

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 15, 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, Marianne McCreary, Jean Ledford, Bill Rockwell, Craig Fons, and Amy Ruthig, Planning Director. Absent was Michelle Kreutzberg.

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 Rockwell, 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. 23-23...A request by Fred and Lauren Bodnar, 4071 Homestead Drive, for front, side, and waterfront yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Mr. Dennis Dinser of Arcadian Design, the architect, stated they would like to demolish the home and build a two-story home on the existing footprint of the current home. He added that the slope of the front of the property is very steep and it is a safety issue. Having the attached garage with steps into the home would be much safer. Many other homes on this road have attached garages and their proposal will place their garage further from the road than the neighbors. They are asking for the minimum and not more than they need.

Mr. Fons stated that the grinder pump has not been addressed. He questioned where it will be relocated. Mr. Dinser has not determined the new location at this time. Ms. Ruthig stated the new grinder pump approval requirement was implemented after this application was received.

The call to the public was opened at 6:40 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case #23-23 for Fred and Lauren Bodnar of 4071 Homestead Drive for a street front yard setback variance of 16 feet 2 inches from the required 35 feet for a setback of 18 feet 10 inches, a side yard setback variance of 5 feet 6 inches from the required 10 feet for a setback of 4 feet 4

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inches, a side yard setback variance of 3 feet 2 inches from the required 10 feet and for a setback of 6 feet 10 inches to match the existing residence, and a shoreline setback of 8 inches from the required minimum of 56 feet 5 inches for a setback of 59 feet 9 inches to construct a new home, based on the following findings of fact:

- A variance is not necessary for continued use of the property for a permitted purpose, a single-family residence, however, no expansion is allowed without some amount of variance. Three of the four requested variances match the existing home on the property currently. The remaining variance for the street is the only requested variance that differs from how the property currently exists. The front yard variance requested will be in line with the neighboring property to the east and other properties surrounding, thereby granting substantial justice.
- The narrowness of this lot, irregular lot shape, steep slope, and the size of the lot note the extraordinary circumstances that outline the request for variances. Circumstances are not self-created. The applicant identifies three properties in the immediate area that provide less setback than the proposal.
- Given the nature of the project, the ZBA does not foresee issues related to upholding public safety and welfare.
- The project results in a street front setback that is generally consistent with those found elsewhere in the neighborhood.

This approval is conditioned upon the following:

1. The grinder pump local shall receive approval shall be obtained by the township utility department.

The motion carried unanimously.

2. 23-24...A request by Larry White, 4489 Oak Pointe Drive, for a waterfront yard setback variance and a variance to allow a detached accessory structure on a parcel without a principal structure and any other variance deemed necessary by the Zoning Board of Appeals to allow an existing illegal nonconforming structure.

Mr. White stated that he requested a variance for a boardwalk in 2014, which he believed was allowed to be installed along the entire length of his property. He then decided to not build it the entire length and installed a 10 x 10 platform without a cover. He then built a cover for the platform, not realizing that it was not allowed by the township. When he was notified, he altered the structure so that it would be temporary; however, part of it is on his next door vacant property. He stated that there are more than fifty structures on properties without permanent structures and close to or in the water on his lake.

Ms. Ruthig stated that the structure needs to be relocated from the property where there is no permanent structure as well as moved 40 feet further from the lake to meet the waterfront setback requirement.

Mr. Rockwell stated he has never reviewed or approved a variance for a structure that is within the water. Other members of the board agreed as they have never approved a variance for a structure in the water.

There was further discussion regarding other aspects of Mr. White's property that do not meet the township ordinance.

The call to the public was opened at 6:31 pm.

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Ms. Judy Daubenmier of 4490 Lakeshore Court lives across the bay from this property and did not receive notice. She sees this structure every day. She is concerned with the structure extending into the water. Mr. White takes care of his property, but what if the property is sold and the new owner does not maintain the structure. She has lived here for over 30 years and many of the existing structures have been there for many years. She wants to make sure that this does not set a precedent for other property owners on the lake.

Ms. Ruthig stated the 300-foot mailing was mailed on July 28, 2023 and Ms. Daubenmier's name was on the list to receive a letter.

It was noted that Mr. Jason Forcier of 4495 Oak Pointe Drive sent an email supporting the applicant's request.

The call to the public was closed at 7:14 pm.

Ms. Ledford stated she will be voting against this request.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to deny Case #23-24 for Larry White of 4489 Oak Pointe Drive for a negative waterfront setback and to allow a detached accessory structure on a parcel without a principal structure, based on the following findings of fact:

- Strict compliance with the zoning ordinance would prevent the applicant from keeping the detached accessory structure. Strict compliance is not necessary for continued use of the property, nor does it appear to be unnecessarily burdensome to the applicant. A negative shoreline setback is excessive and is not in keeping with the substantial justice with other owners in the district. Allowance of an accessory structure without a principal building is also not compliant to the rules others must follow. The need for the variance is self-created.
- The submittal does not identify an extraordinary circumstance of the property itself to justify a variance.
- The granting of the variances will not impair an adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare of the inhabitants of the Township of Genoa. Because the nature of its construction, it is unclear with regard to design specification review and approval, the ZBA's preliminary concern under this criterion is whether the structure is adequately constructed to safely cantilever over the shoreline.
- While there may be other structures that encroach into the required waterfront setbacks, these accessory structures are not overhanging the shoreline and impacting the water.

This denial is conditioned upon the applicant removing the structure and the cantilever foundation from the lake within a period of 60 days.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the June 20, 2023 Zoning Board of Appeals meeting.

Needed changes were noted.

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Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the minutes of the June 20, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be four cases on the September meeting agenda.

3. Member Discussion

Chairman Rassel will not be in attendance at September's meeting.

4. Adjournment

Moved by Board Member McCreary, seconded by Board Member Rockwell, to adjourn the meeting at 7:22 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary