

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 22, 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 the 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 10 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 Figurski, supported by Wildman, to approve the agenda as presented. **Motion carried unanimously.**

A call to the public was made for non agenda items with no response.

06-16...A request by Nancy Korenchuk, Section 29, 3580 E. Coon Lake Road, is for a variance to split property into two nonconforming lots making two detached accessory structures non conforming.

A call to the public was made with no response.

Moved by Brady, supported by Perri, to approve case #06-16 for petitioner Nancy Korenchuk, requesting a variance to split the property into two different size lots of 1.33 acres and 1.68 acres. The practical difficulty is the current zoning does not match the future map which would allow for similar size lots. The property would also be conducive to both neighbors. **Motion carried unanimously.**

Moved by Brady, supported by Perri, to amend the prior motion for case #06-16 for petitioner Nancy Korenchuk to allow the existing detached accessory on the lot with the house to have a setback of 7 feet with a 33 foot variance. **Motion carried unanimously.**

Moved by Brady, supported by Perri, to approve case #06-16 for petitioner Nancy Korenchuk to have a newly split lot with a single detached accessory structure on the property without a primary structure, conditioned upon the accessory structure will not be converted into a non residential building with out proper land use permits and building permits. **Motion carried unanimously.**

06-22... A request by Mt. Brighton LLC., Section 25, 4141 Bauer Road, is for a variance to create two nonconforming lots.

A call to the public was made with no response.

Moved by Perri, supported by Wildman, to approve case #06-22 for parcel #11-25-300-032 to split property into two nonconforming lots with 125 feet in width for each with the length of 500 feet for one lot and 557 feet for the other lot. The practical difficulty is the lots were created prior to the current zoning ordinance intent. The new homes are to be guttered. **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- 4070 Clifford, I am in favor of Mr. Nastwold's variance request. When I constructed my addition I needed to obtain a front yard variance due to the property line does not run along with the road. I am in favor of this request.

Moved by Perri, supported by Figurski, to table case #06-23 for Larry Nastwold for up to the next three scheduled Zoning Board of Appeals meetings per the petitioner's request. **Motion carried unanimously.**

06-24...A request by Todd and Julie Ovenhouse, Section 10, 707 Pathway, is for two side yard and front yard variance to construct a second story addition.

A call to the public was made with the following response: Chairman Brown read the following letter into the record from A.J. Pike- 686 Pathway Dr. : I received your letter regarding the proposed variance to the house at 707 Pathway Drive. This is not the variance shown me last week at the township hall. Your letter adds three words".....a rear expansion". The rear expansion goes under the power line and in the event of a power failure Edison says they cannot and will not service such a failure. This variance was rejected by your people a year ago. Todd has said verbally that once he gets past you he will build an apartment and rent it with or without a county building permit. This is a single family neighborhood and I believe you should look carefully at the variance and think of us in the neighborhood.

In addition, the following letter from John Smarch- 715 Pathway Drive: I was informed by Township officials that this variance appeal is merely an extension of case #04-50 that has expired. If so, I would like to submit some of the same concerns that I had regarding the original request for a variance.

1. This variance extension, if approved, should apply to the addition to the existing structure only. Any other structure, IE: pool, garage out building, etc. should be governed by prevailing land use requirements.
2. Applicants should address ingress/egress needed for construction equipment without damaging or trespassing on adjacent property. This was an issue on the original request due to the erosion of adjacent property and the question of whether the excavating would disturb the soil and perhaps not provide suitable

footing for any rear building extension. Its effect on the integrity of any was by required by the ZBA regarding this and I don't remember having heard of the outcome of footprint of the structure only. This was pending on existing foundation being compliant to current code requirements and capable of supporting a two story structure. I don't recall that the ZBA approved any rear extension.

3. The proposed rear extension would be built on and infringe upon an existing 6 foot easement between the house and the back lot. This was to be, under ZBA instructions, addressed and adjacent excavation. I haven't seen evidence of such approval.

Are the minutes of the original ZBA meeting addressing case 04-50 and any consequential matters still available to the public?

A.J. Pike, 686 Pathway- I live on the North side of 707 Pathway, please explain what would make a front yard legal. Is he going to use the existing foot print? Can you put that in black and white regarding Mr. Ovenhouse not making the house a duplex? Is the deck going to have a door wall on to the deck thru the house?

Moved by Figurski, supported by Perri, for case #06-24 located at 707 Pathway Drive, for a 4.6 foot setback with a 30.4 foot variance for the road side, east side yard with a 1.6 foot setback for an 8.4 foot variance and a west side yard setback of 6.1 feet for a 3.9 foot variance to construct a second story addition not to exceed the existing footprint. The practical difficulty is the narrowness of the lot and the typography of the area. **Motion carried unanimously.**

06-25...A request by Philip Wilkinson, Section 27, 4041 Anchor Lane, for a rear yard and side yard variance to construct a detached accessory structure.

A call to the public was made with the following response: Robert Zoppa- 4103 Anchor Lane, I would like to point out and make record that the covenants for this subdivision state that "no garage or outbuilding shall be permitted on any lot except those as approved by the Subdivision Building Review Committee which, in any event, must be permanently attached to and incorporated in the main dwelling house." I feel that this should be upheld to protect the property values of the neighbors. Brian Knapp- 4055 Anchor Lane, there are other sheds in the area but what he wants to construct is bigger than a typical shed. I agree that it is going to be screened well from the neighbors. Mr. Wilkinson stated that there is not a Subdivision Building Review Committee to seek approval from.

Moved by Perri, supported by Figurski, to approve case #06-25 for Philip Wilkinson at 4041 Anchor Lane for a side yard variance to construct a detached accessory structure with a variance amount of 8.5 feet with a setback of 1.5 feet for a 12 X 16 structure with the structure being guttered. The practical difficulty is for the avoidance of removing mature trees. **Motion carried unanimously.**

06-26...A request by Ronald Nunnally, Section 31, 5215 Natura Drive, for a variance to place an inground pool in the front yard.

A call to the public was made with the following response: Chairman Brown read the following letter into the record from Patrick O'Brien and Lorraine O'Brien- "We are in receipt of your letter dated August 7, 2006 and received August 12, 2006 concerning the proposed variance for the property at 5215 Natura Dr., 11-31-200-018. As the property owners east and adjacent to 5215 Natura Drive, we oppose the variance. Why would Genoa Township entertain the thought of putting a swimming pool within ten feet of the adjacent property line? What is the township setback for any permanent structure? Isn't it thirty feet? Isn't the township aware that our parcel, 4711-32-100-031, will have a driveway along that property line? Hence there will be traffic there. There is also a 20" high pressure gas pipeline in the 66' easement. Doesn't Genoa Township have an additional 30' setback from such an easement? To reiterate, we oppose the proposed variance for the inground pool.

Moved by Figurski, supported by Perri to approve case #06-26 for Ronald Nunnally at 5215 Natura Drive for a variance to place an inground pool and required barriers in the front yard with the dimensions of 16 X 36 X 7. The practical difficulty is the property has two front yards due to a 66 foot easement on the north side of property. **Motion carried unanimously.**

Moved by Figurski, supported by Perri, to approve the July 18th, 2006 Zoning Board of Appeals minutes as presented. **Motion carried unanimously.**

Meeting adjourned at 8:35 p.m.

Respectfully submitted:

Amy Ruthig