

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 21, 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, Michelle Kreutzberg and Amy Ruthig, Zoning Official.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board and staff introduced themselves.

Approval of the Agenda:

Chairman Rassel noted that Case #22-13 has been withdrawn at the request of the applicant.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the agenda with the removal of Case #22-13. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 6:32 pm with no response.

1. 22-11...A request by Jeff and Kelly Pine, 3520 Golf Club, for a rear yard setback variance to construct a detached accessory structure.

Mr. Pine stated they are proposing a 12 x 24 shed. The practical difficulties are the location of their septic field and the pond. Their pond overflows and floods their property often so it cannot be placed close to that. The neighbor who would be mostly impacted contacted them and is in favor of the variance. The shed is not too large, and they believe it will enhance the neighborhood. It will match their house and they will be putting landscaping around it.

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

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #22-11 for Jeff and Kelly Pine of 3520 Golf Club for a rear yard setback variance of 25 feet, from the required 60 feet, for a setback of 35 feet to construct a detached accessory structure as shown in Pressell Engineering Design plan dated May 15, 2019 with size and elevations noted as submitted in this packet, based on the following findings of fact:

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- This board finds that it meets all the standards of Section 23.05.03 of the Zoning Ordinance.
- Strict compliance with the rear yard setback would prohibit the applicant from constructing the structure in the desired location and by granting this variance it would provide substantial justice necessary for preservation and enjoyment that other property owners possess in the same zoning vicinity. There are multiple detached accessory structures in the vicinity.
- The extraordinary circumstances are the location of a pond and its tendency during springtime to rise in water level. In addition, the septic field and the non-conforming size of the lot constrain the setbacks that other lots with deeper setbacks obtain. The request 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 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 variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

2. 22-12...A request by Donna and Daniel Cheresko, 5589 Wyndam Lane, for a front yard setback variance to construct an addition to an existing two-car garage.

Mr. Cheresko provided the Board with aerial photos and a landscape plan. He stated they would like to add an addition to their existing garage to make it a three-car garage. The home was built close to the road as there is a large back yard. Both of their neighbors are in favor of the variance request. There are 269 homes in Pine Creek and only three have two-car garages.

Chairman Rassel asked if the homeowner's association approved this. Ms. Cheresko stated they are waiting for the Township to make a decision as the variance is the decision of the Township.

Board Member McCreary advised that the applicant would need to provide details of the revised or new retaining wall.

Board Member Rockwell questioned the purpose of the extra garage space. Mr. Cheresko stated it is for a third vehicle. It will not be for storage.

The call to the public was made at 6:51 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member McCreary, to approve Case #22-12 for Donna and Daniel Cheresko of 5589 Wyndam Lane for a front yard setback variance of 5 feet, from the required 40 feet, for a setback of 35 feet to construction a third-bay addition to an existing garage, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict use of the property. This variance will provide substantial justice, is the least necessary and would make the property consistent with other properties / homes in the area as a majority of homes have three-car garages.
- The variance is required due to the extraordinary circumstances, such as the location of the home on the lot and the distance of the home from the road.
- Granting of the variance will not impair light or air to adjacent property, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- 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 any new or extended retaining walls requiring a land use permit.

The motion carried unanimously.

3. 22-14...A request by builder Brian Parsons and owners Lawrence and Wendy Ollearis, 4100 Highcrest Drive, for waterfront setback variance to demolish an existing home and construct a new two-story home.

Mr. Parsons and Mr. Ollearis were present. Mr. Parsons stated that removing the existing home and building a new one will improve the visibility of the lake for the neighbors. Most of the homes on this street do not meet the current setbacks. The current home is approximately 25 feet from the lake, and they will be building the new home 46 feet from the lake. He stated they are requesting a six-foot variance. Ms. Ruthig stated she calculated the variance amount as 18.8 feet. After a brief discussion and reviewing the calculations, the Board agreed that the variance amount is 18.8 feet.

The call to the public was opened at 7:01 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #22-14 for Lawrence and Wendy Ollearis of 4100 Highcrest Drive for a waterfront setback variance of 18.8 feet from the required 64.9 feet for a waterfront setback of 46.1 feet to demolish an existing home and construct a new two-story home, based on the following findings of fact:

- This board finds that it meets all the standards of Section 23.05.03 of the Zoning Ordinance.
- Strict compliance with the waterfront setback would prevent the applicant from constructing the proposed new single-family home. There are other homes in the vicinity with reduced waterfront setbacks. Granting the variance would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the irregular shoreline of the lot. The variance seems to be the least amount necessary since the applicant is locating the home further from the waterfront than the existing home. The proposed location of the home will bring the home more into compliance with the required waterfront setback.

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- 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. Structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department in regard to the sewer disconnect and if relocating the grinder, must receive MHOG approval for new location prior to land use permit issuance.
3. Any retaining walls will require a land use permit to be obtained.
4. Every effort should be made not to block the road during construction or cause congestion.
5. Building height cannot exceed 25 feet.

The motion carried unanimously.

4. 22-15...A request by Philip and Melissa Casteleyn, 582 Hilltop Drive, for a rear yard setback variance for an addition to remain and to construct another addition on an existing home.

Mr. Casteleyn stated they would like to add additions to both the back and front of the home. This home will now be similar in size to their neighbors. There is a six-foot path easement that transverses the property. Other neighbors have this path blocked by decks, landscaping or other buildings. It will not negatively affect the public welfare and will enhance the neighborhood.

Board Member McCreary reviewed the violations that have been issued for this property over the past year. There were multiple Stop Work Orders issued that were not complied with. Mr. Casteleyn stated that he did not see many of the Orders as they may have blown away. He admitted that he did work when he should not have.

Mr. Casteleyn stated he is suing to have the path vacated, but there has not been any decision made on this. Many of the properties are up for sale.

Board Member Kreutzberg noted the staff report states that the survey supplied with the ZBA application does not have a seal from a licensed surveyor and it appears that the setbacks were not verified by the surveyor.

The call to the public was made at 7:31 pm.

Mr. Dan Catrinar of 556 Black Oaks Trail asked if there is anything on the path at this time. Ms. Ruthig stated there is the floor from the addition that was taken down and part of the retaining wall. He stated if the pathway is vacated, the land has to be divided equally between the

property owners. He questioned if the lawsuit should be completed prior to this variance being granted.

Mr. Dennis Phillips of 574 Hilltop lives next to the applicant. There has been a garage and a house built on top of the pathway at other properties throughout the years and they did not obtain permission.

Ms. Carrie Henley of 578 S. Hughes Road lives behind the applicant. She used to live in the applicant's home. No one uses the pathway. She agrees with Mr. Phillips that other buildings have been built on it. What they are proposing will improve the neighborhood.

The call to the public was closed at 7:39 pm.

There was a discussion regarding the requirement for Mr. Casteleyn to remove the existing footings. He does not want to remove the footings; he can remove the cinder blocks that are on top of them and leave them flush with the ground. Ms. Ruthig stated that is a decision that must be made by the building official. It is not able to be done by this Board. Mr. Casteleyn suggested amending his application to only request the variance for the one addition.

After a discussion and attempting to determine what the new variance amount would be, the Board determined it would be best to have this item tabled this evening so the applicant can return with a revised plan with accurate measurements.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to table Case #22-15 for Philip and Melissa Casteleyn of 582 Hilltop Drive until the next scheduled ZBA meeting so the applicant has an opportunity to obtain signed architectural engineering plans and request accurate dimensions and to comply with and remedy any outstanding requests from the Township and the Livingston County Health Department. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the April 19, 2022 Zoning Board of Appeals meeting.

Moved by Board Member Rockwell, seconded by Board Member McCreary, to approve the minutes of the April 19, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be four cases on next month's agenda.
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 8:15 pm. **The motion carried unanimously.**

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Respectfully submitted:

Patty Thomas, Recording Secretary