

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 19, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 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, Jerry Poissant, and Kelly VanMarter, Assistant Township Manager/Community Development Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Call to the Public: The call to the public was made at 6:34 pm with no response.

1. **16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.**

Mr. Stephen Gucciardo was present and stated that he has not been able to secure someone to perform the staked survey until recently so he does not have it for tonight's meeting. He asked to have his item tabled until the next ZBA meeting.

Moved by Poissant, seconded by McCreary, to table Case #16-19 for 4133 Highcrest at the petitioner's request until the next regularly-scheduled ZBA meeting. **The motion carried unanimously.**

2. **16-22...A request by Timothy S. McCotter, 4523 Filbert, for waterfront variance to construct an addition to an existing home.**

Mr. Timothy McCotter, the architect for the project, was present. They originally requested waterfront and side yard setback variances; however, after the project has been redesigned, they will not be removing the entire front of the home and will be adding a second story to the new addition. They are requesting an 11.55 foot waterfront variance. He noted that the Road Commission owns the drain and not the Livingston County Drain Commission. He is working with them to have the easement revised. They are in agreement to abandon the easement on the east side of the property and provide a new one on the west side.

Board Member McCreary questioned if the underground storage tank was going to be removed. Mr. McCotter stated there is no tank underground; it is simply a lid on a drain.

The call to the public was made at 6:43 pm with no response.

Moved by Ledford, seconded by Figurski, to approve Case #16-22, 4523 Filbert, from Timothy McCotter, architect, and Clyde and Nadra Johnson, owners, for a 11.55 foot waterfront setback variance from the required 66.05 feet to 54.5 feet to construct an addition to an existing single-family home within the existing building footprint due to the following findings of fact:

- The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the existing single-family home.
- The need for the variance is not self-created and would provide substantial justice to the property owner.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood as the adjacent home to the west may have an impaired view of the lake due to the addition of a second story on the waterfront elevation.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the detached accessory structure must be maintained on the lot.
- The applicant must obtain approval from the Livingston County Drain Commission and/or the Livingston County Road Commission

The motion carried unanimously.

3. **16-23...A request by Jeffrey and Mary Christina Beyers, 5373 Wildwood Drive, a variance to install a fence in the required waterfront.**

The applicant was not present this evening. **Moved** by McCreary, seconded by Ledford, to move Case #16-23 to the end of the meeting in the event the applicant arrives. **The motion carried unanimously.**

4. **16-24...A request by Donald Davis, 3907 Homestead, for front and side yard variances to construct a second-story addition to an attached garage.**

Mr. Dennis Dinser, the architect, was present. He read the letter he submitted to the Township dated 6/21/16. They would like to create a sleeping space for a growing family without expanding the home toward the lake. They do not feel they are impeding their neighbors' views of the lake or changing the drainage conditions. They believe this request is reasonable relative to other front yard setback variances granted on Homestead, specifically one granted in 2009 for a 23.5 foot front yard setback variance and another for a 22 foot front yard setback variance as they are requesting a 12'4" variance. They have taken great care to preserve the open space between homes, not impede views, and not encroach on the rear yard setback.

The call to the public was made at 6:58 pm.

Ms. Carolyn Kerr of 4540 Seim Road owns the property to the west of this home. She would prefer to see the fourth bedroom attached to the home. She feels at some point the garage with this room could be separated from the home and then there would be two houses on this site.

Mr. Mike Peal of 3883 Homestead agrees with Ms. Kerr.

Ms. VanMarter stated that the Township Ordinance prohibits two homes on one lot. If interior work, such as plumbing, would be done on the addition a permit would be needed and it would be denied because it is against the ordinance.

Mr. Dinser stated that the homeowner will commit legally to prohibit the breezeway being removed resulting in two separate homes. It was suggested this be added as a deed restriction. Board Member Ledford stated this could be a condition of the approval for the variance and would follow the property in perpetuity.

Moved by Poissant, seconded by McCreary, to approve Case #16-24 for Donald Davis at 3907 Homestead for a front yard variance of 12' 4" from the required 35 feet to 22' 8" and a side yard variance of 6" from the required 5 feet to 4' 6" to construct a second-story addition above an attached garage, which is currently non-conforming, due to the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the addition to the existing garage.
- The exceptional or extraordinary condition of the property is the small size of the lot and this is the most practical location for this addition.
- The granting of these variances will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage must be maintained on the lot.
- The petitioner shall draft a deed restriction indicating the breezeway cannot be removed, creating a second and separate dwelling, and shall follow the property in perpetuity. The deed restriction is subject to Township Attorney approval and shall be done before a land use permit is issued. The deed restriction shall be recorded by the Township.
- The addition shall not contain a kitchen.

The motion carried (Ledford – yes; Dhaenens – yes; Poissant – yes; Figurski – no; McCreary – yes).

5. 16-25...A request by Ronald Abner, 2805 Acorn Lane, for a side yard variance to construct a detached garage.

Mr. Abner was present. He stated the practical difficulty is the topographical limitations at the rear of his property. He would like to place the garage in the proposed location to allow for access to the rear of the lot for maintenance of the well, etc.

The call to the public was made at 7:19 pm.

Moved by Ledford, seconded by McCreary, to approve Case #16-25 for 2805 Acorn Lane from Ronald Abner for a 20 foot side yard setback variance from the required 30 feet to 10 feet to build a 24 x 18 detached accessory structure due to the following findings of fact:

- The need for the variance is not self-created.
- The exceptional or extraordinary condition of the property is the severe topography at the rear of the lot.
- Granting the variance would provide substantial justice because there are other multiple detached accessory structures in the vicinity.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

6. 16-26...A request by Pet Supplies Plus, 2749 E. Grand River, for a variance to install a sign within the road right of way setback.

Mr. Kyle Johnson, one of the owners of Pet Supplies Plus, was present and stated they have occupied this building for 15 years and have never had a monument sign. Having a sign would help with the visibility for his customers looking for his store. The practical difficulty is his property line is 29 feet from the sidewalk, which equates to a 75-foot right of way. This is significantly wider than his neighbors' properties. If he was to comply with the ordinance, the sign would need to be placed in his parking lot.

The call to the public was made at 7:25 pm with no response.

Moved by Figurski, seconded by Ledford, to approve Case #16-26 from Pet Supplies Plus at 2649 East Grand River for a 10-foot sign variance from the required 10 foot setback to a zero foot setback to erect a 6 x 12 monument sign due to the following findings of fact:

- The right of way at this property is larger than others in the area.

- The variance is not self-created.
- Strict compliance with the ordinance would prevent the applicant from installing a sign.
- It will have no impact on the surrounding properties.

This approval is conditioned upon the following:

- The sign shall not block the visibility for motorists on Meadowview Drive.
- Approval by MDOT shall be obtained if necessary.

The motion carried unanimously.

7. **16-27...A request by Tim Chouinard, 1253 Sunrise Park, for front, side, rear, and waterfront variances to construct an addition to an existing home.**

Mr. Tim Chouinard was present. He stated they have redesigned the plans and they are no longer requesting a side yard setback variance. Chairman Dhaenens advised the applicant that it was determined that the proposed addition is causing the lot coverage limit to be exceeded. This variance request was not published so the applicant will need to return to the ZBA.

Chairman Dhaenens feels the requested waterfront variance is very large. Board Member Poissant believes it will block the view of the lake for the neighbor to the north. Mr. Chouinard stated their view is already blocked by their own garage. He stated they need to move the home far back on the lot in order to allow enough room for the car to enter and exit the garage.

Chairman Dhaenens suggested to Mr. Chouinard that he reconsider the waterfront setback variance being requested since he must come back to the Board for the lot coverage variance.

The call to the public was made at 7:34 pm.

Mr. William Linholm lives across the street and also owns the vacant land to the south of this property. He feels the placement of the home will affect his view as well as his use of his vacant land. He would like the home to be moved more toward the west side of the lot.

The call to the public was closed at 7:39 pm.

Moved by McCreary, seconded by Ledford, to table Case #16-27 from Tim Chouinard at 1253 Sunrise Park Street to allow the applicant to apply for the lot coverage variance. **The motion carried unanimously.**

The applicant for Case #16-23 did not arrive to the meeting. **Moved** by McCreary, seconded by Ledford, to postpone Case #16-23 from Jeffrey and Mary Christina Beyers at 5373 Wildwood Drive until the August 16, 2016 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the June 21, 2016 Zoning Board of Appeals Meeting

In the discussion regarding Case #16-19, it should say "**staked** survey", not "**mortgage** survey".

"The motion carried unanimously" was not included in the motion for Case #16-20.

In the motion for Case #16-21, it should read "...to construct a 14 x 20 **detached** accessory structure....", not "...**attached** accessory structure".

Moved by Figurski, seconded by Poissant, to approve the June 21, 2016 Zoning Board of Appeals Meeting minutes as corrected. **The motion carried unanimously.**

2. Correspondence - There was no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meeting of July 18, 2016.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of July 11, 2016
5. Zoning Official Report - Ms. VanMarter had nothing to report.
6. Member Discussion

Board Member Figurski suggested that when the Board is approving a variance that includes removing an existing structure, "dust control measures" should be included as a condition of approval.

7. Adjournment

Moved by Ledford, seconded by Figurski, to adjourn the meeting at 8:14 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary