

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 21, 2023 - 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, Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Craig Fons, and Amy Ruthig, Planning Director. Absent was Bill Rockwell.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Election of Officers:**

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to nominate Greg Rassel as the Chairman of the Zoning Board of Appeals. **The motion carried unanimously.**

**Moved** by Board Member Ledford, seconded by Board Member Fons, to nominate Marianne McCreary as the Vice-chairperson of the Zoning Board of Appeals. **The motion carried unanimously.**

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

**Conflict of Interest:** None

**Approval of the Agenda:**

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was opened at 6:32 pm with no response.

**Old Business**

1. 23-03...A request by Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance to construct a zip line.

Mr. Wayne Perry of Desine, Inc. provided a review of the request. They have three items that require height variances. They are requesting to install a zipline with a climbing tower and a

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giant swing. The tower is proposed to be 45 feet high, the terminating pole is proposed to be 25 feet high, and the giant swing would be 36 feet high.

Board Member McCreary asked if there is a minimum height required for a zip line. Mr. Perry stated the zip line company has designed it and recommended the height. Jim Berigan of Our Lady of the Field Campground stated what they are requesting is well within the height of climbing towers in camps. The Howell Nature Center has a 60-foot-high climbing tower. She asked for the width of the tower. Mr. Perry stated it is 12 feet wide.

The call to the public was opened at 6:40 pm.

Mr. Mike Berean of 1273 Euler Road stated these elements are outdoor entertainment and rides. He believes that if the church were to apply for a special use today, it would not be approved. He disagreed with the Township Attorney's review letter, stating that the City of Detroit essentially abandoned the camp from 1995 to 2007. This is a commercial use that can be rented and used by anyone who requests it. It is being used as a campground and not a religious retreat. They have purchased more land to expand their camp. Their patrons use Kellogg Road, which is a public road and is not paved. These amenities will cause the values of the surrounding properties to drop by at least 10 percent.

Mr. Bill Maniaci of 1866 Euler Road thanked the Board for the work that they do. The applicant continues to ask for more and more and he is concerned they will continue to ask for more. He is a realtor and he agrees that this will cause the decrease in property values and will not add value to the neighborhood.

The call to the public closed at 6:51 pm.

Chairman Rassel stated that four emails were received in opposition to the request. They were received from Kay Baker, Steve Oliveri, Michael Baker, and Mike and Bradlynn Jusino.

Board Member McCreary stated that all property owners have the right to use their property within the confines and boundaries of the ordinance. The report from the attorney was very concise. She thanked the attorney and staff for providing the history of the property and it allows the Board to make a fair and informed decision. The zoning is Public Recreational Facilities with a private use for a campground and it has not changed since 1991. Recreational amenities change over time. This is a fair request by the applicant, and she does not believe it is excessive in nature. She empathizes with the surrounding neighbors' concerns.

Board Member Fons stated the item before the Board this evening is for a height variance for a zip line tower and large swing. He believes it is within the use of the property. The other issues raised this evening by the call to the public are not the decisions of this Board. He suggested some restrictions be placed on the approval to help the applicant be good neighbors.

Board Member Kreuzberg agrees with Mr. Fons and Ms. McCreary. The Board has been provided detailed information to assist them in making their decision.

Board Member Ledford appreciates receiving the history of this project. This was requested as a Chaldean Church, and it seems as though it is now a recreation camp. She will not be voting in favor of this. She asked if there will be other requests coming before the Township. Mr. Berigan stated that they would like to continue to expand the camp.

Chairman Rassel agrees with Mr. Fons. The request this evening is for a height variance for a property with the current zoning. The other issues are not the concern of this Board.

Board Member McCreary asked how these elements are part of the church's mission. Mr. Berigan stated their mission is to help people have the love of Christ in a camp setting. These elements give kids opportunities to grow and to go outside of their comfort zone.

Board Member Kreuzberg reiterated that the applicant has the right to use their property within the confines and boundaries of the ordinance. Board Member McCreary added that the applicant has the right to ask for a variance. Board Member Ledford stated the Township has a responsibility to protect the surrounding property owners. Property owners are not able to install whatever they want.

**Moved** by Board Member McCreary, seconded by Board Member Fons, to approve Case #23-03 by Chaldean Catholic Church of the United States, 7000 McClements, for a height variance of 27 feet from the maximum allowable height of 18 feet for a height of 45 feet to construct a zip line and a height variance of 7 feet from the maximum allowable height of 18 feet for a height of 25 feet for the termination pole, and a height variance of 18 feet from the maximum allowable height of 18 feet for a height of 18 feet to construct a swing, based on the following findings of fact:

- The property located at 7000 McClements Road is currently zoned as Public Recreational Facilities as detailed in the Table 6.02 of the Genoa Township Zoning Ordinances Schedule of Public and Recreational Uses and its use is private campgrounds. The use as a private campground has not been abandoned per review by the Township's legal counsel.
- Variances are not necessary for the use of the campground; however, the ordinance does not provide for accessory building structure regulations such as the ones requested. Both the hardship and practical difficulty lie in the lack of provision for these specific types of recreational structures currently.
- Granting these variance will provide substantial justice to the applicant whose property abuts zoning allowing accessory structures and buildings of a height allowance exceeding this accessory requirement of 18 feet. Those surrounding properties allow heights of 35 feet, thus granting substantial justice to the applicant. The zipline and tower are in the interior of the property and will not abut neighboring homes.
- There are no extraordinary circumstances specific to the property, the extraordinary circumstances are tied to the use of the structures that require the height requested.

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- Given the nature of the project, granting of the variances will not impair the supply of light and air, nor will it unreasonably impact traffic or public safety.
- Though the structures are tall in relation to a conventional accessory structure, they are generally located where there is ample setback and screening by mature trees and the size of the accessory structures are less significant in scope to the size of a building or accessory building as traditionally considered.

This approval is conditioned upon the following:

1. The applicant must preserve and maintain the existing vegetation between the structure and Euler Road
2. Illumination of these structures is prohibited
3. Planning Commission's review and acceptance of the giant swing

**The motion carried (Fons - Yes; Kreutzberg - Yes; McCreary - Yes; Ledford - No; Rassel - Yes)**

2. 23-07...A request by Derek MacCallum, 7901 Birkenstock Dr., for a front yard setback variance and a fence height variance and any other variance deemed necessary by the Zoning Board of Appeals to allow an inground pool in the front yard.

Mr. MacCallum provided a review of his request, which is for a front yard setback and a fence height variance to install a pool. If they placed the pool in other locations on the property, it would not allow for any line of sight from the home and it would be closer to his neighbor. The HOA has approved the installation and location of the pool. He has spoken to all five of his neighbors and they are all in favor of granting this variance. They have provided letters to the Township.

At the last meeting, Board Member Fons requested that the location of the septic field be verified. Mr. MacCallum hired Howell Excavating and they confirmed the location of the septic field is the same as what is shown on the Livingston County Health Department's records.

The call to the public was opened at 7:18 pm with no response.

Board Member Fons appreciates the applicant obtaining the information on the septic field.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #23-07 for Derek MacCallum of 7901 Birkenstock Drive for a variance to install a pool and fence in the front yard where structures are not permitted, and fence height variance of 12 feet from the maximum allowable height of 36 inches for a fence height of 48 inches, to place a 23 x 40 pool and fence, based on the following findings of fact:

- Strict compliance with setbacks would unreasonably prevent and restrict the use of the property.
- These variances will provide substantial justice as this is the least necessary and would make the property consistent with other properties and homes in the area.

- The variances are necessary due to the extraordinary circumstances and practical difficulty of the placement and location of the existing home on a corner lot along with the location of the septic field and the site is considered to have two front yards.
- Granting of these variances would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- These variances would have little or no impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the applicant installing adequate landscape screening to reduce the impact on the surrounding neighborhood.

**The motion carried unanimously.**

**New Business:**

3. 23-09... A request by Daniel R. Grace, 4177 Homestead, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a new garage and an addition to an existing home.

Mr. Grace stated he would like to add an addition to the home and build a new garage. He meets the setback requirements on both sides of his property. If he installed a side-facing garage, he would have had to cement most of his entire front yard and then he would be over the maximum allowable impervious surface. He still has plenty of room to pull in and out of his driveway so it would not be a safety issue.

Board Member McCreary noted the site plan provided is a mortgage survey. A stake survey is more precise and will provide the exact locations of the lot lines. Mr. Grace said he has located one of the pins. He is confident with the measurements.

The call to the public was opened at 7:31 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #23-09 for Daniel Grace of 4177 Homestead for a front yard setback variance of 9 feet 11 inches from the required 35 feet for a total setback of 25 feet 1 inch to expand an existing attached garage, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property.
- This variance will provide substantial justice and would make the property consistent with other properties and homes in the LRR Zoning District.
- This variance is necessary due to the deficient street front setback.
- Granting this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- This variance would have little or no impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the February 21, 2023 Zoning Board of Appeals meeting.

**Moved** by Board Member Ledford, seconded by Board Member Fons, to approve the minutes of the February 21, 2023 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be at least two cases on the April agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:36 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary