GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 16, 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, 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 Soucy, 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 opened at 6:32 pm.

Mr. Joe Riccardi owns The Ice Den at 970 Grand Oaks Drive. He was going to speak about Item #4, but it has been withdrawn. He noted the applicant started their project without a permit and then they were given approval after the fact. He has photos of the flow that goes onto his property. He is not able to use it. He asked why the application was withdrawn and why a variance is not needed.

Ms. Aulette stated that the variance request was because the original submittal was encroaching into the side yard setback. The applicant revised the plan and resubmitted it. When they did, they no longer needed a variance. The plans were changed and now they meet the ordinance. The next step is for them to get a permit for the retaining wall.

The call to the public was closed at 6:41 pm.

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. **WITHDRAWN**

New Business

1. 26-08…A request by Raymond Kutchey, 5167 Natura Dr. for rear and side yard variances and any other variances deemed necessary by the Zoning Board of Appeals, to construct a new detached garage.

Mr. Kutchey showed the site plan, noting there is a roadway easement that runs through his property, there is also a drain easement on his property, and there is a slope at the wooded area of the property. His proposed location is the only place where he can put the garage. He has spoken to the neighbor and he is not opposed to the variance. The portion of his property that is across the road is underwater. The homeowners association is in favor of the request. It is not a detriment to the neighborhood or the public.

Board Member Kreutzberg asked if there are any retention walls needed and Mr. Kutchey stated “no”.

Board Member Fons asked why the garage cannot be built closer to the driveway. One of the criteria is to request the least amount necessary. Mr. Kutchey wanted to leave enough room for a vehicle in case work needs to be done on the well.

Board Member Rockwell agrees with Mr. Fons. He asked if the garage can be smaller to reduce the amount of variance needed. Mr. Kutchey stated he would like to park his trailer and boat and have a car hoist in the garage.

Board Member Soucy stated it would benefit the neighborhood and himself to park the vehicles in the garage. He agrees there is nowhere else on the property.

The call to the public was made at 6:58 pm.

Mr. Zach Rossetter stated the 23 feet between the two buildings that is being proposed is correct.

The call to the public was closed at 6:59 pm

Moved by Board Member Kreutzberg, supported by Board Member Soucy, to approve Case #26-08 for Raymond Kutchey of 5167 Natura Drive, Howell for a rear setback variance of 15.1 feet from the required 60 feet for a rear setback of 44.9 feet and a side yard setback variance of 8 feet, from the required 40 feet for a side yard setback of 32 feet to construct a new detached garage, 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.
- The variances will provide substantial justice, are the least necessary and would make the property consistent with other properties and homes in the area.
- The home sits on five acres with sloped terrain. A substantial amount of the property contains wetlands, thus greatly restricting the buildable footprint. The placement of the home and driveway also dictate the need for the variances as the least necessary and it 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:

- The structure must be guttered with downspouts.
- The structure shall meet the height requirements in this zoning district.
- Any retaining walls require permits.

The motion carried with Board Member Fons voting "no".

2. 26-09… A request by Truck & Trailer Specialties Inc., 900 Grand Oaks, for a height variance and any other variances deemed necessary by the Zoning Board of Appeals, to build a retaining wall. **WITHDRAWN**

3. 26-10…A request by Bradley Giordano, 4510 Filbert Dr., for a wetland variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a new single-family home.

Mr. Giordano showed the plot plan. He is proposing to build the house as far away from the wetland buffer zone as possible. He had the entire wetland re-delineated. He is requesting the variance for the rear yard setback. Any other location would put the house into the wetland buffer or the wetland itself.

Chairperson McCreary asked Mr. Giordano if he knew he would require variances to build a home when the purchased the property. Mr. Giordano stated he spoke to the drain commissioner and EGLE but was not aware of the 25 foot wetland buffer zone requirement in Genoa Township. The Board and Mr. Giordano discussed many details of the request, including the history of the property, the water flow, why he is building a ranch home to be ADA compliant

instead of a two story house, why the home is being placed in that location, the location of the proposed driveway, etc.

Board Member Fons asked if the applicant considered relocating the home to meet the setbacks or to request the least amount necessary. Mr. Giordano explained his original proposal was based on an old survey, which did not show wetlands on the property. He had the wetland re-delineated so the home needed to be moved to reduce the wetland impact.

Board Member Rockwell asked why he is building the home to ADA compliant. Mr. Giordano stated it will be for use by his family members in the future. Mr. Rockwell stated the first floor can be ADA compliant, but it can have a second story for other people to use or install an elevator. Mr. Giordano would like every part of the home to be handicap accessible. Board Member Rockwell feels the need for the variances is self-created.

Chairperson McCreary reviewed an email from the drain commissioner's office which describes this as a challenging lot, with water issues, that are already causing issues to the neighborhood. Mr. Giordano was not sent that email; it was sent to his engineer.

The call to the public was opened at 7:39 pm.

Ms. Lois Yardley of 4556 LaBlanc Court is the president of the Villas of Oak Pointe. She spoke about the five retention ponds that are maintained by the Villas, describing where the water comes from that empties into the ponds and where the ponds feed to. She noted that water from Filbert Drive flows into Pond #4. Any distribution to the wetlands near Pond #4 could cause flooding in their neighborhood and into their homes. The Villas of Oak Pointe are requesting that the variance be denied.

Ms. Tara Bridge of 4523 Filbert stated this area is saturated already. They are concerned with the overflow of the stormwater in this location. The system is already overtaxed. This concern was there before Mr. Giordano purchased the home.

Mr. Emery Budesky of 4544 LeBlanc stated he lives by one of the detention ponds and there have been times when that water has overflown and come within 10 feet of their home. He described the flow of the water between the ponds. He is against granting a variance to enter into the wetlands.

Mr. Jacob Sawka of 4532 LeBlanc stated Pond #4 is very critical. If that fills up, it will back up into Pond #3 and could flood his home. They do not want the water flow to be disturbed.

Ms. Rosemary LaFave of 4469 Quebec Lane is within 300 feet of the property and she is concerned because the Filbert drain comes into her backyard. She is working on that problem

with the drain commissioner's office. She walks by the wetland on the property and sees that it fills up. This will have a big impact on the whole area.

The call to the public was closed at 7:54 pm.

Mr. Giordano stated that he was told all this information. The drain commissioner advised there has been a concern for the Oak Pointe area for a long time, but it has nothing to do with his property. Most of these ponds and their drains are undersized. Chairperson McCreary stated that encroaching into the wetlands could further affect the problem. Mr. Giordano stated he contact EGLE and they visited the property and stated that with the current design, there will be no impact to the wetland because all of the grading he will be doing is all upland.

Board Member Soucy suggested that Mr. Giordano revisit this plan to determine if it can be redesigned to comply with the ordinances or request the least amount necessary.

Mr. Rockwell reviewed the four criteria that are required to be met for the board to approve a variance and which portions of these criteria still need to be met for this proposal.

Mr. Giordano requested to have his request table this evening.

Moved by Board Member Kreutzberg, supported by Board Member Soucy, to table Case #26-10 for Bradley Giordano of 4510 Filbert Drive until the July 14, 2026 Zoning Board of Appeals Meeting, at the applicants request. **The motion carried unanimously**.

Administrative Business:

1. Approval of minutes for the May 26, 2026 Zoning Board of Appeals meeting.

Moved by Board Member Soucy, supported by Board Member Rockwell, to approve the minutes of the May 26, 2026 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be three new cases on next month's agenda.

3. Member Discussion

There were no items for discussion.

4. Adjournment

Moved by Board Member Rockwell, supported by Board Member Soucy, to adjourn the meeting at 8:16 pm. **The motion carried unanimously**.

Respectfully submitted:

Patty Thomas, Recording Secretary