

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 19, 2019 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Jean Ledford, Bill Rockwell, Greg Rassel, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Dean Tengel.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Ms. Ruthig suggested that the Election of Officers item be tabled until a full Board is present. **Moved** by Board Member Rassel, 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 Rassel, 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.

1. 19-08... A request by Enterprise Leasing Company of Detroit, LLC, 7184 Grand River, for a side yard variance to enlarge an existing garage.

Mr. Scott Inman of Enterprise Leasing Company of Detroit, and Mr. Scott Underwood, the property owner, were present.

Mr. Inman stated they would like to expand the garage at their business to provide better customer service and gain operational efficiencies. They were previously granted a side yard variance of five feet so they would like the expansion to stay in line with the existing building footprint. The work that would be done in the addition will be the same as what is being done currently.

Vice-Chairperson McCreary advised the applicant that if this variance is approved, the project will need to go before the Planning Commission and Township Board for review and approval. Mr. Inman is aware of these next steps.

Board Member Rassel noted that the same variance was granted in 2004.

The call to the public was made at 6:45 pm with no response.

Moved by Board Member Rassel, seconded by Board Member Rockwell, to approve Case #19-08 for Enterprise Leasing Company of Detroit, LLC, 7184 Grand River, property owner Matthew Underwood, for a side yard variance to enlarge an existing garage, based on the following findings of fact:

- There are existing non-compliant side-yard setbacks within the vicinity; therefore, granting the variance would provide substantial justice.
- The exceptional or extraordinary conditions of the property are the narrowness of the lot and location of the existing non-conforming structure.
- The granting of the variance would 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 and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The applicant must obtain Planning Commission approval.
2. The site must be brought into conformance prior to land use permit issuance.
3. The applicant shall demonstrate that the site is in conformance with Genoa Township Ordinances and Site Plan and Special Use previous approval conditions prior to land use permit issuance.
4. The applicant shall be made aware that additional REU fees may be applicable.

The motion carried unanimously.

2. 19-09... A request by Matt and Kim McCord, 4065 Homestead Drive, for a waterfront variance in order to remove an existing home and construct a new home.

Mr. Dennis Dinser of Arcadian Design, the architect, was present. The applicant is proposing to remove the existing home and build a new one. The home is currently 61 feet from the waterfront. The requirement is 67 feet from the water's edge. They would like to build the new home with the existing setbacks. They will put it in compliance on the south, moving it further from the neighbor, which will improve their range of view of the lake and not impact the range of view for the neighbors to the north.

The McCords understand the intent of the ordinance, which is not to impede the lake views for the neighbors. The applicant's home will be 17 feet, 2 inches behind the corner that is nearest the lake of their neighbor's home to the north. If the applicants were to follow the ordinance, then their views could be impaired. He believes the hardship is the location of the neighbor's home.

The call to the public was made at 7:00 pm.

Ms. Nancy Dykema of 4053 Homestead questioned if the 61 foot proposed setback is where the house ends or where the deck ends. Mr. Dinser stated it is the end of the covered porch, which is what the Township considers part of the structure.

Mr. Larry White of 4489 Oak Point Drive lives on the lake and also has property that runs along Homestead. He wanted to make sure the home isn't moving any further toward the lake and that the neighbors' views are protected.

Mr. Mike McClean of 3919 Homestead Drive agrees with Mr. White. Mr. Dinser built his home and he knows that he is very concerned with ensuring that the ordinance is complied with and also that lake views are preserved. The McCords are nice people and will be a nice addition to the community. He is in favor of the request.

Mr. Mark St. Germain of 4027 Homestead Drive owns the home immediately to the west of the applicants' property. He submitted a letter saying he is in support of the variance as the proposed new home will not be any closer to the water's edge than the existing home.

Leo and Karen Mancini of 4057 Homestead Drive submitted a letter in favor of the requested variance.

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

Moved by Board Member Rassel, seconded by Board Member Kreutzberg, to approve Case #19-09 for 4065 Homestead for Matt and Kim McCord for a waterfront variance to remove an existing home and construct a new home, based on the following findings of fact:

- The applicant is proposing to not encroach any further into the waterfront yard setback as the current house location. There are other homes in the vicinity with reduced waterfront yard setbacks.
- The exceptional or extraordinary condition of the property is the irregular shoreline north of the adjoining property. Granting of the variance would make it consistent with homes in the vicinity.
- 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.
- The granting of the variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. Dust control measures will be taken during demolition.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the February 19, 2019 Zoning Board of Appeals Meeting.

Moved by Board Member Rassel, seconded by Board Member Rockwell, to approve the February 19, 2019 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 meetings held on March 4 and March 18, 2019.

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4. Planning Commission Representative Report – Vice-Chairperson McCreary provided a review of the Planning Commission meeting held on March 11, 2019.
5. Zoning Official Report – Ms. Ruthig stated that the Township Board approved raising the application fees for the Zoning Board of Appeals.
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 7:26 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary