

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APRIL 19, 2022 - 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, Bill Rockwell, Jean Ledford, 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 McCreary, 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. 22-08...A request by Tracy Feliks, 5530 Wildwood, for a front yard setback variance to allow for the reconstruction of a non-conforming deck.

Ms. Feliks stated they would like to rebuild the existing steel second-story deck on the home they just purchased. The inspector's report said the posts are not up to code and the deck is unsafe. She will be using the same footprint of the existing deck, which is non-conforming. It will not affect her neighbors.

Board Member McCreary advised the applicant that she will only be able to park vehicles on her driveway and not at the road. Ms. Feliks will comply with this requirement.

The call to the public was made at 6:37 pm with no response.

**Moved** by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #22-08 for Tracy Feliks of 5530 Wildwood for a front yard setback variance of 18 feet from the required 20 feet for a setback of 2 feet to demolish and reconstruct a non-conforming deck, based on the following findings of fact:

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- Strict compliance with the front yard setback would prevent the applicant from reconstructing the deck. The proposed placement of the deck will maintain the same setbacks as the existing structure. The variance requested appears to be the least necessary to provide substantial justice and granting of the requested variance is necessary for the preservation and enjoyment of the property. There are multiple homes in the immediate vicinity that do not meet the front-yard setback.
- The exceptional or extraordinary condition of the property is the location of the existing home, location of the road located between the house and the lake, and the irregular shaped lot. 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 property or unreasonably increase 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. Parking must be maintained on the lot. No parking is allowed in the street.

**The motion carried unanimously.**

2. 22-09...A request by Evan A. Baker, 3937 Highcrest Drive, for side yard variance setback to construct a single-story addition to an existing home.

Mr. Baker is requesting to remove the existing back deck, which is the width of the house and approximately 16 feet off the back, to build an extension to the home. The home was built in the 1950's. The existing home is only 950 square feet so he would like to put in a master bedroom, office, and a sunroom. The lot is very long and narrow. It is a single-story addition and will not obstruct his neighbors' views as their houses are much closer to the lake than his.

Board Member McCreary asked about the second structure that is shown on the plans. Mr. Baker stated that will not be constructed.

The call to the public was made at 6:43 pm with no response.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to approve Case #22-09 for Evan Baker of 3937 Highcrest for a side yard variance of 4 feet 4 inches from the required setback of 10 feet for a setback of 5 feet 6 inches to construct a single-story addition to an existing home, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent the applicant from constructing the proposed addition. The applicant is proposing to construct the addition to keep with the same sideline as the existing home. The variance requested appears to be the least necessary to provide substantial justice and granting of the requested variance is necessary

for the preservation and enjoyment of the property. There are multiple homes in the immediate vicinity that do not meet side yard setbacks.

- The exceptional or extraordinary condition of the property is the irregular shape of the lot and the location of the existing home. The need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion on public streets or increase the danger of fire, 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. Structure must be guttered with downspouts.
2. The site plan showing a second detached accessory on the lot will not be built.

**The motion carried unanimously.**

3. 22-10...A request by Tim Chouinard and Nadar Abouzenni, 564 Black Oaks Trail, for a front yard setback variance to demolish existing home and to construct a new home.

Mr. Chouinard stated the existing home is over the side lot line and very close to the road. They are requesting a variance to the front yard setback; however, it will bring the new house more into compliance than the existing one. The home will be moved further from the road.

The call to the public was made at 6:49 pm.

Mr. Dennis Phillips of 574 Hilltop stated there are a lot of big houses that are being built and are blocking the views of the lake. Chairman Rassel advised this is a civil matter that should be discussed with the homeowner's association. Mr. Chouinard stated the home will not be higher than the allowable 25 feet.

The call to the public was closed at 6:52 pm.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #22-10 for 546 Black Oaks Trail for Tim Chouinard and Nadar Abouzenni for a front-yard setback variance of 29.8 feet from the required setback of 35 feet for a front-yard setback of 5.4 feet to demolish an existing home and a construct a new home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from reconstructing the home. The proposed placement of the new home will locate the home further from the front property line than the existing home. The variance requested appears to be the least necessary to provide substantial justice and granting of the requested variance is necessary for the preservation and enjoyment of the property. There are multiple homes in the immediate vicinity that do not meet the front yard setback.

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- The exceptional or extraordinary condition of the property is the small size of the lot. 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 property 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. Parking must be maintained on the lot.
2. Structure must be guttered with downspouts.
3. Any additional structures or impervious surfaces will require a land use waiver for lot coverage conformance.
4. The building height cannot exceed 25 feet per the Zoning Ordinance.
5. Any additional retaining walls will require a land use permit.

**The motion carried unanimously.**

Board Member McCreary stated that these conditions are for the property owner's benefit.

**Administrative Business:**

1. Approval of minutes for the March 22, 2022 Zoning Board of Appeals meeting.

Needed changes were noted.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve the minutes of the March 22, 2022 meeting as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated that as of today, there are no cases for next month.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member Rockwell, seconded by Board Member McCreary, to adjourn the meeting at 7:01 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary