

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
April 15, 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, Mike Hurley, 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.

**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 6:32 pm with no response.

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

**OLD BUSINESS**

1. 25-04...A request by Steve Zacharias, 770 Sunrise Park, for front and rear yard variances, and any other variances deemed necessary by the Zoning Board of Appeals, to build a new single-family home with a deck.

Chairman McCreary stated that the applicant is only required to obtain one variance, a 23-foot rear yard setback.

Mr. and Mrs. Zacharias were present. Mr. Zacharias stated they own 770 and 780 Sunrise Park. They would like to demolish both of the existing homes, combine the properties and build one single-family home with an attached garage. The topography of the sites and the need to avoid the sewer line on the property is requiring them to place the home in this location. They will not be affecting the neighbors.

The deck will be 20 x 40 square off the back of the home with steps to the yard. They will meet the requirements of the railings for the deck.

Board Member Kreutzberg asked if there are any draining issues that will need to be repaired. The applicant stated that the neighbor is aware of this project, and they will work with him to ensure the drainage does not go onto his property.

Board Member Soucy stated that the setback will be less non-conforming than the current house.

Chairperson McCreary advised the applicant that permits for the deck and the retaining wall will need to be obtained by the Township.

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

**Moved** by Board Member Rockwell, supported by Board Member Soucy, to approve Case #25-04 for Steve Zacharias of 770 Sunrise Parking for a rear yard setback variance of 23 feet from the required 40 feet for a setback of 17 feet to build a new single-family home with a deck, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the new home. There are several homes in the vicinity that have reduced setbacks. Granting of this variance would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the topography of the lot. There is a steep drop-off on the east side of the property that limits the buildable area. There is also an 8" Livingston County Drain for storm sewer that bisects the lot. The variance request appears to be the least amount necessary and provides for adequate parking on the lot. The variance request is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in 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 little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The proposed new home will be an improvement of what was previously on both lots. It will also do away with a non-conforming lot (780 Sunrise Park).

This approval is conditioned upon the following:

1. Parcels must be combined.
2. Structure must be guttered with downspouts.
3. Any retaining walls must comply with Article 11.04.03 (J) Retaining walls section of the Zoning Ordinance.

4. Building height cannot exceed 25 feet.
5. Silt fencing must be installed through construction and final grade.

**The motion carried unanimously**

#### NEW BUSINESS

2. 25-07...A request by Scott Krueger, 4500 Clifford Road, for side and front yard variances and any other variances deemed necessary by the Zoning Board of Appeals, for the construction of a garage.

Mr. and Mrs. Kreuger were present. Mr. Kruger stated he is requesting two variances to build a two-car garage. They are requesting the additional 1,080 square feet for the garage so they can store items there instead of in the crawl space, which is where they are currently. They are aging and it is becoming difficult to have items down there. They will remove the existing shed if the garage is built. They will also be parking their new camper and truck in the garage. This wouldn't obstruct the view of any of the lake residents. They have letters from both of their neighbors who are in favor of this request. There are other homes on the lake that have attached garages that are on or over the lot lines.

Chairperson McCreary reiterated that one of the requirements of granting a variance is there is a hardship with the property and not for personal reasons. Requesting a larger size garage and closer to the road is more excessive than she would like to see.

Ms. Kreuger stated that the high water level of the lake creates very soft ground and items stored in the crawl space could be damaged by flooding.

Board Member Kreutzberg concurs with Chairperson McCreary.

Board Member Hurley questioned why the garage could not be moved further back. Board Member Rockwell agrees. He is not in favor of approving a variance for the additional square footage. Mr. Kruger stated the location was chosen because it is in line with the existing garage. Board Member Hurley does not see anything on the property that prohibits the applicant from building a garage that meets the ordinance.

Board Member Soucy stated that what the applicant is requesting is in line with the lifestyles of today. He is in favor of these requests. This is more of an asset to the property for the future.

The call to the public was made at 7:10 pm.

Ms. Cathy Cloke of 4490 Clifford owns the home north of this property and she has no concerns with the placement or size of the garage. It will not interfere with her view of the lake.

The call to the public was closed at 7:11 pm.

The applicant requested to have this item tabled this evening to allow him to amend his proposal.

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to table Case #25-07 for Scott Krueger of 4500 Clifford Road at the applicant's request until the Zoning Board of Appeals meeting of May 20, 2025. **The motion carried unanimously.**

3. 25-08...A request by John and Stephanie Prout, 4400 Brighton Road, for a use variance, and any other variances deemed necessary by the Zoning Board of Appeals, to allow chickens to be kept on the property.

Chairperson McCreary reviewed the requirements for granting a use variance, which are different from dimensional variances.

Mr. and Mrs. Prout were present. Mr. Prout stated their property is over two acres in size, but it is zoned suburban residential. If their property was zoned Rural Residential, they would be allowed to have chickens. They are proposing to place the coop furthest away from the other homes. Mrs. Prout stated their lot size is more consistent with RR, which is the zoning of properties down the road. Also, the entry to their property is separate from the drive for the other homes next to them. They have contacted their surrounding neighbors, and they liked the proposed location of the chicken coop. They would follow the requirements of the Rural Residential zoning regarding the number of chickens allowed.

Chairperson McCreary is not in favor of this request. Board Member Kreutzberg agrees.

Board Member Rockwell stated Michigan State House Bill 4049 has support for changing the ordinance on the state level to allow chickens on property as small as ¼ of an acre. He suggested the applicant monitor this to see if it will change the requirements. He also recommends that the Township Ordinance be changed to allow animals on properties based on their size and not their zoning district.

Board Member Soucy is in favor of allowing chickens, noting that the surrounding cities of Brighton and Howell allow them.

The call to the public was made at 7:26 with no response. Chairman McCreary read two letters in support of this request, one from Deb Beattie and the other from Fred Nowak.

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to deny Case #25-08 for John and Stephanie Prout of 4400 Brighton Road to allow chickens to be kept on their property, based on the following findings of fact:

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Approved Minutes

- Strict compliance with the ordinance would not unreasonably prevent or restrict intended use of the property.
- The variance will not provide substantial justice and would make the property inconsistent with other properties and homes in the area.
- The variance is denied as there are no proven or unnecessary hardships and the need is self-created. The variance has not met standards of Section 23.05.04 of the Township Zoning Ordinance, mainly Section (e) as the character of the neighborhood could ultimately be altered. There are similar and larger sized properties in this suburban residential neighborhood, yet a majority are less than two acres and make up the average to comply with this zoning.
- Granting of this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

**The motion carried with Board Member Soucy voting no.**

**Administrative Business:**

1. Approval of minutes for the March 18, 2025 Zoning Board of Appeals meeting.

**Moved** by Board Member Rockwell, supported by Board Member Soucy, to approve the minutes of the March 18, 2025 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be four items on the May agenda.

3. Member Discussion

The Board discussed Board Member Soucy proposing changing the ordinance regarding the keeping of animals ordinance to the Township Board.

4. Adjournment

**Moved** by Board Member Soucy, supported by Board Member Kreutzberg, to adjourn the meeting at 7:48 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary