

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 20, 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, Dean Tengal, and Amy Ruthig, Zoning Administrator.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

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

1. **16-29...A request by Tammy Parisian and Beverly Donald, Property ID 4711-10-102-031 Lot 30, Vacant Dickson Drive, for 2 front yard, 1 side yard, and lot coverage variances in order to construct a new home.**

Ms. Parisian was present. She stated that after the survey was done, they learned the lot line was back further than originally thought due to an unimproved, platted road that was never put in.

Board Member Figurski does not want to allow a lot coverage variance of 51 percent. Board Member McCreary also has concerns with the lot coverage variance.

Board Member Tengal feels that with the abandoned road and the fact that the deck is being included in the lot coverage, the home would be under the lot coverage requirement.

The call to the public was made at 6:50 pm. Chairman Dhaenens noted that a letter was received from Thomas Mitchell at 5315 Dickson advising that he is against the 3-foot side-yard variance.

Chairman Dhaenens stated this is a unique lot because of the hill and the abandoned road. He noted that the neighbors have built homes into the roadway area.

Moved by Tengal, seconded by Ledford, to approve the front (south) yard setback variance of 30 feet, the side yard setback variance of 3 feet, the front (north) yard setback variance of 17.5 feet, and the lot coverage variance of 1.2 percent based on the following findings of fact:

- The need for the variance is not self-created.

- Strict compliance with the front, side, and rear yard setbacks and lot coverage limit would prevent the applicant from constructing a new single-family home.
- Granting of the variances would offer substantial justice to the applicant.
- The exceptional or extraordinary condition of the property is due to the narrowness and size of the lot, the steep grade on the north portion of the lot, and the unimproved platted road, which is occupied by adjacent lot owners because the road is abandoned.
- The variances are not self-created.
- Granting of the requested 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.
- Granting the requested variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon:

- Drainage from the structure must be maintained on the lot.
- The structure must be guttered with downspouts.
- No other impervious surfaces will be allowed on the property. The driveway will have to be gravel.

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

2. 16-30... A request by John Fallone, 3815 E. Coon Lake Road, for a height variance to allow a six-foot fence in the side and rear yard.

John and Amber Fallone were present. They would like to keep the fence that is currently there. They thought the fence company pulled the permit, but they did not. Having this fence will reduce the noise from Coon Lake and will allow for the safety of their pets and their family's children when they visit.

Chairman Dhaenens questioned the applicant as to why they did not put up a four-foot fence, per the ordinance. Mr. Fallone stated he would still be able to hear the road with a four-foot fence. They also would like privacy from their neighbors.

All Board Members agree there is not a practical difficulty with the land and that the need for the variance is self-created.

The call to the public was made at 7:16 pm.

The applicant submitted a petition signed by his three neighbors asking for the fence to remain.

The call to the public was closed at 7:17 pm.

Moved by Tengel, seconded by McCreary, to deny the request to allow a six-foot fence in the side and rear yards based on the following findings of fact:

- There is no practical difficulty.
- The need for the variance is self-created.
- The variance will not make the property more consistent with the vicinity.
- The granting of this variance will not impair an adequate supply of 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 no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

3. 16-31...A request by Dennis Danville, 822 Sunrise Park, for a variance to allow a covered or enclosed deck within principle building required side yard setbacks.

Mr. Dennis Danville was present. He stated the deck is existing, and he is not increasing the footprint. He would like to screen in a section of the deck. The screen will not block the views for the neighbors. His home was built in the 1940's and it does not meet today's requirements. He is asking for a five-foot variance on one side to allow a covered and enclosed deck.

The call to the public was made at 7:32 pm.

Ms. Lyn Hewitt of 837 Sunrise Park stated she is in support of the enclosure as long as it stays within the footprint of the existing deck.

Chairman Dhaenens noted that letters have been received from four neighbors who are in support of this variance; two of whom live on either side of Mr. Danville.

The call to the public was closed at 7:35 pm.

Moved by McCreary, seconded by Ledford, to approve Case #16-31 for 822 Sunrise Park by Dennis Danville for a five-foot side-yard setback variance to allow a covered and enclosed deck within the principle building required side-yard setback based on the following findings of fact:

- Strict compliance with the setback does not unreasonably prevent the use of the property.
- Granting the variance would provide substantial justice.
- Granting of this variance will not be restricting views of the surrounding homes.
- The extraordinary circumstances are the location of the existing home and the narrowness of the lot as it exists.
- Granting this variance could impair an adequate supply of light and air to adjacent properties, but not unreasonably increase the congestion on public

streets or increase the danger of fire or compromise the comfort, morals or welfare of the inhabitants of the Township.

- Granting the variance will not have an impact on the continued use or value of adjacent properties.
- Granting the variance will not have a negative impact on surrounding properties.

The motion carried unanimously.

4. 16-32...A request by Brian Lahaie, 2862 Stanwood Place, for rear and side yard variances in order to build an attached garage addition to an existing home.

Mr. Lahaie was present. He is asking for two variances to build a 28x32 garage addition. He noted that his lot is oddly shaped. The new addition is three feet higher than the existing garage and home. He will use the same materials that are currently on the home. He has spoken to his neighbors and they are in support of these variances.

Board Member Tengal does not see a practical difficulty. He feels the addition can be shifted or made smaller and then there would not be a need for a variance.

After a brief discussion, Mr. Lahaie asked to have his request postponed until the next meeting to review the plans and possibly change the location and/or size of the addition.

The call to the public was made at 7:55 pm with no response.

Moved by Tengal, seconded by Ledford, to postpone Case #16-32 from Brian Lahaie until the next regularly-scheduled ZBA meeting of October 18, 2016 per the petitioner's request. **The motion carried unanimously.**

16-33...A request by Scott Bederka, 3783 Highcrest, for a waterfront variance to construct a covered deck for a new construction home.

Mr. Scott Tarkleson, the builder, and Mr. Scott Bederka, the homeowner, were present. Mr. Tarkleson stated that the measurement for the setback has to be from the closest part of the lake and he made an error when calculating the need for a variance, which is why they did not make this request when they were before the Board in May. They would like to build a covered deck.

The call to the public was made at 8:01 pm with no response.

Moved by Ledford, seconded by McCreary, to approve Case #16-33 from Scott Tarkleson, builder, and Scott Bederka, owner, at 3783 Highcrest for a 4.2 foot

waterfront variance from the required 65.6 feet to 61.4 feet to allow construction of a 10x16 deck based upon the following findings of fact:

- A variance was approved on May 17, 2016; however, the covered 10x16 deck was not included on the site plan.
- Strict compliance with the waterfront setback would prevent the applicant from constructing a covered deck.
- Granting the requested variance would do substantial justice to the applicant as well as to the other property owners in the district.
- The extraordinary condition of the property is the placement of the seawall.
- Granting the requested variance would make the property consistent with a few other properties in the vicinity.
- Granting the requested 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 inhabitants 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.

16-34...A request by John Spencer, 3011 Old Carriage Trail, for a front yard variance to construct an addition to an existing home.

Mr. John Spencer of Spencer & Sons Construction, and Mark and Cheryl Colloton, the homeowners, were present.

Mr. Spencer feels the practical difficulty is how the road curves as well as the location of the home on the lot. They could erect a free-standing building; however, they do not feel that is consistent with the neighborhood.

Board Member McCreary asked if more asphalt will be added to the property. Mr. Spencer stated no. They will be removing the existing asphalt on the side of the garage and putting the extension there.

The call to the public was made at 8:12 pm.

The applicant submitted a letter of support from Kathryn Schreyer-Poppy of 3049 Old Carriage Trail.

Mr. Don Arbic of 3065 Old Carriage Trail would prefer to have the addition on the end of the garage instead of a separate building.

The call to the public was closed at 8:13 pm.

Moved by McCreary, seconded by Ledford, to approve Case #16-34 at 3011 Old Carriage Trail from John Spencer for a front yard variance of 10 feet from the required 40 feet to 30 feet to construct a 20x12 addition/workshop based on the following findings of fact:

- The extraordinary circumstances are the lot layout, the curve on the front and the placement of the home on the irregularly-shaped lot.
- The need for the variance is not self-created.
- The granting of this variance will not impair light or air to adjacent properties.
- The granting of this variance will not endanger the safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The granting of this variance will not increase traffic congestion.
- There will be limited impact on the surrounding neighborhood.

Granting this variance is conditioned upon the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.
- Approval must be obtained from the Livingston County Drain Commission if necessary.

Administrative Business:

1. Approval of minutes for the August 16, 2016 Zoning Board of Appeals Meeting

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

2. Correspondence – Ms. Ruthig stated that Board Members should have received an email regarding the planning conference. She asked to be advised if anyone would like to attend.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meetings of September 6th and 19, 2016.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of September 12, 2016.
5. Zoning Official Report – Ms. Ruthig stated she is receiving a lot of questions regarding the height limit for detached structures. The limit is currently 14 feet; however, staff is suggesting changing it to 18 feet when the ordinance is updated.
6. Member Discussion

No members had any items to discuss.

7. Adjournment

Moved by Ledford, seconded by Figurski, to adjourn the meeting at 8:41 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary