

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 20, 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, Bill Rockwell, and Carrie Aulette, Zoning Official. Absent was Rick Soucy.

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 6:31 pm with no response.

Old Business

1. 25-03...A request by A request by Logan McAnallen, 5945 Hartford Way, for side, rear and front yard variances and any other variances deemed necessary by the Zoning Board of Appeals, for the construction of a new single-family home. ***OWNER HAS REQUESTED TO BE POSTPONED TO JULY. ***

Moved by Board Member Rockwell, supported by Board Member Fons, to postpone Case #25-03 until the July Zoning Board of Appeals Meeting. **The motion carried unanimously.**

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

New Business:

1. 25-10...A request by Tim Chouinard/Mike and Maggie Forsythe, 5405 Wildwood Dr., for a front yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to demolish and rebuild a new home on the existing foundation.

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Mr. Chouinard representing Mike and Maggie Forsythe stated the applicant originally wanted to remodel the home; however, it was determined that the existing house is not structurally sound, so it has to be demolished and rebuilt. The new home will be built on the existing foundation. The hardship is the shape and size of the lot and the existing non-conforming structure. The need for the variance is not self-created.

There was a discussion regarding a driveway not being installed. There is not a requirement for a driveway so the applicant can continue to park on the grass.

Mr. Chouinard stated they will not be doing any grading on the site and there is no need to install retaining walls.

The call to the public was made at 6:43 pm with no response.

Chairperson McCreary is concerned about safety during construction because this property is on a corner. She asked the applicant to ensure safety with the parking of construction vehicles.

Moved by Board Member Kreutzberg, supported by Board Member Hurley, to approve Case #25-10 for Tim Chouinard and Mike and Maggie Forsythe of 5405 Wildwood Drive, Howell for a front yard setback variance of 29 feet, from the required 35 feet, for a front yard setback of 6 feet to demolish and rebuild a new home on the existing foundation, based on the following findings of fact:

- Strict compliance with the setback would unreasonably restrict the intended use of the property or cause it to be unbuildable. This variance will provide substantial justice, is the least necessary and would make the property consistent with other properties and homes in the area. The applicant is not exceeding the existing conditions, making use of the current home's footprint.
- The variance is necessary due to the extraordinary circumstances such as a relatively small building envelope and narrow lot. The need for the variances 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 follow:

1. Structure must be guttered with downspouts.
2. Silt fencing is required until final grade where there is any change to the elevation.

The motion carried unanimously

2. 25-11...A request by Tim Chouinard/Mr. & Mrs. Legault, 1035 Sunrise Park, for a side yard variance, shoreline setback variance, and any other variances deemed necessary by the Zoning Board of Appeals, to build an addition onto an existing home.

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Mr. Chouinard stated the applicants are requesting to have him install an addition to their home to allow them to age in place. The neighbor's house is right on the property line so that is the reason for the side-yard setback variance. There is a small corner of the addition that enters into the shoreline setback variance. He noted that there is an irregular shoreline at this property.

Chairperson McCreary stated that the neighbor has created the need for the side yard variance due to the location of their home. The request seems reasonable and is the least amount necessary.

Mr. Rockwell stated that the need for the variance is a want for the applicants and is not caused by the property. He noted there is a large garage and driveway where the addition could be placed. He is concerned that if there is a fire in one house, the other one would catch on fire also.

The call to the public was made at 7:07 pm with no response.

Board Member Kreutzberg agrees that this is the least amount necessary. She noted the lakeside setback variance is caused by the one small corner of the addition.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #25-11 for Tim Chouinard and Donald and Mary Legault of 1035 Sunrise Park for a shoreline variance of 1 foot, 6 inches from the required 50 feet, 6 inches, for a shoreline setback of 49 feet and a side yard setback variance of 1 foot, 7.5 inches from the required 10 feet, for a side yard setback of 8 feet 4.5 inches to build an addition onto an existing home, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property or cause it to be unbuildable. This variance will provide substantial justice, is the least necessary and would make the property consistent with other properties and homes in the area.
- The variances are necessary due to the extraordinary circumstances such as the location of the neighboring home at approximately three feet from the property line; the irregular shoreline dictates the need for minimal adjustment to the waterfront setback. The need for the variances is not self-created.
- 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 follow:

1. Structure must be guttered with downspouts.
2. Silt fencing is required until final grade where there is any change to the elevation.

The motion carried (Hurley - yes; McCreary - yes; Rockwell - no; Fons - yes; Kreutzberg - yes)

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Administrative Business:

1. Approval of minutes for the April 15, 2025 Zoning Board of Appeals meeting.

Moved by Board Member Rockwell, supported by Board Member Kreutzberg, to approve the minutes of the April 15, 2025 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be two items on the June agenda.

3. Member Discussion

None

4. Adjournment

Moved by Board Member Rockwell, supported by Board Member Fons, to adjourn the meeting at 7:30 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary