

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 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, Dean Tengel and Doug Brown. Also present were Township Staff member Adam Van Tassell and approximately 30 persons in the audience.

Moved by Figurski, supported by Tengel, to approve the Agenda as presented. Motion carried unanimously.

A call to the public was made with no response.

03-69...A request by Jill and Tim Michalik, Section 22, 4354 Highcrest, for two side yard variances and a waterfront variance to construct a new home. (tabled 11-18-03,3-16-04)

A call to the public was made with no response.

Moved by Ledford, supported by Figurski, for approval of the removal of the two existing non-conforming cottages on lot #17 to be replaced with one new residential structure with a 41 foot waterfront variance, a 5 foot variance to the south and a 1.4 foot variance to the north.

The practical difficulty being the severe topography of the land and the narrowness of the lot. Motion carried unanimously.

04-04...A request by Carl Roberts (Brockway Residence), Section 22, 3722 Noble, for a front and rear yard variance to construct a new home. (tabled 3-16-04)

A call to the public was made with no response.

Moved by Ledford, supported by Figurski, for approval of the petitioner's request for a front and rear yard variance to construct a new home with the front yard variance of 5 feet, rear yard variance of 30 feet and the reduction of square footage from 5,240 sq.ft. to 3,883 sq.ft.

The practical difficulty is the terrain and the reduction of the lot size and building envelope due to encroaching gravel drive which is an extension of Noble Road to access two other homes west of subject property. Motion carried unanimously.

04-05...A request by C.A. and D.M. Malysz, Section 12, Vacant, Clark Lake Road, for a front yard, side yard and waterfront variance to construct a new home. (tabled 3-16-04)

A call to the public was made with no response.

Moved by Ledford, supported by Tengel, to table case # 04-05 to the May 18th, 2004 regular Zoning Board of Appeals meeting to allow petitioner more time to stake property. Motion carried unanimously.

04-06...A request by Bank One, Section 5, Vacant Grand River (between Grand Oaks and Natanna Trail), for a side yard variance and a side yard parking variance to construct a new office building.

A call to the public was made with no response.

Moved by Ledford, supported by Tengel, to approve the petition for Bank One for a 7 foot setback on the east side and a parking lot setback of 2 feet. The practical difficulty is the irregular size of the lot. Motion carried unanimously.

04-08...A request by Tim and Nadine Mooney, Section 22, 5276 Edgewood Shores, for a rear yard variance and a wetland variance to construct a 2nd story deck.

A call to the public was made with the following responses:

Andrew Warner, President of the Northshore Village Association- We appreciate the careful planning of the Northshore PUD. The Board has reviewed the drawings that Mr. Mooney has submitted. We do not support his petition. We are concerned that if the Zoning Board of Appeals starts approving these variances it will set a precedent for the whole site. We feel that the PUD is appropriate and the setbacks maintain the integrity. The Board requests that this request is denied. Jim Lawrence- Director of the Northshore Village Board- I concur with what Andrew said. My concern is for the side yard. Jennifer Lynn- 5292 Edgewood Shores Drive- the Mooney's deck would not affect me. In my opinion and my husband's opinion this would be an asset to their home. Andrew Warner- Could you please clarify dimensions the Board was given- Are there any concerns with side yard setbacks. VanTassell- Side setbacks are being met. After discussion Mr. Mooney said he would shorten the depth of the deck.

Moved by Figurski, supported by Ledford, to approve 5270 Edgewood Shores Drive for Mr. and Mrs. Mooney to put a deck on the rear of their home which would be a 12 foot variance on the rear towards the lake and a 3 foot boundary wetland variance on the rear for a 890 sq. ft. deck. The practical difficulty is due to the building envelope being

decreased because of the limited common area created by the P.U.D. Motion carried unanimously.

04-09...A request by Champion Chevrolet, Section 10, 5000 Grand River, for a height variance to install an 80 foot flag pole.

A call to the public was made with the following responses: Michael Suci- 1071 Sunrise Park, I am in favor of the flagpole and I have no problem with the light. Tom Kinczkowski- how big is the flag. I do know that when flags that size are flown at half mast they are low.

Moved by Ledford, supported by Figurski, to deny petitioner's request for an 80' flag pole with spot light. It serves no practical purpose and is not conducive to the safety and welfare of the township and its citizens and would create additional light pollution to the area that already has an abundance of illumination. Motion carried as follows: Ayes- Figurski, Ledford, Brown. Nay- Tengel.

After discussion is was moved by Figurski, supported by Tengel, to waive the application fee if the petitioner decides to approach the Zoning Board of Appeals with a different plan for installing a flag pole. Motion carried unanimously.

04-10...A request by Patrick Michael, Section 26, 6517 Forest Beach, for two side yard variances to construct a 2nd story addition.

A call to the public was made with no response.

Moved by Ledford, supported by Figurski, to grant the petitioner's request for two side yard variances with one side of 6 foot and one side of 7 foot. The practical difficulty is the narrowness of the lot. Motion carried unanimously.

04-11...A request by Jeffrey Adams, Section 10, 5239 Wildwood, for a front yard, rear yard and side yard variance to construct a 2nd story addition.

A call to the public was made with no response.

Moved by Figurski, supported by Ledford, to table 5239 Wildwood at petitioner's request up to 3 months to obtain a staked survey. Motion carried unanimously.

04-12...A request by Robert Schroder, Section 18, Vacant Fisk Ct., for a front yard variance to construct a new home.

A call to the public was made with the following responses: Barry Pullman- owns 4 parcels to the south-east. This is a county grade private road. The homes on the north side drops into the wetland area about 100 feet. I protested the splits originally because there is no buildable site on these lots. Tom Parker- this is an

unbuildable site. I saw where they did the testing on the site and in my opinion the septic will be leaking into the wetlands.

Moved by Tengal, supported by Ledford, to grant case# 04-12 with a 33 foot front yard variance based on a practical difficulty with the severe slope of the land. Motion carried as follows: Ayes- Brown, Ledford, Tengal. Nays- Figurski.

04-13...A request by Ken Maly, Section 1, Vacant Del-Sher Drive, for a variance to split property into two non conforming lots.

A call to the public was made with the following responses: Mark Doran- my understanding is that a split of this property has been previously attempted and he was denied and he sold it at a lower price. What has changed since when Mr. Howard tried to split the property? There are no other houses that look in the rear of a house. This will require two engineered septic systems. How will this affect our drinking water? Mr. Howard- when I went to split this property I was told that I needed to get another perk and at the time I did not have the money. It was denied by the ZBA then. Tom Kinczkowski- I have concerns with our drinking water. I was told to change the filter once a month and I have been changing it every month. If they do split the land, are there any requirements of square footage? Todd Esbrook, 976 Del-Sher, submitted the following letter to the board: "It is my opinion that the existing lot should be split into two lots in order to maintain the original layout pattern of the subdivision. If someone were to build one house in the center of that lot or on either side of it, it would look awkward. Living across the street from it, I could possibly be looking at the back of a home, or possibly a storage building. The building sites should be kept consistent with the original layout of the subdivision."

Moved by Ledford, supported by Figurski, to table case # 04-13 per the petitioner's request for up to 3 months. Motion carried as unanimously.

Administrative Business

Moved by Figurski, supported by Tengal, to approve the Zoning Board of Appeals, March 16, 2004 minutes with corrections. Motion carried unanimously

The meeting was adjourned at 10:40 p.m.

Respectfully submitted:

Amy Ruthig

