

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
JULY 20, 2004**

MINUTES

Chairman Doug Brown called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Barbara Figurski, Jean Ledford, Kevin Brady and Doug Brown. Also present was Township Staff member Adam Van Tassel and approximately 25 persons in the audience.

Moved by Figurski, supported by Brady to approve the Agenda with the tabling of item #1, case #04-11 for Jeffrey Adams per the petitioner's request. Motion carried unanimously.

A call to the public was made with no response.

04-13...A request by Ken Maly, Section 13, Vacant, Del-Sher, for a variance to split property into two nonconforming lots. (tabled 4-20-04)

A call to the public was made with the following responses: Tom Kinczkowski, I live on lot 43, the two major concerns that we had were if the property perked and if the house is going to be the same size or bigger than what is in the area. Mark Doran, 812 Del-Sher, We were really concerned about the property perking, and Mr. Maly has eased our concerns and we are happy about this project now.

Moved by Ledford, supported by Brady, to grant petitioner's request for case #04-13 for a variance to split a parcel of land in Del-Sher Estates as follows: Lot 43 was previously divided into 2 parcels. Mr. Maly's parcel consisting of the west 150 ft. of lot 43 and Mr. Howard's parcel consisting of lot 43 except for the west 150 ft. Mr. Howard will transfer a 455 sq. ft. parcel from the easterly portion of lot 43 to Mr. Maly's westerly parcel thereby creating a 1 acre westerly parcel and a 1.13 acre easterly parcel. The westerly parcel of 1 acre will now be split into 2 non-conforming lots each containing .50 acres of land to construct 2 single family homes. The practical difficulty is the construction of 2 single family homes, one facing north the other facing south will be similar to parcel sizes and configuration in the original layout of the homes in Del-Sher Estates. Both parcels were approved for a septic system from the Health Department Board of Appeals Case # b3-2002 dated January 28th, 2003. Motion carried unanimously.

04-17...A request by Michael Boggio, Jr., (Crystal Gardens) for a monument sign variance. (tabled 5-18-04, 6-22-04)

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A call to the public was made with the following responses: Shirley Wilks: The McDonald's had a sign that changes messages. It is located at Latson and Grand River. Dale Cooper: You might want to ask to have this tabled to have attorney and the township planners take a look at the sign ordinance. It may help solve the safety concerns and also bring the applicant into today's technology.

Moved by Figurski, supported by Ledford, to deny case #04-17 (Crystal Gardens) per the planning commissions recommendation on 5-24-04. The proposed sign will not exceed 75 sq. ft. and shall be 15 feet high at road grade. No electronic message board shall be installed on the sign. The second freestanding sign will be replaced with a wall sign shall comply with Township standards. There was no hardship or practical difficulty presented and this would set a precedent. Motion carried unanimously.

Moved by Ledford, supported by Brady, to waive the 12 month waiting period for the petitioner's request in the event there is a change in the ordinance to allow that type or similar type of sign regarding electronic message board. Motion carries as follows: Ayes- Brown, Ledford, Brady. Nays- Figurski.

04-30...A request by Dennis Donohue, Section 9, 1245 Sunrise Park, for a side yard variance to construct a deck and covered porch.

A call to the public was made with no response.

After discussion with the Board and petitioner, it was decided that the petitioner is also asking for a 10 foot front yard variance with a 25 foot setback. Petitioner thought the house was 35 feet from property line.

Moved by Brady, supported by Ledford, to grant case #04-30 located at 1245 Sunrise Park a 10 foot variance from the front property line to Sunrise Park Drive and a 5 foot north side yard variance, to allow for a deck and covered porch that wraps around to the front door with the stipulation that there is no obstruction to the south side of the property in the 10 foot setback. The practical difficulty is the narrowness of the lot. Motion carried unanimously.

04-31...A request by Victor Ruiz, Section 36, Lot 249 Hartford Way, for a side yard variance to construct a new home.

A call to the public was made with the following response: Mike Katkic- 5966 Hartford Way, I would just like to look at the drawings. Petitioner showed Mr. Katkic that drawings.

Moved by Ledford, supported by Figurski, to grant petitioner's request for a 10 foot side yard variance to construct a single family home within the confines of the now limited existing building envelope, due to the location of a fenced sediment basin to the east of the property, the narrowness of the lot and the severe drop off of the land to a flood plain area fronting Brighton Lake. The house is to be guttered with run off water directed to the

sediment area. Further, petitioners will not be granted any additional variances regarding this property. This approval is to be contingent upon receiving corrected drawings from petitioner for land use permit. Motion carried unanimously.

04-32...A request by Richard Shinske, Section 25, 7915 Very Drive, for a variance to construct a detached accessory structure in the front yard.

A call to the public was made with no response.

Moved by Figurski, supported by Ledford, to grant petitioner's request case 04-32, 7915 Very Drive, for a variance to allow a pole barn in the front yard with driveway being accessed off existing driveway and outside storage will be prohibited. The practical difficulty is the topography of the land and the placement of the septic being toward the lakeside.

04-33...A request by Community Bible Church, Section 9, Vacant on Beck Road, for a variance to construct a detached accessory structure on vacant property.

A call to the public was made with the following responses: Bruce Hundley- 4400 Beck Road, I have lived here for 15 years. I have two rowboats that sit by the lake. People do go back there. I would like to see the police reports of vandalism that Mr. Cooper has been talking about. I feel that they will use this for a recreation building. On July 4, 2004, the church was testing their sound system with 10 port johns out there with tents. They have dug out wetlands and a beach there. I am opposed to this item. Why does the church need mow 90 acres? I don't understand why they need an 800 sq. ft. pole barn. I do not see a hardship. Elizabeth Hundley- 4400 Beck Road, the church has no disregard for the Township and State laws by filling in the wetlands and they are in violation of the Drain Commissioners laws and I have pictures of boats on the beach. I would request that this is denied and not approved. By allowing the construction of a pole barn, you are inviting vandalism to our neighborhood. Mrs. Hundley submitted photos to the Board. Rita Goodman- 2007 Fishbeck, I am concerned that a fence that was placed on the property is where endangered species are. I was told by the church that they would only cut down small trees. 6 inch trees in diameter are not small trees. I do not want those machines waking me up at 4 o'clock in the morning. Shirley Wilks- 4366 Beck Road, we have ATV's that we were granted permission to ride on the church property by Pastor Sam. He granted us permission thru June. They have been really rude. They do not need this barn and they will use it for hunting and enjoying the beach. I oppose this variance. Pastor Sam told me that he has 30 guys who want to hunt the property. I would like to see what vandalism has gone on there.

Moved by Ledford, supported by Figurski, to deny petitioner's request for a variance to construct a pole barn to store equipment to be used for maintaining and mowing of property and which is in violation of ordinance 3.3102 " " No practical difficulty was presented to allow the variance. Motion carries as follows: Ayes- Brown, Ledford, Figurski. Nays- Brady.

04-35...A request by Robert and Janet Darden, Section 13, 7401 Herbst Road, for a variance to split property into two nonconforming lots.

A call to the public was made with the following responses: Ronald Kelly- I sold the property to the Darden's and also sold them 4 acres. I bought back 2 acres from them. The deed that was drawn reads as follows" It is the intention of this deed that the lands hereby conveyed shall attach to and become a part of that portion of adjoining land to the South presently owned by the grantees to the extent that this conveyance does not create another division of land as defined in the Michigan Subdivision Control Act of 1967, as amended. It is the intention that the land hereby conveyed shall become one parcel with said adjoining land to the South presently owned by the grantees so that no additional divisions are created hereby."

Moved by Ledford, supported by Figurski, to grant petitioners request for a variance to split his property into 2 nonconforming lots with parcel B to be 1.8 acres approximately and parcel A to be .6 acres approximately making the property consistent with other properties in the vicinity. This approval is contingent upon ingress and egress right of way from Oak Lake Trail to parcel B being obtained. Motion carried unanimously.

04-37...A request by Michael and Pamela Campbell, Section 2, 5955 Shadow Pines Court, for a rear yard variance to construct a deck.

A call to the public was made with no response.

Moved by Figurski, supported by Ledford, to grant petitioner's request for case #04-36 located at 5955 Shadow Pines for a deck with a variance of 10 feet in the rear. The practical difficulty is the distinct features on the lot that includes a lot with considerable slope from front to rear, a very irregularly shaped lot with the west side yard 50 feet shorter than the east side, the angle of the house on the property. In addition, building the deck in the proposed location will allow them to preserve a mature oak tree in the rear yard. Motion carried unanimously.

Moved by Figurski, supported by Ledford, to approve the Zoning Board of Appeals, June 22nd and June 29th, 2004 minutes with corrections. Motion carried unanimously.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted:

Amy Ruthig

