

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
February 20, 2018 - 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, Dean Tengel, Bill Rockwell, Greg Rassel, and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent was Marianne McCreary.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by Board Member Ledford, seconded by Board Member Tengel, 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.

Old Business:

1. 17-29... A request by Brian and Carol Morgan, 1054 Sunrise Park, for a front-yard variance to construct a roof over a deck.

Mr. Morgan was present. He stated they would like to build an extension of three feet of the roof to cover the entire depth of the deck. The need for the variance is due to his continuing health issues. He needs to be able to have as much fresh air as possible and stay out of the sun so this would allow him to sit outside on his porch.

Chairman Dhaenens advised Mr. Morgan that the Board can sympathize with his needs; however, that is not a reason to grant a variance.

Board Member Ledford question Mr. Morgan if he knew of a practical difficulty with the property. Mr. Morgan stated that if the roof does not extend the entire width of the porch, it would not look right.

Ms. VanMarter stated there are other options for a covered seating area for Mr. Morgan's home, such as on the west side of the house. It would not require a variance.

The call to the public was made at 6:46 pm.

Mr. Gary Srock of 3335 Dianne suggested to Mr. Morgan that he put a retractable awning on the roof.

Robert Lay of 1824 S. Hughes questioned why Mr. Morgan needs a variance if he is not extending the footprint of the home. Chairman Dhaenens stated the ordinance does not allow for the roof to be extended.

Chairman Dhaenens stated John Hull of 1065 Sunrise Park, who lives across the street from the Morgans, submitted a letter stating he has no issues with the Morgan's request.

The call to the public was closed at 6:48 pm.

Moved by Board Member Tengal, seconded by Board Member Ledford, to deny Case #17-29, 1054 Sunrise Park by Brian and Carol Morgan for a front-yard variance to construct a roof over a deck based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from extending the existing covered deck but does not unreasonably prevent the use of the property. Other homes in the surrounding area do not appear to have a portion of the deck covered in the front yard therefore granting the variance would not provide substantial justice and is not necessary for the preservation and enjoyment of a substantial property right.
- The variance would not make the property consistent with other properties in the vicinity.
- The need for the variance is self-created.
- There is no practical difficulty or external circumstances related to the property.

The motion carried unanimously.

New Business:

1. 18-01 ... A request by Robert Lay, 1824 S. Hughes, for a front yard and side yard setback variance to build a second story addition to an existing single family home.

Mr. Robert Lay was present. He stated he has three daughters and a wife and he needs to increase the size of his home. It is a lake lot and the only way to expand it is to go up. He will be reducing the footprint because he is removing the covered porch on the rear of the house. He is also going to be expanding the driveway.

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

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #18-01 1824 S. Hughes, by Robert Lay for a front-yard variance of three feet from the required 35 feet for a setback of 32 feet and side-yard setback variance of two feet from the required five feet for a setback of three feet to build a second story addition to an existing single family home and remove the existing non-conforming covered deck facing the waterfront based on the following findings of fact:

- The plans for this second-story addition also include replacement of siding and windows for the entire home and enlarging the existing driveway.
- Strict compliance with the front and side yard setbacks would prevent the applicant from constructing a second story addition. There are many 2-story homes in the vicinity therefore granting of a requested variance would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the small size of the lot and the non-conforming location of the existing home. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created and the variance requested is the least amount necessary.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The following conditions shall be complied with for the approval of the variances.

1. The final architectural design shall not exceed the 25' height requirement.

2. The applicant is aware that they are approaching the maximum lot coverage requirements which will impact the ability for additional improvements on the property.
3. The structure must be guttered with downspouts and drainage must be toward the lake.

The motion carried unanimously.

2. 18-02... A request by Alice and Allen Beckner, 3679 Conrad Road, for a front-yard setback variance to construct a new single-family home.

Mr. Allen Becker was present. He stated that his existing home is 540 square feet. He is proposing to remove this home and build a modular home. It comes in widths of 28, 30 and 32 feet. He would like to purchase the 30 foot wide one because that has the option for wider interior doors that are handicap accessible.

The hardship is the utility poles on his property. The home must be 10 feet away from the poles. There is also an existing 15-foot-wide easement through his property. He advised that he is asking for more of a variance that he believes he will actually need.

He noted that he has asked Detroit Edison to put the electricity underground. If this is done, he would still need a variance; however, it would be less.

Board Member Tengel questioned the location of the current home. Mr. Beckner stated the new home will be moved an additional 10 feet away from the property line.

Board Member Ledford wanted to ensure that dust control measures will be taken during the demolition of the existing home.

The call to the public was made at 7:26 pm.

Mr. Greg Cameron of 3615 Conrad asked how the water runoff will be handled. Mr. Beckner stated that the runoff will drain to the south and remain on his property. It currently drains toward the road.

The call to the public was closed at 7:28 pm.

Moved by Board Member Tengel, seconded by Board Member Rassel, to approve Case #18-02, 3679 Conrad Road by Alice and Allen Beckner for a front-yard setback variance of 20 feet to construct a new single-family home based on the following findings of fact:

- Strict compliance with the front yard setback while maintaining a 10 foot separation from the utility poles and overhead lines provides a building envelope depth of only 15 feet and would prevent the applicant from constructing the

proposed new home. Other homes in the vicinity do not meet the front yard setback from Conrad Road, therefore granting of the requested variance would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.

- The exceptional or extraordinary condition of the property is the location of the private road easement and overhead lines/utility poles. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created.
- The applicant should provide additional information to confirm that the variance requested is the least amount necessary.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property 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 inhabitants of the Genoa Township.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The following conditions shall be complied with for the approval of the variances.

1. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
 - a. If construction on the new principal residence is not commenced within 90 days of removal of the existing home; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
 - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
2. The final architectural design shall not exceed the 25' height requirement.
3. The structure must be guttered with downspouts and drainage must be maintained on the lot.
4. Dust control measures must be applied while the existing home is being demolished.

The motion carried unanimously.

3. 18-03... A request by Marc Kremers, 1230 Sunrise Park, for a front-yard setback variance to construct a new single-family home.

Mr. Marc Kremers was present. He stated he has removed the existing home and shed and would like to build a new home with a second-story deck. He wanted to place the home further from the road and more in line with the homes on either side of his property.

The call the public was opened at 7:44 with no response.

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve Case #18-03, 1230 Sunrise Park by Marc Kremers of 933 Westbury Blvd, Howell, 48843 for a 12-foot front-yard variance from the required 35 feet for a setback of 23 feet to construct a new single-family home on the site of a recently demolished home and shed based. The front setback includes a two-foot soffit overhang because of it being outside of the allowed three-foot projection into the required front yard. This variance is granted based on the following findings of fact:

- The other homes in the vicinity do not meet the front yard setback therefore granting of the requested variance would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity.
- The extraordinary circumstance of the property is the small lot size. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created.
- Granting Of this variance will not impair an adequate supply of light and air to adjacent property 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 inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties.

The following conditions shall be complied with for the approval of the variances.

1. The final architectural design shall not exceed the 25' height requirement.
2. The structure must be guttered with downspouts and drainage maintained on the lot.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the January 16, 2018 Zoning Board of Appeals Meeting.

Board Member Ledford noted changes typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Tengel, to approve the January 16, 2018 Zoning Board of Appeals Meeting minutes with the changes noted.

The motion carried unanimously.

2. Correspondence – Ms. VanMarter shared training opportunities with the Board Members.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on February 5th and February 19, 2018.
4. Planning Commission Representative Report – Ms. VanMarter provided a review of the Planning Commission meeting held on February 12, 2018.
5. Zoning Official Report – Ms. VanMarter stated that Ms. Ruthig will be returning to work tomorrow, February 21st. Currently, there is one item on the agenda for next month's ZBA meeting.

6. Member Discussion

Board Members Rockwell and Rassel were welcomed by the Board.

Chairman Dhaenens would like to encourage applicants to delineate the building envelope when they present plans to the Board.

7. Adjournment

Moved by Board Member Ledford, seconded by Board Member Tengel, to adjourn the meeting at 8:01 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary