

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
January 23, 2024 - 6:30 PM**

MINUTES

Call to Order: Chairperson McCreary 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, Marianne McCreary, Jean Ledford and Kelly VanMarter, Township Manager.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Moved by Board Member Rockwell, supported by Board Member Kreutzberg, to maintain the current officer positions. **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, supported 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.

1. 24-01...A request by Dennis Danville, 822 Sunrise Park, for a side and rear yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.

Mr. Danville stated that the existing home is approximately 900-square feet built in the 1940's. They would like to add a bathroom and bedroom. The house would still be 29 feet from the road and this is further back than each of his neighbors; they are approximately 12 feet from the road. It does not block any of the neighbors' views. The two lots across from him are unbuildable and the lake is on the other side of the home. There are no public safety issues and does not interfere with the neighbors.

Chairperson McCreary asked how the measurements on the drawing were determined. Mr. Danville stated he used township records and a marker from a survey that was done on his property last year.

The call to the public was opened at 6:44 pm.

Mr. Thomas Sutton of 814 Sunrise Park stated that he received this notice yesterday. He is on the north side of Mr. Dansville. If this addition is approved, his view pulling out of his driveway will be blocked. There are currently arborvitae planted that also block his view.

Mr. Danville stated that the last arborvitae does partially block Mr. Sutton's view. The addition will not go closer to the road than where the arborvitaes are currently.

Board Member Kreutzberg understands Mr. Sutton's concerns with the arborvitae, but the request this evening is for the addition.

The call to the public was closed at 6:52 pm.

Chairperson McCreary stated that letters of support were received from two neighbors. Mr. Danville stated another neighbor sent an email in support.

Moved by Board Member Kreutzberg, supported by Board Member Ledford, to approve Case #24-01 for Dennis Danvill of 822 Sunrise Park for a side-yard variance of .5 feet from the required 5 feet for a setback of 4.5 feet and a rear yard setback variance of 11 feet from the required 40 feet for a setback of 29 feet to construct a 280 square foot addition to an existing single-family home, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. These variances will provide substantial justice, are the least necessary and would make the property consistent with other properties and homes in the area, which have reduced rear yard setbacks.
- The variances are necessary due to the extraordinary location of the home and property on the hillside and narrow building envelope, creating the need for allowance. The alley at the rear of the home is not platted nor considered a road.
- 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.
- The variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The motion carried unanimously.

2. 24-02...A request by Chew Land Management LLC, 3638 E. Grand River Ave., for a rear yard variance and any other variance deemed necessary by the Zoning Board of Appeals to construct two additions to the existing Arby's Restaurant.

Ms. Cheryl Ball, the architect, and Mr. Joe Crawford and Mr. Jamie Crawford, the owners, were present.

Ms. Ball provided a review of the project. There are updates to the inside and the outside of the building required by Arby's Corporation. They also are proposing to add a 364 square foot addition to hold a large freezer. They had approached the property owner to the north to obtain some property from them; however, they were not successful so they are working within the constraints of the existing property.

Chairperson McCreary noted that during the Planning Commission meeting, it was suggested to have the applicant and the township work with the property owner to the north to provide them with additional property. Ms. Ball stated they have approached the owner since that meeting and they were denied.

Board Member Rockwell asked if the parking was sufficient. Mr. Crawford stated they have never filled up the parking lot. Most people do not dine inside the restaurant. They use the drive thru or pick up their order.

The call to the public was opened at 7:14 pm with no response.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #24-02 for Chew Land Management, LLC of 3639 East Grand River for a rear yard service building variance of 3.1 feet from the required 50 feet for a setback of 46.9 feet and a rear yard setback new entry variance of 6 feet, 8 inches from the required 50 feet for a setback amount of 43 feet, 4 inches to construct a 364 square foot addition, 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 in the area, as there are several commercial buildings in the area with reduced setbacks.
- These variances are necessary due to the extraordinary circumstances, such as the non-conforming and irregularly shaped lot, which reduces the depth of the building envelope, with the location of the existing structure.
- 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.
- 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 applicant must receive Planning Commission approval prior to land use permit issuance.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the December 19, 2023 Zoning Board of Appeals meeting.

Moved by Board Member Rockwell, supported by Board Member Fons, to approve the minutes of the December 19, 2023 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. VanMater stated that there will be five or six items on next month's agenda.

Genoa Township Zoning Board of Appeals Meeting
January 23, 2024
Approved Minutes

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

Moved by Board Member Ledford, supported by Board Member Fons, to adjourn the meeting at 7:20 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary