

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
December 19, 2023 - 6:30 PM**

MINUTES

Call to Order: Vice Chairman Rockwell 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: Bill Rockwell, Michele Kreutzberg, Craig Fons, and Amy Ruthig, Planning Director. Absent were Marianne McCreary and Jean Ledford.

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

Vice-Chairman Rockwell advised the applicants that due to there only being three of the five board members present this evening, in order for a case to be approved, it will require a unanimous vote by all members present. Applicants have the option to have their case tabled until a future meeting when there is a full board present.

Call to the Public:

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

1. 23-37...A request by Shane Sumner, 1583 S. Hughes, for a front yard variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a deck with a pergola.

Mr. Sumner stated that he made an error and was not aware of the requirements for constructing the deck and pergola so it was built without permits and approval. It was a concrete porch with metal railings. The upgrade is an improvement for him and anyone entering and exiting the home. It would not cause any public safety issues, it is well built, and would not pose any obstruction for any vehicle to enter or exit his property from Hughes Road.

Board Member Kreutzberg questioned the tarp structure on the property. Mr. Sumner stated this is a temporary cover for his boat. She noted that this will need to be removed as it is considered a structure and a third structure is not permitted on the property. Ms. Ruthig confirmed this is correct and if Mr. Sumner would like it to remain, he would need to apply for an additional variance.

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Board Member Fons stated that many requests for three structures on properties of this size have been denied.

The call to the public was opened at 6:44 pm with no response.

Moved by Commissioner Kreutzberg, supported by Commissioner Fons, to approve Case #23-37 for Shane Sumner at 1583 S. Hughes Road for a front yard variance of 16 feet 6 inches from the required 20 feet for a front yard setback of 3 feet 6 inches to retain a deck with a pergola, 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 and would make the property consistent with other properties and homes in the area as there are other homes with reduced front yard setbacks.
- The property is a non-conforming lot with non-conforming home placement. The location of the front door dictates the positioning of the porch. 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:

1. A land use application will be submitted within fifteen business days of ZBA approval with the required documentation.
2. A building permit from the Livingston County Building Department will be applied for within fifteen business days after receiving the land use permit from Genoa Charter Township.
3. If permits are not applied for in the required time frame, then the deck must be removed.
4. The additional detached accessory structure must be removed; however, if a variance request is filed within thirty days, it can remain until the case is heard.
5. If conditions are not met, enforcement action will commence.

The motion carried unanimously.

2. 23-38...A request by Ken Tyler, vacant parcels 4711-29-100-008 and 4711-29-300-001 on Coon Lake Road, a variance to not require a perk test prior to a split of property and any variance deemed necessary by the Zoning Board of Appeals.

Mr. Tyler is requesting to waive the requirement to have the perk tests done prior to splitting his property because they are unsure as to where the homes will be built on the properties as each parcel will be between five to seven acres. Also, the splits have not been approved.

Board Member Fons stated that the zoning ordinance is in place in order to protect the people of the Township. If someone is interested in purchasing one of these properties, they should know that it perks.

Board Member Kreutzberg agrees with Board Member Fons. This would be setting a precedent. It is a want and not a need.

The call to the public was opened at 7:06 pm with no response.

Moved by Commissioner Kreutzberg, supported by Commissioner Fons, to deny Case #23-38 for Ken Tyler of 5200 Richardson Road for vacant parcels 4711-29-100-008 and 4711-29-300-001 on Coon Lake Road for a variance to not require a perk test prior to a split of property, based on the following findings of fact:

- There are no extraordinary conditions that would eliminate the need for perk tests.
- The need for the variance is self-created.
- Citing Article 20.04.06 - Septic and Well. For land divisions, documentation is required from the Livingston County Health Department on the suitability of the lots to accommodate individual wells, septic and reserve.

The motion carried unanimously.

3. 23.39... A request by Crystal Gardens and Joe Thomas, 5768 E. Grand River, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to replace an existing nonconforming sign. (APPLICATION WITHDRAWN)
4. 23-40...A request by Peter Wood, 4021 Homestead, for a front, two sides and a waterfront setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Mr. Wood stated that his project started with additions to the original home. He received variances for this work; however, after the project began, he learned that all of the floors of the original home were at different levels, the floorboards were rotted and the crawl space was contaminated. He decided to demolish the original house and rebuild it. He is now requesting additional variances. The existing home was non-compliant so the new home will also be non-compliant because it will be within the same footprint.

Mr. David Hazen, the architect, provided a review of the design and structure of the new home.

The call to the public was opened at 7:23 pm with no response.

Moved by Commissioner Kreutzberg, supported by Commissioner Fons, to approve Case #23-40 for Peter Wood of 4021 Homestead for a front yard setback variance of 25 feet from the required 35 feet for a front yard setback of 10 feet, a side yard setback variance of 1.5 feet from the required 10 feet for a side yard setback variance of 8.5 feet, another side yard setback variance of 1.4 feet from the required 5 feet for a side setback of 3.6 feet, and a waterfront setback variance of 20.75 feet from the required 57.25 feet for a waterfront setback of 36.50 feet to construct a single family home, 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 and would make the property consistent with other properties and homes in the area with reduced setbacks. The proposed home location will be on the original footprint along with the previously approved addition.
- The variances are necessary due to the extraordinary circumstances, such as the non-conforming irregular lot size with a reduced building envelope and the original footings can be utilized.
- Granting these variances 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.

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- The variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. A land use permit is required for the construction of the new home.
3. Any retaining walls will require a land use permit and shall meet the Zoning Ordinance.
4. Lot coverage shall adhere to the Zoning Ordinance requirements.

The motion carried unanimously.

Administrative Business:

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

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

2. Correspondence

Ms. Ruthig stated there will be one case on January's meeting agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

Moved by Board Member Fons, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:30 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary