

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 15, 2019 - 6:30 PM**

MINUTES

Call to Order: Acting Chairman Rockwell 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: Jean Ledford, Bill Rockwell, Greg Rassel, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Dean Tengel and Marianne McCreary.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Ms. Ruthig suggested that the Election of Officers item be tabled until more Board Members are present. **Moved** by Board Member Kreutzberg, seconded by Board Member Rockwell, to table the Election of Officers until the next Zoning Board of Appeals meeting. **The motion carried unanimously.**

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Call to the Public:

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

Acting Chairman Rassel noted that there are two Board Members missing this evening. Any applicant may request to have their item tabled until a full board is present.

1. 19-01... A request by Joe Sizemore, 3857 E. Grand River, for a wall sign variance for the TCF bank.

Mr. Sizemore was present representing Optiva Solutions who are updating the ATM at the TCF Bank. He stated his application states how his request meets the criteria for granting a variance. He showed a colored rendering of the sign, which will be placed above the existing ATM. It is the "TCF Bank" name and logo.

Board Member Ledford noted this is the third ATM sign being requested for this bank. She does not agree with this request.

Mr. Sizemore stated this is a new branding tool that is becoming standard for all banks, not just TCF. They are upgrading all of the ATM's with this design. It would not be seen by anyone off site.

Board Member Kreutzberg noted that the applicant will be able to replace the ATM and put the same frame around it, but they would not be able to add the "TCF Bank" and logo.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to deny Case #19-01 requested by Joe Sizemore of Optiva Solutions for property owner TCF bank for dimensional sign variance due to the following findings of fact:

- No exceptional or extraordinary conditions for the property were submitted to the ZBA that warrants the need for a third sign, namely an ATM sign.
- The need for the variance is self-created.
- Building plans and conditions regarding TCF Bank were approved by the Planning Commission in accordance with Genoa Township's Master Plan Mixed Use Planned Unit Development.
- It is reasonable to assume that an ATM is affiliated with the bank branch and additional signage does not provide substantial justice nor is it necessary for the preservation or enjoyment of a substantial property right possessed by other properties.

The motion carried unanimously.

2. 19-02... A request by Brad and Amber Busch, Pathway Drive, Parcel #11-10-101-044 for a variance to construct an accessory structure on a lot without a principal use and front, side and height variances for proposed accessory structure.

Jeff Doyle of Doyle Homes and Amber Busch, the property owner, were present. Mr. Doyle stated they have two variances to discuss this evening. The first one is to construct a two-story garage on a property without a primary structure.

There is an existing garage on this site that sits six inches onto the neighbor's property as well as directly under the power lines. They would tear down the existing garage and build a new 16 foot, 6 inch high, 21 x 36 garage approximately 10 feet from the property line. They are requesting a side-yard variance of 4 feet, 3 inches. The location of the proposed garage will not affect the neighbors or the drainage on the lot.

They wanted to combine this lot with the lot across the street where the applicant's home is located; however, there is a road that runs between the two so they cannot be combined.

He noted that there are no current structures along Pathway Drive that meet the ordinance requirements for setbacks. There are two locations on Pathway Drive that have a two-story garage with similar height and setbacks as what are being proposed.

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

Mr. Phillip Barton was present to represent his father, who is the homeowner at 800 Pathway. He has written letters of concern regarding the height of the garage, how it will affect the view for the neighbors, and the soil stabilization around the back of the garage.

Board Member Ledford asked the applicant if the height of the garage could be reduced by two feet. Mr. Doyle stated in order to meet the ordinance, the height would actually need to be reduced by four feet, and then the second floor would be unusable. He added that the Busch's could put their home on this lot instead of just the garage; however, that would be able to be taller and could be a detriment to the neighborhood.

Mr. Mark Trump of 786 Pathway stated the lot that he owns, which is next to the Busch's, is buildable. If he were to build a house on his property, he would not want to have a garage on a lot without a house next to his.

The call to the public was closed at 7:12 pm.

The Board agreed that the setback variance request is not an issue, but the proposed height is concerning. Board Member Ledford does not feel there is an extraordinary circumstance for the height request. Mr. Doyle reiterated that there are two garages on Pathway Drive that are taller than the ordinance allows.

Mr. Doyle noted that the applicant would like to withdraw their request. They will return with plans to build a two-story home on this property.

3. 19-03... A request by Brad and Amber Bush, 792 Pathway, for a front yard variance to construct a new single-family home.

Mr. Jeff Doyle of Doyle Homes and Amber Busch, the property owner, was present. Mr. Doyle stated this is the second of their two variance requests this evening. They are requesting a front-yard setback variance of 20 feet from the required 35 feet. They would like to demolish the existing home and build a new one.. They will be putting the home closer to the road to meet the rear yard setback requirements. The front of the house will sit within a foot of where the existing house is located. He noted that this home is the smallest house on the lake and smaller than the two on either side of it.

The call to the public was made at 7:20 pm.

Mr. Phillip Barton, representing his father who owns 800 Pathway Drive, noted that the setback is being measured from the edge of the road, but he questioned the distance from the property line to the front of the building. Mr. Doyle stated it is approximately 45 feet from the property line.

The call to the public was closed at 7:25 pm.

Moved by Commissioner Rockwell, seconded by Commissioner Ledford, to approve Case #17-03 for Brad and Amber Bush for a front-yard setback variance of 20 feet from the required 35 feet to construct a new single-family home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the new home. The applicant is proposing to not encroach any further into front yard setbacks as the current house location. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice.
- The exceptional or extraordinary condition of the property is the non-conforming location of the existing home, narrow lot and the location of the non-platted road. Granting of the variance would make it consistent with many homes in the vicinity.
- The need for the variance is not self-created.
- The granting of the 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.

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This approval is conditioned upon:

1. Structure must be guttered with downspouts.
2. The existing single-family home must be removed before construction begins on the new home.
3. Drainage shall be directed toward the lake.
4. 19-04... A request by Matt Wilson, 4761 Bauer Road, for a size variance to construct a detached accessory structure.

Mr. Matt Wilson and his architect, Brian Kratz, were present. Mr. Wilson stated he would like to build a detached garage that is 150 square feet over the ordinance. He would like to attach the garage to his home; however, he cannot because of the topography of his site. There is a drop in grade in this area. If the garage was attached to his home, he would not need a variance.

The allowable size will fit two cars, but there is no room for additional storage. He uses the existing storage sheds for other storage and he keeps his tractor outside covered by a tarp. These two storage sheds will be removed if he is granted the variance.

The call to the public was made at 7:32 pm with no response.

Mr. Smith stated that his home was built in 1877 so he has a unique case. He does not have a garage. All of the other homes in the area have garages. He reiterated that he would be able to build an attached garage of this size, or larger, without the need for a

variance; however, the slope on his property prevents this. He cannot attach it to the other side of the house because the septic field is there.

The Board discussed the request in detail with the applicant. There were concerns with the architecture of the garage, is the request self-created because the applicant is asking for a larger size garage due to wanting more storage, is it setting a precedent, etc.

The applicant requested to have his item postponed this evening.

Moved by Board Member Rockwell, seconded by Board Member Kreuzberg, to table Case #19-04, for Matt Wilson of 4761 Bauer Road for a dimension variance until the February 19, 2019 Zoning Board of Appeals meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the December 18, 2018 Zoning Board of Appeals Meeting.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the December 18, 2018 Zoning Board of Appeals Meeting minutes as presented. **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 meeting held on January 7, 2019.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on January 14, 2019.
5. Zoning Official Report – Ms. Ruthig had nothing to report.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 8:10 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary