

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 19, 2006
MINUTES**

Chairman Doug Brown called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for transaction of business: Doug Brown, Barbara Figurski, Steve Wildman, Kevin Brady and Joe Perri. Also present was Township staff member Adam Van Tassell and approximately 9 persons in the audience.

Chairman Brown gave a brief introduction of the board members and on why the Zoning Board of Appeals exists.

Moved by Brady, supported by Figurski, to approve the agenda as presented. **Motion carried unanimously.**

06-23...A request by Larry Nastwold, Section 22, 4054 Clifford, is for a side yard variance to construct an attached garage.

A call to the public was made with the following response: Jeff Geist sent a letter that read the following:

“I have attached the survey performed by Boss Engineering in 1991 (page #2) during a boundary dispute with Mr. Nastwold. This survey reveals the inaccuracy (Note #1) of a previous 1991 survey by Michigan Group Engineering & Surveying contracted by Nastwold. You will notice the differences in side and front boundary lines recorded by Boss Engineering for lots 150 & 151.

The dispute went to Livingston County Court in 1992 which legally established the lot 150/151 boundary line as that recorded by Boss Engineering in 1991. Nastwold was ordered to pay for boundary trespassing damages that resulted from his action to claim the subject land. I am currently trying to get the records of the case.

The boundary line that Nastwold has referenced in his site plan and has staked out is the line from the obsolete 1991 Michigan Group Engineering & Surveying survey that was defeated in court in 1992-93.

I had the survey repeated and the boundaries re-staked in 1993 (page #1) after the dispute was settled to obtain a “clean” plot of my parcels.

I have also attached a photo image of the staked-out boundary and building proposal by Nastwold with hand measured dimensions over-layed. Note: I painted the green boundary line by hand (after my boundary stakes were removed) and it did not come out as straight as I had desired. These measurements show my structure to be 10' (+/-) off the side

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boundary, and Nastwold's proposed structure to be 5' (+/-) from the boundary. Please share this information with the Genoa Township Zoning Board of Appeals. Thank You."

Anne Jackson- 4044 Clifford, stated the she does not have a problem with the Mr. Nastwold's petition. She was hoping the Mr. Nastwold would remove the shed that the lawn mowers are being stored in.

Moved by Perri, supported by Wildman, to table case #06-23 at petitioner's request for up to the next three scheduled meetings. Motion carried as follows: **Ayes- Brady, Perri, Wildman, and Brown. Nays- Figurski.**

06-27...A request by Rand Construction, Section 13, Genoa Business Park Drive, is for a sign variance.

A call to the public was made with no response.

Moved by Wildman, supported by Brady, to approve case #06-27 for Rand Construction located on the median of Genoa Business Park Drive with a sign variance of 4'2" with a height of 10'2". The practical difficulty is due to the location of PDQ on Grand River, with DS Genoa Retail's sign being 10 feet from the road right of way and that items b,c,and d of the Planning Commission's approval in the minutes dated 9-11-06. **Motion carried unanimously.**

06-28...A request by Patricia Drew, Section 1, 7728 Price Drive, is for a variance to split property into two non-conforming lots.

A call to the public was made with the following response: Chairman Brown read into the record a letter received from Robert Denson and Denise Wooley Denson as the following:

"This letter is in regards to proposed variance sec. 1 7728 Price Drive. We, the Denson family reside in the property across from the aforementioned at 7675 Price Drive, and would like our opinions known, as the proposal affects us directly. Price Drive has 7 houses on the very narrow, dirt, private drive which creates more traffic than the road can currently support nor any of the additional traffic that would result from the proposed split, and since the Township does not service or maintain the drive, residents would have an even greater burden of cost for the additional up keep.

We understand that in the past properties were divided into two acre minimum parcels; therefore by splitting the property in question into question into 1 acre parcels it would set a precedent for other residents to split their properties into smaller parcels as well.

As our family has been 38 year residents on Price Drive whom originally moved to Livingston County to enjoy the quiet, rural setting where once many species of wildlife were abundant, we highly value the country setting and desire to maintain the atmosphere

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to pass on to future generations, even through the housing boom of this county. Thank you for hearing our plea.”

Moved by Brady, supported by Wildman, to table case #06-28 for up to the next three scheduled meetings for the petitioner and staff to contact legal advice as to why a current resident was allowed to split their property in 1998 by a consent order and why was it justified. **Motion carried unanimously.**

06-29...A request by John Schiffko, Section 25, 7230 Brighton Road, is for a side yard variance, a variance from the principal structure, a variance to construct a detached accessory structure in the front yard.

A call to the public was made with no response.

Moved by Brady, supported by Wildman, to approve case #06-29 requesting a 25 foot variance with a 5 foot setback on one side and a 10 foot variance from the principal structure and a variance to construct an accessory structure in the front yard. The practical difficulty is the topography and soil precluding the applicant from building anywhere else. **Motion carried as follows: Ayes- Brady, Wildman, Perri, and Brown. Nays- Figurski.**

Moved by Figurski, supported by Wildman to approve the minutes of the August 22, 2006 Zoning Board of Appeals meeting with corrections. **Motion carried unanimously.**

Meeting adjourned at 8:40 p.m.

Respectfully submitted:

Amy Ruthig