regulated and Ms. Clarke stated yes.

Mr. Fons agrees that is the best area on the property for the pole barn; however, he is not able to tell where the septic field is located to determine if the barn can be moved further to the east. Mr. Clarke stated a septic company came out and marked the location of their septic field.

Mr. Clarke stated he is the only home on the road that does not have a pole barn and he has decreased the size of it as requested. Board Member McCreary thanked the applicant for decreasing the size of the barn and meeting one of the setbacks. She explained that the need for a variance is based on issues with the property that does not allow the setbacks to be met, not because of the amount of storage that is needed. Mr. Clarke stated the wetlands and the layout of the property are the reasons for the need for the variance.

The call to the public was made at 7:03 pm with no response.

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #22-16 for Jeremy Clarke, 3742 Westphal, for a rear yard setback variance of 30 feet, from the required 60 feet, for a setback of 30 feet to construct a 40x60 detached accessory structure, based on the following findings of fact:

- Strict compliance with the rear yard setback would prevent the construction of the proposed structure, but would not unreasonably prevent the use of the property. There are multiple detached accessory structures in the vicinity that would support justice and be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity.
- The extraordinary and exceptional condition of the property are the narrow shape of the lot, location of septic field, pond and wetlands on the property. The applicant has stated that this is the least amount necessary, even with reducing the size of the pole barn for the purposes of requesting this variance.
- The granting of this 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

Genoa Township Zoning Board of Appeals Meeting

August 16, 2022

Approved Minutes

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 development, use or value of adjacent properties and the surrounding neighborhood. This approval is conditioned upon the following:
  1. No outdoor storage is allowed of any home occupation vehicles or equipment. Section 3.03.02 of the Zoning Ordinance must be followed.
  2. Section 11.02.06 Open Storage of Vehicles of the Zoning Ordinance must be followed.

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

2. 22-17...A request by Brody and Ara Adams, 600 Black Oaks Trail, for a fence variance to allow an existing 6-8-foot-tall fence to remain.

Mr. and Mrs. Adams were present. Mr. Adams stated they had arborvitae that screened him from his neighbors. Their roots were undermining the patio so they removed the patio and the arborvitae. The new patio was put in and instead of the arborvitae, they installed a privacy fence. Their patio is raised so if they install a six-foot-high fence, it will not provide much screening. Their neighbor is not opposed to allowing the fence to remain.

Mr. Adams stated that he learned that the fence company did not pull a permit for the fence.

Board Member Kreutzberg states that the fence does not impede the neighbor's view of the lake. Mr. Adams agrees. The screening is mainly for when they are on their patio or when the neighbor is in their yard.

The call to the public was made at 7:22 pm with no response.

Chairman Rassel believes that if the applicant knew the height limit was six feet, then he would have not made it seven and eight feet high. Also, if this is approved, then it sets a precedent and other neighbors may request the same. Board Member Ledford agrees; she would vote no.

Board Member McCreary understands that the homes are close together and residents want their privacy. It is a beautiful fence; however, she agrees with Chairman Rassel that it sets a precedent.

Mr. Adams asked to have his request tabled this evening to revise his plan.

**Moved** by Board Member Fons, seconded by Board Member Kreutzberg, to table Case #22-17 for Brody and Ara Adams, 600 Black Oaks Trail, for a fence variance to allow an existing 6-8-foot-tall fence to remain until the September 20, 2022 Zoning Board of Appeals meeting. **The motion carried (Ledford - yes; Rassel - no; McCreary - yes; Kreutzberg - yes; Fons - yes).**

**Administrative Business:**

1. Approval of minutes for the July 19, 2022 Zoning Board of Appeals meeting.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the July 19, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence - There were no correspondence this evening.

3. Member Discussion

Board Member McCreary stated there are many requests to the ZBA and on-site plans for the Planning Commission that request to encroach into the 25-foot-wetland buffer. She would like a discussion and a decision made on how the Township will address this ordinance requirement.

4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 7:58 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary