

Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
May 21, 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:** Mr. Fons stated that he does a lot of business with Boss Engineering. His company has performed a lot of work on the property for Case #24-14 throughout the years. He knows that he can be fair and make a decision without bias.

**Approval of the Agenda:**

**Moved** by Board Member Ledford, supported 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 6:32 pm.

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

1. 24-13... A request by Dave and Karen Rebiger, 4371 Skusa Drive, for a fence height variance and an impervious variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow a six-foot in height fence in the front yard.

Mr. Dave Rebiger stated they would like to install a six-foot privacy fence along the back of their property. It is adjacent to an undeveloped dirt alley easement. It will provide privacy and security and add value to their property.

Ms. Ruthig stated that the alley easement is a platted road so the fence would be in the front yard.

Ms. Rebiger stated that other homes in the neighborhood have six-foot high fences. She has planted trees and bushes for screening but the deer have eaten them.

Mr. Rockwell stated that 4387 Skusa has a stockade fence running the entire length of the property. Ms. Ruthig does not believe that the property owner pulled a permit for that fence.

Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

Ms. Kreutzberg reiterated that while the path does not seem to be a road, it is considered one so the fence would be in the front yard.

Mr. Fons suggested the applicant install a three-foot fence to keep the animals off of the property.

The call to the public was opened at 6:48 pm with no response.

**Moved** by Board Member Fons, supported by Kreutzberg, to deny a fence height variance of three feet for Case #24-13 for Dave and Karen Rebiger of 4371 Skusa Drive **The motion carried unanimously.**

**Moved** by Board Member Fons, supported by Kreutzberg, to approve Case #24-13 for Dave and Karen Rebiger of 4371 Skusa Drive for an impervious surface variance of 51 percent from the required 49 percent for an impervious amount of 100 percent, based on the following findings of fact:

- The infiltration by wildlife is a concern and an impervious fence would address that concern for substantial justice and practical difficult
- Extraordinary circumstances there is an unsightly roadway on this side of the property.
- Granting the variance will have no impact on the surrounding neighborhood
- The proposed variance will not interfere with the surrounding neighborhood.
- The need for the variance is not self-created.

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

2. 24-14...A request by Steffan Ramage, 3771 Dorr Road, for side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct an attached garage.

Mr. Steffan Ramage is requesting a side yard setback of 25 feet to install a covered walk to a three-car garage at the front of the home. He stated that neither his property nor his house meet the current zoning requirements of the Country Estates zoning district.

Chairperson McCreary stated there was a variance granted in 2020. Ms. Ruthig added that a side yard variance was granted for part of the addition at that time as well. Mr. Ramage stated neither variance was needed because they changed the plans for the home. Chairperson McCreary noted that one of the conditions of the approval in 2020 was that no other variances shall be granted for the property, but it was not used.

Board Member Kreutzberg confirmed the location of the septic field with the applicant.

The call to the public was opened at 7:05 pm with no response.

Chairperson McCreary stated that a variance cannot be granted if the need for it is self-created. When the home was redone, the existing garage was made into living space and now a

variance is being requested to install a garage. Also, the front of the garage will extend past the front of the neighbor's house.

Board Member Kreutzberg stated that due to the topography of the property, the building envelope is quite small. The applicant could have requested a larger variance in 2020 to build a larger home, but he did not. This is the least necessary.

Mr. Ramage stated that he was not able to construct the garage at the time the two variances were granted. He agrees that due to the topography and the wetlands there is very little space for the garage.

**Moved** by Rockwell, supported by Kreutzberg, to approve Case #24-14 for Steffan Ramage of 3371 Dorr Road for a side yard setback variance of 14 feet, 11 inches, from the required 40 feet, for a side yard setback of 25 feet, 1 inch, to construct an attached garage, based on the following findings of fact:

- Strict compliance would prevent the applicant from constructing the garage in the proposed location. The variance ~~does~~ provides
  - ~~seem to provide~~ substantial justice for there are quite a few homes in the surrounding area with conforming side yard setbacks. However, the lot width for the surrounding area is not as narrow as the applicant's property.
- The exceptional or extraordinary condition of the property is the existing location of the home, the narrowness of the lot and the location of the septic tank, well and wetlands that are located on the property.
- 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 of the inhabitants of the Township of Genoa.
- The proposed variance will not interfere with the 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.  
**The motion carried unanimously.**
3. 24-15...A request by John T. Price, 145 Meadowview Drive, for front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct a covered porch.

Mr. Price is requesting to redo an existing porch and make it larger. It is currently only five feet wide and he is not able to sit on it when it is raining. The current porch is falling down.

Chairperson McCreary stated that there are no other homes in that area that have porches that extend further than Mr. Price's existing porch. A request is being made that is not a right granted to the neighbors. The request does not meet the requirements of granting a variance.

Board Member Kreutzberg stated one of the requirements to granting a variance is that the variance must be the least amount necessary. The porch could be made larger along the home instead of extending out. It is self-created.

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Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

Ms. Ruthig stated the variance report is incorrect. The variance being requested is 15 feet, 2 inches and not 4 feet.

The call to the public was opened at 7:27 pm

Rachel, who lives at 133 Meadowview, next to the applicant, stated that due to the hill of the road, they have very steep grade decline and the applicant's house is much higher than hers. If the porch comes out further it will obstruct her view. It will degrade the value of her home.

Ken, who lives at 132 Meadowview, is in favor of the improvement to the home. He has considered adding a larger porch to his home as well.

The call to the public was closed at 7:35 pm.

Board Member Rockwell stated the need for the variance is self-created. Board Member Ledford agrees. Also, there would be no substantial justice as there are no other homes with this size porch.

**Moved** by Kreutzberg, supported by Fons, to deny Case #24-15 for John T. Price of 145 Meadowview Drive for a front yard setback variance of 15 feet, 2 inches, from the required 40 feet, for a front yard setback of 24 feet, 10 inches to construct a covered porch, based on the following findings of fact:

- Strict compliance with the setbacks would not prevent the use of the property. It is not necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and vicinity of the subject parcel. There appear to be no other parcels in the vicinity with reduced front yard setbacks.
- There are no exceptional or extraordinary conditions of the property. Granting of the variance would not make the property consistent with other properties in the vicinity. The need for the variance is self-created.
- 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 comfort, morals or welfare
- There would be no impact on the surrounding neighborhood.

This denial is conditioned upon:

1. The property shall be brought into compliance with the storage of trailers within 14 days of denial.

**The motion carried unanimously.**

4. 24-16...A request by Gerald Wilson, vacant parcel 4711-03-200-018, for a wetland setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct a shared driveway for four parcels.

Mr. Brent LaVanway of Boss Engineering and Mr. Gerald Wilson were present. Mr. LaVanway stated they are requesting to split the 16 acre parcel into four separate parcels. The property is very long and narrow. The wetlands have finger ditches that run east to west and the driveway

Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

bisects these ditches. These wetlands were manmade approximately 50 years ago and there is wetland vegetation established, but it is not high-quality. They have Livingston County Road Commission approval for the entrance drive and Livingston County Health Department approval for well and septic for the four splits. He showed photographs of where the shared driveway will be and the location of finger ditches that are the subject of the variance request.

Chairperson McCreary referenced the report submitted by Boss Engineering regarding the condition of the wetlands. Board Member Fons stated his company has worked on this property. They cleared the trees and dug the ditches to help it drain. His company created the wetlands and they are not regulated by EGLE.

Board Member Rockwell would like clarification if these are valuable wetlands, regardless of how they were created.

Mr. LaVanway stated that they could decrease the width of the shared driveway to 16 feet, which is consistent with the township ordinance, if approved by the Fire Marshal. Board Member Rockwell would like to see the road built as wide as possible to allow for two vehicles to pass easily and to allow emergency vehicle access.

The call to the public was opened at 8:08 pm with no response.

**Moved** by Kreutzberg, supported by Fons, to approve Case #24-16 for Gerald Wilson for Parcel #4711-03-200-018 on Golf Club Road for a wetland setback of 17 feet from the required 25 for a setback of 8 feet for an access drive to a four parcel split, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent/restrict intended use of the property or cause it to be unbuildable.
- The variance will provide substantial justice, is the least necessary and would make the property consistent with other properties in the area.
- The Boss Engineering Wetlands Inventory Report from 2021 states the parcel is not a wetland and does not contain vegetation except in the ditches.
- The variance is necessary due to the extraordinary circumstance of the existing path to the rear of the property is adjacent to utility lines and will serve access to all property when split
- The applicant has demonstrated that:
  - The setback is not necessary to preserve the wetland's ecological and aesthetic value.
  - The natural drainage pattern to the wetland will not be significantly affected
  - The variance will not increase the potential for erosion, either during or after construction
  - No feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed
  - MDEQ permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.
- 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 of the inhabitants of the Township of Genoa.
- The proposed variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

This approval is conditioned upon:

1. The applicant shall permanently demarcate and install signage to indicate the edge of the undisturbed natural area. This shall remain in perpetuity to ensure future owners do not further encroach.
2. The entire remaining setback buffer area shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.
3. Silt fencing must be utilized during the construction phase, and the applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
4. No other encroachments on the entire property are allowed.
5. All existing storage on site, which is an ordinance violation, shall be removed prior to split approval.
6. Approval of the shared driveway from the Brighton Area Fire Authority.

**The motion carried unanimously.**

5. 24-17...A request by Symmetry Management, 3599 E. Grand River, for rear and side setback variances, a height variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct a retaining wall.

Mr. Brent LaVanway of Boss Engineering stated this project has received site plan approval from the Planning Commission and the Township Board. They are requesting to build a retaining wall over the six foot allowable height. The practical difficulties are that there is existing vegetation that they do not want to remove, significant slope in the area and there is an existing water main that is very close to the wall. They have located the wall in the optimum location and it exceeds six feet in height. There is also a six-foot screen fence above this wall per the zoning ordinance. The neighbors to the rear will partially see the retaining wall but they will see the fence.

Additionally, they are constructing curb and gutter in this area to assist with the drainage that is currently going onto the properties adjacent to this site.

Chairperson McCreary stated this is necessary and meets the criteria for granting a variance.

The call to the public was opened at 8:27 pm with no response.

**Moved** by Kreutzberg, supported by Rockwell, to approve Case #24-17 for Symmetry Management of 3599 E. Grand River for a dimensional height variance of 5 feet for a total allowance of up to 11 feet from the required 6 feet, for a 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 retail properties in the area.
- The Site Plan has been approved by the Planning Commission and Township Board.
- The variance is necessary due to extraordinary circumstances, such as:
  - The need for the variance exists to provide emergency fire access.

Genoa Township Zoning Board of Appeals Meeting  
May 21, 2024  
Approved Minutes

- The current topography and elevation changes at the rear of the property
- The location of the adjacent residential properties and the need to maintain existing mature vegetation along the property line deem this project necessary.
- 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.

This approval is conditioned upon the following:

1. Any drainage concerns shall be addressed
2. Replace any significant vegetation if lost during the project.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the April 16, 2024 Zoning Board of Appeals meeting.

**Moved** by Board Member Kreutzberg, supported by Board Member Ledford, to approve the minutes of the April 16, 2024 Zoning Board of Appeals meeting as submitted. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be four cases on the June agenda. ~~She~~ Ms. Ruthig introduced Ms. Carrie Aulette, who is the new zoning official.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

**Moved** by Board Member Kreutzberg, supported by Board Member Ledford, to adjourn the meeting at 8:40 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary