

This Meeting was Conducted Via Zoom Meeting

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MAY 19, 2020 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm via Zoom Meeting. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michelle Kreutzberg, Jean Ledford, Bill Rockwell, Marianne McCreary, and Amy Ruthig, Zoning Official.

Chairman Rassel advised the public to call 810.227.5225 or e-mail [info@genoa.org](mailto:info@genoa.org) if they wish to speak during the public hearings.

**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 McCreary, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:35 pm with no response.

**New Business**

1. 20-02 ... A request by Jim and Diana Grant, 5525 King Road, for a side setback variance to construct a detached accessory structure.

Mrs. Grant and her builder, Jason Foldenauer, were present. Mrs. Grant stated she would like to build a two-car garage. Their proposal requires a four-foot variance, with a setback of 36 feet.

Mr. Foldenauer stated the new garage will be on the same side setback as the existing garage. They will be making it larger and moving it closer to the house. The new garage is proposed to be 24 feet x 24 feet.

Board Member Rockwell noted that the paperwork states the variance requested is 10 feet; however, Ms. Grant stated the variance request is for four feet. Mr. Foldenauer stated the variance needed is ten feet.

Board Member Ledford questioned the location of the septic field. Ms. Grant stated it is on the side of the home and meets the requirements. Board Member McCreary wants to ensure that there is room for a reserve field should the existing field fail. Ms. Grant and Mr. Foldenauer confirmed there is room.

The call to the public was made at 6:47 pm with no response.

Mr. and Mrs. Chuck and Karen Nachtrab of 5601 King Road sent an email to the Township stating they do not see any problems with the variance in regards to the Grants' proposed garage. There would be virtually no difference in the placement of the garage from their point of view.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #20-02 for Jim and Diana Grant at 5525 King Road for a side-yard setback variance of 10 feet from the required 40 feet to construct a 24 x 24 garage, based on the following findings of fact:

- The variance does provide substantial justice as there are other detached accessory structures in the surrounding area with non-conforming side yard setbacks.
- The exceptional or extraordinary condition is the existing location of the home and existing accessory structures on the property, along with the topography and location of the septic field.
- 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 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 structure shall comply with the accessory structure requirements.

**The motion carried unanimously with a roll call vote.**

2. 20-03 ... A request by Chestnut Development LLC, 6255 Grand River, for a variance to allow for a second monument sign on a parcel.

Mr. Brad Opfer of Chestnut Development was present. They are building a 16,000 square foot building behind the existing one, which can house up to ten tenants. If they were to divide the existing sign for these tenants, there would not be enough signage for the tenants for both buildings. The new sign would be identical to the existing sign, with the exception that it will be 13 square feet smaller to meet the ordinance of 72 square feet.

Board Member Ledford disagrees with this request. Mr. Opfer reiterated that they have six tenants in the front building and the new building can house up to ten tenants. If they were to put all 16 of these tenants on one sign, they would each only have an approximate 6x8 inch sign to promote their businesses.

Board Member McCreary asked for the hardship. Mr. Opfer stated the tenants in the rear would have no sign exposure. She asked the applicant if it was anticipated that the new building would have ten more tenants and additional signage was needed when the project was approved in 2015, which included the sign. Mr. Opfer stated that these parcels were two separate parcels and have now been combined.

Board Member Kreuzberg asked if there are a certain number of tenants in a building or buildings, does that allow for an additional sign. She also questioned if the address for the rear building is different than the existing building and would that allow for a second sign.

Ms. Ruthig stated the existing sign is currently as large as it can be per the ordinance. She noted that other developments in the Township typically have a name, such as this, and the sign has the name of the development.

Chairman Rassel asked if any other variances for two signs have been granted. Ms. Ruthig answered no.

Board Member Rockwell asked if these were two separate properties, would they be allowed a second sign. Ms. Ruthig stated they combined the properties in order to receive their site plan approval. If they were to separate the properties, they would need setback variances.

Mr. Opfer questioned if they could change the size of the existing sign and allow two signs. Chairman Rassel stated what is not allowed is two signs on one property.

The call to the public was made at 7:09 pm with no response.

Mr. Jim Mitte, the President of Turtlehut Internet Marketing owns the building next door to Chestnut Development. He sent an email to show his support for the sign variance request. He believes it would be beneficial to the tenants of the new building and customers to have proper signage on Grand River to showcase the businesses that will be occupying the building.

**Moved** by Board Member McCreary, seconded by Board Member Ledford to deny Case #20-03 for 6255 Grand River, based on the following findings of fact:

- The applicant is requesting a variance to allow for an additional monument sign at an existing office center.
- There is no practical difficulty with respect to granting a second sign. The ordinance is clear that only one monument sign is allowed for each parcel and the current sign that is there has been approved.

- There are no extraordinary circumstances and the request for the applicant is self-created.
- There is no public safety and welfare issue with respect to granting this variance.
- By denying this request, it would be equal for all other properties that have monument signs and comply with the sign ordinances for Genoa Township.

**The motion carried unanimously with a roll call vote.**

3. 20-04 ... A request by Daniel and Christine Casoli, 4121 Homestead, for side and waterfront setback variances to construct an addition to an existing home.

Mr. and Mrs. Casoli were present. Ms. Casoli stated they would like to add a 12 x 14 addition to their home that will fill in the corner of the house. She showed a sketch plan of the property and addition. They are requesting a side variance and a lake side variance. The addition will not be any closer to the lake than the existing structure.

The call to the public was made at 7:17 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #20-04 for 4121 Homestead Drive to Daniel and Christine Casoli for a waterfront setback of 17.25 feet from the required 57.25 feet for a waterfront setback of 40 feet and a side yard setback variance of .9 feet from the required 5 feet for a side yard setback of 4.1 feet in order to construct an addition on an existing home, based on the following findings of fact:

- The waterfront setback will be the same as the existing home.
- The side-yard setback variance will decrease from 4.7 feet to 4.1 feet.
- Strict compliance with the waterfront and side yard setbacks would prevent the applicant from constructing the proposed addition. The addition in the waterfront yard is not increasing the waterfront setback. The variances requested appear to be the least necessary to provide substantial justice and is necessary for the preservation and enjoyment of the property.
- The exceptional or extraordinary condition of the property is the narrowness of the lot and location of the existing home. The waterfront and side yard variances would make the property consistent with other properties in the area.
- Granting these variances 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.
- These proposed variances would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.

**The motion carried unanimously with a roll call vote.**

**Administrative Business:**

1. Approval of the minutes for the January 20, 2020 Zoning Board of Appeals Meeting.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes from the January 20, 2020 Zoning Board of Appeals Meeting as presented. **The motion carried unanimously.**

3. Correspondence – Ms. Ruthig stated there are two cases for the June meeting. She is not sure if it will be via Zoom Meeting or if it will be in person.
4. Township Board Representative Report - Board Member Ledford provided a review of the May 18, 2020 Board Meeting.
5. Planning Commission Representative Report – Board Member McCreary provided a review of the March 9, 2020 Planning Commission Meeting.
6. Zoning Official Report – Ms. Ruthig had nothing to report.
7. Member Discussion - There were no items to discuss this evening.
8. Adjournment - **Moved** by Board Member Rockwell, seconded by Board Member McCreary, to adjourn the meeting at 7:32 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary