

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 19, 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, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Craig Fons.

**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.

1. 21-21...A request by Christopher Trotter, 2621 Spring Grove, for a variance to allow an existing detached accessory structure in the front yard.

Mr. Trotter stated he is requesting a variance for a pole barn that he has already erected. He was not aware that he needed a permit for the pole barn. It has been up for approximately three months. There is no flat land on his property. He noted that two of his neighbors submitted letters stating they do not have any objection to the pole barn. It is not an eyesore. It is brown so he believes it blends in with the woods. There are only three houses surrounding him.

Board Member McCreary questioned who maintains the roadway for the three homes. He stated he maintains it. There is a maintenance agreement between the homeowners on the road. She asked if the neighbor has experienced any runoff since the barn has been built. Mr. Trotter stated the neighbor has not any issues.

Board Member Kreutzberg asked if any dirt had to be brought in. Mr. Trotter stated they brought in a little bit of dirt.

Chairman Rassel asked if there have been other variances for front yard structures in this area. Ms. Ruthig stated one of the residents on Spring Grove was granted a variance last year for the same request.

The call to the public was made at 6:42 pm.

Mr. Robert Legowsky of 2627 Spring Grove stated that Mr. Trotter put in an asphalt pad inside the easement and sometimes his vehicles are parked on this pad that blocks his driveway so he cannot get access.

The call to the public was closed at 6:44 pm.

Ms. Ruthig advised the applicant that his vehicles cannot be parked on the easement portion of the cul-de-sac. After a brief discussion between the Board, the applicant, and Mr. Legowsky, Mr. Trotter agreed to no longer park his vehicles on the pad. Both the applicant and Mr. Legowsky agreed that the asphalt pad was placed inside the easement.

Chairman Rassel stated that two letters of support were received from the neighbors.

Ms. Ruthig stated there is also a second 8 x 8 accessory structure that is not allowed in the front yard. The variance is not being requested for this item so it must be removed.

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #21-21 for the property located at 2621 Spring Grove, Brighton to construct a detached accessory structure in the front yard, based on the following findings of fact:

- Strict application of Ordinance Section 11.04.04(c) would prevent the applicant from erecting an accessory structure in the front yard. The applicant has constructed the existing pole barn without permits and is requesting a variance that is required procedurally through the ZBA. Granting a variance would provide substantial justice and is necessary for the preservation and enjoyment of substantial rights possessed by other property owners in the same zoning district and location of the subject property. Detached accessories are common in this area.
- The property presents a challenge based on the shape of the lot, the extreme variation of topography, and the location of well and septic. There is no other location for an outbuilding, other than where the structure sits currently. The need for this variance is not self-created in regard to the placement. The request for the variance is not self-created given the limited space available for an outbuilding. Township Staff does not consider the need for the variance to be self-created despite the fact that the structure was built without permits.
- The granting of the variance will not impair an adequate supply of light and air to the adjacent properties 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 limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This request is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. Section 03.03.02 Home Occupations of the Zoning Ordinance must be followed.
3. Must obtain a land use permit and a building permit from the Livingston County Building Department within 10 days.
4. The second detached accessory on the property in the front yard also, must be removed within 30 days.
5. The detached accessory structure or roof (lean to) cannot be enlarged.
6. If any business equipment or personal equipment (trucks, trailers, etc.) are stored on the lot, they must be brought into conformance with the Township ordinance prior to land use permit issuance.
7. The paved area that is located in the easement shall not contain any vehicles or equipment that would cause the adjacent property owner to not be able to access their property.

**The motion carried unanimously.**

2. 21-22...A request by Gary and Jan Letkemann, 1146 Sunrise Park, for a variance to split property into two non-conforming lots.

Mr. and Mrs. Letkemann were present. Mr. Letkemann stated they have a home at 1185 Sunrise Park. They purchased 1146 Sunrise Park and currently his son and granddaughter live there. They would like to split the property to build a house for their other son and his family to live. They will build this home in compliance with the setbacks and will not be seeking any other variances. He does not believe it would adversely affect the neighbors or the roadway.

Board Member McCreary noted there is a sharp curve to the north of the existing home's driveway. Mr. Letkemann stated the new home's driveway would come off of Boulevard Drive and not Sunrise Park.

The call to the public was made at 7:18 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #21-22 for 1146 Sunrise Park Drive for petitioners Gary and Jan Letkemann for a variance to split Parcel #4711-09-201-163 into two non-conforming parcels; namely Lot #151 and part of Lot #152 and Lot #153 and Part of Lot #153, being requested from Genoa Township Zoning Ordinance Section 3.04.01, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicants from splitting the parcel. The variance requested appears to be the least necessary to provide substantial justice and granting of the variance is necessary for the preservation and enjoyment of the property. There are multiple properties in the immediate vicinity that are non-conforming parcels.

- The extraordinary circumstances of the property is the parcel is located on a corner and would create two front yards on the new parcel. The granting of the variance would make the property consistent with the majority of other properties in the vicinity.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property. The proposed variance could unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa due to the parcel being located on a corner.
- 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. All split requirements must be met at the Township and Livingston County.
2. Owner must obtain sewer tap in approval from the MHOG Utility Dept. prior to the split.
3. If a sewer tap is available, then a tap fee would be due at time of land use permit issuance for a new home.
4. No additional variances, including construction of a home, deck, detached accessory structure, etc., will be requested for the newly-created parcel.
5. The payoff of the Road Special Assessment is required.

**The motion carried unanimously.**

3. 21-23...A request by Spencer and Sons Construction, John Spencer and Tina Porcari, 6842 Mahinske, for a side and waterfront yard setback variance to construct an addition to an existing home.

Mr. Niles Spencer, representing the applicant, and Ms. Porcari, the homeowner, were present. Mr. Spencer stated that the home is currently non-conforming with two of the setbacks. The only proposal is to add a second floor. They are not increasing the footprint of the existing home.

The call to the public was made at 7:32 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #21-21 submitted by Spencer & Sons Construction on behalf of Tina Porcari of 6842 Mahinske Drive, Brighton for a side-yard variance of 5'3 ½" for a setback total of 4' 8 ½" to construct a second-story addition to an existing home, based on the following findings of fact:

- Strict compliance setbacks would unreasonably prevent or restrict use of property or cause it to be unbuildable.
- The variance will provide substantial justice in granting applicant the same rights as similar properties in the neighborhood and is not self-created.
- Proposed placement of addition will maintain the same setbacks as existing structure.
- The extraordinary circumstances are the location of the home and irregular shape of lot.
- This variance is the least necessary and would make the property consistent with other properties/homes in the areas.

Genoa Township Zoning Board of Appeals Meeting  
October 19, 2021  
Unapproved Minutes

- Grinding of this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger or fire or threaten public safety or welfare.
- The proposed variance would have little or no impact on appropriate development, continues use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.
2. Building height must not exceed 25 feet.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the September 21, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

**Moved** by Board Member McCreary, seconded by Board Member Rockwell, to approve the minutes of the September 21, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig handed out two revised ordinances that will take effect on October 27, 2021. The changes address items that are frequently requested from the Zoning Board of Appeals.
3. Member Discussion  
There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Ledford, to adjourn the meeting at 7:46 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary