

Genoa Township Zoning Board of Appeals Meeting
August 17, 2021
Approved Minutes

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 17, 2021 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Marianne McCreary, Jean Ledford, Bill Rockwell, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Michelle Kreutzberg.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board and staff 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 6:31 pm with no response.

21-17...A request by Jeff and Mary Beyers, 5373 Wildwood Drive, for a front yard setback variance to construct an addition on an existing single-family home.

Mr. Beyers stated the reason to make these modifications to his home is to increase the living area. The home and the carport are extremely close to the road, and all but 3 of the 26 homes on the lake side of the road are in the same location. The existing home and carport already have non-conforming setbacks. The proposed addition falls within the footprint of the existing home. There are other homes that have the same setbacks and a second story.

Chairman Rassel noted that Staff's report stated there was a previous variance request for a fence, which was denied, but the fence was built anyway. Mr. Beyers stated the fence he has is temporary and he can take it down within an hour. Ms. Beyers stated the fence prevents people from falling off the stone wall. It is just a temporary garden fence.

Ms. Ruthig read the ordinance definition of a fence. Board Member McCreary asked the Beyers if they agree that what they have is a fence and Ms. Beyers stated, "yes".

The call to the public was made at 6:41 p.m.

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Ms. Tanya Nicastrì of 5368 Wildwood Drive lives directly across the street from the Beyers. This addition will block her view of the lake and will require more parking. There is already limited parking in the neighborhood. She is also concerned with safety. The Beyers have to park right in front of their front door.

Mr. Gerald Matevia of 5309 Wildwood Drive stated he has lived here since 1952. This is a very narrow road, the homes are close to the road, and there is limited parking. The Beyers want to go straight up and will not go any closer to the road. He does not have an issue with this request or the fence that they have.

Mr. Mark West of 5365 Wildwood lives just west of the Beyers. The dimensions on the drawing are not accurate. The land should be surveyed to determine the property lines. Board Member McCreary stated the applicant is not asking to expand the boundaries of their home. Mr. West stated they currently park in the area between his home and their home.

Ms. Schandra Murray Moore of 5377 Wildwood Drive is concerned with the parking. Vehicles are constantly parking in her driveway and in front of it blocking her in. This addition would block the sunlight coming into her house and her view of the lake on this side. They do not have a view of the lake on the other side because that neighbor has a two-story home. The Beyers planted a tree on her property because they do not know where their property lines are.

Mr. Scott Powers, the Beyers' son-in-law and builder, does not agree that someone should not be able to improve their home because it blocks others' views. The neighbor who spoke parks their travel trailer and motorcycle in the driveway and they have a trampoline. The request is compliant with the ordinance.

Mr. David Sullivan of 5372 Wildwood, who lives across from the Beyers, stated that when he purchased his home he did so because of the view. The previous owner of this property requested a variance to add a second story and was denied. The Beyers have created this hardship. They use the easement next to their home as their own personal parking area. He will lose his view and there is very little parking in this area.

Ms. Mary Berenger of 5359 Wildwood stated she was before the ZBA when they were building their home. She is sympathetic to the Beyers as this is a tiny home. Living on a lake always has issues with views, the homes being close together, and parking. There is not a lot of trust from the neighbors that the applicant will adhere to the ordinance when they are building this addition due to the previous issues with the fence and the tree that was planted.

Ms. Nicastrì stated her view is very important to her and currently there is nothing blocking it. She had suggested to the Beyers that they build their addition closer to the lake. This is against the quality of life for her and her neighbors and will affect their property values. She suffers from PTSD and looking at the lake is helpful.

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The call to the public was closed at 7:08 p.m.

Board Member McCreary stated that having a survey is not a requirement of granting a variance; however, there are concerns from the neighbors so she asked if they would be willing to obtain a survey. Mr. Beyers stated, "yes". The home has been there for almost 100 years and is very small. She appreciates that the neighbors enjoy their view of the lake, but the applicant has the right to request the addition. The request is not for a height variance.

Board Member Rockwell asked if the applicant could have an architect draw the plans for the home. He wants to ensure that the specifications and the addition adhere to the ordinance. Mr. Beyers stated, "yes", noting the proposed height is 19 feet.

Moved by Board Member McCreary, seconded by Board Member Fons, to approve Case #21-17 for 5373 Wildwood Drive to construct a second-story addition on an existing single-story home for a front-yard setback variance of 9 feet, 4 inches from the required 35 feet for a setback of 25 feet, 8 inches, based on the following findings of fact:

- Strict compliance with the current setbacks would prevent the applicant from constructing the proposed addition. The home, as it currently is situated on the lot has a front yard and setback that is closer than the requested variance. The applicant is not requesting a side or rear yard variance. Granting this variance will provide substantial justice that others enjoy in the immediate area. There are a number of homes in the immediate area that do not meet the front yard setback.
- The extraordinary circumstances are the narrowness of the lot and location of the existing home. The applicant's request to build a second story addition with a setback less further from the road and less than it currently has demonstrates the request for the variance is the least amount necessary. Multiple homes in the area do not meet front yard setbacks, thereby making it consistent with surrounding properties. 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 properties or unreasonably increase the congestion on 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 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. The building height must not exceed 25 feet.
3. The applicant will engage with a civil engineer to obtain a survey to find the road stakes and determine the side lot lines.
4. Licensed architectural plans shall be submitted.
5. The applicant shall obtain a permit for the existing fence and covered structure on the patio. If a permit cannot be obtained, then the fence and covered structure must be removed.

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6. All parking shall be on the applicants' own property.

The motion carried unanimously.

21-18...A request by Chestnut Development LLC, Chilson Road Tax ID 4711-33-401-027, for a height variance for a subdivision entrance sign. (REQUEST TO POSTPONE).

Moved by Board Member Ledford, seconded by Board Member Rockwell, to postpone Case #21-18 until the September 21, 2021 per staff's request. **The motion carried unanimously.**

21-19...A request by Peter Kula, 3796 Kipling Circle, for a size variance to construct a detached accessory structure.

Mr. Kula is requesting a size variance to build an outbuilding to store his RV. The maximum allowed is 900 square feet for a one-acre lot and 1,200 square feet for two acres. His property is 1.56 acres. Per his subdivision by-laws, he cannot park his RV outside, even on a paved surface.

He is requesting a variance to build the building in proportion with the size of his property. All of his setbacks are met and he has tried to put the building as close to the center of his property as possible. Other homes in his subdivision, specifically 3801 and 3717 Kipling Circle, have outbuildings that exceed the allowable size of 900 square feet. He has put in the smallest building possible in order to fit the RV. He wants to utilize his property the same way as his neighbors. His neighbor to the north contacted him and stated she does not have any objections to the proposal.

Board Member McCreary stated the need for this variance is self-created because of the size of the RV that the applicant purchased. The properties that have larger outbuildings are larger than the applicant's.

Board Member Fons agrees. He suggested that this item be tabled until the October meeting which will be after the Township Board reviews the revised ordinance that could increase the allowable maximum size of outbuildings and a variance would no longer be needed.

Mr. Kula requested to have his case postponed until the October 2021 Zoning Board of Appeals meeting.

The call to the public was made at 7:39 p.m.

Mr. Dan Sypula of 3645 Kipling Circle stated that the buildings that were built at 1,200 square feet were done prior to the zoning change by the Township. Since that time, there have been seven outbuildings built in the subdivision that comply with the 900-square-foot requirement.

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Mr. Bob Blair of 3810 Kipling lives next door to the applicant. When he put in his building, the requirement was 900 square feet and that is the size of the building he built. It is not a hardship because the applicant purchased a large RV.

The call to the public was closed at 7:44 p.m.

Moved by Board Member Ledford, seconded by Board Member McCreary, to postpone Case #21-19 for 3796 Kipling Circle until the October 19, 2021 Zoning Board of Appeals meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the July 20, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the July 20, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated that both Chairman Rassel and Board Member Fons will not be in attendance of the September meeting.
3. Member Discussion
The members discussed affordable housing in Genoa Township.
4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member McCreary, to adjourn the meeting at 7:59 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary