

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 13, 2005
6:30 P.M.**

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, Steve Wildman, Barbara Figurski, 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 including new Board member Steve Wildman and a report 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.

05-35...A request by Robert and Mary Spensley, Section 27, 4390 Skusa, for two side yard variances, front yard variance and a rear yard variance to construct a new home.

A call to the public was made with no response.

Moved by Perri, supported by Figurski, to grant petitioner's request of case #05-35 located at 4390 Skusa Drive for a 5' variance on the west side with a 5' setback, 15' variance on the south side (road side), 7' variance on the north side (waterfront), and 15' variance from the rear lot line to construct a new home conditioned with the home being guttered. The practical difficulty is the size of the lots and the topography of the lake. **Motion carried unanimously.**

05-45...A request by Chris Malysz, Section 12, 1330 Clark Lake Road, is for a variance to split property into two nonconforming lots.

Mr. Malysz introduced his brother Karl Malysz that will be representing him tonight. Mr. Karl Malysz stated for the record that he was born and raised in Michigan but for the past couple of years he has been living Kentucky and that he is an urban planner and is AICP certified.

A call to the public was made with the following comments: Mr. George Kandler- 1475 Clark Lake Road, I live across the street and am against this variance for a number of reasons. If these splits were to happen they would lose a garage and there would be no

parking available for this lot and there is already a problem with this area in regards to parking on the road. All the homes in this area are on multiple lots and in regards to lot 115, he is already having problems with construction. Clark Lake Road was not constructed in the right place. It should have been placed closer to the lake. Mr. Neil Kandler- 1475 Clark Lake Road, there is a problem with cars being parked in the road and cars crashing thru our fence. It has happened so many times that the insurance company is not going to insure our fence anymore. Also, the house that he is currently building has been red flagged.

Moved by Figurski, supported by Perri, to deny petitioner's request for 05-45 on Clark Lake Road to split lots 113 and 114. The reason would be creating further non-conforming lots. Also, there was no practical difficulty and or hardship associated with the property. **Motion carried unanimously.**

05-46...A request by Bill LeGault, Section 9, 1035 Sunrise Park Drive, for a front yard variance and rear yard variance to construct a new home.

A call to the public was made with no response.

Moved by Figurski, supported by Wildman, to grant case# 05-46 at 1035 Sunrise Park Drive, for a 26' front yard variance with a 9 foot setback, 12.5' rear yard variance with a 27'.5" setback and a 9' waterfront variance with a 50' setback to construct a new home and attached garage. The practical difficulty is the topography of the lot and the house shall be gutted and two sheds will be removed prior to construction of the garage. **Motion carried unanimously.**

05-47...A request by Raymond Gage, Section 21, 4894 Stillmeadow, for two front yard variances to construct an addition.

A call to the public was made with following response: Mr. Gage read into the record letters from the neighbors. The following letters were read:

I, JoAnn Roelofs of 4916 Stillmeadow, believe that Ray Gage should be able to add a 3rd bay to his garage. It is a reasonable request as most the homes in this neighborhood have 3+ car garages. Furthermore, I would add that this would not have been an issue if this 3-car garage was built by Godair when the home was originally built in 1997. Godair would not have got a variance he would have simply built it. That is obvious by the number of homes that are currently not in compliance with the current PUD setbacks. You need to do the right thing and grant Ray a variance to allow him to accommodate his growing family needs and add value to his home. It is not going to impede any neighbors view and it will fit nicely with his home.

Marianne Augustyn- 3257 Mackenzie Ct., I support Ray, Patrice, Jack, Mitch, Mary and now baby Lea in their quest to expand their garage. For god's sake they need the room. Their recent home addition is beautiful and I'm sure the garage extension will be as well. Sharon Davis- 3979 Nicolette Drive, I have no problem with the Gage's adding on to

their garage to support a 3rd car and for wheelchair access. The recent home addition looks great.

Ann Sullivan- 3250 Nicolette, We the Sullivan Family, of 3250 Nicolette, and neighbors to the Gages, would like it to be known to that we are 100% supportive of the Gage's plans to extend their garage per their proposed plan. We've seen their plans and we've seen the tasteful nature of the "addition" work that they've already completed and find no reason why they should not be allowed to add value to their home. We think their garage expansion plans are proportional to their home size and will ultimately improve our home value by association.

Moved by Perri, supported by Figurski, to grant petitioner's request for case# 05-47 for 4894 Stillmeadow for a 6' front yard variance with a setback of 34' and a rear yard variance of 5' with a setback of 45'. Granting of the variance is based on Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district 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 and vicinity of the subject parcel and the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant. **Motion carried unanimously.**

05-48...A request by Doyle Homes, Section 34, 5923 Cunningham Lake Road, is for a variance to allow existing accessory structure to remain after split has occurred.

A call to the public was made with the following response: Victor Lacca- 5957 Cunningham Lake Road, the building has been there ever since I moved in and you can not see it.

Moved by Figurski, supported by Wildman, to grant petitioner's request for case# 05-48 to allow existing pole barn on lot 115 as depicted on Advantage Engineers site plan drawing dated 11-23-05 with stipulations that there is to be no manufacturing, no outside storage and the existing well is to be capped. The deed restrictions will be reviewed by the Township Zoning Administrator to make sure that it is in compliance with all Township Ordinances. There is compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district. The need for the variance was not self-created by the applicant. **Motion carried unanimously.**

Moved by Figurski, supported by Perri, to approve the minutes with corrections. **Motion carried as follows: Ayes- Brown, Figurski and Perri. Abstaining- Wildman.**

The meeting was adjourned at 8:45 p.m.

