

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
December 17, 2024 - 6:30 PM**

MINUTES

Call to Order: 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: Craig Fons, Marianne McCreary, Rick Soucy, Michele Kreutzberg, and Carrie Aulette, Zoning Official. Absent was Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

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

Conflict of Interest: None

Approval of the Agenda:

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 6:31 pm with no response.

Chairperson McCreary reviewed the criteria necessary for a variance to be approved.

NEW BUSINESS:

1. 24-29...A request by Steven and Michelle VanPatten, 570 S. Hughes Road, for rear and side yard variances and any other variances deemed necessary by the Zoning Board of Appeals, to construct a 6- foot-tall fence.

Steven and Michelle Van Patten were present. Mr. Van Patten stated they would like to put up a six-foot privacy fence to keep his grandson and small dog safe from the Pitbull that runs free in the neighborhood. Ms. Van Patten stated that even though the yard faces Hilltop Drive, there is no driveway from there so aesthetically it should be considered a backyard. A lot of the neighbors let their dogs run. They have a small grandson, and their daughter has limited vision.

They have spoken with their neighbors about their dogs running loose and they told her that is why they live in this area so her dogs can run the neighborhood. They have an invisible fence, but they do not use it. The dog has not harmed anyone. They do not feel that they are in danger. There are also other dogs in the neighborhood that run free.

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The Board noted that there were posts in the ground for the fence. Ms. Van Patten stated that their contractor said they would get the permit and started the project, but they did not. When they applied for the permit, they learned they needed a variance.

Board Member Soucy noted that the home across Hilltop from the applicant has a fence along the road. There are other homes in the area that also have fences in the front yard. He confirmed that none of the neighbors have contacted the Township regarding this request. Ms. Van Patten spoke to three of her neighbors and none of them have any concerns with the fence.

Board Member Fons stated this request is outside the parameters of what the Board would approve. He questioned if they are allowed to grant a variance because of what a neighbor's dog could potentially do. Would this set a precedent?

Board Member Soucy confirmed that if this was a backyard, a six-foot-high fence would be allowed. The hardship of the property is that it is deemed to have two front yards.

Board Member Kreutzberg stated that two variances are being requested. One for the height and one for the impervious surface amount. This is not the least necessary.

Chairperson McCreary understands the need, but there is no true hardship that prevents the applicant from using their property without the variances. She is not able to vote in favor of this request.

The call to the public was made at 7:02 pm with no response.

Board Member Soucy **moved** to approve Case #24-19 for Steven and Michelle VanPatten of 570 S. Hughes Road for a height variance of three feet from the required three feet for a fence height of six feet and an impervious surface variance of 26 percent from the required 49 percent for an impervious surface amount of 75 percent to construct a six-foot tall fence, based on the following findings of fact:

- The hardship and extraordinary circumstances are that this yard should not be listed as a front yard. It has never been utilized as that and all the neighbors use theirs as backyards. The fence is aesthetic; it is not a solid wall.
- There is public safety and welfare for the applicant's family.
- This would have a positive impact on the surrounding community.

The motion failed for the lack of support.

Moved by Board Member Fons, supported by Board Member Kreutzberg, to table Case #24-19 until the February 18, 2025 Zoning Board of Appeals meeting to allow for all members to be present. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the November 19, 2024 Zoning Board of Appeals meeting.

Moved by Board Member Kreuzberg, supported by Board Member Fons, to approve the minutes of the November 19, 2024 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be two cases on the January meeting agenda.

3. Member Discussion

Board Member Soucy stated that he made his motion for approval because it is not always about doing what is correct, but what is right. He will be using this instance to approach the Township Board about changing the ordinance.

4. Adjournment

Moved by Board Member Kreuzberg, supported by Board Member Fons, to adjourn the meeting at 7:32 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary