

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
February 18, 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, Michele Kreutzberg, Bill Rockwell, Rick Soucy, and Carrie Aulette, Zoning Official.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

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

**Election of Officers:**

**Moved** by Rockwell, supported by Soucy, to retain Marianne McCreary as Chairperson. **The motion carried unanimously.**

**Moved** by Fons, supported by Kreutzberg, to retain Bill Rockwell as Vice-Chairperson. **The motion carried unanimously.**

**Conflict of Interest:** None

**Approval of the Agenda:**

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

**Call to the Public:**

The call to the public was made at 6:33 pm with no response.

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

**OLD BUSINESS:**

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

Mr. and Mrs. VanPatten were present. Mrs. VanPatten stated that they feel the hardship is that there is no ability to use any part of their property as a backyard. It is not typical to have two front yards. When they purchased the home in 2005, the house had been empty and was unlivable. They have increased the value of the neighborhood by purchasing the home. If they

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had known it did not have a backyard, they would not have purchased it. There is not enough space on the side yards to fence them in to use as a backyard.

Chairperson McCreary stated that she is not in favor of approving the variance. Hilltop is the front yard for the applicant's neighbors behind them. This is setting a precedent, especially in this neighborhood.

Board Member Rockwell sees a justification for granting a variance to allow a fence; however, he is not in favor of it being 75 percent impervious. That is a want vs. a need. Board Member Kreutzberg agrees. One criterion for approving a variance is that it is the least amount necessary, and this fence design is not.

Board Member Soucy stated that the township is opening up the Master Plan for review, and the two front yard designation is an item that he will ask to be addressed. However, the applicant has not made any concessions to the fence size or design since they were before this board in December.

Board Member Fons does not want this board to determine what is a front yard and what is a backyard on a case-by-case basis.

The Board discussed different fence design options with the applicant. The applicant agreed to change the design of the fence so as not to exceed the maximum impervious surface of 49 percent.

The call to the public was made at 7:01 pm with no response.

**Moved** by Board Member Kreutzberg, supported by Board Member Soucy, to approve Case #24-29 for Steven and Michelle VanPatten of 570 S. Hughes Road for a front yard and height variance of three feet from the required three feet for a fence height of six feet to construct a six-foot fence in the front yard that abuts Hilltop Drive, based on the following findings of fact:

- Strict compliance with the setbacks would restrict 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, which feature non-permitted fencing.
- The variance will impact applicant's ability to enjoy space, yet there are no extraordinary circumstances to the property other than its location on both a public and a private platted road and the home's location on a narrow lot presenting no other sizable space. The variance for the yard is not self-created.
- 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 following:

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1. Staff must approve the impervious fencing not to exceed 49 percent.
2. The fence must not be taller than 6 feet tall.
3. The fence must be entirely located on the applicant's property.
  4. The fence shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair

**The motion carried (Kreutzberg - yes; Soucy - yes; Rockwell - yes; McCreary - no; Fons - no).**

NEW BUSINESS:

1. 25-02...A request by Gary Potts of Professional Permits, 1015 S Latson, seeking a variance from **Article 16.1-number of allowed walls signs**, and **16.07.05 number of allowed directional signs** and other variances deemed necessary by the Zoning Board of Appeals, for multiple building signs and directional signs on site for a new car wash.

Mr. Garry Potts of Professional Permits was present on behalf of Mr. Car Wash. He stated they will be removing the directional sign noted as D3 on the plans and the "Mister" sign in the center of the west facade. The need for so many directional signs is to provide critical wayfinding for vehicles on the site.

Chairperson McCreary noted that the plan submitted and recommended for approval by the Planning Commission did not show these many signs. Mr. Potts stated that the plan submitted only had "placeholder" signs. It did not have the complete sign package. He noted that they can put dimmers on the signs.

Board Member Rockwell is not in favor of more signs than what is allowed in the ordinance. If this is allowed, other businesses will want additional signs. Mr. Potts explained that the directional signs are not excessive. They have over 500 locations and these directional signs are needed.

After the Board and the applicant reviewed the proposed signs, the need for the wall sign square footage variance was eliminated and the directional sign variance was changed from five to two.

Board Member Fons stated the need for these variances is self-created. He does not see the practical difficulty or extraordinary circumstances. The applicant told the Planning Commission that they would meet the sign ordinance and now they are requesting excessive variances. It is not the role of the ZBA to determine which signs are allowed or needed. Mr. Potts reiterated that they know the signs that are needed for their business.

The call to the public was made at 8:12 pm with no response.

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Board Member Kreutzberg understands this is a unique site and it is a commercial area. She would be in favor of this; however, she would like to have the new total square footage of wall signs and the number of directional signs.

Board Member Soucy stated the discussion has resulted in a reasonable amount of directional signs, and the need for the wall sign square footage variance has been eliminated. He agrees the directional signs are necessary.

Board Member Rockwell feels the request is still excessive.

**Moved** by Board Member Rockwell, supported by Board Member Kreutzberg, to table Case #25-02 for Garry Potts of Professional Permits until the March 18, 2025 ZBA meeting to allow an opportunity for the Township Planner and Staff to review and return with a clear list of the variances the Zoning Board of Appeals are approving. **The motion carried unanimously**

**Administrative Business:**

1. Approval of minutes for the January 14, 2025 Zoning Board of Appeals meeting.

**Moved** by Board Member Soucy, supported by Board Member Fons, to approve the minutes of the January 14, 2024 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be four cases on the March meeting agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

**Moved** by Board Member Soucy, supported by Board Member Rockwell, to adjourn the meeting at 8:51 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary