

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 15 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: 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.

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 6:32 pm with no response.

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

OLD BUSINESS:

1. 25-03...A request by Logan McAnallen, 5945 Hartford Way, for a side and rear variance and any other variances deemed necessary by the Zoning Board of Appeals, for the construction of a new single-family home.

Mr. McAnallen stated after the March meeting, he hired a new architect. They have drastically reduced the variance requests. They have eliminated the need for the variance on the west side, and the shoreline variance request of four feet is only for a small piece of the corner of the deck. This lot is one of the most narrow lots in the Pine Creek subdivision and there is a jog in the shoreline that is causing the need for the shoreline variance.

Chairperson McCreary compared this property to other ones in the subdivision that are also on the lake. She thanked Mr. McAnallen for reducing his requests. Board Member Soucy also thanked Mr. McAnallen for his effort to reduce the requests.

Board Member Rockwell suggested moving the house closer to the west side yard, so the east side of the home is not so close to the neighbor. He still believes this is self-created because it is a vacant lot. Mr. McAnallen stated moving the house would require a larger waterfront variance. Having the home in this location will allow more room on the west side because the neighbor's driveway is close to the property line.

Board Member Fons agrees with Board Member Rockwell. It is a vacant lot with an established building envelope and required setbacks. He agrees that the variance is needed for the waterfront setback because of the uneven shoreline. He does not see the hardship.

The call to the public was made at 6:56 pm with no response.

Board Member Kreutzberg noted that the home to the east side is further from the property line than the home to the west.

Mr. McAnallen stated they have gone through many iterations of plans. They would like to build a home that fits in the neighborhood and that they will live in for decades.

Moved by Board Member Kreutzberg, supported by Board Member Soucy, to approve Case #25-03 for Logan McAnallen of 5945 Hartford Way for a side yard setback variance of 5 feet from the required 20 feet for a setback of 15 feet and a shoreline/rear yard variance of 4 feet from the required 90 feet for a setback of 86 feet for the construction of a new single-family home, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property. This variance will provide substantial justice, is the least necessary and would make the property and size of the home consistent with other properties and homes in the area and for this, the need for the variances is not self-created.
- The variances are necessary due to the extraordinary circumstances such as this lot at an irregular waterfront is considerably narrower than neighboring properties with extreme topography and irregular shoreline. In addition, the neighborhood requirements for garage entry dictates placement of the home on the lot.
- 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. Retaining walls will require a land use permit. If retaining walls are over three feet tall they must be designed by a licensed engineer, must follow all guidelines set by Article 11.04.03 (j), and shall not alter the overall natural topography of the land.
2. The deck on the back of home may not extend more than 15' into the required waterfront yard.
3. The home must be guttered with downspouts.
4. The applicant should try to minimize the removal of trees outside the building envelope.

5. The property must be silt fenced to avoid erosion and drainage until at final grade.

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

2. 25-12...A request by David Bair of Property Services Unlimited LLC, 4433 Brighton Road, for a wetland setback variance and any other variances deemed necessary by the Zoning Board of Appeals, to install a shared driveway to allow for property to be split.

He is requesting a wetland buffer variance for the entrance. He received approval from the Livingston County Road Commission and EGLE and constructed the entrance. He was not aware he needed a variance from the Township, so now he is requesting a variance after the fact. The second request is also a wetland buffer variance for the shared drive; however, he reduced the width of this driveway, so it does not encroach into the wetland buffer; however, Ms. VanMarter and Ms. Aulette requested that he obtain a variance in case there is encroachment in the wetlands buffer during construction and for maintenance of the grass next to it. The shared driveway was approved by EGLE so he would like to withdraw this variance request.

Ms. Aulette showed the survey, which has the Limits of Disturbance on the other sides of the buffer. She does not recommend withdrawing that request. Board Member Fons stated it is standard to put in Limits of Disturbance on plans, but there is a way to build the drive without entering into the wetland buffer. Board Member Kreutzberg agrees that the variance should not be withdrawn because in the case that there is some disturbance during construction, the variance would be in place if it is approved.

The call to the public was made at 7:40 pm.

Mr. Larry Bowman of 3902 Honors Bluff stated the owner has a right to develop his property but sometimes it is not always possible. He asked if homes can be built here because there are wetlands throughout this property. He stated that they can hear the railroad from their home, which is 900 feet away, and the proposed driveway is 50 feet from the tracks. He is sensitive to the area being wetlands and is concerned with having septic field near them. These variances will negatively affect the wetland ecosystem. He stated that the setback buffer requirement is in place for a reason and asked what are the extraordinary circumstances that allow for encroachment into the wetlands.

Chairperson McCreary stated that Mr. Bowman also submitted an email to the Township with his same concerns. Mr. Jason Rickard of 3703 Honors Way sent an email that stated the typical fire access is 20 feet wide and public utilities are available to service these homes and should be extended.

The call to the public was closed at 7:46 pm.

Board Member Rockwell is more in favor of the request now that the shared driveway will not encroach into the wetland buffer. Chairperson McCreary wants signage, and possibly boulders, to delineate where the wetland buffer starts to protect the buffer as well as the residents. Board Member Fons would like the demarcations to be in place prior to the start of construction of the shared driveway and it should be inspected by Township staff.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #25-12 for David Bair of Property Services Unlimited LLC of 4433 Brighton Road for a wetland setback variance to encroach into the 25 foot natural features buffer zone and EGLE permitted approach in the ROW during grading and installation of shared access driveway to potentially split the property, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent 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 similar properties and homes in the area.
- The variance is necessary due to the extraordinary circumstances such as no feasible alternative exists to allow for buildable property without encroaching on buffer setback area, wetlands ecological value will not be affected, drainage pattern will not negatively affect the wetland buffer, erosion control will be followed throughout construction to final grade, drive will be reduced to a minimum of 12 feet where necessary, and the EGLE permit provided adequate support of the project being non-threatening to wetlands as all guidelines are adhered to.
- 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:

1. The driveway shall be reduced to 12 feet where necessary and possible to preserve the wetland and buffer.
 - A. the applicant shall permanently demarcate prior to issuance of the driveway permit and install signage to indicate the edge of the undisturbed natural area at a distance of 20 feet per sign. This shall remain in perpetuity to ensure future owners do not further encroach.
 - B. prior to construction, there shall be an addition of natural boulders along the portion of the drive nearest the buffer zone to eliminate future encroachment.
2. The entire remaining setback buffer area shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.
3. Silt fencing must be utilized during the construction phase, and the applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
4. No other encroachments on the entire property are allowed.

The motion carried unanimously.

NEW BUSINESS:

1. 25-14...A request by Zaid Abro, 3200 E. Grand River, for a sign variance and any other variances deemed necessary by the Zoning Board of Appeals, to install brick around an existing pole sign.

Mr. Abro remodeled his car wash and then added bricks around the existing poles sign. The inspector approved this; however, he was made aware from township staff that a variance is needed because the sign is non-conforming and the improvements were more than 50 percent of the current value of the sign.

Chairperson McCreary stated pole signs are being eliminated in the township. She read a portion of the sign ordinance that spoke about safety of signs and signs being consistent throughout the township.

Board Member Rockwell does not agree with requiring the applicant to remove the bricks, so the existing red poles remain.

The call to the public was made at 8:20 pm with no response.

Moved by Board Member Rockwell, supported by Board Member Soucy, to approve Case #25-14 for Zaid Abro of 3200 E Grand River for a ROW setback variance of 20 feet from the required 35 feet for a ROW setback of 15 feet, a sign height variance of 9 feet, 6 inches from the maximum 6 feet for a height of 15 feet, 6 inches, and a sign square foot variance of 66.5 square feet from the maximum 4 square feet for a sign area of 70.5 square feet, to refresh an existing pole sign, based on the following findings of fact:

- The applicant has updated an existing sign. There are a number of existing pole signs in the area, allowing this sign to remain would not have an impact
- As indicated by the applicant, this particular property does not appear to have an extraordinary circumstance that differentiates it from other properties.
- The granting of these variances 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. The location of the sign will not interfere with traffic on Grand River or vehicles entering or existing on the property.
- The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. Signs must meet the lighting requirements of Article 16.06.05.
2. No additional pole signs may be erected, any future signage would be required to meet the Ordinance. Any current signage that is non-compliant on the property must be removed.

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

2. 25-15...A request by Howell Family Ventures LLC, 3599 E. Grand River, for a sign variance, and any other variances deemed necessary by the Zoning Board of Appeals, to modify an existing monument pole sign to accommodate multiple businesses.

Mr. Devon Crumb, representing Howell Family Ventures, stated they acquired the property and are investing a lot of money into this development. They would like to update the two existing pole signs to accommodate the names of all of the businesses. They always try to follow ordinances, but having a monument sign at the busy entrance of this site would inhibit vehicles exiting from the property. Additionally, there are outlots in the front of the site that potentially block the business signs of the tenants that are in the large building in the back, so these signs allow visibility for them.

Ms. Aulette stated that Location 2 could allow for a monument sign; however, a Right of Way variance may be required here.

Board Member Soucy stated this is an improvement from what is currently there. Chairperson McCreary agrees and stated these locations are appropriate.

The call to the public was made at 8:38 pm with no response.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #25-15 for Howell Family Ventures LLC of 3599 E Grand River for a ROW setback variance of 58 feet from the required 70 feet for a setback of 12 feet, a height variance of 14 feet, 8 inches from the required 6 feet for a height of 20 feet, 8 inches and a square foot variance of 74.75 square feet from the required 4 square feet for a square footage of 78.75 for the sign at Location 1 and a ROW setback variance of 54 feet from the required 70 feet for a setback of 16 feet, a height variance of 14 feet, 8 inches from the required 6 feet for a height of 20 feet, 8 inches and a square foot variance of 76 square feet from the required 4 square feet for a square footage of 80 for the sign at Location 2, for the modification of existing pole signs to accommodate additional occupancy and identify the plaza name, based on the following findings of fact:

- Strict compliance with the ordinance would unreasonably prevent the intended use of the property. These variances will provide substantial justice, are the least necessary and would make the property consistent with other properties in the area as there are several businesses with similar signage, noting the ordinance was amended to allow pole signs.
- The variance is necessary due to the extraordinary circumstances, such as this is a multi-tenant property and visibility is limited due to its location off Grand River and the existence of two restaurants operating directly in front. The space for monument signs is minimal. The pole signs will provide optimal visibility at entrances, and the size increase is necessary due to the number of tenants occupying the mall. The monument sign at Location 1 would limit sight to traffic and Location 2 is the most practical due to the sidewalk and utility placement.
- The granting of these variances will not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.

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- The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. Signs must meet the lighting requirements of Article 16.06.05.
2. No additional pole signs may be erected Any future signage would be required to meet the Ordinance.
3. Provide a safety certificate for sign at Location 1. The plans provided information on the sign withstanding wind but staff did not see anything in regard to a collision with a vehicle. That should be provided.
4. Applicant needs to verify the distance from the ROW with the Township, it is not clearly shown on the survey.

The motion carried unanimously

Administrative Business:

1. Approval of minutes for the June 17, 2025 Zoning Board of Appeals meeting.

Moved by Board Member Soucy, supported by Board Member Kreutzberg, to approve the minutes of the June 17, 2025 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be four cases on next month's meeting agenda.

3. Member Discussion

Ms. Aulette asked if any of the board members would like a badge made for when they are out in the field inspecting properties. She will coordinate having the members' photos taken. A lanyard was suggested.

Board Member Kreutzberg will not be at the August meeting.

Board Member Soucy asked the Board Members to provide him with any recommendations for ordinance changes while the township is updating the Master Plan. Chairperson McCreary asked Ms. Aulette to provide them with a list of what variances were requested in 2024 and 2025 to date, and if they have been granted or not. This will help to determine what changes may be needed.

Board Member Soucy stated that he spoke to the township board about the safety concerns. The work on this has already begun. It will be a substantial investment.

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4. Adjournment

Moved by Board Member Soucy, supported by Board Member Rockwell, to adjourn the meeting at 8:59 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT