

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
February 21, 2023 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 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 to table this item again until there is a full board present.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to table the Election of Officers until the March 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 Rockwell, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

The call to the public was opened at 6:34 pm with no response.

Old Business

1. 23-03...A request by Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance to construct a zip line. (Requested to be postponed to the March 21, 2023 ZBA meeting)

Vice Chairman McCreary advised that Staff has requested to have this item tabled this evening.

The call to the public was opened at 6:34 pm.

Mr. Mike Berean of 1237 Euler Road asked if the Board Members reviewed the packet he dropped off last week. Ms. Ruthig stated they received it today, which is the first time they have been in the office. He asked what year the Genoa Township Ordinances started? Ms. Ruthig stated the oldest version she has seen was from the 1960's. He also asked what the

classification of this property per Table is 6.01.01 of the ordinance. Ms. Ruthig stated it is zoned as Public/Private Campground. He had other questions regarding the special use as well as this property being grandfathered. Vice Chairman McCreary advised that those questions are being researched by the Township Attorney.

He stated the Planning Commission Chairman stated at a previous meeting that this property has been grandfathered. If it has been grandfathered, then it automatically becomes a non-conforming use per Michigan Zoning Law. He requested that all the approved special uses granted for this property be rescinded because this property is a non-conforming use.

The call to the public was closed at 6:39 pm.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to postpone Case #23-03 until the March 21, 2023 ZBA meeting as requested by Staff. **The motion carried unanimously.**

New Business:

2. 23-05... A request by Jeffrey Parkkila, 1776 S. Hughes Road, for front and waterfront yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.

Mr. Dennis Disner of Arcadian Design, who designed the house for Mr. and Mrs. Parkkila, stated this lot is non-conforming. It does not meet the minimum lot size requirement per the current ordinance for this zoning. For the lake side, the addition will not extend further than the existing home. For the addition on the front of the home, it will be 11 feet, 2 inches behind the current front wall of the house. The existing shed will be removed so the distance between the two homes will be greater and there will be better emergency access, if needed. The proposal meets the criteria for lot coverage and impervious surface.

The design is harmonious with the existing house, and it will appear as if the entire home was built at the same time. They will not be building a second story so as not to negatively affect the lake views for the neighbors.

The call to the public was opened at 6:54 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Fons, to approve Case #23-05 for Jeffrey Parkkila of 1776 S. Hughes Road for a street front yard setback variance of 10 feet, 7 inches from the required 35 feet for a street front setback of 24 feet, 5 inches and a waterfront variance of 7 feet, 9 inches from the required 67 feet for a waterfront setback of 59 feet, 3 inches to build a 370-square-foot addition on the north side of the home, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. This variance will provide substantial justice, is the least necessary and would make the property consistent with other properties and homes in the area.
- The variances are necessary due to extraordinary circumstances, such as the deficient lot width and building area.

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- Granting of these variances would not impair adequate light or air to adjacent property, would not increase congestion or increase the danger of fire or threaten public safety or welfare.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. Removal of the current accessory structure adjacent to the proposed addition.

The motion carried unanimously.

3. 23-06...A request by Yvette Whiteside, 5780 Glen Echo, for a front yard setback and lot coverage variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a roof over existing patios.

Ms. Whiteside and Mr. John Liogas were present. Ms. Whiteside stated they would like to put covers over the existing porch and patio. They will not be extending past the existing footprints. The porch currently has a three foot overhang, so they would extend it seven feet. The entire patio would be covered, except for the circular part.

This property is not a buildable lot without a variance because it does not meet the minimum lot size requirement per the current ordinance. The property is wide and shallow, and this causes the need for the variance to not be self-created. The coverings would not negatively affect their neighbors and would not block their views.

Vice-Chairperson McCreary stated a variance was previously approved and asked if that work has been completed. Mr. Liogas stated yes, the addition has been done.

Board Member Kreutzberg asked for clarification that this request is to not enclose the patio and porch and there will be no walls. Ms. Whiteside said it will only be the roofs.

Ms. Ruthig noted the temporary carport will need to be added and be included in the total lot coverage amount. It was not included in the application.

Ms. Whiteside asked if she could have time to calculate those amounts this evening and then return to the Board to ask for those variances if needed.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to delay Case #23-06 until the end of tonight's meeting. **The motion carried unanimously.**

4. 23-07...A request by Derek MacCallum, 7901 Birkenstock Dr., for a front yard setback variance and a fence height variance and any other variance deemed necessary by the Zoning Board of Appeals to allow an inground pool in the front yard.

Mr. MacCallum stated the practical difficulty is the location of his septic field. This is forcing the pool to be placed closer to the property line. His property is a corner lot, so he has two front yards. If they placed it in other locations on the property, it would not allow for any line of sight from the home and it would be closer to the other neighbor. They will be installing landscaping to soften the visual of the pool for the neighbors. He submitted renderings. The HOA has approved the installation and location of the pool. He has spoken to all five of his neighbors and they are all in favor of granting this variance. He supplied those letters to the Board this evening.

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They were received from Derek Pluta, Robert Bruce, Mark Krzyskowski, Laura Allegoet, and Dominic Daquano.

Board Member Fons noted that there are no measurements from the septic company to show the location of the septic field. The Board would need this information to determine how much of a variance is needed. He recommends the pool be placed as close to the septic field as possible to allow for the least amount of variance needed.

Mr. Jim Pitila, who designed the pool, stated Livingston County requires an inground pool be at least 10 feet from a septic field, so that is the measurement that was used to determine where the pool would be placed.

Board Member Rockwell suggested having this item tabled this evening to allow the applicant to provide detailed information on the location of the septic field.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to table Case #23-07 until the March 21, 2023 ZBA meeting to allow the applicant to obtain accurate measurements for the location of the septic field. **The motion carried unanimously.**

5. 23-08...A request by Jason Jacobs, 6094 Brighton Road, for a front yard, side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to allow a detached accessory building in the front yard.

Mr. Jacobs stated the rear of his property slopes severely. He stated that this has already been built. He apologized as he did not believe he needed a permit for it since it is a shed. Due to the location of the septic field, and the slope of his property, this is the only location where it could be placed. This will not have any negative effect on public safety, and it is shielded from the roadway and the neighbors in the summer and he has also planted arborvitae. The shed matches his house. He has spoken to his neighbors, and they are in favor of allowing the shed. He provided letters of support from David Damusis of 6056 Brighton Road, Gary Deroche of 6132 Brighton Road, Polly from 5130 Old Hickory Drive, Tom Dutcher of 5015 Timberline Drive, and Celia Pienkosz of 5032 Old Hickory Drive. The letter from David Damusis contained photographs showing his view of the shed from various locations in his yard.

Ms. Ruthig stated that Mr. Jacobs responded to the letter from the code enforcement officer immediately after it was received.

Board Member Rockwell has concerns with the building being in the front yard. The ordinance does not allow them. Mr. Jacobs stated there are other properties in his neighborhood that have structures in the front yard. His house was built into a hill. There is no other location for it to be placed.

The call to the public was opened at 8:04 pm.

Ms. Linda Rolly of 5117 Forest View Court, which is behind Mr. Jacob's home, stated they have done a wonderful job redoing the home. These changes improve the entire area.

Mr. Gary Deroche lives on the east side of Mr. Jacobs. There is no other location on the property where the shed could be built. The home and the shed are beautiful.

The call to the public was closed at 8:07 pm.

Mr. Fons does not have a concern with the setback or the location of the shed, but stressed that residents need to obtain permits.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #23-08 for Jason Jacobs of 6094 Brighton Road for a side yard setback variance of 8 feet from the required 30 feet, for a 22 foot side yard setback to allow a 240 square foot accessory structure in the front yard, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. These variances will provide substantial justice and are the least necessary.
- The variances are necessary due to extraordinary circumstances, such as unusually steep topography and property conditions as well as the location of the septic field.
- Granting of these variances would not impair adequate light or air to adjacent property, would not increase congestion or increase the danger of fire or threaten public safety or welfare.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned on the following:

1. The applicant shall maintain vegetative screening and landscaping to reduce visual impact of front yard placement on the surrounding neighborhood.
2. Land use and building permits must be obtained.
3. If the Livingston County Building Department requires footings to be placed, the applicant will be required to determine the exact location of the septic field and the shed shall be relocated to be as close to the septic field as possible.

The motion carried unanimously.

The discussion for Case #23-06 resumed at 8:17 pm.

Ms. Whiteside apologized for not having the complete lot coverage information when she submitted her application. She was not aware that the concrete driveway should be included in the amount. She has done the calculations and she will need to request a four percent variance for impervious lot coverage and an eight percent variance for building lot coverage.

The call to the public was opened at 8:29 pm.

Mr. John McCormick of 5695 East Grand River, Howell stated these are the best neighbors he has ever had. They are always willing to help their neighbors. They have done beautiful work on the home. It has improved the neighborhood. He and his wife are in favor of granting this request.

The call to the public was closed at 8:31 pm.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve Case #23-06 for Yvette Whiteside of 5780 Glen Echo for an 11 foot front yard variance from the required 35 feet for a front yard setback of 24 feet for a covered porch and 21 foot front yard variance from the required 35 feet for a front yard setback of 14 feet for a covered patio, a 4 percent impervious lot coverage variance from the required 50 percent for 54 percent

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impervious lot coverage and an 8 percent building lot coverage variance from the required for building lot coverage from the required 35 percent for a 43 percent building lot coverage, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the construction of the covered structures. 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 lot's irregular shallow shape and the size of lots in this neighborhood. 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 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. The final architectural design shall not exceed the 25 foot height requirement.
2. The structure must be guttered with downspouts and drainage must be maintained on the lot.
3. No more structures or impervious surfaces shall be added to the lot
4. The shed shall not be replaced or expanded any further

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the January 17, 2023 Zoning Board of Appeals meeting.

Moved by Board Member Ledford, seconded by Board Member Fons, to approve the minutes of the January 17, 2023 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be four items on the March 21, 2023 agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

Moved by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 8:45 pm. **The motion carried unanimously.**

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Respectfully submitted:

Patty Thomas, Recording Secretary

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