

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
November 21, 2023 - 6:30 PM**

MINUTES

Call to Order: Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:34 pm. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Jean Ledford, Craig Fons, Michele Kreutzberg, 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: Board Member Rockwell stated he knows the McDonald family; however, they do not have any of the same financial interests.

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 6:31 pm with no response.

OLD BUSINESS:

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 presented his modified plan. He is now requesting only two variances, instead of five. He has reduced the size of the home, and eliminated the need for the lot coverage, impervious surface and waterfront setback variances. The variance for the front setback is very consistent with his neighbor to the south. Regarding the second variance, he does not believe a variance is required because there is a two-foot allowance for bay windows, but if the Board believes one is necessary, he requests this be approved as well.

This is a very narrow, odd shaped lot with a small building footprint and a large change in elevation from front to back. What he is proposing for the front setbacks is consistent with homes in the area. Their design will not negatively affect the neighbors and will allow for ample parking on their property and will prevent the need for visitors to park on the street.

Chairperson McCreary questioned the location of the well. Mr. McManus stated the well is not shown in the exact location where it will be placed.

The call to the public was opened at 6:47 pm with no response.

Moved by Board Member Rockwell, supported by Board Member Fons, to approve Case #23-20 for Dave McManus of 4143 Highcrest Drive for a front yard variance of 26 feet from the required 35 feet for a setback of 9 feet and a side setback variance of 3 feet, 6 inches from the required 5 feet for a setback of 1 foot, 4 inches to construct a new home, based on the following findings of fact:

- Strict compliance with the front and side yard setbacks would prohibit the applicant from constructing the proposed home. The granting of the front and side yard setbacks 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. There are other homes in the vicinity that have reduced front and side yard setbacks.
- The exceptional or extraordinary condition of the property is it is a non-conforming lot within the LRR zoning and the property contains a small building envelope. The need for the front and side yard variances is not self-created. It appears the proposed home will be located slightly further from the front and side property lines than the previous home, which helps bring the project closer into compliance with zoning.
- The granting of the front and side yard variances should 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 front and side yard variances 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. The structure must be guttered with downspouts.
2. No other structures or impervious surfaces are allowed on the lot.
3. Retaining walls must meet the Zoning Ordinance requirements and all required information must be submitted with land use application.

The motion carried unanimously.

NEW BUSINESS:

2. 23-34...A request by Matthew Zitterman, 4701 Richardson Road, for a variance to allow for a detached accessory structure in the front yard and any other variance deemed necessary by the Zoning Board of Appeals to construct a pole barn.

Matthew and Kara Zitterman were present. Mr. Zitterman showed a sketch drawing showing the location of their proposed barn. Their property is narrow, deep and hilly. The location of the existing driveway and the drain field as well as the topography of the property make this location the only accessible, buildable place to put the barn. It is in a wooded area where it will not be seen from the road in the summer and minimally visible in the winter. This will not cause any negative effect on the surrounding neighborhood.

Chairperson McCreary questioned the utility easement that runs through the property. Mr. Zitterman stated he has met the required setback from the easement.

Board Member Fons asked if this is the least amount necessary. He suggested the barn be moved further off of the road to lessen the amount of variance needed. Mr. Zitterman stated due to the grade of the property in that location, it would require a lot of fill to be brought in. Mr. Fons stated that would not be a hardship.

Ms. Zitterman stated moving it further off of the property line would not be practical due to the large ravine in that area.

The call to the public was opened at 7:08 pm with no response.

Moved by Board Member Kreutzberg, supported by Board Member Ledford, to approve Case #23-34 for Matthew Zitterman of 4701 Richardson Road for a front yard variance to allow for a 115 foot dimensional variance to allow a detached accessory structure in the front yard to construct a pole barn, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property or cause it to be unbuildable. The variance will provide substantial justice. is the least necessary and would make this property consistent with other properties and homes in the area as several surrounding neighbors have detached accessory structures.
- The variance is necessary due to the location of the home on the property, the topography of the lot, and the septic field location.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property.
- The proposed variance would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. Section 3.03.02 (a) Home Occupations shall be adhered to
2. Existing vegetation shall remain to maintain a buffer from neighboring properties.

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

3. 23-35...A request by Keith and Tara McDonald, 3900 Highcrest, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Keith and Tara McDonald and their builder, Stan, were present. Mr. McDonald stated they are asking for an 8-foot variance, and not a 12-foot variance as stated in the staff report.

The property is on a curved road and there is a shared driveway parallel to the where the front of the house will be. The setback is being taken off of the curve of the road, not the shared

driveway. There is also telephone and guidelines in the front and the existing well. Ms. Ruthig stated the setback is being taken from the front property line, not the curve of the road.

Board Member McCreary asked for confirmation that the drainage will be moved away from the neighbors to the north. Both Mr. McDonald and the builder confirmed this. They will be installing retaining walls and altering the slope of the property. They were advised that all retaining walls will need to be approved by the township.

The call to the public was opened at 7:19 pm.

Ms. Sherry Slocum of 3910 Highcrest is concerned with the stormwater runoff and heard the applicant and the builder state they were going to address this. She wants to ensure that they are meeting the setback requirements from the telephone pole and guidewires.

Mr. Rod Green of 3894 Highcrest does not have any concerns with the proposal, but questioned if the 24 foot setback is from the lot line or the asphalt. Ms. Ruthig confirmed the setback is from the property line.

The call to the public was closed at 7:28 pm.

Moved by Board Member Kreutzberg, supported by Board Member Ledford, to approve Case #23-35 for Keith and Tara McDonald of 3900 Highcrest, for a front yard setback variance of 12 feet from the required 35 feet for a setback of 23 feet to construct a new home, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. The variance will provide substantial justice, is the least necessary, and would make the property consistent with other properties and homes in the area.
- The variance is necessary due to the extraordinary circumstances, such as the property is a non-conforming lot in the LRR district with a small building envelope and the placement of the power lines dictate the need for the variance.
- 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.
- 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. The structure must be guttered with downspouts.
2. Any retaining walls that are required shall meet the Zoning Ordinance and all required information must be submitted with land use application.
3. Lot coverage shall adhere to the Zoning Ordinance requirements.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the October 17, 2023 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the October 17, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be four cases on next month's agenda.

3. Member Discussion

Chairperson McCreary stated she will not be at the December meeting.

Ms. Ruthig stated that ZBA members are welcome to attend the planning training being held at the township hall on November 30.

4. Adjournment

Moved by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 7:50 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary