

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 18, 2018 - 6:30 PM**

MINUTES

Call to Order: Chairman Tengal 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: Dean Tengal, Jean Ledford, Marianne McCreary, Bill Rockwell, Greg Rassel, Kelly VanMarter, Community Development Director/Assistant Township Manager, Joe Seward, Township Attorney, 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:

Chairman Tengal noted that Agenda Item #3, Case #18-27, was requested to be removed from the agenda.

Moved by Board Member Rockwell, seconded by Board Member Rassel, to approve the agenda as amended. **The motion carried unanimously.**

Call to the Public:

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

1. 18-18... As ordered by the Circuit Court of Livingston County, the variance request for the property located at 1370 Elmhurst and requested by Rob and Sandra Bialowicz for a waterfront and side yard variance to construct an addition to an existing home.

Moved by Commissioner Rassel, seconded by Commissioner Rockwell, to go into closed session at 6:34 p.m to receive attorney-client privileged information. **The motion carried unanimously with a roll-call vote.**

The ZBA returned to the regular meeting at 6:54 pm.

Mr. and Mrs. Bialowicz and Ms. Jamie Stewart, the attorney for the applicants, were present.

Ms. Stewart stated their position is that the variance approval that was previously granted is still in effect. They are present this evening at the request of Genoa Township.

Mr. Bialowicz stated that the home is currently non-conforming. It is an irregularly-shaped lot and in order to remodel their home, a variance is needed.

Board Member McCreary asked if any of the perimeter walls are being moved further toward the lot lines. Mr. Bialowicz stated they are removing the existing garage and will follow the same footprint that is currently there. In the front, there is already an 8-foot "L" shaped piece of the home that comes out and they are proposing to connect that 8-foot portion feet to the other side of the house to square it off.

Ms. Stewart said the east side setback is not changing at all. There is no increased burden as a result of this proposal. The footprint of the porch is not changing either; it is simply being covered. Ms. VanMarter stated that because the porch is being covered, it will be considered part of the home, and therefore subject to the waterfront setback requirement.

Ms. VanMarter provided the Board and the public with a map showing the residents who are in support of and against the requested variance.

The call to the public was made at 7:07 pm.

Mr. Tom Halm, the attorney representing Herbert and Donna Wright of 1428 S. Hughes Road, was present. He stated Mr. and Mrs. Wright live next door to the Bialowicz's and the home has been there since 1968. There is nothing that would prohibit someone from living there as it is currently. There is not a hardship and if the variance is granted, it would be at a detriment to the Wrights. Their home sits further from the lake than the applicants'. Looking north / northwest from the Wright's property, there is an open space of approximately 36 feet. The current garage sits further back and the existing home currently sits five feet from the lot line. Their concern is that the garage will be brought closer to the lot line by five feet and will be approximately 29 feet high. That is going to tower over the Wright's home and block the sun. The minutes of the July 19, 2018 Zoning Board of Appeals meeting state that the setback is not being decreased; however that is not correct. The applicant is proposing to move it five feet closer to the lot line and move it further toward the water. The existing open porch will be enclosed

and then there will be an additional 10-foot covered porch. This will block the Wright's view of the lake as well as block the sun. He noted that when this item was first before the Board, the Wrights were out of town. Additionally, the application is deficient because it was not filled out with details of how the request meets the requirements for granting a variance. He believes that the applicant can make improvements; however, not at the detriment to the Wrights. They should keep it at the existing setback and not increase the height.

Mr. Herbert Wright of 1428 stated that he and his wife were in Hawaii when this item was before the Board. When he did his addition, they were granted a variance; however, they were not permitted to increase it to two stories. The Bialowiczs did not approach him to show him what his plans were and ask if he had any concerns.

The call to the public was closed at 7:21 pm.

Chairman Tengel stated he was not at the meeting when this item was present so he asked Mr. Bialowicz to explain to him the hardship or practical difficulty. Mr. Bialowicz stated covering the porch was part of the plans for their home.

He added that they cut down a lot of shrubs on the property line when they first moved in, which helped with the Wright's view of the lake.

Board Member Ledford stated she visited this site and made the original motion for approval. She then revisited the site three times since then and this time she noticed there is a tall wooden fence between the two properties. She stood in the back of the Wright's property and she does not see that the view would be obstructed more by this proposal.

Board Member McCreary agrees with Board Member Ledford. She visited the site also and the Wright's home sits significantly back from the Bialowicz's home. She does not believe this addition will block the view any further for the Wrights.

She explained how the setback is determined and although the proposed garage is being moved back, it will not be moved closer to the lot line.

Ms. VanMarter stated that the ordinance for the lakeshore resort residential zoning district states that there can be a 5-foot setback on one side if there is a 10-foot setback on the other side. It is not specific as to which side must have which setback size.

Board Member McCreary has not changed her view on the variance request. Board Member Ledford has not changed her view either.

Motion by Rassel, seconded by Rockwell, to reaffirm the original motion and decision made at the June 19, 2018 Zoning Board of Appeals meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the August 21, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve the August 21, 2018 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

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 September 4 and 17, 2018.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on September 10, 2018.
5. Zoning Official Report – Ms. Ruthig stated she has one item for the October agenda.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member Rassel, seconded by Board Member Ledford, to adjourn the meeting at 7:55 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary