

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JULY 17th, 2012
6:30 P.M.

AGENDA

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda:

Call to the Public: *(Please Note: The Board will not begin any new business after 10:00 p.m.)*

1. 12-09...A request by Douglas Milne, 6501 Forest Beach, for a height variance to allow an 8' fence.
2. 12-14...A request by James and Emma Seger, 5715 Cherokee Bend, for a front yard variance to construct an addition.

ADMINISTRATIVE BUSINESS:

- A. ***Approval of minutes for the June 19, 2012 Zoning Board of Appeals meeting.***
- B. ***Correspondence***
- C. ***Member Discussion***
- D. ***Adjournment***

Charter Township of Genoa
ZONING BOARD OF APPEALS
JULY 17th, 2012
CASE #12-09

PROPERTY LOCATION: 6501 Forest Beach Dr.

PETITIONER: Douglas Milne

ZONING: LDR (Low Density Residential)

WELL AND SEPTIC INFO: Well and Septic

PETITIONERS REQUEST: Requesting a height variance to allow for an 8 foot fence.

CODE REFERENCE: Section 11.04.04 (a) – Fences in front yards not to exceed 3 feet.
Section 11.04.04 (a) – Front yard fences not to exceed 49 percent solid or impervious

STAFF COMMENTS: This matter was tabled at the June 19th ZBA meeting due to the absence of the petitioner. No further information is available at this time.

DETACHED ACCESSORY STRUCTURE	Solidity or Imperviousness	One Side	Other Side	Rear	Size	Height
Setbacks of Zoning	49%					3
Setbacks Requested	100%					6
Variance Amount	100%					

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

GENOA TOWNSHIP
APR 23 2012

Case # 12-09

Meeting Date: 5-15-12

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
- Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: Douglas A. Milne

Property Address: 6501 Forest Beach Dr. Phone: _____

Present Zoning: LDR Tax Code: 4711-26-301-018

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: 8 foot high fence.

2. Intended property modifications: _____

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) _____

b. Other (explain) We would like to complete an existing 20 yr. old fence by extending it along the property line. This will enhance the property by providing a uniform appearance for neighbors and those using the easement.

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: will need 8 copies of any drawings larger than 11 x 17.
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 4/20/12

Signature: Doug Milne

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 15, 2012
6:30 P.M.**

MINUTES

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The board members in attendance were as follows: Marianne McCreary, Barbara Figurski, Steve Wildman, Chris Grajek and Jeff Dhaenens. Also present was Township staff member Adam VanTassell and 14 persons in the audience.

Moved by Figurski, supported by Grajek, to approve the agenda. **Motion carried unanimously.**

A call to the public was made with no response.

12-09...A request by Douglas Milne, 6501 Forest Beach, for a height variance to allow an 8' fence.

A call to the public with no response.

Moved by Wildman, to deny case#12-09, 6501 Forest Beach Drive, due to no practical difficulty. **Motion failed due to no support.**

Moved by Wildman, supported by Figurski, to table case#12-09. 6501 Forest Beach Drive, until the next Zoning Board of Appeals meeting. **Motion carried unanimously.**

12-10...A request by Thomas Sipko and Kathi Presutti, 2712 Scottwood, for a side yard variance to construct a covered deck.

A call to the public was made with no response.

Moved by Figurski, supported by Wildman, to approve case#12-10, 2712 Scottwood, for a side yard variance of 4 feet with a 16' setback to construct a covered deck. The practical difficulty is the shape of the lot.

12-11...A request by Dennis Dahlmann, 4582 Filbert, for a side yard variance to allow a new construction home.

A call to the public was made with no response.

Moved by Wildman, supported by Figurski, to approve case #12-11, 4582 Filbert, for a side yard variance of 1' with a 9' setback to allow a new construction home. The practical difficulty is the typography of the lot.

30 1/2 E. LAWRENCE ST
PONTIAC, MICH.

DRIVEWAY
EASEMENTS

proposed fence

BAETCKE

LAKE



DESCRIPTION

The land embraced in the annexed plot of "Supervisor's Plot Of Forest Beach" Part of the W. 1/2 of Sec. 26, T. 2 N., R. 5 E., Grand Twp., Livingston Co., Michigan, is described as follows:

Commencing at the south quarter post of section 26, T. 2 N., R. 5 E.; thence along the south line of section 26 N. 88° 21' 15" W. 50.00 feet; thence parallel with the north and south quarter line of section 26, N. 0° 52' E. 1060.31 feet to a point of curve; thence along a circular curve to the right, of radius 467.74 feet, through a central angle of 22° 56' 40", a distance of 187.31 feet to a point of beginning for this description; thence N. 22° 04' 40" W. 99.17 feet to a point of curve; thence along a circular curve to the right, of radius 531.28 feet, through a central angle of 19° 54' 47", a distance of 195.47 feet to a point of compound curve; thence along a circular curve to the right, of radius 35.72 feet, through a central angle of 27° 45' 30", a distance of 226.73 feet to a point of reverse curve; thence along a circular curve to the left, of radius 35.72 feet, through a central angle of 78° 45' 30", a distance of 298.56 feet to a point of tangent; thence N. 41° 00' 30" W. 99.89 feet to a point of curve; thence along a circular curve to the right, of radius 1205.84 feet, through a central angle of 13° 13' 20", a distance of 79° 40' 30" W. 70.28 feet; thence N. 48° 31' 40" E. 50.00 feet; thence N. 9° 46' 40" E. 150.00 feet; thence N. 58° 32' 20" E. 300.00 feet to the shore of Baetcke Lake; thence along the shore of Baetcke Lake to the north and south quarter post of section 26, T. 2 N., R. 5 E.

STREET

We, the undersigned, have no objection to the variance requesting an extension to the existing fence on the Milne property (south side).

Name

Date

Dwain & Linda Breed	6489 FB Dr	5-6-12
Doug & Pat Harmon	6471 FB Dr.	5-6-12
Dawn Young	4644 B.L. Rd.	5-6-12
Ante M. Jr	" "	5-6-12
Monika Pis (verbal)	4642 B.L. Rd.	5-6-12

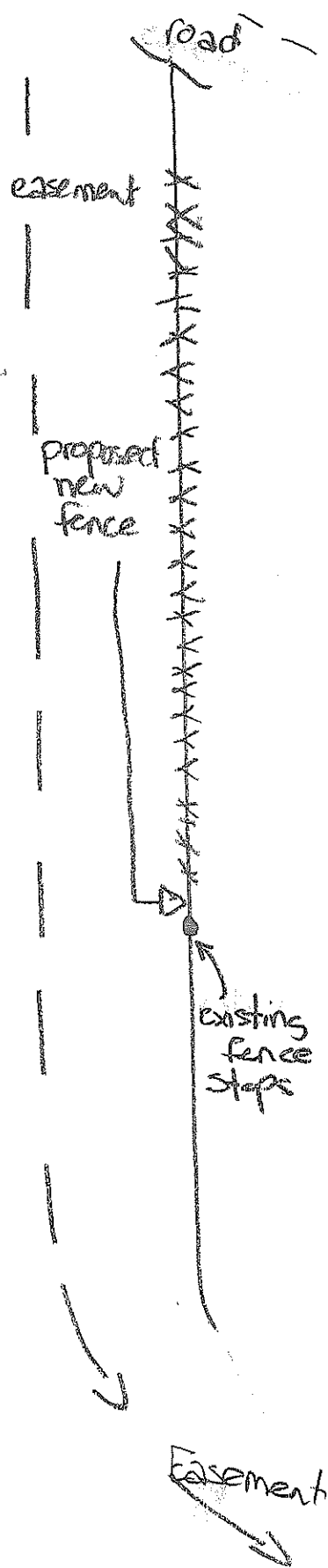
FB - Forest Beach Dr.

BLRd - Baetcke Lk. Rd.

6505
Forest Beach Drive

6501 Forest Beach
garage

6485
Forest Beach Drive



Amy Ruthig

From: Waggoners' <waggoner6495@comcast.net>
Sent: Monday, May 21, 2012 3:45 PM
To: Gary McCririe
Cc: Adam VanTassell; Mike Archinal; Amy Ruthig; sunbunz@hotmail.com
Subject: Zoning board meeting

Mr. McCririe

On Tuesday, May 15, I attended a meeting of the Genoa Township Zoning Board. The introduction to this meeting was a statement informing all attendees it was to be conducted on zoning issues only, no neighborhood grievances. Whether all Zoning board meetings begin this way or it simply was a reaction by the board to the tension in the room, I am unsure.

I would like to take this opportunity to thank those members of the board who conducted themselves in a professional manner. Especially, Mr VanTassel, whose position at the township has placed him in the center of a hostile controversy in our neighborhood. I would also like to thank the board member, (I'm sorry I did not catch her name), who insisted Doug Milne control his tone and his language at a public meeting. Having lived next door to Doug for many years, I can assure her that was Doug Milne "controlled". As he himself would put it, "Doug on a GOOD day." Nonetheless, I applaud her efforts to spare those uninvolved parties present in the room from his unacceptable behaviors.

As members of Glenn Waggoner's family, we chose not to stand and refute the lies Milne told the board; knowing this was not the time or the place (as instructed in the introduction of the meeting.) Imagine our surprise and DISAPPOINTMENT when Steve Wildman chose to make unprofessional, judgemental comments about our father. Knowing nothing of the history or the abuse that has taken place over the years, Wildman spends 5 minutes with an hard of hearing, distraught 81 year old man. He then took it upon himself, an elected public official that should remain impartial, to make a public attack of character on a man he knows nothing about. Be weary of forming quick opinions of judgement Wiseman, for what could be formulated about a grown man with the email address "SUNBUNZ"?

Again, thank you to those members of the board whom even after personally seeing all of my father's stuff were able to keep themselves composed, impartial, and professional. Your efforts did not go unrecognized and were greatly appreciated.

Looking forward to voting,

Corey Waggoner

GENOA TOWNSHIP

MAY 22 2012

May 20, 2012

Genoa Township Zoning Board
Mr. Chris Grayjek
Mr. Steve Wildman

Dear Gentlemen:

I attended the zoning board of appeals meeting on May 15th in support of Doug Milne's request for an extension to his existing fence, and I totally understand his frustration and anger from 30+ years of harassment by his neighbor. You remained very professional and respectful throughout the "discussion." We live on the opposite side of the neighbor in question, and I have included three photos to illustrate what this neighbor has done to the lakeside in addition to the front side. We complained to the township for several years about this eyesore, but the only thing they could do for us was to suggest that we plant Arborvietes, which we did. As you can see, they do not do much to hide the junk.

I appreciate your vote to table the variance decision for a month, and regardless of the outcome I hope some positive changes can be made to protect lakefront properties. This is a growing problem with no swift solution, but I thank you for taking the time to consider options before making your decision. Genoa's ordinances seem to be well written, and the consequences are clearly stated, however there seems to be a problem carrying them out in a timely manner.

I know that I, my husband, and surrounding neighbors would much prefer that all of the junk be removed on both sides of the property in question, instead of building a fence to hide it. We cannot build a fence on the lakeside taller than 3 feet, so we are forced to live with that eyesore until the township orders it removed. We currently have our house up for sale, so time is of the essence, and we have run out of patience with the process.

Again, I thank you for your time and consideration, and am hopeful this issue will soon be resolved.

Sincerely,



Linda Breed

6489 Forest Beach Drive
Brighton, MI 48116

MAY 24 2012

May 23, 2012

Genoa Township Zoning Board of Appeals

Mr. Chris Grajek, Trustee

Mr. Steve Wildman, Trustee

Re: Doug Milne Fence Variance Request

We want to thank you for your support at the last ZBA meeting. We were there to support Mr. Milne as we live down the street from Mr. Waggoner and have to pass by his yard and junk every time we come and go.

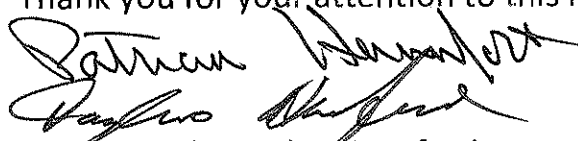
Mr. Waggoner has recently told Mr. Milne that he will never get rid of his junk. We are all aware, those of us who live near Mr. Waggoner, of his defiance of the DEQ, DTE and Genoa Township. That is why we want a fence, even if it is a temporary fence, as we believe that Mr. Waggoner will continue to defy the township ordinances even if the township can get him to clean up this time. . The Breeds, and we the Hanafords, need to move as Mr. Waggoner not only has junk piled up but he also harasses us on a daily basis by singing at the top of his lungs, whistling every hour of the day and also coming down to the property next to me and stalking the property line. We need both the fence and the junk removed so that we can sell our homes and allow Mr. Waggoner new neighbors that he can get along with. For some reason he targeted the Breeds, and as we support them, he is also targeting us.

Given Mr. Waggoner's penchant for revenge we hesitate to speak up at the meeting of these behaviors. The prosecutor of Livingston County, Daniel Garber, wrote Mr. Waggoner a letter after an incident where Mr. Waggoner almost ran me, Ms. Breed and my dogs over by driving too close to us when we were standing in our neighbor's driveway. He has been told by the prosecutor not to retaliate but he has. I have been told to get a PPO by both the police and Mr. Garber. We just want to move ASAP. A fence would help us sell our property and settle this quickly while the township attorney tries to get Mr., Waggoner to move his junk. If he succeeds, he will be the first to win one from Mr. Waggoner.

Mr. Waggoner's family want the fence, we have been told, as they cannot get him to clean up either. Our neighbors want the fence as well. One of our neighbors, Peter Young was allowed an 8 foot fence with no variance meeting. This is confusing based on what the ordinances say. We do not understand why we have not been allowed the same privilege. Mr. Young was just granted a permit in spite of his neighbors NOT wanting a fence. Our neighbors want the fence as every last one of them is tired of Mr. Waggoner's junk. No one to our knowledge has stated that they do not want this variance.

The ZBA exists to grant variances to the ordinances. We feel that this is a situation that warrants a variance.

Thank you for your attention to this letter.


Patricia and Douglas Hanaford

6471 Forest Beach Drive

(partial)
existing fence ~ easement side



fence from easement view













Charter Township of Genoa
ZONING BOARD OF APPEALS
JULY 17, 2012
CASE #12-14

PROPERTY LOCATION: 5715 Cherokee Bend

PETITIONER: James and Emma Seger

ZONING: MHP (Manufactured Housing Park)

WELL AND SEPTIC INFO: Well and sewer

PETITIONERS REQUEST: Requesting a front yard variance to construct an addition.

CODE REFERENCE: Table 3.04 – Dimensional Standards - MHP (Manufactured Housing Park)

STAFF COMMENTS: This issue was tabled at the June 19th ZBA meeting to allow the petitioner time to have a stake survey done showing the lot line and its relation to the proposed structure. That drawing was completed by Boss Engineering and has been included with your packet.

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks of Zoning	35	10	10	40	25	-
Setbacks Requested	5					
Variance Amount	30					

GENOA TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 12-14

Meeting Date: 6-19-12 @ 6:30 p.m.

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
- Copy of paperwork to Assessing Department

- **Article 23 of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)**

Applicant/Owner: JAMES F & EMMA M Seger
 Property Address: 5715 Cherokee Bend Phone: 517-404-5635
 Present Zoning: MHP Tax Code: 11-03-401-050

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: FRONT YARD VARIANCE

2. Intended property modifications: ADDITION TO PRESENT HOME

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) UNUSUAL SHAPE OF LOT

b. Other (explain) _____

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. *Note: Will need 8 copies of any drawings larger than 8 1/2 and 14 in size.*
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Date: 5-23-2012

Signature: Emma Seger

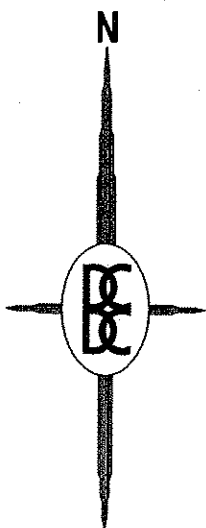
Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.

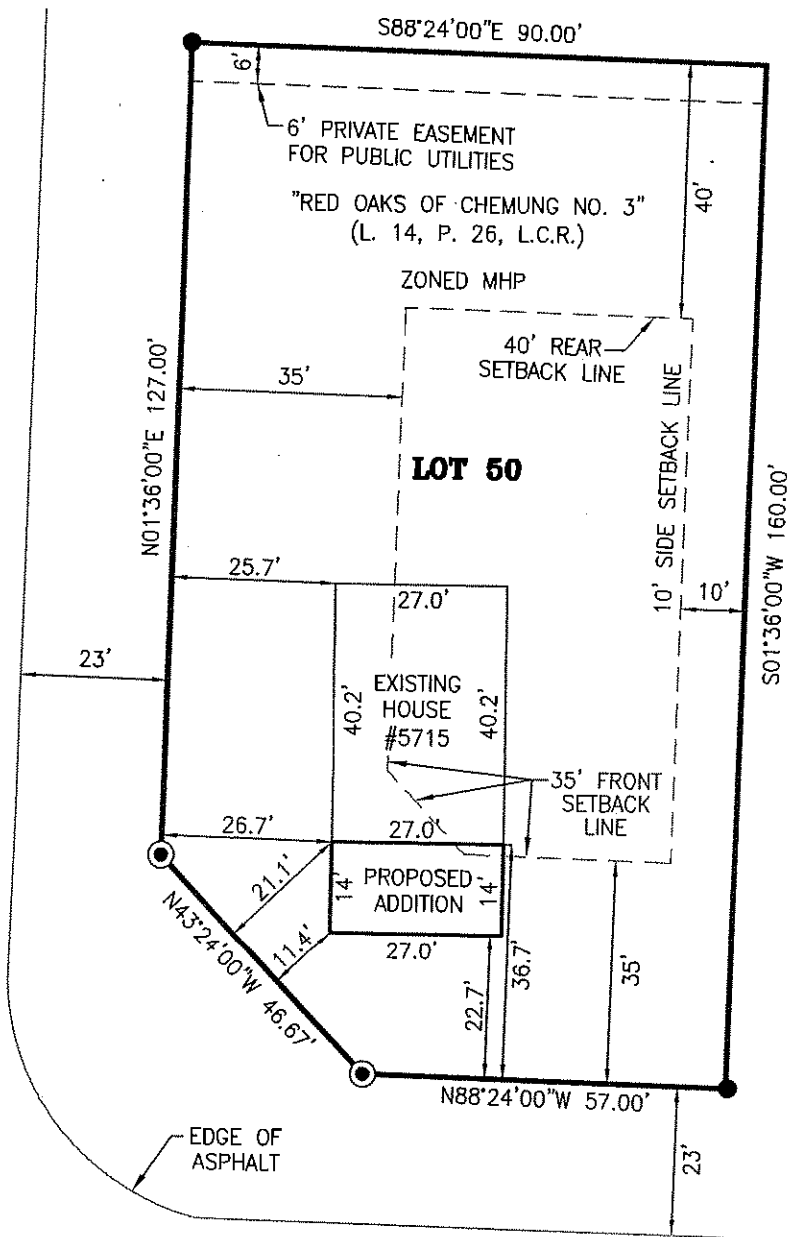
SURVEY

GENOA TOWNSHIP

JUN 26 2012



CHEYENNE TRAIL (66' WIDE R/W)
(ASPHALT SURFACE)



CHEROKEE BEND (66' WIDE R/W)
(ASPHALT SURFACE)

GENERAL SURVEY NOTES:

1. CURRENT ZONING: MHP (MANUFACTURED HOUSING PARK)
2. MINIMUM SETBACK REQUIREMENTS:
FRONT = 35 FEET
SIDES = 10 FEET
REAR = 40 FEET
3. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "RED OAKS OF CHEMUNG NO. 3", AS RECORDED IN LIBER 14 OF PLATS, PAGE 26, LIVINGSTON COUNTY RECORDS.
4. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
5. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

DESCRIPTION:
LOT 50, "RED OAKS OF CHEMUNG NO. 3", (L. 14, P. 26, L.C.R.), BEING PART OF S 1/2, SEC. 3, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICH.

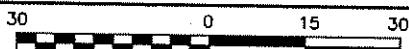


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(E-MAIL: be@bosseng.com)
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HOWELL, MI. 48843
(800) 246-6735; FAX (517) 548-1670



CLIENT:
SEGER

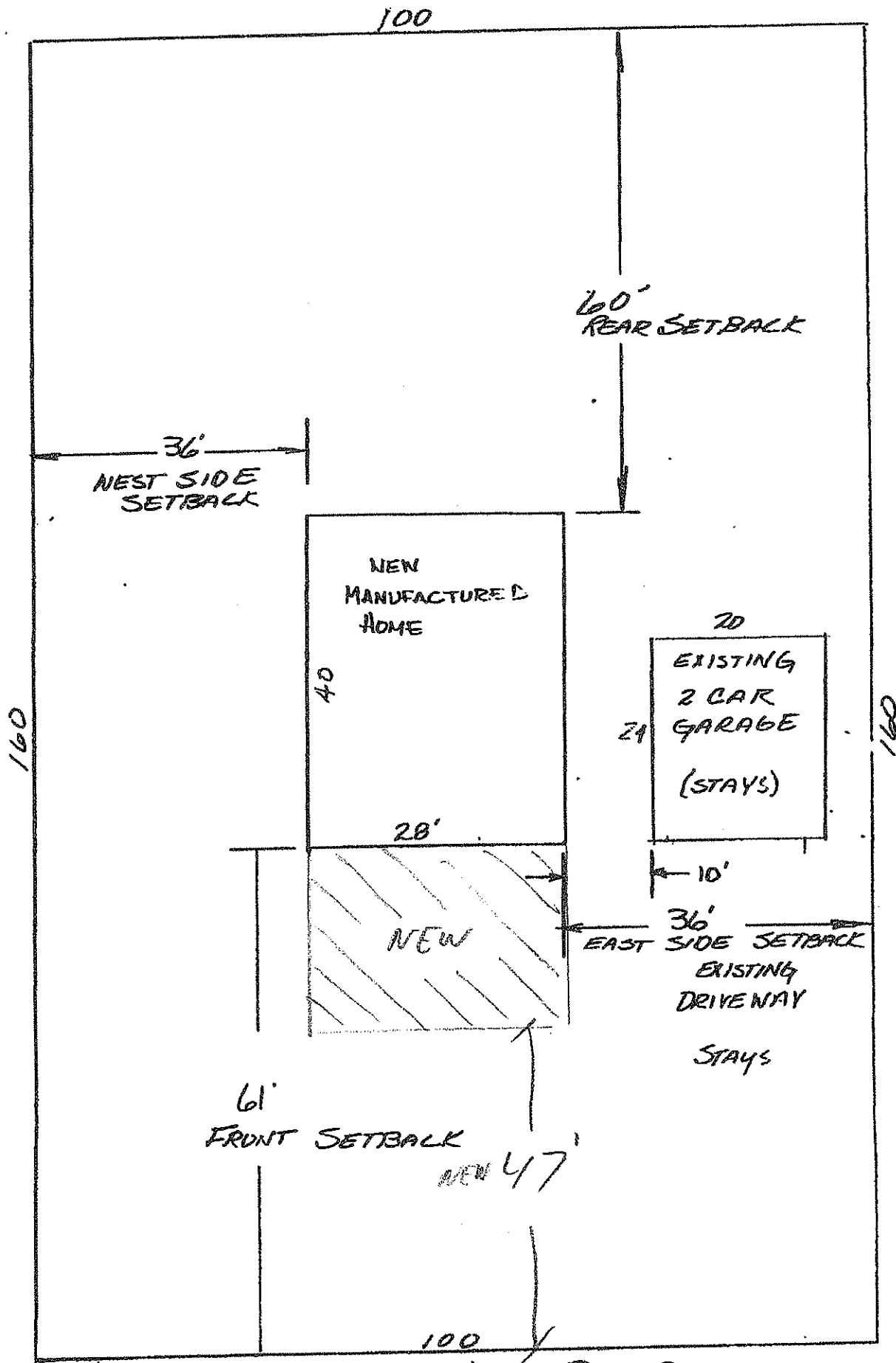


SCALE: 1 INCH = 30 FEET

LEGEND

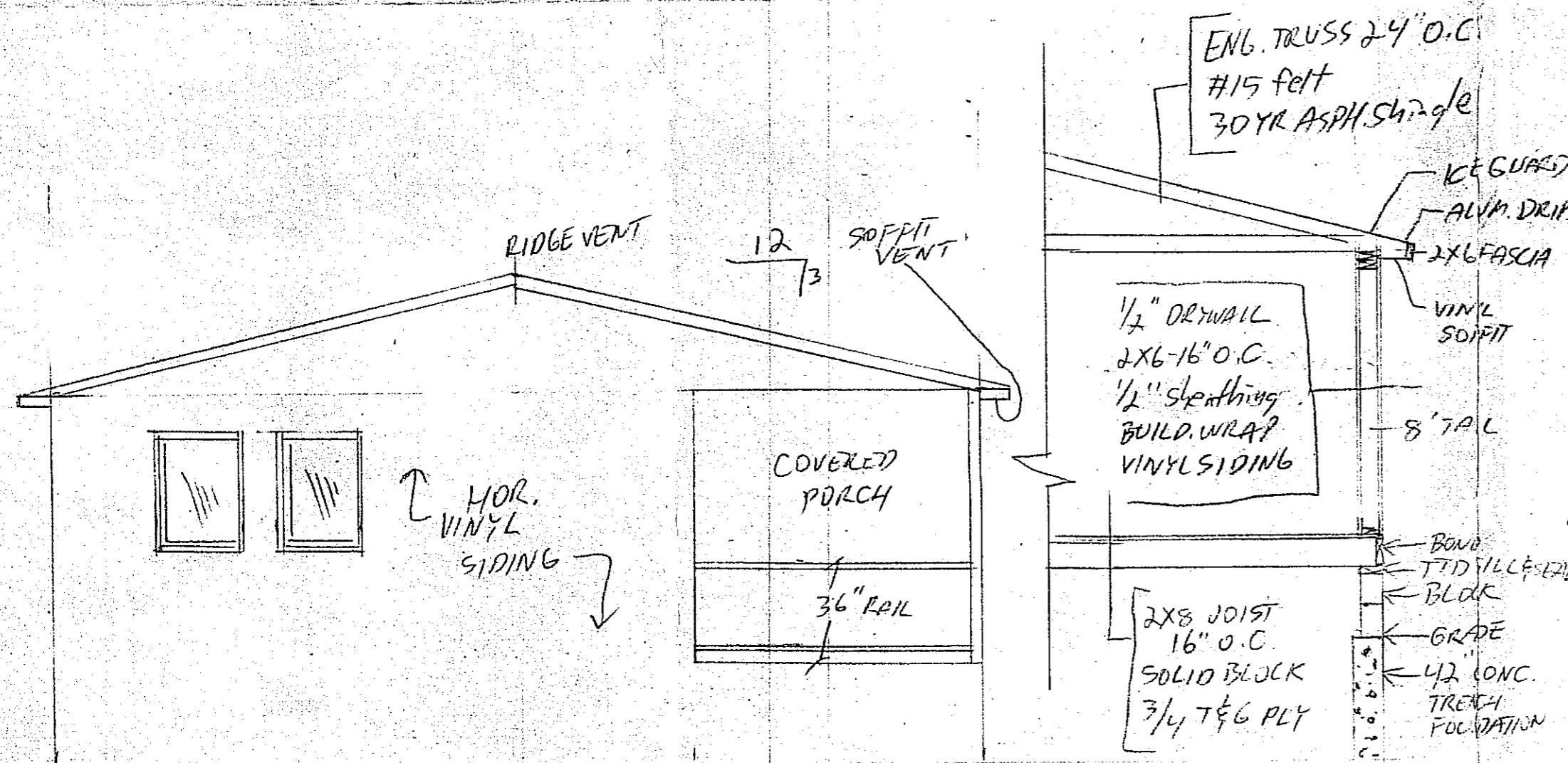
- = IRON SET
- = IRON FOUND
- ⊙ = MONUMENT FOUND
- * = FENCE
- (R) = RECORDED
- (M) = MEASURED

JOB NO.	12-162	DATE	6-25-12		
SHEET	1 OF 1	FB 517	CREW GFD	DR. AEB	CK. <i>[Signature]</i>



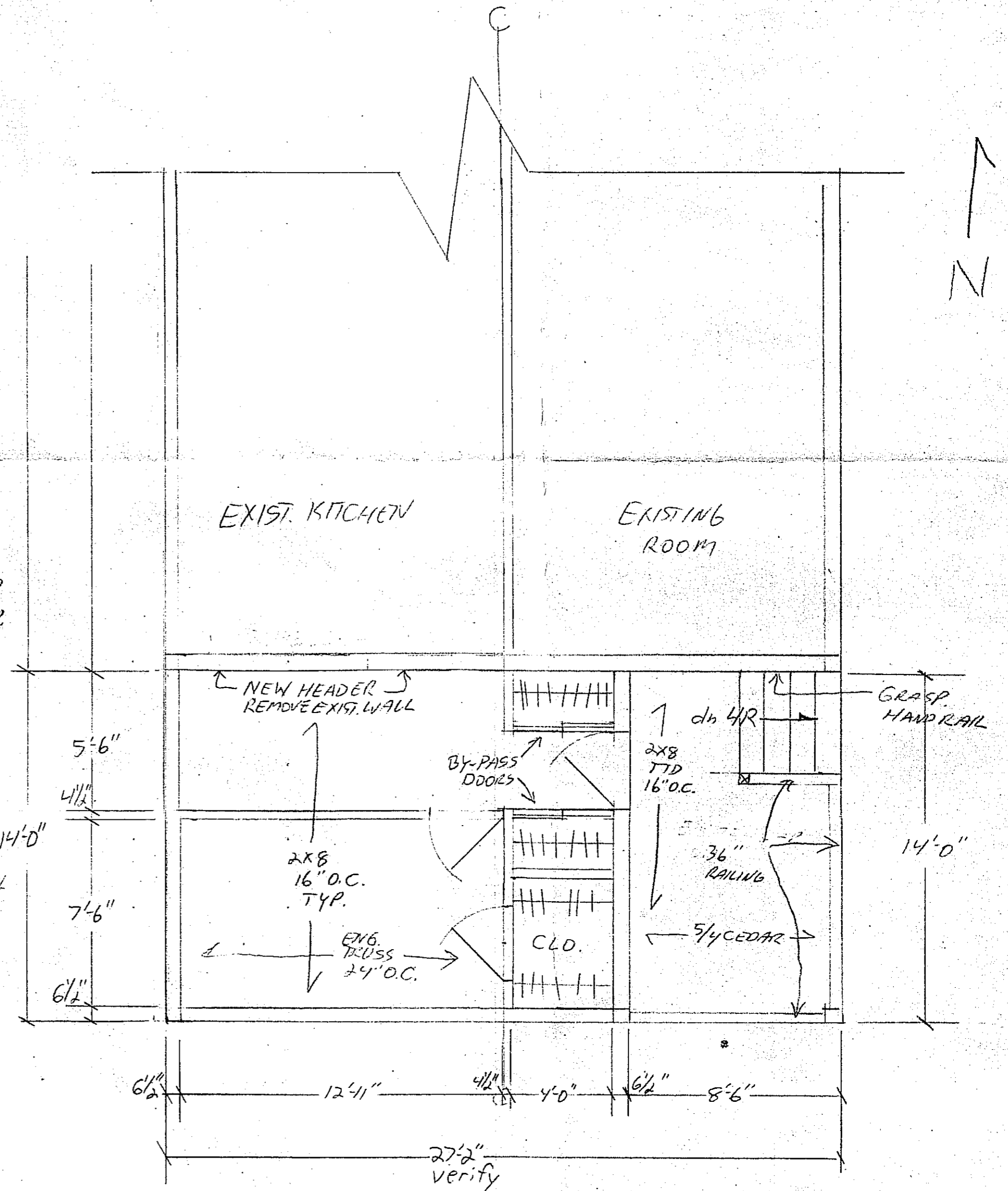
515 Cherokee Bend

NOTES: R-13 MIN. CRAWL SPACE WALL INSULATION
 R-38 ATTIC INSULATION
 R-19 WALL INSULATION



SOUTH ELEV.

SEGER RESIDENCE SCALE 1/4" = 1'-0"



R-11 Fnd. walls R-38
 R-19



**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 19, 2012
6:30 P.M.**

MINUTES

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The board members in attendance were as follows: Marianne McCreary, Barbara Figurski, Steve Wildman, Chris Grajek and Jeff Dhaenens. Also present was Township staff member Adam VanTassell and 14 persons in the audience.

Moved by Figurski, supported by Grajek, to approve the agenda. **Motion carried unanimously.**

A call to the public was made with no response.

12-09...A request by Douglas Milne, 6501 Forest Beach, for a height variance to allow an 8' fence.

Moved by Figurski, supported by Grajek, to table case#12-09, 6501 Forest Beach Drive, until the next Zoning Board of Appeals meeting. **Motion carried unanimously.**

12-12...A request by International Society, 4925 Grand River, for a variance to construct an additional for an existing nonconforming use.

A call to the public was made with no response.

Moved by Figurski, supported by Wildman, for case #12-12, 4925 E. Grand River, for an open air pavilion on existing concrete pad which is now a non-conforming use with a setback of 50 feet from waters edge. The following finding of fact is the existing non-conforming use and the fact that the proposed structure enhances but does not expand the non-conforming use. **Motion carried as follows: Ayes: Dhaenens, Grajek, Figurski and Wildman. Nays: McCreary.**

12-13...A request by Glen and Sally Hope, 1253 Sunrise Park Drive, for a waterfront and side yard variance to construct an enclosed deck.

A call to the public was made with no response.

Moved by Grajek, supported by Wildman, to approve case #12-13 for Glen and Sally Hope for a north side variance of 6' with a 4' setback. The following finding of fact is the narrowness of the lot and the placement of the existing home. **Motion carried unanimously.**

12-14...A request by James and Emma Seger, 5715 Cherokee Bend, for a front yard variance to construct an addition.

A call to the public was made with the following responses: Michael and Debbie Mcknight of 5731 Cherokee Bend stated that they are in favor of the variance as long as the Board is also. A letter was received from a Ms. Ida Caldwell of 5776 Chippewa stating that she has no objection to their request for a front yard variance to construct an addition.

Moved by McCreary, supported by Figurski, to table case #12-14 located at 5715 Cherokee Bend until a lot line survey can be done by a licensed surveyor showing the home imposed on the survey also showing a setback from the front porch. **Motion carried unanimously.**

12-15...A request by Raymond Widdick, 1612 Hughes, for a side yard variance to construct an addition.

A call to the public was no response.

Moved by Figurski, supported by Wildman, to approve case# 12-15, 1612 Hughes Road, for a west side variance of 6' with a setback of 4' for a 15'5" x 18'2" addition. The following finding of fact is the narrowness of the lot. **Motion carried unanimously.**

Moved by Figurski, supported McCreary to approve the May 15th, 2012 Zoning Board of Appeals minutes as submitted. **Motion carried unanimously.**

Moved by Figurski, supported by Wildman to adjourn the Zoning Board of Appeals meeting at 7:23 p.m. **Motion carried unanimously.**

Respectfully submitted:

Amy Ruthig