

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 14, 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, Barbara Figurski, Marianne McCreary, and Amy Ruthig, Zoning Official. Absent was 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 McCreary, to approve the agenda as presented. **The motion carried unanimously.**

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

1. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for two-side yard variances to construct a new single-family home.

Mr. Andrew Luzod was present for the petitioner. Mr. Luzod stated that he reviewed the Board's concerns from the last meeting. He met with the Deputy Fire Marshall from Brighton Area Fire Department. Mr. Luzod stated that the Fire Department does not have authority due to the driveway being private. They provided a 30 foot turnaround which is demonstrated on the drawing. Steve Ballinger is their builder. Mr. Luzod stated that the water naturally drains toward the lake and Mr. Luzod would like to keep it as is. The hardship is the proposed house sits on top of a hill. The neighbors on both sides are in favor of the proposed plan. Most homes in the area have been given variances for less side-yard setbacks. If the home was put within the building envelope and met the side-yard setbacks, it would be on the back side of a large hill.

Board Member McCreary stated that a deed was provided that shows clear title. She explained to the petitioner the need for drainage to be shown on the site plan as was discussed at the last meeting.

Chairman Dhaenens stated that when the applicant applies for a building permit, drainage will need to be reviewed.

Board Member Ledford stated that she would like to see a formal letter from the Fire Department. Ms. Ruthig stated that the township staff did receive an email from the Deputy Fire Marshall.

Board Member Figurski stated that she had visited the site and believes the house could be moved back. Board Member McCreary asked Mr. Luzod if they have thought of the pulling the house further back from the lake. Mr. Luzod stated they have not considered it because they would like a better view of the lake.

Mr. Luzod stated according to the topo map that he received from Livingston County GIS, the driveway would be at 976 and the septic field would be at 964. He stated that the drainage is not an issue.

Mr. Dhaenens stated that the drainage is not an issue now, however the applicant is proposing to tear down a building and construct a bigger home.

The call to the public was made at 7:00 p.m. with no response.

Board Member McCreary informed the applicant that the Zoning Board of Appeals would need the drainage information to make an informed decision. The neighbors on both sides of the property are at a lower elevation than his home. She understands that this is an unique piece of property however there are properties with a lot of drainage issues in that area and the Board needs to address the drainage issues for this parcel.

Chairman Dhaenens stated that the builder needs to show where the house is being placed and how the runoff is going to be handled on the site also location of retaining walls. Mr. Luzod stated that he was trying to defer cost until he knew that he could be approved to build the house. Board Member McCreary stated that she understood however in the scope of the project and what he is trying to accomplish, the cost would small.

Moved by McCreary, seconded by Figurski, to table Case #17-22 for 4798 Narrow Trail by Andrew Luzod until the next regularly-scheduled Zoning Board of Appeals meeting on December 12, 2017 so the applicant can address the drainage concerns and location of retaining walls. **The motion carried unanimously.**

2. 17-28... A request by James F. Lewis, 1189 Chemung Drive, for a side yard variance to construct an attached garage.

Mr. James Lewis, homeowner and Mr. Jimmy Smith, 47 E. Oak Road, Holt was present for the petitioner.

Mr. Lewis presented that he would like to construct a single car attached garage. The home was constructed in the middle of the lot and left no room for a garage. The location of his well and the large tree located in the rear yard would make it difficult to construct a detached garage.

Chairman Dhaenens questioned if the existing dormer was going to be removed. Mr. Lewis stated that it was.

Board Member McCreary asked how he determined where the lot lines were located. Mr. Lewis stated that his neighbor had his property surveyed and they located the stakes on the other side.

A call to the public was made with no response.

Moved by Ledford, supported by McCreary, to approve case# 17-28 for 1189 Chemung Drive for applicant James Lewis for a for a 1'8" side yard setback variance from the required 5 foot setback to a 3'4" side yard setback to construct an attached single car garage to the existing home and to remove existing entry way room based on the following finding of facts:

1. Practical difficulty is that the strict compliance with the side yard setback would prevent applicant from constructing an attached garage capable of housing a vehicle. Construction of a garage would give the applicant substantial justice in regard to the ability to have a garage.

2. Extraordinary Circumstances is the small size of the lot, the location of the existing home, the well and the large elm tree prevents the applicant from placing a detached garage in the rear yard. The need for the variance is self-created by the prior owners who applied for and were granted a property split on July 10, 2001. The variance from the Zoning Ordinance was granted creating a parcel that did not meet the requirements of the Township Ordinance.

3. The granting of this variance will not impair an adequate supply of light and air to adjacent properties or increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of Genoa Township.

4. The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Granting of this variance is conditioned upon the following:

1. Structure to be guttered with downspouts.
2. Drainage from the structure to be maintained on lot.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the October 17, 2017 Zoning Board of Appeals Meeting

Moved by Ledford, seconded by Figurski, to approve the October 17, 2017 Zoning Board of Appeals Meeting with minor changes. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig stated that there are 3 new cases for the December 12th, 2017 ZBA meeting.

3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on November 5th, 2017.
4. Planning Commission Representative Report – Board Member Ledford and Ms. Ruthig gave a review of the Planning Commission meeting held on November 13, 2017.
5. Zoning Official Report – Ms. Ruthig had nothing to report this evening.
6. Member Discussion – Ms. McCreary asked if research could be conducted in regards to definitions of self-created issues. Ms. Ruthig stated that she would consult with the Township Planner for more thorough information.
7. Adjournment

Moved by Ledford, seconded by Figurski, to adjourn the meeting at 7:51 pm. **The motion carried unanimously.**

Respectfully submitted:

Amy Ruthig, Zoning Official