

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 18, 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, Craig Fons, Marianne McCreary, Jean Ledford, Michele Kreutzberg, Amy Ruthig, Planning Director, and Carrie Aulette, Zoning Official.

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 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 made at 6:32 pm with no response.

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

1. 24-18... A request by Deatrick Moore, 4313 Ridge Lake Drive, for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct a detached accessory building.

Mr. Deatrick Moore is requesting a variance of the side setback due to the topography of the land. There is a large hill on the side of the property. He would use the footings of the building to prevent the runoff from the hill, instead of having to install a retaining wall. It would help increase the home's value. There are four homes that have accessory buildings and they do not have this large hill on the side of their property.

The Board discussed the topography and other aspects of the property with the applicant. Mr. Moore confirmed that accessory structures are allowed in his neighborhood.

Ms. Ruthig asked if there were any more retaining walls being installed and Mr. Moore said "no".

Board Member Rockwell asked if a smaller building could be built to avoid the need for the variance. Mr. Moore stated the subdivision bylaws require a minimum size accessory building of 500 square feet. He could scale it back, but that would not allow for a two-car garage, which is the standard. He would have to then build the retaining wall.

Board Member Kreuzberg noted that this location is the flattest part of the property. She stated that after the proposed location of the building, there is another slope. Mr. Moore stated he would have to bring in dirt and to access that area, he would have to drive on his neighbor's property because the septic tank is on the other side.

Board Member Fons stated that the applicant can build the building on the side setback line. There is plenty of room between the building and the house. Mr. Moore reiterated that he would still need to install a retaining wall and there is a minimum space required between that and the garage and he needs to be able to get around the building.

The call to the public was made at 6:55 pm.

Mr. John Moretti lives to the east of Mr. Moore at 6993 Mountain Ridge Drive. He is in favor of the variance. If the garage is moved further back, it will obstruct the view of the lake. There is a 60-foot elevation change between the two properties and the slopes in the backyard are 18 feet. Making the garage smaller will not solve the issue with the slope of the property. Where the building is proposed is the lowest area of his property. He is a professional concrete foundation contractor and using the foundation and the side of the garage as a retaining wall causes the least amount of disturbance to the property. The accessory building that is being proposed is a benefit to the community.

The call to the public was closed at 7:00 pm.

Ms. Ruthig advised Mr. Moore that if the request is denied, he will not be able to come before the Board for a year.

Moved by Board Member Kreuzberg, supported by Board Member Ledford, to approve Case #24-18 for Deatrick Moore of 4313 Ridge Lake Drive for a side yard setback variance of 3 feet 11 inches, feet from the required 30 feet for a setback of 26 feet, 1 inch to construct a detached accessory building, 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 is the least necessary and would make the property consistent with other homes in the area, noting the request minimized the variance sought.
- The variance is necessary due to extraordinary circumstances such as site topography from east to west, impacting the ability to locate accessory building. The location of the building will limit view of the structure from surrounding residences.

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- Changing the location could render the rear yard inaccessible. The project will provide necessary access for grinder pump maintenance as evaluated by MHOG Utility Department.
- There is existing vegetation that will help limit views of the accessory building and provide screening for the adjacent residence.
- 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. The structure must have gutters and downspouts.
2. The building of any additional retaining walls must comply with Article 11.04.03 (J) Retaining walls section of the Zoning Ordinance.

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

2. 24-19...A request by Adam K. Wolak, 916 Sunrise Park, for 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. Adam Wolak would like to put an addition onto his existing home. He has been on Lake Chemung since he was a newborn. He wants to retire and build his last home here. He is invested in this community. He is requesting a 12 foot rear yard setback variance. The property is very narrow due to the 40-foot setback. The neighboring properties are extended toward the rear so this would conform to them. This would increase value to the neighborhood.

Chairperson McCreary noted that Mr. Wolak's lot is wider than the neighboring lots so the variance would not provide substantial justice. Mr. Wolak stated he is aware of that as it is a double lot, but he is requesting to conform to his neighbors' homes. He is requesting the least necessary.

Mr. Paul McClorey of Paulson's Construction, the builder, stated the issue is the narrowness of the building envelope. They would like to have aspects of the home that are in a typical home, and not a cottage.

Board Member Kreutzberg notes there are aspects of the home that are being proposed that do not appear to be the least amount necessary. There are changes that can be made to limit the variance amount needed.

Mr. Wolak stated they have explored additional designs to comply with the setbacks. The new home would be 2,150 square feet. The existing cottage is 800 square feet.

Board Member Rockwell stated the variance is within reason based on others that have been granted in the past. The applicant is not going closer to the road or to either side.

The call to the public was made at 7:24 pm with no response.

Ms. Ruthig stated that the front porch can be extended out 12 feet past the building, but it cannot be covered.

Board Member Fons stated if it is extended in the backyard, it would not affect the neighbors. He agrees with the variance request.

Moved by Board Member Rockwell, supported by Board Member Ledford, to approve Case #24-19 for Adam K. Wolak of 916 Sunrise Park for a rear yard setback variance of 12 feet from the required 40 feet for a rear yard setback of 28 feet to construct an addition to an existing home, based on the following findings of fact:

- Strict compliance with the rear yard setback would prevent the applicant from constructing the addition in the proposed location . There are other homes in the vicinity that have reduced rear yard setbacks, so the variance would provide substantial justice to the applicant 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
- The exceptional or extraordinary condition of the property is the location of the current home. It appears the variance request is the least amount necessary.
- The granting of this 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 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 must comply with Article 11.04.03 (J) Retaining walls section of the Zoning Ordinance.
3. Building height cannot exceed 25 feet.
4. Shed shall be removed.

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

3. 24-20...A request by James Frederick, 1632 High Haven, for front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to construct a new home.

Mr. Frederick stated he would like to put a double wide manufactured home in a manufactured community. He already owns the home and would like to put it on this property. He would not have to purchase a new home to fit on this property. He is requesting a 10-foot front-yard variance. There is a brand new septic field in the rear of the property so it cannot be placed there.

Chairperson McCreary stated there are other homes that are able to be placed on this lot without the need for a variance. Since this is a vacant lot, the need for the variance is self-created.

Mr. Frederick stated that his home would improve the community. He has tried for 10 years to find a property in the area where this home would fit.

The call to the public was made at 7:44 pm with no response.

Board Member Fons stated the septic field in the rear is causing the home to need to be put further to the front of the lot. The Board reviewed Livingston County's documentation regarding the septic tank. Mr. Frederick requested to have the item tabled so he can speak with the Health Department regarding the location of the septic tank and septic field and determine if it can be relocated or if the trailer can be placed on top of it.

Moved by Board Member Kreutzberg, supported by Board Member Rockwell, to table Case #24-20 for James Frederick of 1632 High Haven until the July 23, 2024 ZBA meeting at the petitioner's request to allow time for additional information on the septic field placement to be obtained. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the May 21, 2024 Zoning Board of Appeals meeting.

Needed changes were noted.

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

2. Correspondence

Ms. Ruthig stated there will be three items on the July agenda. It has been changed from July 16 to July 23.

3. Member Discussion

Chairperson McCreary noted there were differences of opinions at tonight's meeting and she appreciates the discussion and members sharing their thoughts. Mr. Ruthig noted that variances have to be reviewed and granted based on the specific property.

4. Adjournment

Moved by Board Member Fons, supported by Board Member Kreuzberg, to adjourn the meeting at 8:11 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT