

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 20, 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, Bill Rockwell, and Amy Ruthig, Planning Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

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 McCreary, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

The call to the public was opened at 6:31 pm with no response.

1. 23-20...A request by Dave McManus, 4143 Highcrest Drive, for front, side, building lot coverage, impervious surface lot coverage and waterfront setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Mr. McManus stated the lot is very narrow and there is a large area of shoreline erosion that causes his property to be even smaller. This is part of the practical difficulty. He found a 10 percent difference in the square footage of the lot from what is shown on the Livingston County parcel viewer and what was found after he purchased the home and did the survey. He is wishing to build a one-story home with a walkout that is under 2,000 square feet. He noted that the home that was there previously was closer to one of the side lot lines than what he is proposing, and the other side yard setback is seven feet, which is the same as the neighbor's garage on that side. He noted that the two-foot side yard variance request is due o the cantilever, but it is very simple for someone to walk under to access the backyard.

He provided examples of other properties in his neighborhood who requested and received similar variances to what he is requesting. He also provided a document where six of his neighbors signed saying they do not have any objections to his variance requests.

The call to the public was opened at 6:48 pm with no response.

Board Member Rockwell questioned if the applicant researched putting in a second story with an elevator. Mr. McManus stated he does not want more stairs and did not research the cost of installing an elevator.

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Board Member McCreary asked Mr. McManus what the hardship is. Five variances is excessive. Having the homes so close together makes it difficult to have maintenance done on equipment that can only be accessed from the rear of the property, such as grinder pumps. Mr. McManus stated the grinder pump will need to be relocated because it is very close to the proposed foundation. He does not feel it will be difficult to move it and meet the requirements of the township.

Board Member Kreutzberg noted that one of the reasons for approving a variance is that it is the least amount necessary. She can appreciate wanting a ranch-style home, but building a second story would eliminate the need for many of these variances.

Mr. McManus reiterated that there are other homes in his neighborhood that are closer to the road and the water than what he is requesting and have received variances.

The applicant was advised that if his requests are denied, then he cannot return to the ZBA for a year; however, he can have it tabled and return with a different plan that is more compliant with the ordinance.

Mr. McManus requested to have his item tabled until the September ZBA meeting.

Moved by Board Member Rockwell, seconded by Board Member McCreary, to table Case #23-20 until the September 19, 2023 Zoning Board of Appeals meeting, at the applicant's request. **The motion carried unanimously.**

2. 23-21...A request by Tiffany and Chris Trotter, 2621 Spring Grove Drive, for front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to be allowed to move an already-constructed pole barn to the lot line.

Ms. Tiffany Trotter stated the property is surrounded by drop offs that restrict the location of the pole barn. Where the shed and pole barn are located is the only flat area on their property where they can be placed. They would like a variance for a zero setback to move the pole barn over 2.8 feet. It was placed in the wrong location due to the fault of the builder.

Board Member Kreutzberg agrees that the original variance of 10- feet was granted in error because the applicant and the township did not have the correct information and now part of the barn is on the neighbor's property. She noted that when the original variance was requested in 2021, there was a requirement to remove the small shed, and it still remains.

Board Member McCreary would like to see a survey showing the locations of all the buildings on the property.

The call to the public was opened at 7:23 pm.

Mr. Thomas Dougan of 2601 Spring Grove Drive stated he moved into his home in 2021. The Trotters have multiple buildings on their property. He provided photographs showing a shed, pole barn, swing set and fence that are located on his property. He is not against the applicant having buildings on their property, but he would like them to be moved off his and within the required setbacks.

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Mr. Bob Legowsky of 2627 Spring Grove had a very good relationship with the Trotters until they tried to build an illegal garage at the end of their driveway. In 2021, he and Mr. Trotter contracted with Boss Engineering to do surveys of their properties and while they were on site, Mr. Trotter was told that the buildings were on the other neighbor's property.

The call to the public was closed at 7:30 pm.

Ms. Trotter stated that the fence and the shed have been relocated and are on her property.

Mr. Rockwell asked Ms. Trotter's builder how he would relocate the pole barn. He explained how he will remove the posts, relocate that portion of the barn, including the overhang and gutters, onto the applicant's property, and then repour the posts to meet the building code.

Board Member McCreary would like you to have the applicant provide an engineered survey. Board Member Kreutzberg agrees and would also like to see an architectural drawing showing the new location of the pole barn.

Board Member Rockwell is not in favor of approving a zero lot line variance as that is not what was granted when the original variance for the barn was approved.

Ms. Trotter requested to have this item tabled this evening so she could provide the requested information.

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Case #23-21 until the September 19, 2023 Zoning Board of Appeals meeting to allow the applicant to provide engineered drawings from a licensed surveyor showing lot lines and any buildings within and outside of the lot lines and what portions will be moved to comply with the 10-foot setback and architectural drawings and renderings and what process will be done. **The motion carried unanimously.**

3. 23-22... A request by the Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance and any other variance deemed necessary by the Zoning Board of Appeals to allow a ropes course.

Mr. Jim Berigan of Our Lady of the Fields Campground, and Ms. Kimberly Hamman, the attorney for Our Lady of the Fields Campground, were present. Mr. Berigan stated they are requesting a 30 foot height variance for their high ropes course. Due to the nature of the activity, the poles must be at this height.

Board Member Kreutzberg asked if there are any plans to add additional elements to the property. Mr. Berigan said if they wish to add anything, they will come before the township to receive approval.

The call to the public was opened at 7:48 pm.

Mr. Steve Oliveri of 1200 Kellogg Road, which is across the street from the camp, stated the course has been on this site since 2019. He found a Michigan law that states that ziplines and other things that provide amusement to people require a permit and an inspection by the State. He provided an example of the permit. Based on the description, the high ropes course would require a permit.

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Ms. Patty Kopicko of 6843 Felice Drive, who is speaking for her and her neighbors Mr. and Mrs. Drouillard of 6781 Felice who are on vacation, stated the noise from the camp this week has been amplified. The applicants are not being good neighbors.

The call to the public was closed at 7:53 pm.

Board Member McCreary asked about the permit noted this evening. Mr. Berigan stated he provided Ms. Ruthig and Ms. VanMarter with the safety standards and measures and inspections that are done for the ropes course. He is familiar with the permit for the State of Michigan; however, that applies to ziplines and not the high ropes course. Their zipline has not been built but when it is, he will comply with all requirements of the State.

Ms. Ruthig stated that the code enforcement officer visited the property for about an hour and did not get a reading of excessive volume.

Moved by Board Member Kreutzberg, seconded by Board Member Rockwell, to approve Case #23-22 for the Chaldean Catholic Church of the United States at 7000 McClements Road, for a height variance of 30 feet from the maximum allowable 18 feet for a total height of 48 feet to maintain the pole height on a ropes course, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent or restrict the use of the property.
- This variance will provide substantial justice, is the least necessary and would make the property consistent with other recreational properties. The current zoning ordinances do not provide specific regulations for accessory structures on private campgrounds. The variance is necessary due to the extraordinary circumstances and is tied to the nature of accessory recreational structures and the need for increased height for its intended use and safety codes.
- Granting this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger or fire or threaten public safety or welfare.
- The variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The approval is conditioned upon the following:

1. The existing vegetation must be maintained and preserved between the course and McClements and Kellogg Roads.
2. The course is limited to use between dawn and dusk with no illumination.
3. The applicant notes and agrees that no further additions to structures to the campsite shall be made without necessary permits required or any discussions with township staff.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the May 16, 2023 Zoning Board of Appeals meeting.

A needed change was noted.

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Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the May 16, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will not be a meeting in July.

3. Member Discussion

Chairman Rassel stated he will not be at September's meeting.

Ms. Ruthig stated the utilities department is having a lot of difficulty accessing grinder pumps on lakefront properties. The township has already reduced side yard setbacks to 5 and 10 feet. She anticipates amending the ordinance to include language regarding grinder pump requirements, including the need for the Township Utility Director to review and approve requests.

4. Adjournment

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to adjourn the meeting at 8:16 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary