

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
March 15, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Marianne McCreary, Jean Ledford and Jerry Poissant. Absent was Barb Figurski.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Ms. Ruthig stated that the petitioner for Agenda Item #1 has asked to have it tabled until the April 19, 2016 meeting. **Moved** by McCreary, seconded by Poissant, to approve the agenda as amended. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:33 p.m. with no response.

1. 16-06... A request by Craig and Michelle Kreutzberg, 1786 S. Hughes Road, for a waterfront variance to construct an addition.

Michelle Kreutzberg would like to build a 14x26 addition on the lower portion of the house and enclose the existing two-story deck. It would line up with the portion of the home that extends out toward the lake. She does not feel she is impeding her neighbors' views.

Board Member McCreary questioned who prepared the drawings showing the setbacks for her neighbor's properties. Ms. Kreutzberg stated they measured it themselves.

The call to the public was made at 6:42 pm with no response.

Moved by Ledford, seconded by Poissant, to approve Case #16-06, 1786 S. Hughes Road for a 3.5 foot waterfront setback to allow for a 47-foot waterfront setback to construct an addition, based on the following findings of fact:

- The current non-conforming location of the existing single-family home
- The shallowness of the lot, which was not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties 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 air of residents of the Township.

The motion carried unanimously.

2. 16-07... A request by Clyde and Nadra Johnson, 4523 Filbert Road, for a waterfront and side yard variance to construct an addition to an existing single-family home.

Mr. Tim McCotter, the architect for the applicant, stated there are currently two cottages on the property. They are proposing to remodel, and add a second floor, to one of the cottages and replace the other one with a garage. The existing decking and walkways will be removed and new ones, as well as a patio, will be put in.

The call to the public was made at 6:50 p.m.

Mr. Tim Robinson of 4497 Filbert, which is two houses away from this property, questioned if the home will be remodeled on the outside as well. Mr. McCotter showed building elevations.

Moved by McCreary, seconded by Poissant, to approve Case #16-07 from Clyde and Nadra Johnson, 4523 Filbert Road, for a 7.85 foot waterfront variance from 66.05 feet to 58.20 feet and a side yard variance of 3.1 feet from 5 feet to 1.9 feet to construct an addition to an existing single-family home, based on the following findings of fact:

- The extraordinary circumstance is the narrowness of the lot and was not self-created.
- The existing single-family home has the same side-yard setback as is being requested and will be no further toward the neighbors as what currently exists.
- The waterfront setback will be less than where the home is currently located.
- The addition of the second story will be the same footprint as the existing home.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties 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 air of residents of the Township.

Granting of this variance is conditioned upon

- The addition will be guttered with downspouts and water runoff directed toward the lake
- All runoff from the site will be directed toward the lake
- The garage will be removed
- The underground tank will be removed and disposed of in accordance with health and air environment restrictions.

The motion carried unanimously.

3. 16-08...A request by Mike Page, 3793 Highcrest, for a front yard variance to construct an addition to an existing single-family home.

Mr. Scott Tarkleson of Fenton Lake Builders was present to represent the applicant. They would like to renew the variance that was granted in 2008 to construct the same addition that was proposed at that time.

Board Member McCreary would like to see documentation showing where the ROW is located. The only plans presented are a sketch and mortgage survey. After the documents were reviewed further, the Board was comfortable with what was presented and they can discern the location of the home in relation to the ROW.

The call to the public was made at 7:07 p.m. with no response.

Moved by Poissant, seconded by Ledford, to approve Case #16-08 from Mike Page, 3793 Highcrest, for a 16 foot front yard variance from the required 35 feet to 19 feet to construct an addition to an existing single-family home, based on the following findings of fact:

- Strict compliant with the setback would prevent the applicant from erecting a garage and second story addition.
- The location of the existing home, built in 1984, prevents the erection of a garage in any other location.
- This variance is consistent with similar variances in the area.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety, comfort, morals or welfare of the neighborhood.
- Granting the variance will have limited impact on the appropriate development, continued use, or value of adjacent properties in the surrounding area.

Granting of this variance is conditioned upon

- The home being guttered with downspouts and runoff draining toward the lake.
- All parking required at the residence will be accommodated on site.
- The elevated parking area will have a side and front railing where there is over a 30-inch drop, which will withstand the bumper of a vehicle.

The motion carried unanimously.

4. 16-09... A request by Janine Exline, 4437 Filbert Road, for a waterfront variance to construct an addition to an existing single-family home.

Mr. Tim Chouinard, the architect, was present to represent the applicant. He gave a description of the project. They would like to make improvements to the home and the lot. They will be making storm water improvements to the site and all water draining into the lake.

The call to the public was made at 7:18 p.m.

Mr. Walt Joslin of 4431 Filbert is concerned about the water damage on the site. Also, he has seen the building elevation drawings and questioned if there will be living space above the garage. Mr. Chouinard stated it will be a "bonus room".

Ms. Doreen Walsh of 4443 Filbert stated that there will be a steep driveway from the road to the garage. The neighbor on the other side of them graded their property. That was not what was planned in the beginning, changes were made, and now there are two decks on the home. Mr. Chouinard stated they will not be filling and leveling the property. The owner is aware that she will have to drive up and down the steep driveway.

Mr. Jim Walsh showed pictures of the unauthorized addition that was put on this home. It is two feet from the property line. There was a discussion about this addition and Chairman Dhaenens stated that issue is not able to be addressed by the ZBA this evening; however, it was suggested that the applicant discuss removing this portion of the home with his client.

Ms. Walsh wants to ensure that no one will be on her property during construction and that all debris will be picked up at the end of each day. She also asked that if any changes are made to the plans, she be notified.

Mr. Walsh feels that allowing the home to be built out toward the lake will block his sun.

The call to the public was closed at 7:56 p.m.

Moved by Poissant, seconded by Ledford, to approve Case #16-09 by Janine Exline, 4437 Filbert Road for a waterfront variance of 4.25 feet from the required 105.35 feet to 101.1 feet, which is the current setback, to construct an addition to an existing single-family home, based on the following findings of fact:

- The second story will be added on the existing home.
- The dwelling was built in 1930 and does not conform to the current zoning.
- Strict compliant with the setback would prevent the applicant from construction of the addition that would otherwise be possible.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety, comfort, morals or welfare of the neighborhood.
- Granting the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood.

This approval is contingent upon:

- The addition shall be guttered with downspouts directing toward the lake
- The applicant shall work with the neighbor to ensure that there is no runoff onto their property.
- The existing garage shall be removed
- The applicant will consider the removal of the existing bump out on the northeast corner of the home.

The motion carried unanimously.

1. 16-10...A request by Matt Ikle, 5555 E. Grand River, for a variance to construct a detached accessory structure in the front yard.

Mr. Ikle was present. He stated that the practical difficulty for having to place this structure in the front yard is the topography of the lot and the placement of the existing sewer easement. This is the only location where he can put it. It will match the siding and stone on the home.

The Board expressed concerns with the garage entry and exit being on a curved area and on the bottom of a hill with the park across the street.

The call to the public was made at 8:15 p.m.

Mr. Craig Fons of 4650 Edinburgh owns a vacant property to the west of this lot. It has been presented as a shed in the neighborhood and not as a garage. He feels the size of the structure will hinder his site lines if he was to develop his property. He does not feel the topography of the land is a problem. There are options that Mr. Ikle has. He does not see a hardship. He showed pictures depicting where the garage's roof line would be and how it would obstruct the view of the lake from his property. He does not feel the road commission will approve the driveway.

Chairman Dhaenens stated letters were received from Dave Uhrin of 5516 Wildwood, Ryan and Michelle Bradford of 5571 East Grand River, and Richard and Loretta Corruncker of 5530 Wildwood in support of this project.

The call to the public was closed at 8:15 p.m.

Mr. Ikle disagrees with Mr. Fons. There are other structures in this area that are close to the shore line. He also disagrees with the safety issues of the driveway as expressed by the Board.

Chairman Dhaenens and Board Members Ledford and McCreary are not in favor of this request.

Mr. Ikle requested to table this item so he can return with his engineer.

Moved by Ledford, seconded by McCreary, to table Case #16-10 until the April 19, 2016 meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the January 19, 2016 Zoning Board of Appeals Meeting

Moved by McCreary, seconded by Poissant, to approve the January 19, 2016 Zoning Board of Appeals Meeting as presented. **The motion carried unanimously, with Board Member Ledford abstaining.**

Approval of minutes for the February 16, 2016 Zoning Board of Appeals Meeting

Moved by Ledford, seconded by McCreary, to approve the February 16, 2016 Zoning Board of Appeals Meeting as presented. **The motion carried unanimously.**

2. Correspondence – There was no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meeting of March 7, 2016.
4. Planning Commission Representative Report - Board Member Figurski was not present this evening. Ms. Ruthig gave a review of the March 13, 2016 Planning Commission meeting.
5. Zoning Official Report - Ms. Ruthig gave a review of staff's activities. She stated that she attended a zoning class and learned that "postpone" should be used when an item will be put on a future agenda and "table" should be used when an item will be kept on the same agenda.
6. Member Discussion – No members had anything to discuss.
7. Adjournment

Moved by Ledford, seconded by Poissant, to adjourn the meeting at 9:11 p.m. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary