

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 17, 2021 - 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. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Jean Ledford, Bill Rockwell, Michele Kreutzberg, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Greg Rassel.

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 Kreutzberg, 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.

1. 21-18...A request by Chestnut Development LLC, Chilson Road Tax ID 4711-33-401-027, for a side yard setback variance and a height variance to allow an existing subdivision entrance sign to remain.

Mr. Brad Opfer, representing the applicant, was present. He stated they are requesting a height variance for a sign that has already been installed. Ms. Ruthig advised there are height and setback variances needed. Mr. Opfer stated the sign is nine feet high and two feet within the setback. Vice-Chairperson McCreary stated the request is for a 1.04-foot height variance and a zero side-yard setback variance. She added that the sign height and setbacks were approved when the entire project was approved previously. She asked Mr. Opfer why the sign was not erected within those limits. Mr. Opfer was not involved in that process, but he believes the contractor built and installed it incorrectly. If the variances are not approved, they would have to remove and replace the entire sign. He noted that the lot line is next to their own property and it is an open space.

Vice-Chairperson McCreary advised the applicant to have the contractor remake and place the sign as approved. Board Members Ledford and Kreutzberg agree. Board Member Rockwell

stated the first two requirements for approving a variance have not been met. Ms. Ruthig stated it is the responsibility of the contractor to have the sign erected properly.

Board Member Fons advised that he will be recusing himself from the discussion and vote as he does business with Chestnut Development. **Moved** by Board Member, Ledford, seconded by Board Member Rockwell to recuse Board Member Fons from discussing and voting on this item. **The motion carried unanimously.**

The call to the public was made at 6:48 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to deny Case #21-18 for Chestnut Development, Parcel #4711-33-401-027, for a side yard setback variance and a height variance to allow an existing subdivision entrance sign to remain, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from maintaining the existing sign. Granting of the requested variances does not provide substantial justice or a substantial property right similar to that possessed by other subdivisions in the same zoning district. Relocating the sign to the original approved location would not place the sign further from Chilson Road.
- There are no exceptional or extraordinary conditions of the property. The need for the variances is self-created. The sign not being constructed in the correct location is not an extraordinary circumstance. Relocating the sign to the original approved location would not place the sign further from Chilson Road.
- The granting of the 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.
- 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 denial is conditioned upon the following:

1. The sign must be relocated within 60 days from denial.
2. Ground lighting source shall not be visible from the road.

The motion carried unanimously with Board Member Fons abstaining.

2. 21-20...A request by Tim Chouinard, 956 Sunrise Park Drive, for front and rear yard setback variances to increase building height associated with converting the roof from a flat to a reverse gable style on an existing home

Mr. Tim Chouinard was present. He would like to replace the failed flat roof to a reverse gable style. This home is already a non-conforming structure. He will be maintaining the same footprint of the existing home.

Genoa Township Zoning Board of Appeals Meeting
September 21, 2021
Unapproved Minutes

Board Member Ledford asked if the new roof could ever provide space for new living space. Mr. Chouinard stated no; it is not high enough.

The call to the public was made at 6:55 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Kreuzberg, to approve Case #21-20, for Tim Chouinard at 956 Sunrise Park for a front yard setback variance of 8.3 feet from the required 35 feet for a front yard setback of 26.9 feet and a rear yard setback variance of 11.3 feet from the required 40 feet for a rear yard setback of 28.9 feet to convert a flat roof to a reverse gable style roof on an existing home, based on the following findings of fact:

- Strict compliance with the front and rear yard setbacks would prevent the applicant from constructing the new roof. The placement of the new roof will maintain the same setbacks as the existing structure. The requested variances appear to be the least necessary to provide substantial justice and granting of the variances is necessary for the preservation and enjoyment of the property. There are multiple homes in the immediate vicinity that do not meet the front and rear yard setbacks.
- The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the existing home. The front and rear setback variances would make the property consistent with other properties in the area and the need for the variances is not self-created.
- The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of Genoa Township.
- The variances will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. The structure must be gutted with downspouts.
2. The building height must not exceed 25 feet.
3. Other improvements must meet the Zoning Ordinance.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the August 17, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Rockwell, seconded by Board Member Fons, to approve the minutes of the August 17, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be three items at next month's ZBA meeting.

Genoa Township Zoning Board of Appeals Meeting
September 21, 2021
Unapproved Minutes

3. Member Discussion

There were no items discussed this evening.

4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 7:18 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary