

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 20, 2017 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, Jean Ledford, Barb Figurski, and Amy Ruthig, Zoning Official. Absent were Marianne McCreary and Dean Tengel.

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 Ledford, to approve the agenda as presented. **The motion carried unanimously.**

Chairman Dhaenens stated that there are only three members here this evening so a unanimous vote is needed for a variance request to be approved. Each applicant has the choice to have their item tabled until the next regularly-scheduled ZBA meeting.

Call to the Public: The call to the public was made at 6:32 pm with no response.

1. 17-11 ... A request by Janet Evans, 4276 Highcrest, for a front yard variance to construct an addition.

Moved by Figurski, seconded by Ledford, to table Case #17-11 per the applicant's request. Ms. Ruthig stated that the Township Manager asked to have a special meeting scheduled for this case because the need to have it tabled was caused by the number of Board Members being present. **The motion carried unanimously.**

2. 17-12 ... A request by Brice Nelson, vacant lot Forest Beach Drive, Parcel #11-26-301-024, for two side-yard variances to construct a single-family home.

Mr. Brice Nelson was present. He stated that his son has a rare genetic disability so they would like to move to Livingston County to meet his educational needs. Their home also needs to have special accommodations. His property is non-conforming to the low density residential zoning district as it is less than one acre. It is very long and narrow. In order to comply with all of the setback requirements it would be impossible to build a home on this lot without a variance. There is also a high water mark so they will not be able to have a basement and would like to be able to use the second floor for storage.

Board Member Figurski asked why the home cannot be smaller and noted that there is a two-car attached garage proposed.

Board Member Ledford stated that the applicant should first buy a lot that would accommodate the home that he wants to build. Mr. Nelson stated that no home would be able to be built on this lot with the required setbacks. Ms. Ruthig stated his setbacks are 30 feet on each side and the width of his lot is 75 feet.

Mr. Nelson noted that there is 25 feet between his home and one of his neighbors and 75 feet between his and the home on the other side.

Board Member Figurski does not feel comfortable approving such a large variance. She does not feel that the homes in the area are compatible to the home that the applicant wants to build.

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

Mr. Milne of 6501 Forest Beach suggested that the applicant combine this lot and the lot adjacent to it, that he already owns, demolish the existing home, and build the home that he wants.

Reid Nelson of 4900 Foster Lane, Belgrade, MT is in support of Mr. Nelson. He is a builder and understands Mr. Nelson's problem. Combining the two lots and demolishing the existing home is very costly. It would allow for larger setbacks, but there would not be much more than that gained.

Mike Morgan of 6483 Forest Beach stated that in 1998 he was granted two side-yard variances for his lot and built a home with an attached garage. His setbacks are 8 feet on one side and 15 feet on the other. His adjacent neighbor received two side-yard variances to build a home with a two-car attached garage. He is in support of Mr. Nelson receiving this variance as it has been done before in this neighborhood and in other areas of the Township.

The call to the public was closed at 7:02 pm.

Chairman Dhaenens stated that each case is unique and decisions for approving or denying variances from previous cases is not relevant and does not set a precedent. The Board looks at the impact on the neighborhood and the safety and welfare of the residents in the area for each individual case.

Mr. Nelson understands that each case is different; however, the Board approved an 11-foot variance on one side and a 13-foot variance on the other side for a property just last month. He believes his request is consistent with the neighborhood and granting the variance would provide substantial justice. He needs a therapy room, storage, and a certain kitchen design to keep his son safe because of his disability. He added that the lot is wider toward the lake so the setback would be larger toward the rear of the home.

Chairman Dhaenens advised the applicant that the homes in the area are longer and narrower than what he is proposing to build.

Moved by Ledford, seconded by Figurski, to postpone Case #17-12, at the applicant's request, until the next regularly-scheduled ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the May 16, 2017 Zoning Board of Appeals Meeting

Moved by Figurski, seconded by Ledford, to approve the May 16, 2017 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig had no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on June 5th and June 19, 2017.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the June 12, 2017 Planning Commission meeting.
5. Zoning Official Report

Ms. Ruthig provided an update on the issue with Mr. Okopski. The Township attorney stated that if the variance was going to be revoked, a hearing would need to be held. There does not seem to be sufficient evidence of what he was burning. The fire department did not confirm that there was chicken manure. They only observed sticks and leaves. The Board agreed to not proceed with revoking the variance.

A special meeting needs to be held for the items on tonight's agenda per the Township Manager. It is not the fault of the applicants that a full Board was not present. Ms. Ruthig will send out an e-mail with possible dates.

6. Member Discussion – There were no items to discuss.
7. Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 7:38 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary