

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
January 14, 2025 - 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: Marianne McCreary, Craig Fons, Matt Hurley Michele Kreutzberg, Rick Soucy, 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 Soucy, 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.

OLD BUSINESS

1. 24-28... A request is being made by Jeffrey A. Adams of 5239 Wildwood for a rear (waterfront), road, and side yard setback variances and any other variances deemed necessary by the Zoning Board of Appeals, to construct an accessory structure.

Mr. Adams stated that the proposed structure would not have an impact on the neighborhood and will be an improvement from the existing shed that he has. There are seven houses on Wildwood that have garages. His neighbor's home is 2' 8" inches from the property line. His neighbor does not have any issues with him placing the garage there. This will not have a negative effect on vehicle or foot traffic, and it will match his home.

He showed the plan, noting that he has reduced the size of the structure from 14' x 30' to 12' x 24' and moved it one foot closer to his home so there is nine feet between his and his neighbor's home at the road and seven feet at the waterfront.

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Board Member Kreutzberg appreciates the changes made by the applicant. She questioned if the concrete slab is going to be removed. Ms. Aulette stated it must be removed to meet the impervious surface minimum.

Board Member Soucy stated that the neighbor's home being so close to Mr. Adams' home is a hardship for him.

Board Member Fons confirmed that the house will be connected to the garage by a walkway. Mr. Adams stated yes, it will have a roof but there will be no walls. It will be six feet wide.

Chairperson McCreary asked about the walkway that is between Mr. Adams' house and the home to the west. It is community property but has brick pavers and is being used as parking. Mr. Adams stated that he was not aware that he was encroaching into the walkway when he laid down the pavers in the 1990's. There are many people who park there. She would like to see this come into compliance.

Board Member Fons stated that there are many walkways in this subdivision that have sheds and fences built on them. He does not want the applicant to park there, but he doesn't think he needs to remove the brick pavers as they are not a permanent structure. Board Member Soucy agrees.

The call to the public was made at 6:49 pm with no response.

The packet included a letter from his neighbor, Austin Mitter, at 5245 Wildwood, stating he is in support of the variances.

Moved by Board Member Kreutzberg, supported by Board Member Soucy, to approve Case #24-28 for Jeffrey A. Adams of 5239 Wildwood for a rear (waterfront) setback variance of 2 feet from the required 40 feet for a setback of 38 feet, a front yard/road setback variance of 1 foot from the requested 10 feet for a setback of 9 feet, and side yard setback variance of 5 feet, 8 inches from the required 10 feet for a setback of 4 feet, 4 inches to construct 12' x 24' garage, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict intended use of the property.
- These variances will provide substantial justice, is the least necessary, is not self-created, would make the property consistent with other properties and homes in the area as there are several homes in the vicinity that do not meet the LRR setbacks or lot coverage requirements.
- The variances are necessary due to the extraordinary circumstances, such as the narrowness of the lot, placement of home on the property, and the neighboring home located two feet from the lot line makes it difficult to adhere to side yard setbacks.
- Granting these variances 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 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. Structure must be guttered with downspouts.
2. Owner must remove all other existing accessory buildings and cement slabs on the property.
3. The pavers may remain in the platted walkway, but no parking is permitted on said walkway.

The motion carried unanimously.

NEW BUSINESS

1. 25-01...A request by Paul Mitter of MITTS LLC, 5796 E. Grand River, for a front yard setback variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a monument sign.

Mr. John Nagle of Image 360, representing Mr. Mitter and Wonderland Marine, stated they are requesting a variance of six feet to install a monument sign. The existing pole sign is no longer in compliance with the new ordinance. They would like to put in an electronic message area, so to ensure it can be read, they have to increase the width of the sign. Having a large sign on Grand River is important. The unique circumstance of this property is the location of the underground utilities. This is the only location where the sign can be placed. They will use the existing foundation and pole. The other utility companies and the Livingston County Road Commission have approved the sign location. It is not self-created because the ordinance changed from when the sign was initially installed. There is no site visibility issues with this location.

Chairperson McCreary stated that the sign is not encroaching 10 feet into the "road ROW", it is encroaching into the "road ROW setback". She noted that there are other locations along Grand River that have the same issue with their signs due to the location of the underground utilities.

Board Member Fons asked if the Township Utilities Director reviewed this because it is on top of the sanitary sewer main. Ms. Aulette stated that he approved the original site plan.

The call to the public was made at 7:04 pm with no response.

Moved by Board Member Kreutzberg, supported by Board Member Hurley, to approve Case #25-01 for Paul Mitter of MITTS LLC, 5796 E. Grand River, for a ROW setback variance of six feet from the required ten feet for a setback of four feet to construct a monument sign, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the application from installing a sign.
- This variance would provide substantial justice, is the least necessary, is not self-created, and would make the business consistent with other businesses with monument signs in the same zoning district.

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- The variance is necessary due to extraordinary circumstances, such as new building construction setbacks, required parking area and landscaping have reduced the available space to install a proper monument sign. It should be noted that the new sign will be more consistent with current sign standards as the existing sign is non-compliant.
- 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 location of the sign will not interfere with traffic entering or exiting Grand River.
- The variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding businesses.

This approval is conditioned upon the following:

1. Any additional signage will require Township approval.

The motion carried unanimously.

Administrative Business:

1. Correspondence

Ms. Aulette stated the Election of Officers will be on next month's agenda. There will be one old business case and one new business case.

2. Approval of minutes for the December 17, 2024 Zoning Board of Appeals meeting.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve the minutes of the December 17, 2024 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

3. Member Discussion

Chairperson McCreary stated she advised the Planning Commission last night that the car wash being developed on Latson Road is causing a lot of dirt and mud on Latson Road.

Board Member Kreutzberg stated there was a large amount of water on Grand River in front of the development at Dorr Road.

4. Adjournment

Moved by Board Member Hurley, supported by Board Member Kreutzberg, to adjourn the meeting at 7:18 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary