

GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MAY 19, 2015, 6:30 P.M.  
AGENDA

Call to Order: Chairperson Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. Present were Barbara Figurski, Marianne McCreary, Jerry Poissant, Jeff Dhanens and Jean Ledford. Also present was Township staff member, Ron Akers. There were 7 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: **Moved** by Jean Ledford, seconded by Barbara Figurski to approve the agenda as submitted. **Motion carried.**

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

- 1. 15-06 ... A request by Neal D. Nielsen, 5227 Milroy, for a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to the existing single family home.**

Neal Nielsen was present and addressed the Zoning Board of Appeals. His intent is to attach the existing structure to the home and increase the size of the structure. The request is made to accommodate the setback requirement. The trees act as a blind to surrounding property owners. He does not believe there have been any objections by neighbors.

Ms. Ledford addressed the sketch that was submitted with the application. The well is in the front yard. The septic is south of the existing structure where the land slopes, near the bottom. The petitioner indicated where the septic tanks/field lay. A reserve field does not exist because the home existed before reserve fields were required. Mr. Poissant asked if the setback would be 23 or 26 feet. The pool does sit 23 feet from the property line.

Ms. Ledford inquired whether the neighbors complain of water runoff. The petitioner indicated that there have been three generations of neighbors and the last few have not complained.

Mr. Poissant inquired whether the roof over the building would create a water indentation. Mr. Nielsen indicated if so, it would be miniscule given the water shed.

The petitioner is unsure whether he will eventually cover the breezeway. His intent is to fill in the pool and use the building as a storage facility/garage. Mr. Poissant inquired whether it matters that the use of the structure is being changed. Mr. Akers indicated the change of use would not matter. No use variances were previously granted.

Ms. Ledford indicated that practical difficulty would be if the rear set back had been granted; the septic field is south and across the back, it is rolling topography. Petitioner indicates the pool is concrete. The foundation is 4 or 5 foot deep concrete.

The parcel is slightly more than an acre.

A call to the public was made. No one wished to address the Board.

Mr. Dhaenens indicated he is struggling with the difficulty, but understands both sides.

Motion by Jean Ledford to approve 15-06. The practical difficulty would be that it's the same as the variance in September 1988 for the construction of the swimming pool. The rear yard slopes substantially toward southern property line. Therefore, the topography is the issue and it is not self-created by the petitioner. Approval is conditioned upon:

1. The plan submitted shall not exceed maximum height requirements;
2. The building plans shall reflect the same design as the proposed conceptual drawings. The proposed addition is of a height and has a pitched roof consistent with structures in the area and LDR district. It improves the public safety and welfare;
3. The setback shall be 23' rather than 26'.

Support by Mr. Poissant. **Motion passed.**

Yays: Poissant, Figurski, Ledford

Nays: McCreary, Dhaenens

**2. 15-07 ... A request by Scott Gibaratz, 631 Sunrise Park, for a front yard setback variance to construct an addition over the existing home and garage.**

Mr. Wilson, the contractor, addressed the Zoning Board of Appeals. This building will sit back a couple of feet from the garage. The hardship is that there is insufficient bedroom space for the family. The foot print is the same; existing walls are the same, they are just building straight up.

Ms. Ledford asked whether the foundation would support a second floor. A licensed architect has designed it.

Ms. McCreary asked how this would affect the overhead wiring. The petitioner indicated if it's a problem, it will be relocated.

A call to the public was made. No one wished to address the Zoning Board of Appeals

Motion by Mr. Poissant to approve case 15-07, request for a front yard setback variance. This is based on the following findings of fact:

1. Strict application of the front yard setback variance would prevent the applicant from constructing a second story addition;
2. The addition would not expand the footprint of the structure closer to the front property line than it already is;
3. There are several homes in the vicinity of this property which do not comply with the front yard setback requirements and are of a similar distance to the front property line;
4. The need for the variance is due to the short length of the lot, required shoreline setback and existing location of the home;
5. Granting of the requested variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township;
6. There is room for sufficient off street parking on the property;
7. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Jean Ledford. **Motion carried.**

**3. 15-08 ... A request by Sonia Wallace, 3040 Brighton Road, for a variance to construct a detached accessory building in the front yard.**

Sonia Wallace addressed the Zoning Board of Appeals. The petitioner would like to clear cut from where the yard is now to the location of the barn. This would be on the other side of the drive next to the petitioner. That private drive goes to the 5 acre parcel behind the petitioner.

