

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
April 19, 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, Barb Figurski and Jerry Poissant.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board introduced themselves.

**Approval of the Agenda:**

**Moved** by Ledford, seconded by Poissant, to approve the agenda as presented. **The motion carried unanimously.**

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

- 1. 16-05...A request by Michael A. Quin, 1731 Fisk Road, for a side yard setback variance to build a detached garage.**

Chairman Dhaenens stated that the applicant has requested to have this item tabled until the May 17, 2016 ZBA meeting.

**Moved** by McCreary, seconded by Figurski, to table Agenda Item #1, Case #16-05 at the request of the applicant. **The motion carried unanimously.**

- 2. 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 stated that his builder has submitted a letter addressing the concerns of the Board at their last meeting. Also, the Livingston County Road Commission issued him a permit for the driveway. He submitted a picture showing a similar garage in a similar location on a lot in his neighborhood. He stated the practical difficulty is the topography of the lot. It does not permit the garage to be placed at any other location on the site, which he has confirmed with his engineer.

Board Member Figurski stated she visited the site today and could not determine the proposed location of the building or the driveway. Mr. Ikle stated it has been staked by his engineer and the Road Commission. Ms. Figurski feels it is too close to the road.

Chairman Dhaenens stated that the engineer noted that the garage could be placed at another location on the site; however, it would require more excavation and be more expensive.

Mr. Ikle stated that he meets the criteria for granting a variance per the Township Staff's report, and he has letters of support from his neighbors.

Board Member McCreary stated that the applicant is requesting to put a building on the waterfront side of the property that could block the neighbors' views of the lake.

Mr. Ikle stated the building materials for the garage will match the existing home. It is not a pole barn. He also disagrees that it will block the neighbors' views of the lake.

The call to the public was made at 7:07 p.m.

Mr. Craig Fons of 4K Chemung Investments, LLC stated he and his partner own the adjoining lot, which are directly behind the proposed building. It would be between his property and the lake. He submitted suggestions for other locations where the building could be placed on the site. Approving this variance will adversely affect his property value and there is no hardship. The applicant has other options.

The call to the public was closed at 7:12 p.m.

All Board Members feel there are other options for the building to be placed within the building envelope. They do not agree with granting this variance.

Chairman Dhaenens stated that the Board had asked Mr. Ikle to return to them with other options. Mr. Ikle stated he met with his engineer and confirmed that due to the topography of the lot, this is the only location where it can be placed. He reiterated that the Livingston County Road Commission approved the location of the driveway.

**Moved** by McCreary, seconded by Figurski, to deny Request #16-10 from Matt Ikle for 5555 Grand River to construct a detached accessory structure in the front yard as it is believed it will inhibit public safety and welfare, will negatively impact the surrounding properties, it does not meet all four of the standards of approval for granting a variance, and the hardship is self-created. **The motion carried unanimously.**

**3. 16-11...A request by Daniel Trosper, 4105 Highcrest, for a waterfront variance and front yard variance to construct an attached garage and second story addition to an existing home.**

Ms. Laura Trosper stated they are interested in purchasing this property and if they do, they would like to construct an attached garage as well as add a second story over the existing footprint. She noted they have not yet received the survey and have only submitted a mortgage survey.

Board Member McCreary asked staff what would need to be done if the survey is different than what was submitted. Ms. Ruthig stated the applicant would need to come back for a different variance.

The call to the public was made at 7:39 p.m.

Mr. Robert Jenkins of 4097 Highcrest, which is adjacent to this property, does not feel that the drawing is to scale. Also, when the home was built, it was put too close to the lake. He is concerned with the bump out to the rear of the home. He has no other concerns.

The call to the public was closed at 7:41 p.m.

**Moved** by Ledford, seconded by Poissant, to approve Case #16-11 from Daniel Trosper, 4105 Highcrest, for a 15-foot front yard variance from 35 feet to 20 feet, a waterfront variance of 5 feet from 44 feet to 39 feet and a 1-foot rear yard variance from 40 feet to 39 feet to construct a second story addition with an attached garage, based on the following findings of fact:

- Strict compliance with the setback would prevent the applicant from erecting a garage and second story addition.
- The need for the variance is due to the location of the existing home on the lot.
- 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 granting of this variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Granting of this variance is conditioned upon:

- The addition will be guttered with downspouts and water runoff directed toward the lake.
- The Township shall review the professional survey for final approval.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the March 15, 2016 Zoning Board of Appeals Meeting

Commissioner McCreary noted that the motion for Item #16-07 should state, "...for a 7.85 foot waterfront variance from 66.05 feet to **58.2** feet .....".

**Moved** by McCreary, seconded by Poissant, to approve the March 15, 2016 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously, with Board Member Figurski abstaining.**

2. Correspondence – There was no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of March 21<sup>st</sup>, April 4<sup>th</sup>, and April 18, 2016.

4. Planning Commission Representative Report - Board Member Figurski was not present at the previous Planning Commission meeting. Ms. Ruthig gave a review of the April 11, 2016 Planning Commission meeting.
5. Zoning Official Report - Ms. Ruthig stated she is working with the Livingston County Building Department regarding an abandoned home that may need to be demolished. Also, there will be an application before the Board for a garage that was built without a permit and requires a variance.
6. Member Discussion – No members had anything to discuss.
7. Adjournment

**Moved** by Ledford, seconded by Figurski, to adjourn the meeting at 8:03 p.m. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary