

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 22, 2024 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:33 pm. The members and staff of the Zoning Board of Appeals were present as follows: Bill Rockwell, Marianne McCreary, Jean Ledford, Michele Kreutzberg, Matt Hurley and Carrie Aulette, Zoning Official.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board and staff introduced themselves.

**Approval of the Agenda:**

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

**Conflict of Interest:** None

**Call to the Public:**

The call to the public was made at 6:35 pm with no response.

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

**OLD BUSINESS**

1. 24-08 A request by Robert Dow, 5425 Wildwood, for a waterfront and side yard setback variance and any other variances deemed necessary by the Zoning Board of Appeals, to allow an existing roof structure to remain over a patio.

Mr. Dow stated he is only requesting a waterfront setback variance, and not a side yard setback. He has already installed the covering on the patio and the solar panels. He cannot put the panels on the roof of the house because there are a lot of trees that cover it.

Chairperson McCreary noted that the covered porch was installed without a permit. She asked if the solar panels have been effective. Mr. Dow stated that he does have DTE power connected to his home; however, the solar panels allow him to be mostly off grid.

Board Member Kreutzberg asked when the cover was put on the patio. Mr. Dow stated in approximately 2016.

There was a discussion regarding the required waterfront setback. Mr. Dow noted that his patio is five feet further from the lake than both of the neighbors.

Board Member Rockwell questioned why the side-yard setback variance is no longer needed because the patio is three feet from the neighbor's house. A 10 foot setback is required. The board members and Ms. Aulette agree.

The call to the public was made at 7:01 pm with no response.

Ms. Karen Buckley and Mr. John Benson of 5440 Wildwood sent an email on March 12, 2024 stating they are willing to allow the existing covered patio on the single family home of Robert Dow but are opposed to any further additions to the patio or any further structures They sent a letter on April 16, 2024 stating they are opposed to both of the requested variances. They have safety concerns and it would block their view of the lake. They are in favor of the existing patio in its current location.

Ms. Heather Mayor, the owner of 5345 Wildwood, sent an email stating that allowing the side variance would exacerbate the current condition of the homes in the area already being very close together. This will affect the curb appeal and property values. The waterfront setback variance avoids the overcrowding stated above. If this is approved, she would want to make sure that all improvements have been inspected and comply with the township's ordinance.

Board Member Hurley asked if additional improvements will be done to the home. Mr. Dow stated his plan is to have the home remain as it is currently.

Mr. Dow stated his hardship is that he had a flood in his home due to a power outage, which caused significant damage. The solar panels allow him peace of mind that if the power goes out, he will have backup power to avoid another flood. A generator would not be helpful because he does not live there full time.

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to approve Case #24-08 for Robert and Renee Dow, 5425 Wildwood, for a waterfront variance of 13 feet from the required 76 feet for a waterfront setback of 63 feet and a side yard setback variance of 7 feet from the required 10 yard, for a side yard setback of 3 and a to allow an existing roof structure to remain over a patio, based on the following findings of fact:

- Strict compliance with setbacks would unreasonably restrict the intended use of property. The variances will provide substantial justice, are the least necessary, and would make the property consistent with other properties and homes in the area.
- The variances are necessary due to the extraordinary circumstances, such as the non-conforming lot, extremely small and narrow footprint, along with the angle of property lines and irregular shoreline. The need for the variances is not self-created.

Genoa Township Zoning Board of Appeals Meeting

October 22, 2024

Approved Minutes

- The granting of the variances will not impair an adequate light and air to adjacent properties, would not increase the congestion or increase the danger of fire or endanger the public safety, comfort, morals or welfare.
- The proposed variances will not 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. A land use waiver shall be applied for within seven business days of survey submittal for the roof and solar panels.
2. A Livingston County Building Permit shall be applied for within five business days of land use permit approval.
3. Structure must be guttered with proper drainage as approved by township staff.

**The motion carried unanimously**

**Administrative Business:**

1. Approval of minutes for the September 17, 2024 Zoning Board of Appeals meeting.

**Moved** by Board Member Ledford, supported by Board Member Rockwell, to approve the minutes of the September 17, 2024 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be one case on the November agenda for two variances to install a detached garage.

3. Member Discussion

There was nothing to discuss this evening.

4. Adjournment

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to adjourn the meeting at 7:18 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary