

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
November 15, 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, Michelle Kreutzberg, Bill Rockwell, Marianne McCreary, Jean Ledford, and Amy Ruthig, Planning Director.

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 the applicant for Case #22-23 has requested that his item be postponed.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the agenda with the removal of Case #22-23 until the December 13, 2022 ZBA meeting. **The motion carried unanimously.**

Call to the Public:

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

Old Business:

1. 22-20...A request by Joseph Anzalone, 5964 Glen Echo, for variances to allow a detached accessory building (gazebo) to remain within the required waterfront yard and for a shoreline setback variance.

Mr. Anzalone, the applicant, and Mr. Roger Myers, the applicant's legal counsel, were present.

Mr. Meyers stated the plat map shows the property lines for each of the properties as well as the park. Judge Hatty ruled that Mr. Anzalone owns the property up to the lake and all of the residents have the rights to use that property, which would include where the gazebo was built. The question is still where the side lot lines are. He noted that he requested to have this item tabled and leave the issue open until there is a further determination by the Court.

Board Member McCreary noted that the Township Attorney has advised the Board that they are able to make a decision on Mr. Anzalone's request. She does not feel comfortable ruling on this item without the property lines being determined. Mr. Meyers stated that at last month's meeting, the neighbors were present and they do not object to the gazebo. He would like to have this tabled until the Court makes a decision and it can be revisited at that time.

Board Member Rockwell believes the lot lines could be assumed based on the plat; however, he is concerned that this request does not meet two of the four required criteria for granting a variance. The gazebo is right on the water.

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

Moved by Board Member McCreary, seconded by Board Member Ledford, to deny Case #22-20, for a waterfront yard setback variance of 121.5 feet from the required 131.5 feet for a setback of 10 feet for Joseph Anzalone of 5964 Glen Echo to allow a detached accessory building to remain within the required waterfront yard, based on the following findings of fact:

- Strict compliance with the zoning ordinance would prevent the request for the detached accessory building to remain; however, will not prevent the use of the property. While other structures around the lake do exist, it is not a predominant right in this district or vicinity.
- The owner placed the structure on the proposed location that is out of compliance with current ordinance. This is, at face value, self-created by the applicant. In addition, there are no legal descriptions noting the revised riparian descriptions that would guide staff and this board to know what lot lines areas related to this property or any other.
- 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 set a precedent to allow waterfront structures on shoreline in this area and could impact the appropriate development, continued use in the surrounding neighborhood.

This denial is conditioned on the following:

1. The gazebo must be removed or relocated to a location that meets the Township ordinance within 21 days.
2. The two of the three docks that are shown on the site plan must be removed and not reestablished.

The motion carried unanimously.

New Business:

2. 22-24... A request by Tim Chouinard and Nadar Abouzenni, 564 Black Oaks Trail, for a variance to allow a detached accessory structure on a vacant lot, retaining wall height and setback variance and a lot coverage variance to construct a new garage.

Mr. Tim Chouinard was present. He was having difficulty designing the house to have a two car garage as well as to allow for additional guest parking. He has designed the garage so it is side-facing to allow for safety of vehicles backing out of the property. He noted that he will be using the garage as part of the retaining wall.

Ms. Ruthig asked Mr. Chouinard what the front setback will be. He stated it will be seven feet at the closest point.

The call to the public was opened at 7:00 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Lreutzberg, to approve Case #22-24 for Tim Chouinard and Nadar Abouzenni of 1320 Kinmore St. Dearborn Heights to construct a detached accessory structure on the vacant lot without a principal residence and a retaining wall height variance of 6 feet from the required 6 feet for a retaining wall height of 12 feet and a retaining wall setback variance of two feet from the required two feet for a setback of 0 feet for, based on the following findings of fact:

- Strict compliance with the zoning requirements would prevent the applicant from constructing the proposed accessory structure. Granting the variances would give the applicant substantial justice due to other accessory structures in the area on lots without principal dwellings.
- The exceptional or extraordinary condition of the property is the shallowness of the lot, topography of the lot, and that the parcel where the corresponding house is located cannot be combined to this parcel. Granting of the variances would make it consistent with other properties in the vicinity and the need for the variance 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, or increase the danger of fire or public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little to no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned on the following:

1. The applicant must demonstrate on site plan that the slope of the property meets Section 11.04.03 (j) Retaining Walls (1) of the Township Zoning Ordinance prior to land use permit issuance.
2. Structure must be guttered with downspouts.
3. Grading and soil erosion plan by civil engineer to ensure stabilization of slopes and avoid impacts on adjacent parcels.
4. The accessory structure cannot be used for living purposes.
5. If a fence is required by Livingston County Building Department then the applicant must follow Section 11.04.03 (j) Retaining Walls (6) of the Township Zoning Ordinance.
6. The retaining wall construction plans must be certified by a license engineer.
7. No outside storage is allowed on the lot.
8. The applicant shall remove all of the large fallen trees on the Hilltop side of the property.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the October 18, 2022 Zoning Board of Appeals meeting.

Genoa Township Zoning Board of Appeals Meeting
November 15, 2022
Unapproved Minutes

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve the minutes of the October 18, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be one item on the December 13, 2022 meeting.

Ms. Ruthig stated that the Township Board has a two-minute limit for each person at the call to the public. It was used at the Planning Commission meeting last night. She asked if the Board would like to implement this as well. All Board members agree that it should also be used at ZBA meetings for consistency.

3. Member Discussion

There were no items to discuss.

4. Adjournment

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:19 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary