

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 16, 2019 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Michelle Kreutzberg, Jean Ledford and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent were Greg Rassel and Bill Rockwell.

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

Vice-Chairperson McCreary noted that Cases #19-15, #19-19, and #19-27 have all been requested by the applicants to be tabled until the August 20, 2019 ZBA meeting.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to postpone Cases #19-15, #19-19, and 19-27 until the regularly-scheduled ZBA meeting of August 20, 2019.

Call to the Public:

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

Vice-Chairman McCreary advised that only three members were present this evening. There are two members absent. An approval would need a unanimous vote with the members present. Each of the applicants has the option to have their cases postponed until the next meeting.

Zoning Board of Appeals
July 16, 2019 Approved Minutes

1. 19-25... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a variance to construct a deck in the front yard and front and rear yard variances to construct a second-story addition.

Ms. Whiteside and Mr. John Liogas were present. Ms. Whiteside stated that the existing structure is already non-conforming. They are wishing to add a second story, a deck under the second story and a porch on the front of the home. There is currently a 4x4 stoop on the front of the home and that will be expanded to a larger porch. The second story will not be larger than the first story, except for the deck. The deck will also be used as a carport. She believes remodeling this home would be a benefit to the neighborhood and the community. Most of the homes in the area are two stories and have decks. It is not beyond what is already existing in the neighborhood.

It was noted that the applicant is not the owner of the property. Staff did receive an email authorizing the applicants to apply for the variance; however, it was not sent by the property owner. Staff will verify that the sender of the email has the right to grant the applicant permission to apply for the variances.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the property to the rear of hers. There is a legal easement on file for this.

Board Member Ledford questioned if the shed will be removed. Ms. Whiteside stated the shed will remain.

Vice- Chairman McCreary is concerned with the proposed deck on the second story and that it would be used for a carport. The cars will be very close to the road. There is a curve in Glen Echo right at this property. Ms. Whiteside stated the existing two-car garage will remain and that will be used for parking also. She added that they will be expanding the driveway so they can use that area for extra parking.

The call to the public was made at 6:54 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg to approve Case #19--25 for 5780 Glen Echo Drive by applicant Yvette Whiteside and property owner A.V. Doris Life Estate for a front yard variance of 16 feet from the required 35 feet to 19 feet and a rear yard variance of 26 feet from the required 40 feet to 14 feet to construct a second story addition with two covered porches and a 12 x 22 carport with a deck above, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted

Zoning Board of Appeals

July 16, 2019 Approved Minutes

site plan. Granting of the variance would offer substantial justice and is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties in the same zoning and vicinity.

- The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is least necessary.
- Granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and public safety.
- 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 condition:

1. An easement shall be recorded for the use of the well on a separate lot.
2. The applicant shall confirm authorization from the property owner that the applicant can apply for the variances.
3. Additional parking shall be installed east of the existing driveway.
4. The proposed carport shall remain open with no sides

The motion carried unanimously.

2. 19-26... A request by Jon and Danielle Wloderczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.

Mr. Wloderczak was present. He stated that due to the location of the existing home and the fact that the lot is only 45 feet wide, there is no other location on his property to build a three-season porch. The previous owner obtained a variance for the existing deck, which is included as part of the main structure. He is proposing to enclose the area under the existing deck. He will not be going out any further. The construction is already underway. He hired a contractor who pulled a deck permit and not a permit to build the enclosure. When the Township went out to do an inspection, they noticed what was being done. This will not restrict the views of the homes on either side of his property. He submitted letters from his two next door neighbors at 4177 Homestead and 4195 Homestead, who are both in favor of granting this request. Both of these homes are further back from the lake than his. There is a similar structure at 4165 Homestead that has an enclosed deck and there is no variance for this on file. This will not impair the light or the views of the lake for any properties in the area.

Vice-Chairperson McCreary noted that enclosing this area will bring the home closer to the water and could impede the views of his neighbors. Mr. Wloderczak reviewed

Zoning Board of Appeals
July 16, 2019 Approved Minutes

photos submitted with his application showing how this addition would not block the view of the lake for the neighbors on either side of his property. He added that 4165 Homestead has a room like to what he is proposing, and that lot is of similar nature to his.

Vice-Chairperson McCreary reiterated her concerns with an additional variance being granted for this property and the structure now being an additional eight feet further toward the lake. She is concerned about the views of the neighbors. Mr. Wloderczak stated that the neighbors on both sides of his property do not have any concerns with this request.

The call to the public was made at 7:15 pm with no response.

Mr. Wloderczak requested to have his case tabled until the August 20, 2019 ZBA meeting.

Moved by Commissioner Kreutzberg, seconded by Commissioner Ledford, to postpone Case #19-26 for Jon and Danielle Wloderczak at 4183 Homestead until the August 20, 2019 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the June 18, 2019 Zoning Board of Appeals Meeting.

There was one change needed.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the June 18, 2019 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously.**

2. Correspondence – Ms. VanMarter had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the July 1 and July 15 Board meetings.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the July 8 Planning Commission Meeting.
5. Zoning Official Report – Ms. VanMarter provided a review of the upcoming variance requests.

Zoning Board of Appeals
July 16, 2019 Approved Minutes

6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:38 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary