

(corrected)
GENOA TOWNSHIP
ZONING BOARD OF APPEALS
October 12th, 1999

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 following board members were present constituting a quorum for the transaction of business: Rick Staley, Barbara Figurski, Chris Hensick, Polly Skolarus and Robert Murray. Also present were Township Manager Michael Archinal and approximately 25 persons in the audience.

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

A call to the public for non-agenda items was made with the following response:
Jacqueline Blair - With regard to petition 99-49 for Donovan that was approved on 09-14-99, the house is supposed to be located in line with the neighboring properties.
Murray - We will need to review the file. Hensick - The minutes should include a sentence that says a string line should be drawn between the two existing homes and no part of the new construction should sit in front of that line. Blair - I would also like to comment that this board does not allow residents to speak long enough concerning a petition.

99-34... A request by Andrew Pizzino, 1348 Elmhurst Drive, Section 10, for a 7' side variance to build a home. (Tabled from previous meeting)

A call to the public was made with no response. The petitioner asked that the variance be changed from 7' to 3'. Moved by Murray, supported by Hensick, to approve a 3' west-side variance to allow a side entry garage with the understanding that the new house will sit no closer to the water than the existing house. The hardship is the unusual pie shaped lot and a safety factor in backing out of the garage. The motion carried as follows: Ayes - Murray, Staley, Skolarus and Hensick. Nay Figurski.

99-37...A request by Christopher Hescheles, 4510 Clifford, Section 27, for a 3' side variance to build an attached garage.

A call to the public was made with no response. Moved by Skolarus, supported by Hensick, to reaffirm the variance granted on 07-13-99 and to also approve a 3' north side variance with the same conditions and language that was approved on 07-13-99. The motion carried unanimously.

99-45...A request by Mark Ostrowski, 3894 Highercrest, Section 22, for 5' side variances and a 20' front variance to rebuild a home. (Tabled from previous meeting)

A call to the public was made with no response. Moved by Hensick, supported by Figurski, to table for the 3rd and final time since the petitioner was not present when this petition was called. The motion carried.

99-50...A request by Steve Stanley, Section 27, 3953 Highcrest, for a 5' side variance, a 10' side variance and a 131' waterfront variance to rebuild a home. (Tabled from previous meeting)

A call to the public was made with the following response: Tom Craine - There could be a problem with fire protection with this house so close to the property line. Reference is also made to a letter from Thomas and Sandra Holmes objecting the request. Moved by Murray, supported by Figurski, to table the request to allow the petitioner an opportunity to revise the plans. Board members raised the following concerns: The 3000 sq. ft. size of the house; the attached three-car garage; the 120' length of the structure; the raised and screened 2nd floor deck (adding to the length). The motion carried unanimously.

99-51... A request by Malisa Harter, Section 10, 5393 Wildwood, for a 33' front variance and 7' side variance to build a garage. (Tabled from previous meeting)

A call to the public was made with no response. Moved by Murray, supported by Skolarus, to grant the following variances: 23.4' south-side, 7' east-side 5' west-side and 20' waterfront. This action is contingent upon the construction of a single story garage 24' x 24' in area (according to the plans). In addition the petitioner has provided documentation that the access easement has been abandoned and the petitioner now owns an additional 10' of property as indicated on the site plan. Further, the footprint of the home will remain the same and will not encroach further into the waterfront. The access easement is determined to be the front of the parcel. The motion carried as follows: Ayes - Hensick, Staley, Murray and Skolarus. Nay - Figurski.

99-52...A request by Marion Kujawa, Section 10, 1080 Chemung Drive, for a 18' front variance, 7' side variance on both sides, and a 3' height variance to build a home. An additional variance is requested to locate a garage on a separate lot. (Tabled from previous meeting)

A call to the public was made with no response. Moved by Murray, supported by Figurski, to table since the petitioner was not present when this case was called. The motion carried.

99-55... A request by Rollerama II, Section 14, for a sign variance. (Tabled from previous meeting)

A call to the public was made with no response. Moved by Murray, supported by Figurski, to table since the petitioner was not present when this case was called. The motion carried.

99-59...A request by Mesquite Junction, 4184 East Grand River, Section 04, for a variance to install two signs on building for additional visibility.

A call to the public was made with no response. Moved by Skolarus, supported by Figurski, to table since the petitioner was not present when this case was called. The motion carried.

99-60...A request by Stan King, 1180 James Road, Section 10, for a variance to split two lots, previously combined into one.

A call to the public was made with the following response: Loran Lankford- I own lot 48. Why would you split this lot now? Will it be built upon? Petitioner - It is a regular subdivision lot and we do not plan to build currently but do hope to sell it in the near future. Lankford - Any home built on lot 47 would have to be located in front of my house. Stan King - I bought this property 30 years ago. Separate offers were made on each lot. When we closed the property had been combined. Skolarus - Mr. King, you did not pay a separate tax bill on this property for over 30 years. You must have known that the property was combined. An objection should have been raised long ago. Murray - Lot 47 does not fit today's standards. The petitioner would need variances to build on either lot. Skolarus - Under our current zoning ordinance we cannot create a nonconforming parcel.

Moved by Murray, supported by Skolarus, to deny the request since the petitioner has demonstrated no hardship and referencing section 23.02 of the township-zoning ordinance. The motion carried as follows: Ayes - Figurski, Murray and Skolarus. Nay - Hensick and Staley.

99-61...A request by Mark Brunette, 1278 Hughes, Section 10, for a variance to construct a 2000 square foot pole barn on a lot less than one acre.

A call to the public was made with the following response: Loran Lankford - The size of the property is too small for this size pole barn. The petitioner was not able to present a hardship. Moved by Murray, supported by Skolarus, to table at the petitioner's request. The motion carried.

99-62...A request by Terri Lowden, 1290 Hughes Road, Section 10, for a variance to construct a 1200 square foot pole barn on a lot less than one acre.

A call to the public was made with the following response: Loran Lankford - This request is ludicrous and the size is not necessary. Brunette - There are already three pole barns to the left of Lankford. Moved by Murray, supported by Figurski, to deny the request since

the petitioner demonstrated no hardship or practical difficulty. The motion carried unanimously.

99-63...A request by Robert Musch, 3500 Pine Ridge Lane, Section 22, request is for a 5' side variance to extend garage.

A call to the public was made with the following response: Mr. Coslow - I have no objection to this request. Staley - This addition would be a benefit to the neighborhood. Nearly 1/3 of the addition would be below ground level and trees would obscure most of it. Moved by Hensick, supported by Figurski, to grant the request for a single story garage addition 22' x 15' in area with a 15' front variance and a 5' side yard variance, contingent upon the removal of the existing shed. The hardship is the location of the existing structure and the unusual topography. The motion carried unanimously.

99-64...A request by Philip Brown, 1681 Edwin Drive, Section 11, for a 9' side variance and a 9' rear variance to build a garage.

A call to the public was made with no response. The petitioner stated that they did not have a problem with a 2' setback. Moved by Murray, supported by Figurski, to grant an 8' side and an 8' rear variance for construction of a garage. The hardship is the location of the existing well in the center of the yard, the overhead power lines, the location of a mature tree and the narrowness of the lot. The motion carried unanimously.

99-65...A request by Applebee's of Michigan, North side of Grand River, between Latson Road and Meijer entry drive, Section 05, request is for a signage variance.

A call to the public was made with no response. Petitioner - The signage proposed is only 70-sq. ft. in area, not the 100-sq. ft. that is allowed. When the signage is linked, the area becomes more than allowed under your ordinance because a large part of the building is included in the calculation. Moved by Murray, supported by Hensick, to determine that the interpretation by the zoning administrator that the petitioner was seeking a variance for two signs versus one was not accurate and that the calculation of square footage could be determined separately. The corporate name is determined to be Applebees Neighborhood Bar and Grill. The motion carried as follows: Ayes - Murray, Hensick, Figurski and Skolarus. Nay - Staley.

99-66...A request by Joyce Woychowski, 1637 Westmore, Section 11, request is for a 5' side variance to build a garage.

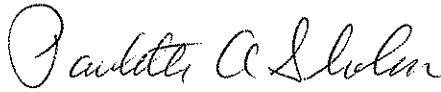
A call to the public was made with no response. Moved by Hensick, supported by Figurski, to grant a 5' side variance for construction of a single story garage 24' x 24' in area, contingent upon removal of the existing shed. The hardship is the narrowness of the lot. The motion carried unanimously.

99-67...A request by Billy Bob's Game Room Furnishings, 751 Latson Road, for additional building signage.

A call to the public was made with the following response: William Kennedy representing Art Van - Ignorance of the law does not justify allowing a variance. Art Van did the right thing in their application. We are concerned with the use of neon and are opposed to a variance being granted. Murray suggested that Art Van put their concerns in writing so that they may be addressed when this case is heard. Moved by Murray, supported by Skolarus, to table the petition since no one was present when the petition was called. The motion carried.

Moved by Murray, supported by Figurski, to approve the Minutes of the Sept. 14, 1999 meeting correcting petition 99-34 to read "until the next regular meeting of the board". Also correcting petition 99-49 to read " a string line should be drawn between the two existing homes and no part of the new construction should sit in front of that line." The motion carried unanimously.

The regular meeting of the Zoning Board of Appeals was adjourned at 9:50 p.m.



Paulette A. Skolarus
Genoa Township Clerk