

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
January 17, 2023 - 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: Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Bill Rockwell, Craig Fons, and Amy Ruthig, Planning Director. Absent was Greg Rassel.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Vice-Chairperson McCreary recommended tabling this item until there is a full board present.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to table the Election of Officers until the February 21, 2023 ZBA meeting. **The motion carried unanimously.**

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

Conflict of Interest: None

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 opened at 6:33 pm with no response.

1. 23-02... A request by Tim McCotter, 4041 Homestead, for two waterfront variances and a front yard variance to demolish an existing home and construct a new home.

Mr. McCotter, the architect for the project, and Carter and Lisa Carpenter of 4138 St. Andrews in Howell were present. Mr. McCotter provided the restraints of the property, which are that the lot is very skinny, and this property is on a canal so there are two waterfront setbacks. If they were to meet all setbacks, it would make the buildable area very small. They are proposing to move the home closer to the road to make it more compatible with the homes in the area.

Ms. Ruthig stated that Staff advised Mr. McCotter to move the home closer to the road so the waterfront setback variance would be less.

Vice-Chairperson McCreary asked if a certified survey was done. Mr. McCotter stated yes.

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Board Member Rockwell questioned the steeple that is shown on the plans. Ms. Ruthig stated this will be removed as Mr. McCotter did not wish to pursue a variance for it.

Ms. Ruthig stated Staff has been discussing revising the front yard setbacks in this zoning from 35 feet to 25 feet; however, this project is subject to the current setback requirement.

There was a discussion regarding the possible need for a retaining wall. Mr. McCotter advised they will not need one. Ms. Ruthig reminded the applicant the Township has a retaining wall ordinance.

The call to the public was opened at 6:47 pm.

Mr. Blair Bowman of 4252 Highcrest, who lives across the lake, is in very strong support of these variance requests. This is a very challenging lot.

Mr. Matt McCord of 4065 Homestead is in strong support of these variance requests.

Ms. Debbie Leek of 3997 Homestead is also in strong support of these variances. The home is beautiful and will enhance the lot.

Mr. Pete Wood of 220 N. Fifth Street, Brighton, is in support of these variances. It will enhance the area.

The call to the public was closed at 6:51 pm

Vice-Chairperson McCreary stated a letter of support was received from Curt Brown of 4001 Homestead.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve Case #23-02 for Tim McCotter, 4041 Homestead, for a front yard variance of 13 feet from the required 35 feet for a setback of 22 feet, one shoreline variance of 15.8 feet from the required 40 feet for a setback along the canal of 24.2 feet, and a second shoreline variance of 29.1 foot from the required 64 feet averaged requirement for a setback along the lake of 34.9 feet, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the construction of the proposed structure on the vacant lot. The variances would support substantial justice and are necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity.
- The exceptional or extraordinary condition of the property is the secondary shoreline setback due to the canal and the lot's irregular shape. 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 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 variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. Final architectural design shall not exceed the 25-foot height requirement, including any steeple feature.
2. The structure must be guttered with downspouts and drainage must be maintained on the lot.
3. Any retaining walls will require a land use permit to be obtained.
4. Silt fencing will be in place during construction.
5. The applicant shall seek approval from MHOG for grinder pump movement prior to construction.

The motion carried unanimously.

2. 23-03...A request by Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance to construct a zipline.

Mr. Wayne Perry of Desine Engineering and Jim Berigan of Our Lady of the Field Campground were present.

Vice-Chairperson McCreary noted the Planning Commission approved the sketch plan for the zipline with a condition that the applicant obtain height variances.

Mr. Perry stated the camp would like to add additional amenities, specifically a zipline with a climbing tower and a giant swing. The tower is proposed to be 45 feet high, the terminating pole is proposed to be 25 feet high, and the giant swing would be 36 feet high. The ordinance does not speak to these types of structures. Township Staff has interpreted these structures as accessory structures, so the maximum height allowed is 18 feet. These structures will be on the north side of the lake. Ms. Ruthig stated accessory structures in this zoning district shall not exceed 35 feet.

Mr. Berigan provided a description of the giant swing, including the reason for the structures to be so high. There was a discussion regarding the safety of the participants. Mr. Berigan stated it is very safe. The people who operate it are highly trained. It will not be open to the public. It is locked when not being used.

Board Member Kreutzberg questioned if the height and distance recommended by the manufacturer is being used. Mr. Berigan stated yes. He noted that the Howell Nature Center has a zipline whose tower is 60 feet high.

The call to the public was opened at 7:15 pm.

Mr. Patrick Spence of 1838 Euler Road asked for a review of the four criteria that must be met to grant a variance. Vice-Chairperson McCreary provided that information. Mr. Spence stated this will negatively affect the value of his property. He is opposed to the variance. He feels there are plenty of activities at the camp and there is no need for anymore. The 45-foot tower would overlook his property. He is concerned that the poles drilled into the ground could affect the groundwater. This does not fit in this area. It will bring in more people and more noise.

Mr. Fred Berean of 1121 Euler Road is opposed to this.

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Mr. Mike Berean of 1237 Euler Road stated his wife, who was unable to be here tonight, is opposed to this request. This camp is destroying their residential neighborhood. He reviewed prior Township meeting minutes regarding the grandfathering of the zoning of this property. Because it had sat vacant for more than 12 months, it should have lost its grandfather status and should revert to the current zoning. He submitted a packet to the Board with documentation regarding this. They request that the zoning be returned to the current zoning and all expansion requests be denied.

Mr. Berean read a letter from Mrs. Berean of 1121 Euler Road who is opposed to this request.

Charles Saliba of 1829 Kellogg Road agrees with Mr. Berean. He is concerned with the noise. There will be yelling from people on the zipline and the swing. He does not agree with the variance request.

Mr. John Connely owns property on Euler Road. He is in support of the residents who are against this variance. His property was used previously to store vehicles, trailers, etc. and since it sat vacant for 12 months, he lost his grandfather status, and the Township returned it to its current zoning.

Mr. Bill Maniaci of 1866 Euler Road, who is a real estate agent, sold a property on Euler Road to someone who chose to buy a home, tear it down, and build a new one instead of purchasing a livable home on a property that would be close to the camp. He is concerned that there will be more requests from the church. He is opposed to these variances.

Ms. Patty Kopicko of 6843 Felice stated the existing rope course never received a variance. Vice-Chairperson McCreary stated the Township was not aware it was installed. The owners of the camp have purchased additional property. They will be listening to kids scream on the zipline and swing. The people that use the camp pay and it is not open to everyone.

Mr. James Drouillard of 6781 Felice agrees with his neighbors. He would like this variance to be denied.

Mr. Robert Kopicko of 6843 Felice stated the traffic is deteriorating the roads in this area. He asked if the swing and zipline will be open at night? Will there be lights? Will there be speakers? This is a residential neighborhood in the country.

Ms. Kate Baker at 1780 Euler Road agrees with her neighbors. Her home is her retirement, so she does not want it to lose value.

The call to the public was closed at 7:44 pm.

Board Member Kreutzberg asked how long has this been a camp and how many acres is the property. Mr. Berigan stated it has been a camp since at least 1920 and it is 164 acres.

There was a discussion regarding the information provided at the call to the public.

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Mr. Fons stated the issue before the Board is the height of the structures. Mr. Rockwell agrees; however, he does not see how the request has met all four of the requirements to grant a variance.

Vice-Chairperson McCreary suggested having this item tabled this evening to review the information that was given at the call to the public in order to make a decision knowing all of the facts.

Board Member Ledford stated many requests have been approved for this property and asked if more requests are coming.

Mr. Fons stated the property is being used how it is zoned.

Board Member Ledford would not want to have this in her neighborhood. She would not want her property values to decrease because of it. She would like to investigate the information presented this evening.

Board Member Kreutzberg understands all comments made by the Board members; however, change happens. There are many places in Livingston County that used to be farmland that are now homes. She agrees with Board Member Fons that the Board is asked to review the request for the height of the poles.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to table Case #23-03 until the February 21, 2023 ZBA meeting for the Caldean Catholic Church until further information can be uncovered regarding property usage and history. **The motion carried (Ledford - yes; McCreary - yes; Kreutzberg - yes; Rockwell - yes; Fons - no).**

3. 23-04...A request by Peter Wood, 4021 Homestead, for a side, front and waterfront variance to construct an addition to an existing single-family home.

Mr. Peter Wood and Mr. David Hazen, who designed the home, were present. Mr. Wood stated his hardship is that he does not have a garage and would like a first-floor master bedroom. It is a very unique, non-conforming lot. His lot was originally two lots that were split and sold separately. This addition will add value to the neighborhood.

Mr. Hazen provided a review of the proposed changes to the home. He stated the minimum lot size allowed per the ordinance is 80 feet; however, this property is only 30 feet. The location of the home to the road is consistent with the homes on either side of this property. They are proposing the side-entry garage so vehicles will fit in front of the garage.

The call to the public was opened at 8:15 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #23-04 for Peter Wood, 4021 Homestead, for a 25 foot front yard variance from the required 35 feet for a 10 foot setback, a 1.5 foot side yard variance from the required 10 feet for an 8.5 foot setback, and a 21.20 foot shoreline variance from the required 36.5 feet for a setback of 36.5 feet, to construct an addition to the existing residence, which would include a covered patio,

attached two-car garage and the removal of the existing shed, based on the following findings of fact:

- Strict compliance with the setback requirements would unreasonably restrict the use of the property. Granting these variances will provide substantial justice and would make the property consistent with other properties in the area.
- The variances are necessary due to the extraordinary circumstances such as the irregular shape of the lot.
- The granting of the variances will not impair adequate light or air to adjacent property, increase congestion or increase the danger of fire or public safety, comfort, morals or welfare of the inhabitants of the Genoa Township.
- 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 approval is conditioned upon the following:

1. The grinder pump location shall approve by MHOG prior to land use permit issuance.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the December 13, 2022 Zoning Board of Appeals meeting.

Moved by Board Member Kreuzberg, seconded by Board Member Fons, to approve the minutes of the November 15, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be at least one case at the February meeting.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

Moved by Board Member Fons, seconded by Board Member Ledford, to adjourn the meeting at 8:31 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary