

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
~~March-April~~ 18, 2023 - 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, Marianne McCreary, Jean Ledford, Bill Rockwell ~~Craig Fons~~, and Amy Ruthig, Planning Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

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 6:32 pm with no response.

1. 23-12... A request by Mark Morra, 5610 Mountain Road, for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a detached accessory structure.

Mr. Morra stated he would like to build a detached garage to house two antique cars that he will be purchasing. The topography prevents him from moving it further to the rear of the lot. Also, if he were to meet the setback, the location of the drywell septic will limit the size of the garage, and the angle of the building would make it difficult to use as a garage as well as cause the need to remove the walkway and part of their garden.

Board Member Kreutzberg questioned if additional soil would need to be brought onto the property or if a retaining wall would need to be built due to the hill. Mr. Morra has not done all the engineering; however, he does not believe he will need a retaining wall. Board Member McCreary advised the applicant that if this is approved and the engineering is complete and it is determined that a retaining wall is needed, he may need to return to the Zoning Board of Appeals.

Genoa Township Zoning Board of Appeals Meeting
April 18, 2023
Approved Minutes

The call to the public was opened at 6:44 pm with no response.

Move by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case # 23-12 for a side yard setback variance of 19.5 feet from the required 30 feet for a side yard setback of 10.5 feet for Mark Morra of 5610 Mountain Road to construct a 22 x 28 single-story detached garage, based on the following findings of fact:

- The practical difficulty is the steep topography of the land from the front to the rear, thereby impacting the applicant's ability to locate the detached accessory building and alternative locations are not functional. The variance provides the minimum needed to grant relief.
- Granting this variance will not impair light or air to the adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare to the inhabitants of Genoa Township.
- Granting this variance will have little or no impact on the appropriate development, continued use or value of adjacent properties or the surrounding neighborhood.

This approval is conditioned upon the petitioner maintaining the existing vegetation on the westerly side, or supplementing it, if deemed necessary to mitigate the potential impact of the reduced setback of the adjacent residence.

The motion carried unanimously.

2. 23-13...A request by Johnathon Wyatt, 4158 Highcrest Drive, for front and side yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.

Mr. Wyatt stated he had a survey done since he submitted his original application and the side setback variance needed is .3 inches. He would like to add an addition to his existing home. The need for the variance to the north is to keep the same building line and the one on the front is to have a garage of sufficient depth to park a car.

Board Member McCreary asked if the survey was done by an engineer. She would like to ensure that the existing boathouse is on the applicant's property and not the neighbor's. Mr. Wyatt stated the survey was done by Desine, Inc. Ms. Ruthig stated the survey was not sealed. Mr. Wyatt will have that sent to the township.

Ms. Ruthig questioned the deck that is being proposed at the top of the home. Mr. Wyatt stated the area of the home adjacent to that deck is not living space; it is a way to access that deck. She will need to contact the township planner to verify that this is within the ordinance.

Ms. Ruthig advised Mr. Wyatt that the proposed second dock is not allowed. He is only permitted to have one dock.

Ms. Ruthig stated the revised drawing shows the location of the neighbor's shed, which is now requiring the applicant to request a five foot variance. A 10-foot separation between two buildings is required. The existing shed was not on the original drawing.

The call to the public was opened at 7:04 pm.

Mr. Alan Szydowski of 4150 Highcrest Drive stated he will be working with Mr. Wyatt and his contractors to remove the shed and then have it put back when the work is complete. Ms. Ruthig stated that if the shed is removed, it would not be able to be put back because it is currently non-conforming.

The call to the public was closed at 7:08 pm.

Move by Board Member McCreary, seconded by Board Member Rockwell, to approve Case # 23-13 for a front yard setback variance of 18.5 feet from the require 35 for a front yard setback of 16.5 feet and a side-yard setback variance of 5 feet from the required 10 feet for a side yard setback of 5 feet for Johnathon Wyatt of 4158 Highcrest Drive to construct an addition to an existing home, based on the following findings of fact:

- The limited building envelope and the location of the existing home which is being requested to be expanded. By allowing the front and side yard setbacks, substantial justice will be granted as other homes in the surrounding areas have similar front and side yard setbacks. The variances appear to be the least amount necessary, and they are not self-created.
- The building envelope is somewhat restrictive based on the severe slope of the lot, the existing retaining walls and the placement of the existing structure. These factors impact the owner's ability to construct a compliant addition.
- The proposal is not expected to impact traffic, public safety or welfare of the residents of the township, nor will it be expected to increase the danger of fire, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- Review of aerial photo identifies several properties with deficient street front setbacks, and the proposal is generally consistent with the two abutting residences. Granting of the variances will not impair the supply of light and air to adjacent properties or have an impact on the value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The home should be guttered with downspouts
2. Any additional retaining walls will need approval if they do not comply with the ordinance.
3. The township will require the document from Desine, Inc. to concur with the site plan submitted dated 4/17/23 showing the setback requirements that will equal the noted received document.
4. The second dock shall be removed.
5. The final architectural design shall not exceed the 25-foot maximum height requirement.
6. The applicant shall remove one of the two docks.

The motion carried unanimously.

Genoa Township Zoning Board of Appeals Meeting

April 18, 2023

Approved Minutes

3. 23-14...A request by Bradley Holmes, 4095 Rose Creek Lane, for a height and waterfront setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a retaining wall.

Mr. Holmes stated he needs to install a retaining wall of this height to alleviate the runoff issue he is having with his neighbor.

Ms. McCreary questioned the two different engineering documents. They both have the same note from Redi-Rock stating that the final design must be determined by an engineer; however, it is the same plan for the wall, but the engineering drawings are three years apart. She understands the need for the retaining wall; however, she wants to ensure that it, at this size, is necessary and that the grading work will not cause additional problems on both the applicant's and the neighbor's property. Mr. Holmes reiterated the need for the wall to be that height. The property drops severely between his and his neighbor's property.

The Board discussed the need for an engineer to provide documentation stating what exactly is needed and not relying on the information from the company who is selling the material for the retaining wall. Board Member McCreary would like to have an engineer review what Redi Rock has provided and determine if what is being requested is what is the least necessary and will provide the relief that is needed. Board Member Ledford agrees.

Ms. Ruthig stated she has met with the applicant and his engineer and asked the same question. The engineer advised her that this wall height is necessary.

The call to the public was opened at 7:36 pm with no response.

Move by Board Member Kreutzberg, seconded by Board Member McCreary, to approve Case #23-14 for a 6 foot, 6 inch height variance from the maximum allowable height of 6 feet for a total height of 12 feet, 6 inches to construct a retaining wall, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. The variance will provide substantial justice and is the least necessary.
- The severe topographic changes render the rear yard inaccessible. The project will provide necessary access for grinder pump maintenance as evaluated by MHOG Utility Department.
- Granting this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger or fire or threaten public safety or welfare.
- The variance 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 applicant producing an engineering report from Hastings to confirm the height is sufficient or least necessary to retain erosion and drainage on the property.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the March 21, 2023 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the March 21, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there are three applications for the May meeting.

3. Member Discussion

Board Member McCreary reiterated what she said in the meeting; she wants to ensure that any grading and retaining walls that are built do not negatively affect the neighboring properties.

4. Adjournment

Moved by Board Member McCreary, seconded by Board Member Ledford, to adjourn the meeting at 7:55 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary