

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**JULY 21, 2009**

**6:30 P.M.**

**MINUTES**

Chairman Mike Howell called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for transaction of business: Mike Howell, Joe Perri, Steve Wildman, Marianne McCreary and Barbara Figurski. Also present was Township staff member Adam VanTassell and approximately 6 persons in audience.

The members induced themselves to the public.

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

The call to the public was made with no response.

**09-11...A request by John and Maricel Roberts, Section 22, 3805 Highcrest, for a front yard variance to construct an addition.**

Dave Johnson, the petitioner's attorney is representing the petitioner this evening. Mr. Roberts presents a history of legal issues on the property related to the abandonment of Noble Drive and reassignment of the vacated land to the adjacent properties. The Roberts are proposing to remove the existing garage that is currently off of their property and construct a new garage entirely on their property. The new garage will only be 1 foot off the property line, but will be 28' from the roadway. There is a benefit to the public by reducing the non-conformity and placing structures and vehicles farther away from the roadway.

Chairman Mike Howell reads a letter received from Michael and Peggy Page of 3793 Highcrest Road. In a letter dated July 16, 2009, Mr. and Mrs. Page indicate they have no concerns regarding the variance however they ask that the construction not disrupt their property.

Jacqueline Blair of 3934 Highcrest and 3793 Noble addressed the Board. She states that there is an easement over the property. Ms. Blair questions if the Township has justification that Mr. Robert's has complied with the conditions of the consent judgment? The Attorney General's office indicated to her that the Robert's omitted a portion of the consent judgment when it was sent to the state. They do not have full rights to use this property. There are easements for the drain and road commission and an easement for her.

Dave Keller of 3766 Noble asks to show a map to the Board. The document used for the variance request was not prepared by a surveyor and has inaccuracies in measurements. The document should be done by a registered surveyor.

Tom Crane of 3793 Noble states that Mr. Roberts cuts down trees. The Road Commission reserves a 40' easement over that property and if he is 8-10' over the line and the addition is very big and he doesn't see the need for such a large addition. You should not allow him to build on the easement.

Mr. Johnson responds and assures the Board that the vacated Plat was signed off and recorded. Livingston Engineering drafted the drawings provided this evening and amended the plat. The addition that the Robert's wish to build does not encroach on any of the easements. This matter has been discussed with Rick Heikkinen and Mr. Johnson assures the Board that this building will not be constructed on the ingress, egress or drainage easement. He states that they meet the 40' setback and only need the front yard setback variance.

Member Wildman states that we are here to decide the variance request and the legal issues are separate.

Member Perri requests whether or not Mr. VanTassell has discussed this matter with the Township Attorney. Mr. VanTassell states that the Township Attorney has indicated to him that the legal issues have been resolved through consent judgment and this can be heard this evening.

Member Figurski requests why the tree was cut down next to the garage. Mr. Robert's replies that they removed an Elm Tree to protect the foundation of the existing garage.

Dave Keller states that the owner is telling lies. He claims to be 1' off the road easement and Mr. Keller states that he believes he should be setback further from the road easement.

Tom Crane questions if the garage will be on the 40' easement running to the lake. Chairman Howell indicates that this easement is not related to the variance and that comments shall be restricted to comments regarding the front yard setback variance.

Jacqueline Blair wants to know if the Board has verification that the conditions of the consent judgment have been met. Chairman Howell states that comments shall be limited to those regarding the front yard setback, not the 40' ingress/egress easement or conditions of consent judgments. Chairman Howell states that the petitioner is not requesting a side yard variance. Ms. Blair states that she wants it on the record that she believes this Township should confirm that all of the consent judgments should be adhered to before the Board acts on this request. Do you have them on the tax rolls confirming that they own the property they want to develop on?

Chairman Howell states that he believes they are reducing the non-conformity and the use is similar to those in the area.

Mr. Perri asks if we are only talking about the front yard. Mr. VanTassell states that this request is for a front yard setback variance only.

**Moved** by Perri, supported by Wildman, to approve case 09-11, petitioned by John and Maricel Roberts, Section 22, 3805 Highcrest, for a 35' front yard variance with a zero lot line setback to an attached garage under the following conditions:

1. The addition must be guttered;
2. The petitioner shall make sure that all construction is occurring on their property.

The finding of fact is that the variance provides for substantial justice to other landowners and decreases an existing non-conformity.

**Motion carried unanimously.**

**Moved** by Figurski, supported by Wildman, to approve the June 16, 2009 Zoning Board of Appeals minutes. **Motion carried unanimously.**

Meeting adjourned at 7:08 p.m.

Respectfully submitted:

Kelly VanMarter