The pipeline runs through the property and accommodations must be made for that. The pipeline is approximately 65 feet from the proposed structure. The septic field is in back of the existing home.

The petitioner will be planting more evergreens.

The petitioner needs a garage to accommodate his trucks and hobbies.

A call to the public was made. A neighbor, William Plahta, 3143 Brighton Road addressed the Zoning Board of Appeals. He believes the barn should be built in back since the parcel is five acres. In the wintertime when there are no leaves, the pole barn will be visible. He is also of the opinion that people will drop kittens off at any pole barn near the road. He believes it is not aesthetically pleasing.

Len Hobarger, 3128 Brighton Road addressed the Zoning Board of Appeals. He is opposed to the location and it is close to his property line. He shares the same reasoning as Mr. Plahta. There may also be a possible property value reduction.

The petitioner asked Mr. Hobarger what he could do to assist as far as screening. He advised there will be no noise coming from the barn. The topography of the property create difficulties in alternate locations.

The barn will be prefabricated and he is anticipating buying a kit that is light brown with dark brown trim.

Mr. Plahta inquired who owns the road. It is owned by the neighbor, as an easement from the original property and sold to the new owner. In essence, he seeks to find whether the parcel is truly over five acres. It is 5.06 acres.

Ms. McCreary finds there is a challenge due to topography and the easement, pipeline, and power lines. Mr. Dhaenens encouraged the petitioner to work with his neighbors.

Ms. Ledford believes if evergreens are planted around the building, it will not be visible to the neighbors.

The height of the structure will be 10' walls and 4-12 pitch roof. The structure will be 32' x 48'. The peak will be 15' 4" approximately. The building height would be 12'2" approximately.

Ms. Figurski asked if the petitioner would object to this matter being tabled and attempt to work out a relocation with the neighbors. The petitioner has no objection.

**Motion** by Ms. McCreary to table the variance request to the June 16, 2015 Zoning Board of Appeals meeting. Support by Ms. Ledford. **Motion carried.**

### Administrative Business:

1. Approval of minutes for the April 21, 2015 Zoning Board of Appeals meeting.
2. Review of Rules of Procedure
3. Correspondence
4. Township Board Representative Report
5. Planning Commission Representative Report
6. Zoning Official Report
7. Member Discussion

8. Adjournment

1. Upon motion by Barbara Figurski and support by Mr. Poissant, the minutes of the 4/21/15 meeting were approved as corrected. **Motion carried.**
2. Mr. Akers discussed with the Zoning Board of Appeals that he had reviewed the rules of procedure. He asked for feedback on the questions he submitted in the packet. The Board feels that there should be an original scheduling of an application and two postponements. After that, the applicant must re-submit. With regard to notice, staff should follow the same procedure as has been followed in the past.
3. Mr. Akers included two emails in the packet. They discuss potential bills before the State Legislature.
4. Ms. Ledford updated the Zoning Board of Appeals as it relates to the actions of the Township Board.
5. Ms. Figurski updated the Zoning Board of Appeals as it relates to the actions of the Planning Commission.
6. Mr. Akers gave a report. He has been working on code enforcement issues. He is working on drafting a local support plan to be eligible for disaster relief assistance.
7. The Zoning Board of Appeals signs should be larger or more prominently displayed. Mr. Akers will instruct them in the future to display them at the end of the driveway. He will order larger signs next time.

**Motion** by Barbara Figurski to adjourn at 8:35 p.m. Support by Jean Ledford.  
**Motion carried.**