

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 11, 2001

MINUTES

A regular meeting of the Zoning Board of Appeals was called to order by Chairman Staley 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: Rick Staley, Barbara Figurski, Judith Stornant, Polly Skolarus and Chris Hensick. Also present were Township Zoning Administrator Adam VanTassell and approximately 15 persons in the audience.

Moved by Figurski, supported by Hensick, to approve the Agenda as presented. The motion carried unanimously.

A Call to the Public was made with no response.

01-48...A request by Brian Lynn, Section 10, 733 Pathway, is for a 27-foot rear yard and a 6 foot side yard variance to construct an attached garage.

Moved by Skolarus, supported by Figurski, to table (at the petitioner's request) until the next regular meeting of the board to allow the petitioner to provide plans of the facade. The motion carried unanimously.

01-52...A request by George Atsalis, Section 9, 1093 Sunrise Park, is for a 5'9" side yard variance to enclose a porch.

Moved by Skolarus, supported by Figurski, to reaffirm the Motion of June 10, 2001 to deny the petitioner's request since no circumstances have changed, other than the petitioner chose to construct the addition even though he was denied on June 10, 2001. Further, no extraordinary circumstance exists to warrant the enclosed porch. Atsalis - Township Manager Mike Archinal said that there shouldn't be a problem going forward with the project. The motion failed as follows: Aye - Skolarus. Nay - Staley, Figurski, Stornant and Hensick.

Moved by Hensick, supported by Figurski, to approve the variance of 5' 9" conditioned upon the petitioner providing a boundary survey, specifying exactly how close the porch is on all sides in relation to the property lines. The practical difficulty is enforcing the original denial based upon the interaction of the Livingston County Building Department and the Township with the County acting without approval from the Township. Further, the survey must be submitted within 75 days from today's date. The motion carried as follows: Ayes - Stornant, Figurski, Staley and Hensick. Nay - Skolarus.

01-56...A request by Dennis Cuffe, Section 3, 560 Lakeside Drive, is for a 10 foot side yard, 5 foot waterfront and a 32 foot front yard variance to construct a second story addition on an existing structure.

A call to the public was made with the following response: Shane O'Brian - I hate to see additional variances granted because it will obstruct the view of the lake. The shed is not legal. Mary Lou Withrow - The petitioner should have been aware of what he could and couldn't do with that property before he purchased it. Jim Bagel - I own lots 20 and 21 and this addition would improve my property values. I support the petition being granted.

Upon Board discussion, it was undecided whether the petitioner could construct the addition as long as he didn't encroach any further upon the existing boundaries. The petition was concluded with the following motion after VanTassell determined that a variance would be required for any addition. Moved by Hensick, supported by Figurski, to deny the variance sought since the addition would significantly increase the non-conforming structure that is already located right on the lot line. The motion carried as follows: Ayes Hensick, Figurski, and Skolarus. Nays - Staley and Stornant.

01-57...A request by Richard McIntyre and Paulson's Construction, Section 26,6527 White Pines Drive, is for a 13 foot side yard variance to enclose an existing in-ground pool and attach to the house.

A call to the public was made with the following response: Elizabeth Swift - Should the neighboring property owner choose to develop their 15 - 17 acres this would be a huge expansion. Moved by Skolarus, supported by Figurski, to approve the enclosure of the pool contingent upon a landscape addition of seven 8-foot evergreens being planted as a greenbelt to the west and that the trees be maintained in perpetuity. The motion carried as follows: Ayes Skolarus, Figurski, Hensick and Stornant. Nay - Staley.

01-58...A request by Laura Larance, Section 8, 3148 Beck Road, is for a 22 foot side yard variance to construct an addition to accessory structure.

Moved by Hensick, supported by Stornant, to grant a 22' side yard variance for an addition to an existing accessory structure. The practical difficulty is the existing right-of-way easement for the Panhandle Pipeline that dissects the property on a diagonal basis. The motion carried unanimously.

01-59...A request by Brivar Construction, Section 15, 2464 Dorr Road, is for a 170 foot road right of way variance, 37.34 side yard variance and a 7.07 foot variance from an existing accessory structure to construct an addition to an animal shelter.

A Call to the Public was made with no response. Moved by Hensick, supported by Stornant, to approve a freeway variance of 177.07 from I-96 and a west-side building variance of 41.09 feet as recommended by the Planning Commission. Three additional trees will be added along the side of the building. Note: The garage will meet the

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existing setback requirements. The extraordinary circumstance is the location of the facility right next to the expressway and that there is no disturbance to neighboring properties. The motion carried unanimously.

Moved by Figurski, supported by Stornant, to approve the Minutes of the November 13, 2001 meeting as submitted. The motion carried with Skolarus abstaining.

The regular meeting of the Zoning Board of Appeals was adjourned at 10:15 p.m.

Paulette A. Skolarus
Genoa Township Clerk