

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
JULY 19, 2005**

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, Jean Ledford, Barbara Figurski, Joe Perri and Kevin Brady. Also present was Township staff member Adam Van Tassell and approximately 16 persons in the audience.

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

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

05-15...A request by John Gwizdala, Section 9, 803 Sunrise Park, for two side yard variances and a front yard variance to construct an addition.

A call to the public was made with no response.

Moved by Perri, supported by Ledford, to grant petitioner's request of case #05-15 to construct an addition to a nonconforming structure with a side yard variance of 6' and a front yard variance of 21' for a 14' setback. Structure is to be guttered. The practical difficulty is the size of the lot.

05-21...A request by Gerald McCaig, Section 27, 4394 Skusa, for two front yard variances to construct an attached garage.

A call to the public was made with no response.

Moved by Ledford, supported by Figurski to table case #05-21 until the end of the meeting. Motion carried unanimously.

Moved by Ledford, supported by Perri to grant petitioner's request of case #05-21 for two front yard variances of 19' on the Skusa Road front and an 11'8" on the Clifford Road front. Conditioned upon the shed at the waterfront being removed. This variance is an amendment to the original variances granted at the June 21, 2005 Zoning Board of Appeals meeting.

05-22...A request by Judy McCuster and Marge Szymanski, Section 22, 4122 Highcrest, for a side yard variance to construct an addition.

A call to the public was made with no response.

Moved by Brady, supported by Perri, to table case #05-22 for a period of three months per petitioner's request to resubmit plans showing new proposal. Motion carried unanimously.

05-23...A request by Josie and Bill Maczugo, Section 22, 3847 Highcrest, for a side yard variance to construct a new home.

A call to the public was made with no response.

Moved by Perri, supported by Ledford, to grant petitioner's request for case #05-23 for a front yard setback of 15.6 feet with a 19.6 foot variance, a 4 foot setback on one side with a 6 foot variance and a waterfront variance of 28.5 feet with a setback of 84.6 feet. The practical difficulty is the narrowness of the lot and the structure shall be guttered and the grade will not change. The motion carried unanimously.

05-24...A request by Mark Snyder, Section 32, 5679 Richardson Road, for a variance to create two nonconforming lots.

A call to the public was made with the following response: Pam Rietsch- 5881 Richardson Road, read her letter into record as the following: " Dear Zoning Board Administrative Members Doug Brown, Barbara Figurski, Jean Ledford, Kevin Brady and Joseph Perri and fellow Genoa Township Residents,

When this Board met back in September of 2003 regarding the matter of Mark Snyder and his proposed split of the 5 acres all of the surrounding neighbors assumed the matter was closed after your ruling. Your esteemed Board voted to deny he petition located at 5679 Richardson, into two nonconforming lots of 2.5 acres. (see notes attached)

The neighbors empathized with the petitioner Mark Snyder who obviously paid too much for a wrongly described property by the realtor Joe Perri of Michigan Group who sold it 26 June 2002 for Andrew Perri. Joe Perri listed the property marking it appear as acceptable to Genoa Township Zoning ordinances with two houses on 5 acres when that was not allowed under the county estates zoning. Relief should have been sought against Mr. Perri at the time. Even Mr. Snyder stated that his father has questioned Mark if this split was acceptable in Genoa zoning laws from what Mark said after that meeting and the sales description contained the phrase "No Splits."

As the months went on and nothing happened on the part of the Petitioner Mark Snyder to conform to your ruling and stop renting and barn on said property as a viable dwelling, the neighbors became concerned. The property continued to be rented and when I and

others called to question what was being done at the township level, we never seemed to get answers from either the Ordinance Officer Adam Van Tassell or the Township Supervisor Gary McCririe. Actually early in 2004 the property was offered for sale for a short time from 14 April 2004 to 4 June 2004 by Gary McCririe who used the same description of two houses on 5 acres. Since Gary knew the township rules the neighbors found it curious that when pressed for more answers when I opened Mr. Sanford's estate in June of 2004 the property was suddenly pulled off the market. One cannot prove if questions being asked about the sale caused the cancellation of the realty contract but it does appear curious.

In the spring of 2005 I made a number of calls to the township regarding the disposition of the ZBA ruling and why it was not being followed up on even after 1.5 years. I was told by Gary McCririe that when the township knew that Mark Snyder was preparing to come before you nothing would be done until said meeting; even though you had ruled that the split was not allowed and thus rental must stop. I questioned further what on earth was going on here? The ZBA had ruled very precisely earlier, why was he allowed to come to the ZBA again for the same question? I was told by Gary that anyone in the township was allowed to come to said Board once a year and the petitioner was claiming he would lose his property if he could not rent this barn out as a house. I was flabbergasted! Besides the refusal by the petitioner to comply with the ruling and causing problems for the neighbors if this was to be allowed the township was now owed at least 3 years worth of taxes after the assessor determined the value of the "barn" turned into a house.

One of the neighbors said to check with the Livingston County Building Department as they wondered if there had ever been a Certificate of Occupancy issued for the barn. I did as they suggested and filed the FOI form for the property and you can see the attached papers. There had been absolutely no permits pulled since the original barn plans had been submitted for permits. Thus against zoning the previous owner had put in separate electric, water & propane supplies for a barn that was now supposed to be a house. The Building Department issued notices that the residents were to be removed but to this date they still are living in this building.

I represent Phil Sanford's estate as his Executor and have been attempting to sell the property directly behind the property in question. As the ZBA board well knows property values in Genoa Township are continuing to go up. People that purchase land at these prices expect that what the township ordinances say about one house per five acres is to be followed. When Mr. Sanford put the driveway in for the property he owned it was intended for that property and the one house located at 5679 Richardson Road. He knew the total would not exceed those pieces of land and yet now with this extra barn being occupied the drive has become horrible. Granted Mr. Snyder did have some gravel spread to stop some of these problems but they would not have happened had the ordinances been adhered to in the beginning? Since then I have lost at least 2 sales due to extra traffic or as one potential buyer said "activity" in what was going to be his quiet country home which he had planned to spend over \$500,000.

If this Board sees fit to continue to allow Mr. Snyder to break the rules then most of the neighbors have commented that they want to rent their barns & outbuildings. As my mother often said, "what is good for the goose is good for the gander." Perhaps it pertains to this situation.

Keep in mind, as I address this Board today, this is not the first or second time that we who have lived in the area have tried to get this issue resolved. In fact I believe that we are into the 3rd ordinance officer to try and get someone at Genoa Township to do something. Sadly those last two officers were not able to get anything done and both have since passed away."

Mr. David Hembree- Mr. Snyder chose to buy this property the way it was. He was refused a year and half ago for a variance to split the property. The structure was not built as a home it was built as a barn. We have to show pardonship. If this petition is granted will this set precedence? Will I be able to put in a barn and secretly turn it into a house? This is zoned 5 acres and this is why I built my house in this area. The other driveway that is there supplies two homes and if this is approved it will now service three. I have to disagree with Mr. Snyder with reference to the tenants being quiet. They are up until 3 in the morning and they drive out of the driveway too fast and I have almost been hit two times. Mr. Will Stodart- 5787 Richardson, I have lived here for 30 years and this has been 5 acres ever since. We thought that was the way it was to be. Dean Tengel- The important thing is that this condition is existing. We have been through 3 ordinance officers already. As a tax payer I don't want to use tax dollars on an unenforceable issue. Amanda Mykolaitis- It is very difficult for a resident to work backwards. I would suggest pulling a driveway permit. With this driveway serving more homes the sight distance might have changed. The call to the public was then closed.

Moved by Brady, supported by Ledford, to table case #05-24 for applicant to go before the Livingston County Building Department and the Livingston County Health Department for inspection of the residence and to report within three months to Genoa Township if petitioner does intend to pursue the split. Motion carried unanimously.

05-25...A request by Paul and Amanda Mykolaitis, Section 29, Vacant Brighton Road, for a variance to create to two nonconforming lots.

A call to the public was made with no response.

Moved by Ledford, supported by Brady, to table case # 05-25 per petitioner's request for up to 3 months to try to obtain an agreement with the Livingston County Road Commission. Motion carried unanimously.

05-26...A request by Charles Strong, Section 10, 5481 E. Grand River, for a side yard variance to construct an addition.

A call to the public was made with no response.

Moved by Brady supported by Ledford, to grant petitioner's request of case #05-26 for a variance of 7 feet with a setback of 3 feet on the side yard. The new structure should be guttered and the electric and well in the front yard should be removed. The practical difficulty is the narrowness of the lot. Motion carried unanimously.

05-27...A request by Byron and Judy Rogers, Section 20, 31237 Brighton Road, for a waterfront variance and a side yard variance to construct a sunroom.

A call to the public was made with no response.

Moved by Ledford, supported by Brady, to grant petitioner's request for case #05-27 for a waterfront variance of 12 feet and a side yard variance of 12 feet to enclose an existing deck. The practical difficulty is the 17 foot drop to the waterfront, reserve for septic field on the other side, one side yard has a variance on the side because it is less than 40 feet and it is an irregular shaped lot. Motion carried unanimously.

05-28...A request by Robert Allison, Section 25, 4805 Bauer Road, for a variance to construct a detached accessory structure in the front yard.

A call to the public was made with no response.

Petitioner withdrew his petition.

Moved by Brady, petitioned by Perri, to approve minutes. Motion carried unanimously.

Meeting was adjourned at 10:09 p.m.