

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 10, 2013
6:30 P.M.
AGENDA

Call to Order: Chairman Dhaenens called the meeting of the Zoning Board of Appeals at 6:32 p.m. at Genoa Charter Township Hall. Present were Chris Grajek, Jean Ledford, Marianne McCreary and Jeff Dhaenens. Absent was Barbara Figurski. Also present was Township staff member Ron Akers. There were 8 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: All members of the Zoning Board of Appeals and the Recording Secretary introduced themselves to the audience.

Approval of Agenda: **Motion** by Jean Ledford to approve the agenda as submitted. Support by Chris Grajek. **Motion carried unanimously.**

Declaration of Conflict of Interest: There were no conflicts noted.

Call to the Public: *(Please Note: The Board will not begin any new business after 10:00 p.m.)*

Chairman Dhaenens explained that since Barbara Figurski is absent, any petitioner could request an adjournment. Neither petitioner requested that.

13-28... A request by Steve Gronow, Section 29, 3800 Chilson Road, for a variance from the maximum allowable size of a detached accessory building.

Steve Gronow addressed the Zoning Board of Appeals regarding his request. This is a part of the Timbergreen PUD. That PUD governs the property where the barn is proposed, although it is no longer part of the development for any practical purpose other than the PUD.

This is a barn on a 46 acre parcel, but because it's part of the PUD he has to either have it removed from the PUD or get a variance from the Zoning Board of Appeals. Timbergreen still has not been developed. If that back property is removed from the PUD and the barn is completed, the chances of getting it back into the PUD could be difficult, so he is requesting the variance.

Mr. Gronow provided two graphics to the Zoning Board of Appeals. The proposed barn is 60x96. The driveway would be right in front of the barn. It would cross the panhandle

pipeline that runs between his home and the proposed barn. Mr. Gronow played a short video outlining the terrain of the proposed building site. The proposed site is not visible from anywhere except the petitioner's home. It is surrounded by trees and vegetation and wetland. He would like to put maintenance equipment, fifth wheel, truck, attachments to tractors and Bobcat, as well as a utility trailer into the barn.

Chairman Dhaenens asked the petitioner why he needs a structure so large. Chris Grajek inquired as to what he believes is a practical difficulty. In rezoning the property, it was understood the largest building that could be built was 1,200 square feet and now he wants a building quadruple that size. This is a self-imposed issue as Chris Grajek sees it. That zoning was changed to develop the property and the petitioner has not done so.

The petitioner said, "If you don't want to do it, you don't want to do it. The economy crashed and things are different now. It's a change and we didn't create that. Don't do it if you don't want to do it; we'll come back and amend the PUD."

Jean Ledford is concerned that the petitioner may want to revert the PUD back after the market turns around again.

Chairman Dhaenens expressed his concern that it's an enormous barn. The petitioner indicated he believes that's a normal sized barn for a larger parcel of property where people store their things.

The petitioner needs the storage for his antique maritime collection, as well. He is mystified why this is not being approved. Chris Grajek indicated that the zoning must be followed. If there's a variance granted, there must be a practical difficulty caused by an issue that is not self-imposed.

Township Attorney, Frank Mancuso, indicated that you need a finding of practical difficulty. Another requirement is extraordinary circumstances. The petitioner has submitted a letter outlining his beliefs. The first element is practical difficulty. If there is one, then you go to the next step. 23.05.03(a) is where the Zoning Board of Appeals must start.

Marianne McCreary agreed with that statement. She believes that the out building is in scope and relationship to the existing property, but there is no hardship other than the zoning.

Chris Grajek discussed the options of changing the PUD. Township Planner, Kelly VanMarter, who was in the audience indicated that this property could be un-zoned and taken out of the PUD. The preferred option would be to amend the PUD to reflect the changes to allow for a larger structure. The zoning is the issue for Chris Grajek, not the size.

Marianne McCreary asked Kelly VanMarter if there is an option to put it in another spot. The PUD could be amended to permit the petitioner to put a barn on that lot instead of a house. The lot sizes could be reconfigured, but that would be more costly and challenging for the applicant. The petitioner indicated the configuration was reverse engineered according to perk locations.

Steve Berger of 3929 Timberview Court addressed the Zoning Board of Appeals. He doesn't understand why there is a problem if he has no issue with it and he's the only neighbor.

Motion by Marianne McCreary to deny case #13-28 for the reasons discussed as outlined above. Support by Jean Ledford. **Motion carried unanimously.**

1. 13-29... A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this property include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

The petitioner, Steve Schenk, addressed the Zoning Board of Appeals. He is seeking five weeks of additional signage. He congratulated the Township on the Latson Road interchange project. The signage will be located behind the sidewalk. The sidewalk is now back from where it was previously. His business is seasonal.

Chairman Dhaenens asked if there was signage the first year he was in business. The petitioner has only been there since 2009. He is inquiring to determine if there is a difference between the years that the signs were permitted and when none were permitted. The petitioner indicated that the foot traffic is much greater when the signs go up. It is difficult to track whether it was advertisements or signage though. They have excellent client retention. This is their fifth tax season. They have requested multi year variances in the past, but they were denied. He feels it can be frustrating to appear annually.

Ms. McCreary and Chairman Dhaenens both thanked the petitioner for proceeding properly in requesting the signs.

Mr. Akers indicated that it is an ongoing project to have illegal signs removed. Jean Ledford asked if there was a rule limiting how many years this can be requested. There is a provision in section 16 that allows someone to put one temporary sign on the site not to exceed 14 days. This is permitted only once during a business' stay at the same location. Therefore, the variance needs to be sought. There has been some discussion with local business owners regarding the possibility of changing the zoning ordinance to allow for such things.

Chris Grajek asked if any other business was conducted in this location. The petitioner denied that. Chris Grajek asked if the petitioner has investigated alternate locations. The petitioner indicated that he had, but it creates a practical problem.

No one in the audience wished to address the Zoning Board of Appeals.

Marianne McCreary indicated that she did not see a change in circumstances since last year when he applied. Jean Ledford agreed. Ms. McCreary understands that he has a seasonal business.

Motion by Marianne McCreary to approve case number 13-29 for the property at 4072 Grand River to allow temporary signage to exceed that allowed in the ordinance. The finding of fact is that the location of this is a busy location where

traffic is very fast. So those passing cannot see the services advertised. It's a seasonal business and therefore, very limited. This does not injure or affect the safety or welfare of the public or neighborhood. Support by Jean Ledford. **Motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the November 12, 2013 Zoning Board of Appeals meeting. **Motion** by Jean Ledford to approve the minutes of November 12, 2013. Support by Chris Grajek. **Motion carried unanimously.**
2. Review Draft By-laws. Ron Akers indicated the draft bylaws were submitted and he will bring the comments to the January meeting.
3. Correspondence. There was none.
4. Township Board Representative Report. Jean Ledford had nothing to report.
5. Planning Commission Representative Report. Barbara Figurski was absent. Kelly VanMarter reported that Qudoba was approved and is moving forward. Big Lots is moving near TJ Maxx. There is some inquiries about the old Prairie House. There is the possibility of a dental office by Remax on Grand River. Dakkota's project has been put on hold due to changes in their business plan. The ordinances regarding temporary signs are being reviewed.
6. Zoning Official Report. Housing activity is up in Livingston County. The Township is getting more aggressive in sign enforcement. Mr. Akers will be personally approaching the business owners.
7. Member Discussion.
 - a. Feedback from Citizen Planner

Chairman Dhaenens discussed the Citizen Planner course that he attended. He provided some reading materials to the other members present.

Chairman Dhaenens asked if there is still a provision on the forms that notify the petitioners that Township representatives may be accessing the property within a few days prior to the hearing. Ms. McCreary suggested that there be language on the form regarding whether there is special access necessary. Mr. Akers believes there is something in the cover letter or form that requires staking within five days and that the ZBA members may check out the site. Mr. Akers will add this onto the application.

8. Adjournment. **Motion** by Marianne McCreary to adjourn at 8:10 p.m. Support by Jean Ledford . **Motion carried unanimously.**