

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
April 16, 2024 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm. The members and staff of the Zoning Board of Appeals were present as follows: Bill Rockwell, Craig Fons, Marianne McCreary, Jean Ledford, Michele Kreutzberg 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:**

Ms. Ledford noted that Case #24-10 was requested to be withdrawn, “of Venture Designs” should be removed from Case #24-08, and the Case #'s for Items #4 and Items #5 are reversed. Item #4 should be Case #24-12 and Item #5 should be Case #24-11.

**Moved** by Board Member Ledford, supported by Board Member Kreutzberg, to approve the agenda as corrected. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was opened at 6:34 pm with no response.

Chairperson McCreary reviewed the criteria necessary for a variance to be approved.

1. 24-08...A request by Robert Dow of 5425 Wildwood Drive, for a side and waterfront yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow an existing covered patio on an existing home.

Mr. Dow stated the existing house was built in 1930. The property is very narrow so parking is difficult. The garage will allow for parking. He is also requesting approval for the existing patio roof. This is not an approved covered patio as no permit was received or approved for this. If the patio roof is not approved, then he will have to move the solar panels to the house roof and he isn't able to do that.

Board Member Kreutzberg asked the applicant if the roof on the patio is temporary to hold the solar panels until the garage roof is completed and then they will be moved there. Mr. Dow stated the roof on the patio is his priority this evening so he can keep the solar panels.

Genoa Township Zoning Board of Appeals Meeting

April 16, 2024

Unapproved Minutes

Chairperson McCreary noted that there were previous variance requests that were denied before Mr. Dow owned the home. Mr. Dow stated he would like to make the house more conforming. He asked the Board for feedback on what would be allowed.

Board Member Kreutzberg stated that there is only a mortgage survey and not an engineered survey so the township is unsure where the house is located in relation to the property lines. Board Member Rockwell agrees. He will not vote for approval of these requests without a survey.

Mr. Dow agreed to have the garage variance tabled this evening but would like the patio reviewed for approval. Mr. Rockwell reiterated that he would not be able to approve the patio without the survey. Mr. Dow requested that approval for the patio be granted contingent upon him submitting the engineer survey. The Board agreed that they need the survey before approving a variance.

**Moved** by Board Member Rockwell, supported by Board Member Kreutzberg, to table Case #24-08 until the May 21, 2024 Zoning Board of Appeals meeting. **The motion carried unanimously.**

2. 24-09...A request by Nancy Dykema, 4053 Homestead Drive, for side yard setback variance and a height variance and any other variance deemed necessary by the Zoning Board of Appeals, to build a new home.

Ms. Dykema stated their lot is very narrow at the road. The existing home is non-conforming on either side, and she will be increasing the setbacks with the new home.

Chairperson McCreary questioned if the overhangs have been included in determining the setback. Ms. Ruthig stated, yes, and they are allowed to be into the setback. Chairperson McCreary advised the applicant that if she would like to install a full-house generator, she would have to comply with the ordinance. Ms. Ruthig stated generators can encroach into the setback two feet but are not allowed on the road side of the property.

Ms. Dykema confirmed that the house and the shed in the front will be removed.

The call to the public was opened at 7:07 pm with no response.

**Moved** by Board Member Ledford, supported by Board Member Rockwell, to approve Case #24-09 for 4053 Homestead Drive for Nancy Dykema for a north side yard setback variance of 5 feet from the required 10 feet for a north side yard setback of 5 feet and a south side yard setback variance of 3.3 feet from the required 10 feet for a south side yard setback of 6.7 feet to demolish the existing home and two existing road side sheds and constructed a new single family home, based on the following findings of fact:

- The practical difficulty is that strict compliance with the setbacks would cause the applicant to be unable to construct the proposed single family home. Other homes in the vicinity have reduced side yard setbacks that will support substantial justice and is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity
- The granting of the variances 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 of the inhabitants of the Township of Genoa.
- The proposed variances would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned upon the following:

1. The structure to be guttered with downspouts.
2. If retaining walls are required, they must adhere to the township zoning ordinance and receive a land use permit.

**The motion carried unanimously.**

~~3. 24-10...A request by MITTS LLC, 5776 E. Grand River Avenue, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow barrier-free parking near the building entrance. (REQUEST TO WITHDRAW)~~

4. 24-12...A request by 1015 Latson Road LLC, 1111 S. Latson Road, for a setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow for a drive-thru.

Mr. Brent LaVanway from Boss Engineering and Mr. Travis O'Connor, representing the property owner, were present.

Chairperson McCreary advised the Board Members that this was recommended to be approved by the Planning Commission; however, it was conditioned upon this variance being approved.

Mr. LaVanway provided a review of the project and the property. A drive-thru is allowed as a special use; however, a variance is needed because of the distance between this property and Panda Express, which has an existing drive-thru. He stated the applicant had purchased the property and was in the process of planning its development but the Panda Express was approved and built first. This drive thru is over 700 feet from the Panera Drive through and over 800 feet from the Panda Express, but the ordinance states 500 feet from lot line to lot line. The parcel is only 88 feet from the Panda Express Parcel

This will not have a negative impact on the surrounding area. It was recommended for approval by the Planning Commission and approved by the Township Board. The practical difficulty is the configuration of the Panda Express Parcel and how it came in after this property was purchased and the planning began.

They have worked with the township, Brighton Area Fire Authority, and Livingston County Road Commission regarding the two entrances. The entrance that is directly across from the Wal Mart driveway will be the primary entrance and the entrance to the north, on the car wash parcel, will be the secondary and will be a right on and right out. They are required to have both of these entrances from the LCRC.

Ms. Ruthig stated that township staff are working with O'Reilly's for an easement from them for the second entrance and then the right in/right out will be removed.

Mr. O'Connor stated there is no committed tenant for this space. Mr. LaVanway stated in developments such as this, a coffee shop is an anchor, and they want to have a drive thru. Having a coffee shop helps the marketing for the other tenants. Ms. Ruthig advised that a coffee shop is the only use that is allowed in this space.

Mr. Rockwell stated that this is not zoned for a drive thru, but it's allowed through a special use, and now they are asking for a variance. Ms. Ruthig stated it is zoned for a coffee shop with a special use. In a different zoning district, a drive-thru would not be allowed. The applicant is not asking for a variance from the zoning district. She added that a fast-food restaurant would not be allowed here.

Board Member Fons noted that there are seven lanes of roadway between the two drive thru windows and the Panda Express lot has an irregular shape.

Mr. LaVanway stated that part of the traffic study included the intersection of Latson Road and Grand River, and traffic signal timing issues will need to be done to improve the traffic score at this location. These types of uses are local uses, and not destinations, so the drive-by traffic are people who would be traveling in this area already.

Board Member Rockwell is not in favor of the increase in traffic in this area.

The call to the public was opened at 7:37 pm with no response.

**Moved** by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #24-12 submitted by 1015 Latson Road LLC for 1111 Latson Road a drive-through setback variance of 412 feet from the required 500 feet for a setback of 88 feet, to allow construction of a drive-thru coffee shop within 500 feet of another drive-thru restaurant, based on the following findings of fact:

- Strict complaint with the setbacks would unreasonably restrict use of the property. This variance will provide substantial justice, is the least necessary and would make the property consistent with other restaurants in the area.

Genoa Township Zoning Board of Appeals Meeting

April 16, 2024

Unapproved Minutes

- The need for variance is driven by a proposed use, extraordinary size and depth of parcel, which reduce the list of permissible uses. Site plan approval was recommended from the Planning Commission and granted by the Township Board.
- Granting of this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- Proposed variance would have little impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. As noted by project engineering traffic and pavement impact modifications must be implemented as recommended by the Livingston County Road Commission and MDOT.

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

5. 24-11...A request by Michael Brown, 4655 Sweet Road, for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow solar panels to remain.

Mr. Brown stated that if the solar panels were put in a location to meet the ordinance, it would have completely blocked their view of the lake. He thought that the solar panel company was going to obtain the correct permits prior to placing them on the side of the house. That company is now out of business. He has spent \$45,000 and it would cost another \$20,000 to have them moved, but then they would block his view of the lake. He has listed his home for sale and will build a new home on another parcel that he owns on Sweet Road.

Chairperson McCreary confirmed that the solar panel company is out of business.

Board Member Kreutzberg stated that the solar panels are on top of the septic tank and within view of the neighbor.

There was a discussion regarding the actual location of the solar panels on the property as there is a discrepancy of the survey and the information that was provided by the applicant. The variance needed is 22 feet, and the setback is 18 feet.

Board Member Rockwell noted that the property to the east of Mr. Brown's may be developed one day and the panels would be within view of that neighbor.

The call to the public was opened at 8:07 pm.

Mr. Wade Migliore, who owns property near Mr. Brown stated he was not aware that the solar panels were there. He does not have an issue with them. He agreed to sell Mr. Brown part of his property adjacent to him to ensure that he meets the ordinance.

The call to the public was closed at 8:09 pm.

Genoa Township Zoning Board of Appeals Meeting

April 16, 2024

Unapproved Minutes

Chairperson McCreary stated that Mr. Brown hired a company to obtain the permits and install the solar panels and they did not do it. This is not his fault.

There was a discussion regarding the property sale, widening the road, granting access to Mr. Brown to his vacant property, etc. Mr. Brown, Mr. Migliore, and township staff will meet so this item will be postponed this evening.

**Moved** by Board Member Kreutzberg, supported by Board Member Fons, to postpone Case 24-11 until the July 23, 2024 ZBA meeting at the petitioner's request. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the February 20, 2024 Zoning Board of Appeals meeting.

Chairperson McCreary noted one change was needed.

**Moved** by Board Member Ledford, supported by Board Member Kreutzberg, to approve the minutes of the February 20, 2024 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be one case on the May agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

**Moved** by Board Member Fons, supported by Board Member Rockwell, to adjourn the meeting at 8:25 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary