

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 26, 2026 - 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: Craig Fons, Matt Hurley, Bill Rockwell, Rick Soucy, and Carrie Aulette, Zoning Official. Absent was Michele Kreutzberg.

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

Election of Officers:

Moved by Soucy, supported by Hurley, to elect Ms. McCreary as Chairperson and Mr. Rockwell as Vice-Chairperson. **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. 26-04...A request by Richard Garbacik, 4780 Chestnut Springs Dr., for rear yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a new single-family home.

Mr. Richard Garbacik and Mr. Andy Gerecke, the builder, were present. Mr. Gerecke stated they are requesting a 20 foot rear yard setback variance due to the natural topography and environmental restrictions of the property. There is a 20 percent slope from the lakeside to the street side of the property. There are also wetlands on the north and south ends of the property. To meet the ordinance, the house would need to be moved further to the front of the lot and that would require large retaining walls and exposed foundation walls. This is the least necessary and it will not negatively affect the neighborhood and will be a less obtrusive structure.

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Mr. Gerecke stated they have provided the topography map as requested at the previous meeting.

Mr. Soucy noted that meeting the setbacks would require large retaining walls and exposed basement. He agrees with the plan as it is presented.

Mr. Hurley stated that at the previous meeting, it was discussed that the applicant was going to review the plans and work on redesigning the house to meet the setbacks. He noted that he house meets the setbacks; it is just the garage where the variance is needed. Mr. Rockwell agrees. This property is a blank slate. This is a want and not a need; it is self-created. Mr. Gerecke explained why the garage cannot be moved or made smaller.

Mr. Fons visited the property again and he suggested moving the entire building toward the rear of the property; the slope does not change that significantly. Mr. Gerecke reviewed the topography map submitted with this evening's packet to show the change of slope. Mr. Fons agrees with Mr. Hurley. He was expecting changes being made to the design of the house.

Mr. Garbacik stated it would be obtrusive to the neighbors. There would be large retaining walls and exposed basement walls.

Mr. Soucy reiterated that he prefers this design instead of the large retaining walls.

Chairperson McCreary noted that there will be variances required for the large retaining walls.

The call to the public was made at 7:04 pm.

Mr. Chris Long of 4735 Chestnut Springs Drive is the president of the homeowner's association. The board would prefer not to see the large retaining walls. They like the design with the lower walls if there was a way to accomplish that. He noted that the board has approved the architecture of the home being presented.

The call to the public was closed at 7:07 pm.

Ms. McCreary offered Mr. Garbacik to have this item tabled this evening to review the building design again, noting that if this request is denied, it is not allowed to be requested for a year.

Mr. Gerecke requested to have the item tabled this evening.

Moved by Rockwell, supported by Fons, to table Case #26-04 at the applicant's request until the June 16, 2026 Zoning Board of Appeals meeting. **The motion carried unanimously.**

New Business

2. 26-06...A request by Donnie Beasley Bettles, 3430 Pineridge Lane for a waterfront yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a new deck.

Ms. Donnie Beasley Bettles stated she is requesting a five foot waterfront variance for a deck. The lots were plotted in the early 1950's. They are narrow in the front and wider in the back. Her home was built closer to the road. The aerial map shows how far back from the water her house sits compared to the neighbors. Many of the homes in the area were rebuilt after demolishing original cottages. Her two neighbors were given 75 foot variances to build their homes closer to the lake. This will not affect their view, safety, or privacy. In order to have the square footage she would like, she could move it to the side of her property; however, then it will be very close to her neighbors and could affect their privacy.

Chairperson McCreary noted that this property is already non-conforming because the lot is supposed to be 80 feet wide and it is approximately 52 feet wide. She thanked the applicant for asking for the least amount necessary.

The call to the public was made at 7:20 pm with no response.

Chairperson McCreary stated a letter was received today at 4:14 pm from Treasure-Anne, who is not in support of the variance. Each member received a copy of the letter.

Moved by Rockwell, supported by Soucy, to approve Case #26-06 for Donnie Beasley Bettles of 3430 Pineridge for waterfront yard deck encroachment variance of 5 feet, from the maximum allowable 15 feet, for an encroachment of 20 feet, based on the following findings of fact:

- Strict compliance of the ordinance would prevent the applicant from installing the deck as proposed; however, it would provide substantial justice as neighboring properties have similar structures that are constructed in the waterfront yard.
- The property is a nonconforming lake lot with a width less than the standard 80 feet. The applicant's home is positioned quite a ways back from the water due to the ridge line and topography of the lot. The need for the variance 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. If the variance is granted, the home would be complimentary to other homes in the vicinity.

This approval is conditioned upon the following:

1. There shall be no further encroachments into the waterfront yard.

The motion carried unanimously.

3. 26-07... A request by Matt and Nora Carroll, 1616 S. Hughes Road, for front and rear yard variances and any other variances deemed necessary by the Zoning Board of Appeals, to demolish an existing nonconforming home and construct a new single-family home.

Mr. and Mrs. Carroll and Mr. Tom Jaworski and Mr. Joe Valenti with BRIVAR Construction were present.

Mr. Jaworski stated the home is on a non-conforming lot. The current home is 15 feet off of the road. The property is irregularly shaped near the waterfront. They are proposing to move the home further from the road, but not enough to negatively affect the neighbors' views of the lake. This requires the 1.8 foot variance.

Chairperson McCreary noted this would be an improvement because it's being moved further from the road.

Mr. Fons asked why they could not meet the setback. Mr. Jaworski stated they are building the new home on the existing footings, and the current home is currently non-conforming.

Mr. Hurley states the new house will be more conforming and improving the neighborhood. Mr. Soucy and Mr. Rockwell agree.

The call to the public was opened at 7:37 pm.

Ms. Theresa Smith of 1640 South Hughes stated she is in favor of the variance and would be very happy if this home is built.

The call to the public was closed at 7:38 pm.

Moved by Rockwell, supported by Soucy, to approve Case #26-07 for Matt and Nora Carroll of 1616 S. Hughes Road for a front yard variance of 15 feet, from the required 35 feet, for a front yard setback of 20 feet and a shoreline setback variance of 1.8 feet from the required 184.3 feet for a shoreline setback of 182.5 feet to build a new single-family based on the following findings of fact:

- Strict application of the ordinance would prevent the applicant from reasonably constructing the proposed home on the property. Granting the requested variance would provide substantial justice, as neighboring properties maintain similar setback conditions.
- The subject property is a nonconforming lake lot located along an irregular shoreline. Due to the unique configuration of the shoreline and lot layout, strict compliance with the required setback standard limits reasonable placement of improvements while maintaining consistency with the established development pattern of surrounding properties. The need for the variance is not self-created.

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- 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.

This approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. Silt fence to be maintained during construction phase.

The motion carried with Mr. Fons voting “no”.

Administrative Business:

1. Approval of minutes for the March 17, 2026 Zoning Board of Appeals meeting.

Moved by Board Member Rockwell, supported by Board Member Fons, to approve the minutes of the April 21, 2026 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be three new business cases on the June meeting agenda.

3. Member Discussion

There were no items for discussion.

4. Adjournment

Moved by Board Member Soucy, supported by Board Member Fons, to adjourn the meeting at 7:52 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary