

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 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, Marianne McCreary, Dean Tengel, Bill Rockwell, and Amy Ruthig, Zoning Official.

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.

1. 18-04 ... A request by Thomas and Karen Hemsteger, 1427 S. Hughes, for a rear yard variance and a size variance to construct an addition to an existing detached garage.

Mr. and Mrs. Hemsteger were present. Mr. Hemsteger stated they would like to add a 446-square-foot addition onto their garage. The property was divided so the existing garage is now too close to the rear yard property line. It is currently located on the only high part of the property. The remainder of their property is prone to flooding. They have spoken to the neighbors to the south and the west and they advised that they would like to have the garage remain in its current location. The practical difficulty is the lay of the land. He believes allowing this variance would be an improvement to the neighborhood. If they were granted the variance, they would remove the existing lean-to on the garage and that would improve the view for his neighbor.

Board Member McCreary questioned if the existing play structure was included when calculating the allowable square footage. Ms. Ruthig stated it was not as it was not on the drawing that was submitted. Mr. Hemsteger stated it is 7' x 7'. It is on a wooden

floor and is not a permanent structure. It was determined it must be included in the total square footage calculation.

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

Mr. Philip Winteringham of 1444 S. Hughes lives directly across the street from Mr. and Mrs. Hemsteger. He is in support of this project.

The call to the public was closed at 6:49 pm.

Ms. Ruthig stated that the variance amount will need to be amended to include the 49 square feet for the playhouse. This will make the variance request for the allowable square footage 495 square feet.

Board Member McCreary commended the applicant for providing the needed information for the variance request. She agrees that he does not have options to comply with the ordinance. She would support both of these requests.

Moved by Board Member McCreary, seconded by Board Member Tengel, to approve Case #18-04, 1427 S. Hughes Road by Thomas and Karen Hemsteger, for a rear-yard variance of 32 feet 10 inches from the required 60 feet for a rear yard setback of 27 feet, 2 inches and an allowable square footage variance of 495 square feet from the required 1200 square feet for total square footage of 1695 square feet to construct an addition to an existing detached garage, based on the following findings of fact:

- The location of the home and outbuildings are original to what was once part of a larger parcel of land. The result is an irregular shaped lot, with seasonal drainage challenges and wet areas due to surrounding property drainage from newer developed lots and grade changes from neighboring properties.
- The extraordinary circumstances are the historical nature of the home and inability to attach a garage that would prevent the need for a variance request.
- Substantial justice would be granted to the applicant by allowing them to add on to the current detached garage. Similar homes within the same zoning have attached garages thereby not needing a variance request for an accessory building.
- The need for the variance is not self- created.
- The existing roofed unenclosed portion in the rear of the detached structure will be removed along with the roof for the wood pile as indicated on the supplied site plan. The removal of the unenclosed portion will decrease the non-conforming setback of the detached structure which was preexisting.
- The addition will not affect public safety or welfare. The current garage is shielded by a privacy fence. The addition will not move towards any neighboring properties, only the subject property. It will improve the current setback and not block airflow or light. The addition will be constructed of fire resistant materials such as a steel roof. Granting this variance request will not 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 Genoa Township.

- The proposed 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 based on the following conditions being met:

1. The ceiling height shall comply with Article 11.04.01 (j) maximum height
2. Drainage from the structure must be maintained on the lot.
3. The structure must be guttered with downspouts.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the February 20, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

Moved by Board Member Rockwell, seconded by Board Member Tengel, to approve the February 20, 2018 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously with Board Member McCreary abstaining.**

2. Correspondence – There were no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on March 5th and March 19, 2018.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on March 12, 2018.
5. Zoning Official Report – Ms. Ruthig stated she has made changes to the Variance Request application, including having the applicants include the building envelope on their drawings.

There will be a April ZBA meeting with approximately five items on the agenda.

April 30th is being suggested to be a joint meeting between the Planning Commission, ZBA, and Township Board to discuss the South Latson Road interchange.

3-20-18 ZBA Approved

She and the code enforcement officer will be making a presentation to the Board in the next couple of months.

6. Member Discussion

There were no items discussed this evening.

7. Adjournment

Moved by Board Member Ledford, seconded by Board Member McCreary, to adjourn the meeting at 7:21 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary