

GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

July 16, 2013

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. 13-17...A request by Thomas and Diana Fleming, Sec. 28, 4049 Homestead, for a sight line and side yard variance.
2. 13-18...A request by Mary Dean and Jeff Barringer, Sec. 10, 5359 Wildwood Drive, for a front yard setback variance and a water front setback variance for the construction of a single family home.

**ADMINISTRATIVE BUSINESS:**

- A. Approval of minutes for the June 18, 2013 Zoning Board of Appeals meeting.**
- B. Correspondence**
- C. Member Discussion**
- D. Adjournment**

# GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

GENOA TOWNSHIP

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

6:30

MAY 24 2013

Case # 13-17

Meeting Date: 6-18-13

RECEIVED

- 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: THOMAS & DIANA FLEMING  
 Property Address: 4049 HOMESTEAD Phone: 810-922-9556  
 Present Zoning: LRR Tax Code: 11-28-201-012

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: SIGHT LINE/LAKE SET-BACK, SIDE YARD SET BACK

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) VERY NARROW BUT DEEP PARCEL
- b. Other (explain) NEW/PROPOSED HOME IS DESIGNED TO ALLOW FOR MORE OPEN SPACE BE; AREA BETWEEN GARAGE & HOUSE.

### 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**
- **A Land Use Permit Application to be submitted with ZBA Variance Application.**
- **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: 5/29/2013

Signature: Thomas J Fleming

**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.**

CR # 10565

May 28, 2013

Dear Property Owner:

The following is a proposed variance in your neighborhood that is on the agenda for the Genoa Township Zoning Board of Appeals meeting, Tuesday June 18, 2013, at 6:30 p.m. at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI.

State Statute provides for notifying property owners in close proximity to proposed variance requests. A request is being made in your area located in Section 28, 4049 Homestead, requested by Thomas and Diana Fleming for sight line, lake and side yard setbacks.

If you have any comments regarding this request, please be present at the public hearing noted above.

Please address any written comments to the Genoa Township Zoning Board of Appeals either at the Genoa Township mailing address listed above or via email at [mike@genoa.org](mailto:mike@genoa.org). All materials relating to this request are available for public inspection at the Genoa Township Hall prior to the hearing.

Sincerely,

Michael C. Archinal  
Genoa Township Manager

MCA/km

4711-28-201-004  
HARTLEY WILLIAM  
4011 HOMESTEAD  
HOWELL MI 48843

4711-28-201-005  
RACINE TRUST  
5 ROBINDALE CT  
DEARBORN MI 48124

4711-28-201-006  
WALDO GEORGE E, ALICIA & DEANNA  
4021 HOMESTEAD  
HOWELL MI 48843

4711-28-201-007  
WALEGA GREGORY J & ELLEN L  
4027 HOMESTEAD  
HOWELL MI 48843

4711-28-201-008  
WALEGA GREG & ELLEN  
4027 HOMESTEAD DR.  
HOWELL MI 48843

4711-28-201-011  
TUCZAK, FRANK D. & LORI  
4045 HOMESTEAD  
HOWELL MI 48843

4711-28-201-012  
FLEMING, THOMAS & DIANA  
7924 PAYNE  
Dearborn MI 48126

4711-28-201-013  
LANZON, OLIVER & NANCY  
4053 HOMESTEAD  
HOWELL MI 48843

4711-28-201-014  
MANCINI KAREN & LEO  
4057 HOMESTEAD  
HOWELL MI 48843

4711-28-201-017  
SIRLS, LARRY T. & LISA J.  
851 HAZELWOOD  
Birmingham MI 48009

4711-28-201-018  
JELNICKI JAMES & KITTY  
3664 OLD CREEK  
TROY MI 48084

4711-28-201-019  
ELLERHOLZ PATRICK  
4083 HOMESTEAD  
HOWELL MI 48843

4711-28-201-020  
SECHRIST THOMAS H & ROSEMARY J  
23369 MYSTIC FOREST  
NOVI MI 48375

4711-28-201-021  
BLASZCZAK PHIL, ELAINE & JOHATHAN  
4093 HOMESTEAD  
HOWELL MI 48843

4711-28-201-055  
WEINRAUCH, PETER & MARY ANN  
4065 HOMESTEAD  
HOWELL MI 48843

4711-28-201-057  
VARNEY, BENJAMIN & KATHRYN  
4700 HUNT ST  
CASS CITY MI 48726

4711-28-202-005  
GOODLING, CHESTER & LOUISE  
26431 LA MUERA  
Farmington MI 48334

4711-28-202-007  
KIRCHOFF, ALAN  
4026 HOMESTEAD  
HOWELL MI 48843

4711-28-202-008  
UNKNOWN

4711-28-202-009  
VARNEY, BENJAMIN & KATHRYN  
4700 HUNT ST  
CASS CITY MI 48726

4711-28-202-010  
VARNEY, BENJAMIN & KATHRYN  
4700 HUNT ST  
CASS CITY MI 48726

4711-28-202-011  
FLEMING, THOMAS J.  
7924 PAYNE AVE.  
DEARBORN MI 48126

4711-28-202-012  
FLEMING, THOMAS J.  
7924 PAYNE AVE.  
DEARBORN MI 48126

4711-28-202-013  
WEINRAUCH, PETER & MARY ANN  
4065 Homestead  
Howell MI 48843

4711-28-202-014  
WEINRAUCH, PETER & MARY ANN  
4065 HOMESTEAD  
HOWELL MI 48843

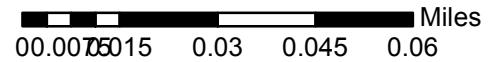
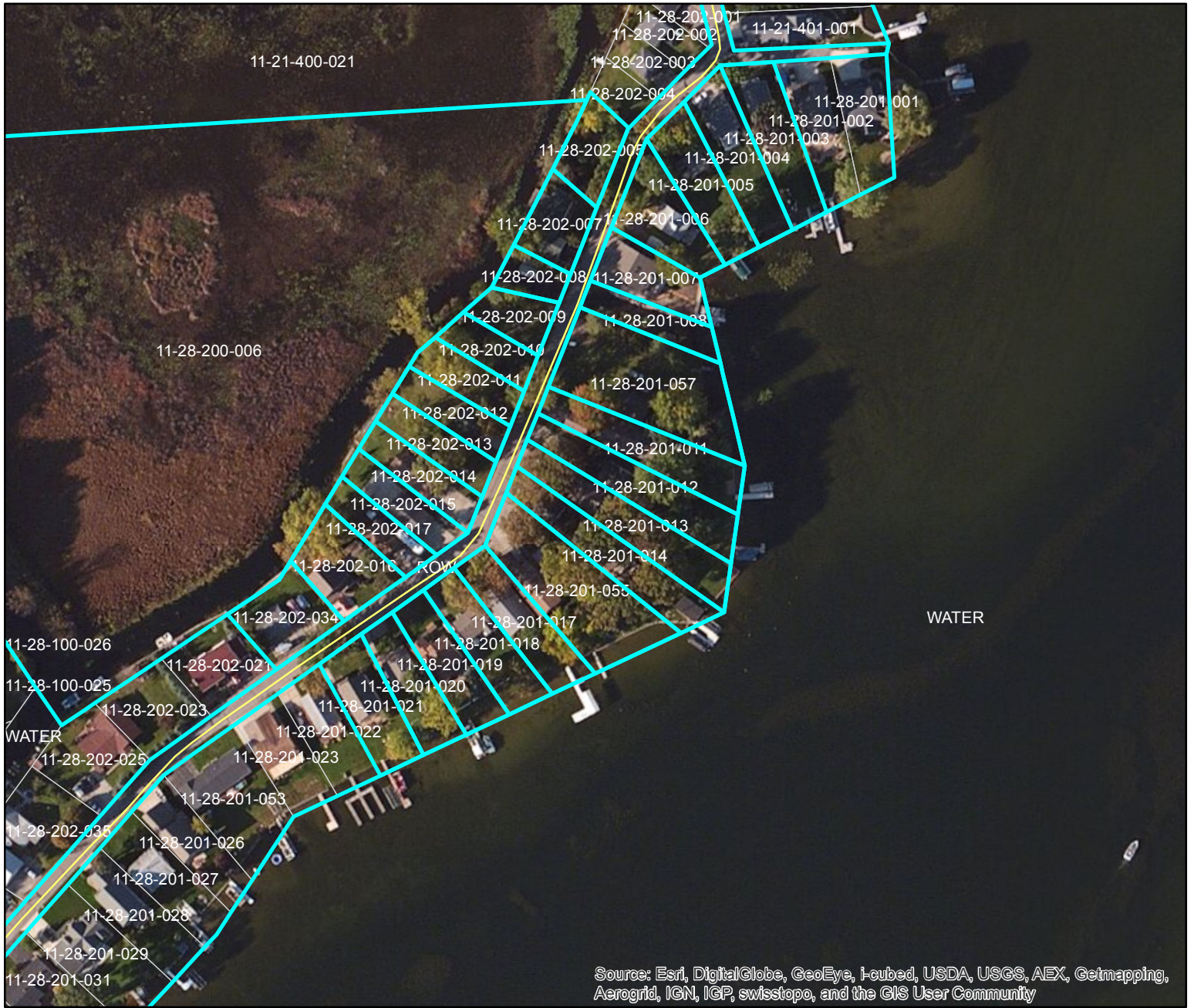
4711-28-202-015  
SIRLS, LARRY T. & LISA J.  
851 HAZELWOOD  
Birmingham MI 48009

4711-28-202-016  
HARMAN THORIN B  
4084 HOMESTEAD  
HOWELL MI 48843

4711-28-202-017  
ELLERHOLZ PATRICK  
4083 HOMESTEAD  
HOWELL MI 48843

4711-28-202-034  
KOWALCZYK, JOSEPH  
4099 HOMESTEAD  
HOWELL MI 48843

# 300 ft Buffer for Noticing



Variance Case #13-17

Applicant: Thomas and Diana Fleming

Parcel: 11-28-201-012

Meeting Date: 6-18-2013



May 24, 2013

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**July 16, 2013**  
**CASE #13-17**

**PROPERTY LOCATION:** 4049 Homestead

**PETITIONER:** Thomas & Diana Fleming

**ZONING:** LRR (Lakeshore Resort Residential)

**WELL AND SEPTIC INFO:** Well Present/Connected to Sanitary Sewer System

**PETITIONERS REQUEST:** 5' side yard setback variance  
16.5' waterfront setback variance

**CODE REFERENCE:** 3.04.01; 3.04.02

**STAFF COMMENTS:** See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks of Zoning	35	5	10	40	25	115.5
Setbacks Requested	41	5	5	N/A	24	99
Variance Amount	N/A	N/A	5	N/A	N/A	16.5



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** July 10, 2013  
**RE:** ZBA 13-17; PID # 4711-28-201-012; Thomas and Diana Fleming; Re-submitted site plan

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2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

### STAFF REPORT

**File Number:** ZBA#13-17

**Site Address:** 4049 Homestead

**Parcel Number:** 4711-28-201-012

**Parcel Size:** 0.294 Acres

**Applicant:** Thomas & Diana Fleming

**Property Owner:** Same as Applicant

**Information Submitted:** Building Elevations, Site Plan, Floor Plan

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a variance from the side yard setback requirements in article 3.04.01 of the Zoning Ordinance, which requires that buildings and structures within the LRR Zoning District maintain side yard setbacks of at least five (5) feet on one side and at least ten (10) feet on the other side. The applicant is also requesting a variance from the required shoreline setback in article 3.04.02, which requires the structure to maintain a minimum 40 feet or consistent with the setbacks of adjacent buildings, as determined by the Zoning Administrator.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential), Single Family Dwelling located on lot

**Other:**

Public hearing was published in the Livingston County Press and Argus on June 2, 2013 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

**SUPERVISOR**

Gary T. McCririe

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**MANAGER**

Michael C. Archinal

**TRUSTEES**

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell



## Summary

The applicant is proposing to remove the existing home and garage on the property and construct a new single family house with an attached garage. The following are reflective of the proposed structure.

- Proposed Setbacks: F: 41' S: 5' S: 5' WF: 99'
- Required Setbacks: F: 35' S1: 5' S2:10' WF: 115.5'
- Proposed Setback from Adjacent Buildings: N: 17' W: 7.5'
- Required Setback from Adjacent Buildings: 10'
- Proposed lot coverage: 15.6%
- Required maximum lot coverage: 35%
- Proposed Building Height: 24'
- Maximum building height allowed: 25'

## Variance Requests

The variance request is as follows:

1. Article 3.04.01 **Dimensional Standards (Table included in Packet)** (LRR Side yard setbacks)

Article 3.04.02(k) **LRR Side Yards:** In the LRR Zoning District one of the side yards may be reduced to a minimum of five (5) feet where all of the following are met:

- (1) The other side yard must be at least ten (10) feet.
- (2) The distance between the building and any building on the adjacent lot shall be no less than ten (10) feet.
- (3) The roof shall have gutters. (as amended 3/5/10)

The required side yard setback in the LRR district is five (5) feet as long as the conditions in article 3.04.02(k) are met. The existing structure is 10' from the west property line and 5' from the east property line. The proposed addition is located 5' from the north side property line and 5' from the south property line which fails to meet the 5' and 10' requirements. The proposed variance would be a 5' variance on the south side yard.

2. **Article 3.04.02 Shoreline Setback**

Sites connected to public sewer in Lakeshore Resort Residential District: Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator.

The required waterfront setback as determined by calculating the average distance of the two (2) adjacent principal buildings on adjacent lots is 115.5'. The existing structure is located 85' from the waterfront property line and the proposed structure is currently 99'

## Standards for Approval



The following is the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

**23.05.03 Criteria Applicable to Dimensional Variances.** No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(b) Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

(c) Public Safety and Welfare. The granting of the 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.

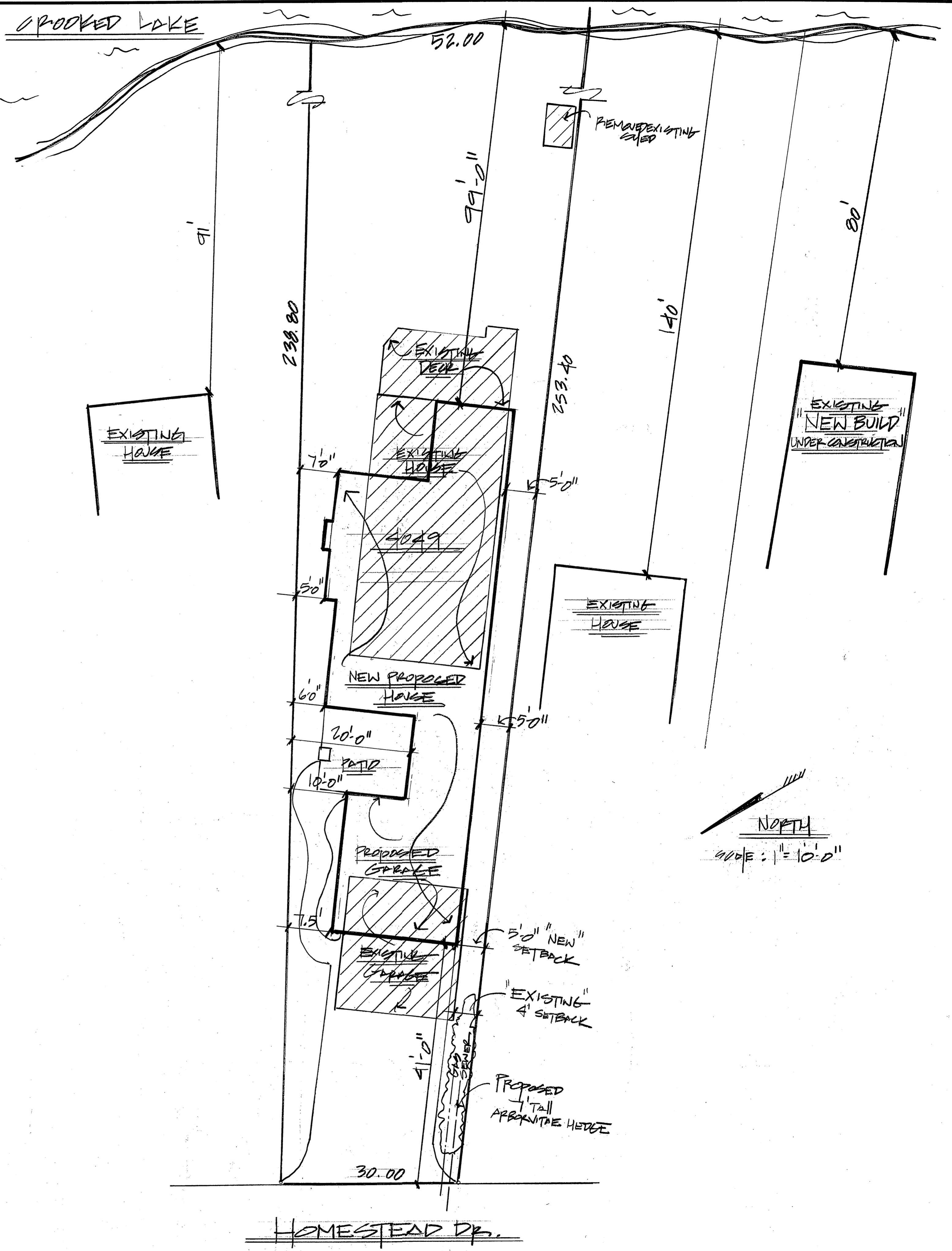
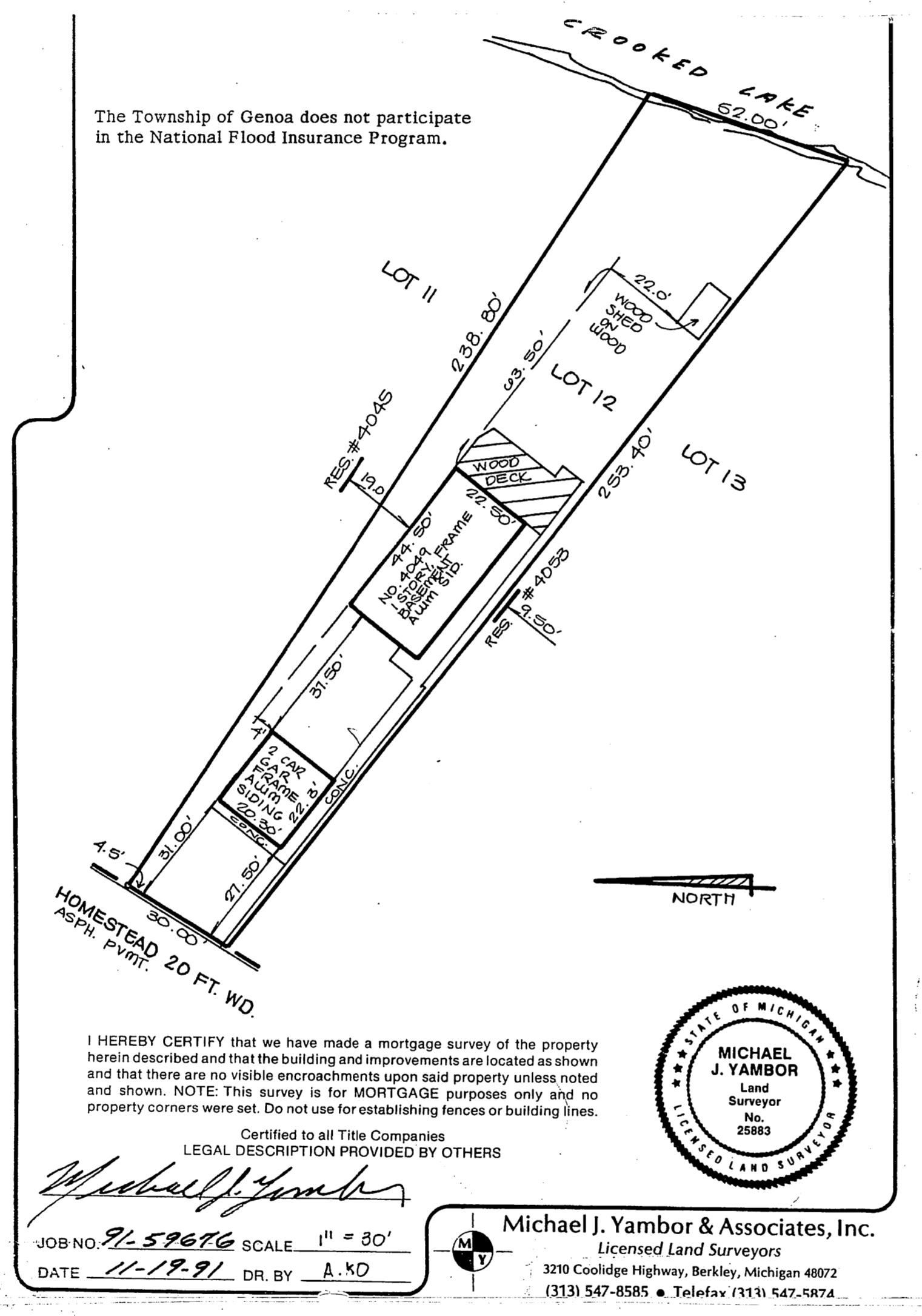
(d) Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

#### **Other Comments/Discussion**

This site plan was resubmitted based upon the comments of the Zoning Board of Appeals at their June 18, 2013 meeting. The specific comments were that the Zoning Board was interested in moving the proposed structure closer to the road and ensuring that a ten (10) foot separation distance was kept between the proposed structure, the obstruction of the neighbor's view and the structure on the northern property boundary. Based on those comments the applicant has made the following changes:

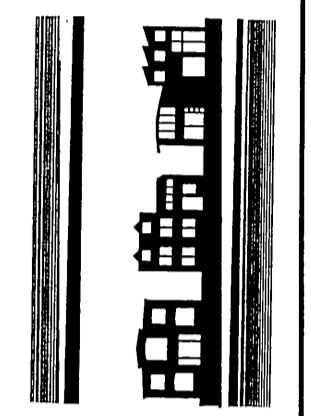
- Moved the proposed building toward the road 14'
- Moved the proposed building toward the north property line 1'

There is no public hearing with this agenda item as it was already held at the June ZBA meeting.



REVISIONS	BY

Karl Jasinski  
DESIGNS  
Fenton, MI  
(810) 922-4556  
kij@kjdesign.com



SITE PLAN  
1" = 10'-0"

Fleming Residence  
4049 Homestead Drive  
Genoa Twp. MI.

Date	
Scale	
Drawn	
Job	
Sheet	
Of	
Sheets	

# GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

6:30

Case # 13-18 Meeting Date: 7-16-13

- 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: Sterling Homes/Mary Dean & Jeff Barringer

Property Address: 5359 Wildwood Dr Phone: 310 9642003

Present Zoning: \_\_\_\_\_ Tax Code: 11.10.102.020

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 & water front setback relief

2. Intended property modifications: Tear down existing home/detach garage to replace with new single family chalet style cape code and two car garage  
This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) pie shaped double lot has restrictive building env. Adjacent homes limit placement of home relative to water

b. Other (explain) applicable front yard zoning setbacks push back behind existing adjacent structures

### 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

**Property must be staked**

Date: 6/19/13

Signature: M Johnson  
Matthew Johnson - Sterling Homes

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.

*Cash 6/19/13*



To: Genoa Township  
 2911 Door Road  
 Brighton, MI 48116

Property Address: Mary Dean & Jeff Barringer  
 5359 Wildwood Drive  
 Howell, MI 48843-9183

Tax Id#: 11-10-102-020

Additional information provided for "Application for Variance"

1. Variance Requested:  
 Front yard setback relief
2. Intended property modifications:  
 Tear down existing home and detached garage to replace with new single family chalet style cape cod and attached two car garage
3. This variance is requested because of the following reasons:
  - a. Unusual topography/shape of land:
    - Large pie shaped double lot has restrictive building envelope.
    - Adjacent homes limit placement of home to within 72' of water.
    - Applicable front yard zoning setback pushes home back behind existing adjacent structures.

b. Other (explain):  
 Applicant requests that the ZBA provide relief from the front yard setback allowing for the construction of this new home. This relief would provide for placement of the proposed structure in a location similar to those structures existing on either side of subject property.

Additionally, recently built homes have been constructed, on this street, which are closer to the front property line (road side) than the proposed new construction which is the subject of this variance.

*Finally, relief from water front setback to build without limiting water front views*

Dated: 06/19/13

Matthew Johnson for Sterling Homes, LLC

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**July 16, 2013**  
**CASE #13-18**

**PROPERTY LOCATION:** 5359 Wildwood Dr.

**PETITIONER:** Mary Dean & Jeff Barringer

**ZONING:** LRR (Lakeshore Resort Residential)

**WELL AND SEPTIC INFO:** Well Present/Connected to Sanitary Sewer System

**PETITIONERS REQUEST:** 19.9' front yard setback variance  
17.7' waterfront setback variance

**CODE REFERENCE:** 3.04.01;

**STAFF COMMENTS:** See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks of Zoning	35	5	10	40	25	71
Setbacks Requested	15.1	12.8	10	N/A	14.5	53.3
Variance Amount	19.9	N/A	N/A	N/A	N/A	17.7



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** May 31, 2013  
**RE:** ZBA 13-13; PID # 4711-28-202-001; Brown, Curt & Angela

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2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

### STAFF REPORT

**File Number:** ZBA#13-18

**Site Address:** 5359 Wildwood Dr.

**Parcel Number:** 4711-10-102-020

**Parcel Size:** 0.305 Acres

**Applicant:** Mary Dean & Jeff Barringer, 5359 Wildwood Dr. Howell, MI 48843

**Property Owner:** Same as applicant

**Information Submitted:** Application, site plan, building elevations

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting variances from article 3.04.01 for front and waterfront setbacks.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential), Single Family Residential (Existing house to be demolished.)

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday June 30, 2013 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

**Background**

The following is a brief summary of the background information we have on file:

- The parcel currently has an existing single family home on it.
- The parcel has sanitary sewer available and is connected to the system.
- The parcel has a well and does not have access to public water.
- The parcel has frontage on Lake Chemung.
- The parcel has frontage on Wildwood Dr which is 20' wide.

**SUPERVISOR**

Gary T. McCririe

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**MANAGER**

Michael C. Archinal

**TRUSTEES**

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

## Summary

The applicant is proposing to remove the existing house and replace it with a 1,404 sf house, 576 sf attached garage and 182 sf covered porch. The following are the proposed area and bulk information for the project.

- Setbacks: F: 53.3' S: 12.8' S: 10' WF: 15.1'
- Proposed Floor Area: 2162 sf (house, covered porch, attached garage)
- Lot Coverage: 16.3%
- Building Height: 14.5'

## Variance Requests

The following is the portion of the zoning ordinance that the variance is being requested from:

1. Article 3.04.01 Schedule of Area and Bulk Requirements – The proposed building does not meet the front and waterfront setback requirements for the LRR zoning district. The current zoning requirements are 35' for the front yard setback and 71' for the water front setback (setback is average of adjacent buildings  $(82.8 + 57.4)/2 = 70.6'$  or 71'). The request is for a 19.9' front yard setback variance and a 17.7' waterfront variance.

## Standards for Approval

The following is the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

**23.05.03 Criteria Applicable to Dimensional Variances.** *No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:*

*(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

*(b) Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.*

*(c) Public Safety and Welfare. The granting of the 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.*

*(d) Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

### **Summary of Findings**

The following are findings based upon the presented materials.

- **Building Envelope** – The current building envelope varies in width between 35’ and 25’. While a smaller house may fit inside this building envelope, the applicant would be limited in their ability to place an attached or detached accessory building of garage size on the property. This would likely require a greater front yard setback variance which could cause onsite parking issues.
- **Onsite Parking** – The narrowness of Wildwood Dr. creates a concern for having enough area to park vehicles on the parcel. Wildwood Dr. is indicated as being 20’ wide on the site plan and there is a lack of shoulder space available for on-street parking. The requested front yard setback distance allows enough space for 5-6 vehicles to be parked on site. Placing the building closer to the road may reduce the amount of vehicles that can be stored on site and could lead to on-street parking on the narrow Wildwood Dr. On-street parking on this narrow road may cause any number of traffic issues with regards to neighbors or emergency services.
- **Building Orientation** – The houses on adjacent parcels are oriented in a similar way as the proposed house. The longest part of the house runs from the waterfront yard to the front yard. This is consistent with the orientation of the houses on surrounding parcels in the area. Orienting the proposed house to align closer with the building envelope would require greater waterfront yard or front yard setbacks.
- **Practical Difficulty/Substantial Justice** – Strict compliance with the setbacks would limit the ability of the applicant to place a garage sized attached or detached accessory building. Granting this variance would allow the owner to take advantage of a permitted use in the LRR zoning district (accessory buildings) and do substantial justice to other property owners in the district because the building orientation would be consistent with the surrounding property owners.
- **Extraordinary Circumstances** – The proposed variance would make the property consistent with the majority of other properties in the vicinity due to building orientation and due to the setback requirements creating a small building envelope it can be demonstrated that the variance is not self-created.
- **Public Safety and Welfare** – The proposed variance allows for sufficient distance between the proposed residential building and residential buildings on adjacent parcels. Allowing the waterfront setback variance allows enough

space to park 5-6 vehicles on reduces the need to park on Wildwood Drive when parking on Wildwood Drive could obstruct emergency vehicle access.

- **Impact on Surrounding Neighborhood** – This use is consistent with the other single family residential uses in the surrounding neighborhood. The size and height of the proposed structure are within the allowable limits of the LRR zoning district. As mentioned before building orientation is consistent with the surrounding neighborhood.

### **Potential Motion**

Based on the summary of findings the following motion could be made if the Zoning Board of Appeals decides to do so.

Moved by \_\_\_\_\_ supported by \_\_\_\_\_ to approve ZBA case # 13-18 for Mary Dean and Jeff Barringer, 5359 Wildwood Dr., for a front yard setback variance of 19.9' and a waterfront setback variance of 17.7' based on the following findings of fact:

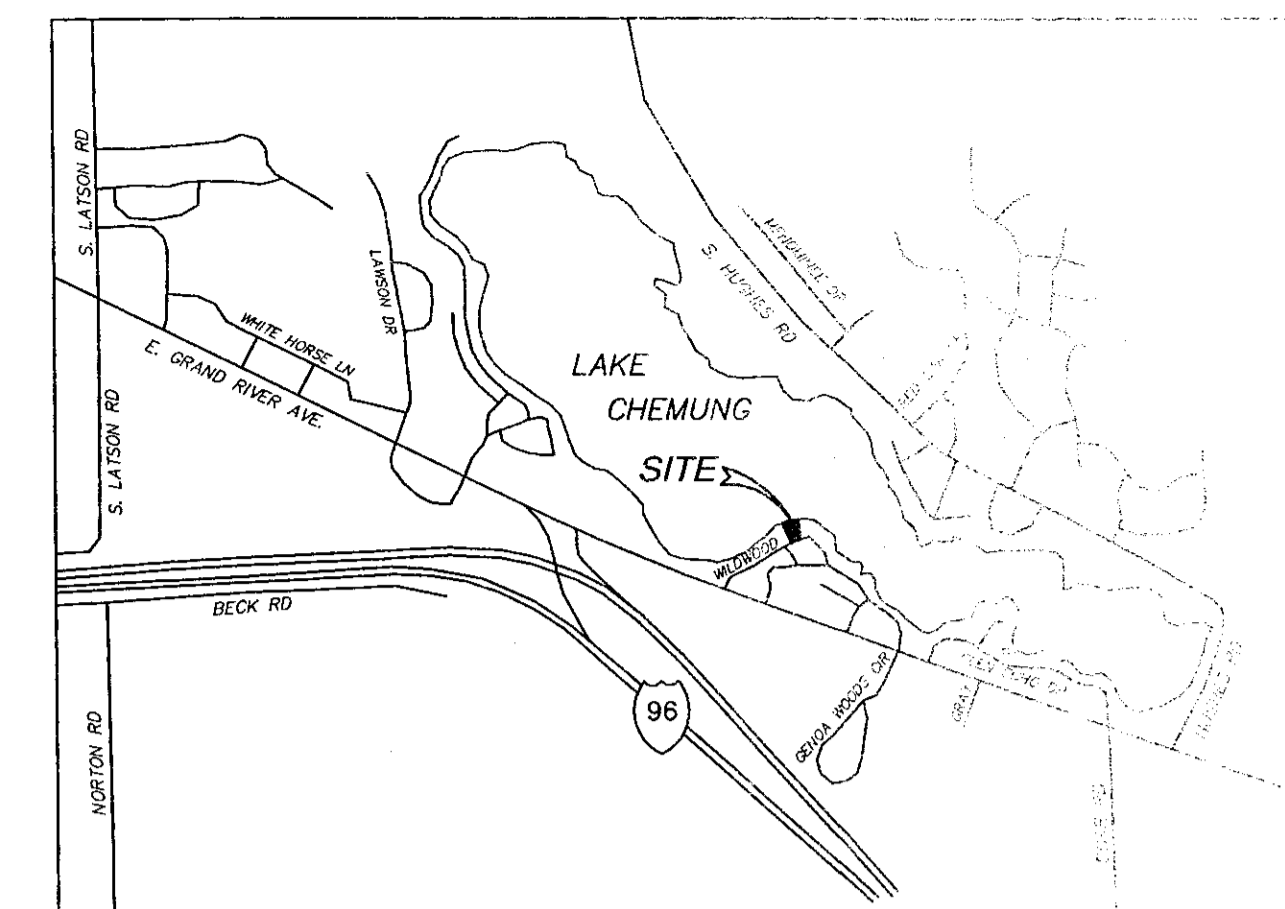
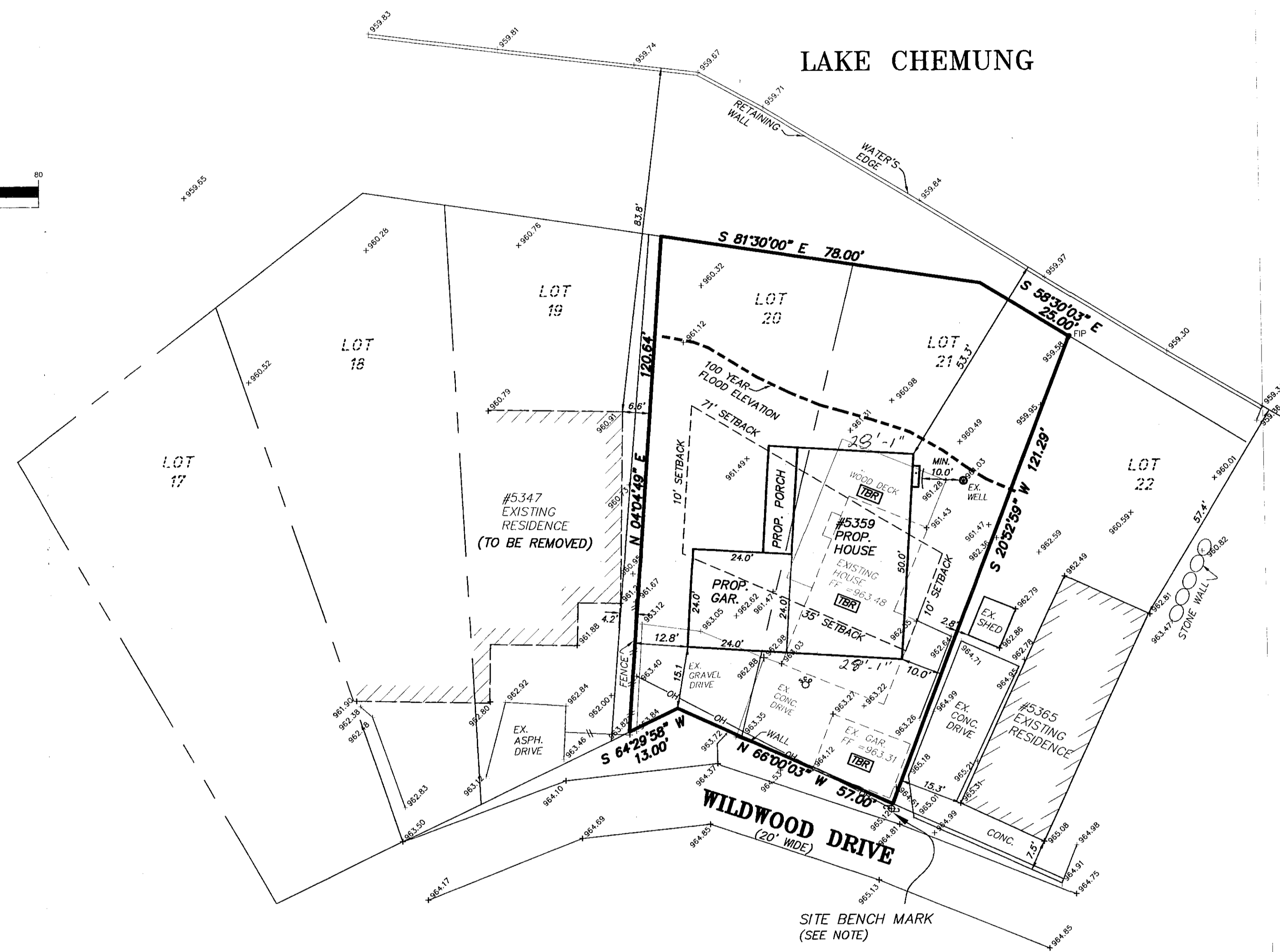
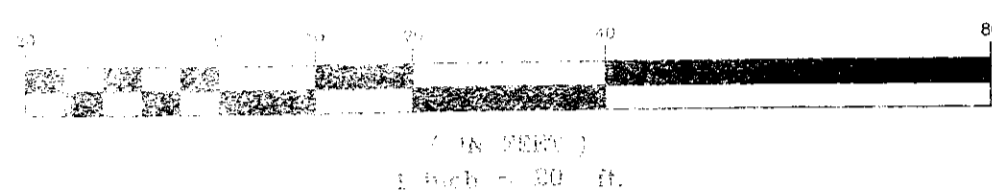
1. Strict compliance with the waterfront yard setback and front yard setback requirements would limit the ability of the property owner to place an attached on detached accessory building of garage size on site.
2. The proposed buildings orientation will be consistent with that of the majority of the properties in the surrounding neighborhood.
3. The variance is not self-created.
4. The proposed front yard setback allows enough on-site parking to reduce the need to park on Wildwood Drive.
5. The building size, height and orientation is consistent with the surrounding neighborhood.

**BENCHMARK LIST**

5" IRON BENCH MARK  
 SITUATED 10' SOUTH BY SIDE OF POWER POLE  
 ON NORTH SIDE OF WILDWOOD DRIVE  
 1127.7' (NAVD 88)



GRAPHIC SCALE



**LOCATION MAP:**

NO SCALE

**LEGAL DESCRIPTION:**

Lot 20, excepting a part of Lot 20 which measures 5 feet along Wildwood Drive at the Southwest Corner of Lot 20 and measures 3 feet along the lake at the Northwest Corner of Lot 20, also all of Lot 21, of KIRK'S LANDING LONG LAKE SUBDIVISION, Genoa Township, Livingston County, Michigan as recorded in Liber 1, Page 41, Livingston County Records.

**SURVEYOR'S NOTES**

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH SHE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
3. ZONING = LAKESHORE RESORT RESIDENTIAL (LRR).
4. SETBACKS  
 FRONT = 35'  
 WATER = 71'  
 SIDES = 10'
6. PARCEL AREA = 10,124 SQUARE FEET = 0.23 ACRES
7. THE 100 YEAR FLOOD ELEVATION OF LAKE CHEMUNG AT THIS LOCATION IS 961.1' (NAVD 88) AS ESTABLISHED BY THE STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ).
8. HELD BEARING ALONG THE SOUTHERLY LINE OF LOT 21 AS PER PREVIOUSLY RECORDED IN THE PLAT OF RECORD.

**LEGEND**

- ← DIRECTION OF DRAINAGE
- 744.56 EXISTING ELEVATION
- 744.75 PROPOSED ELEVATION
- [TBR] TO BE REMOVED
- R RECORDED
- M MEASURED
- ⊙ UTILITY POLE
- ⊕ SANITARY CLEANOUT
- OH OVERHEAD LINES
- EXISTING FENCE LINE



*Karol I. Grove*  
 KAROL I. GROVE  
 LICENSED PROFESSIONAL SURVEYOR #30075

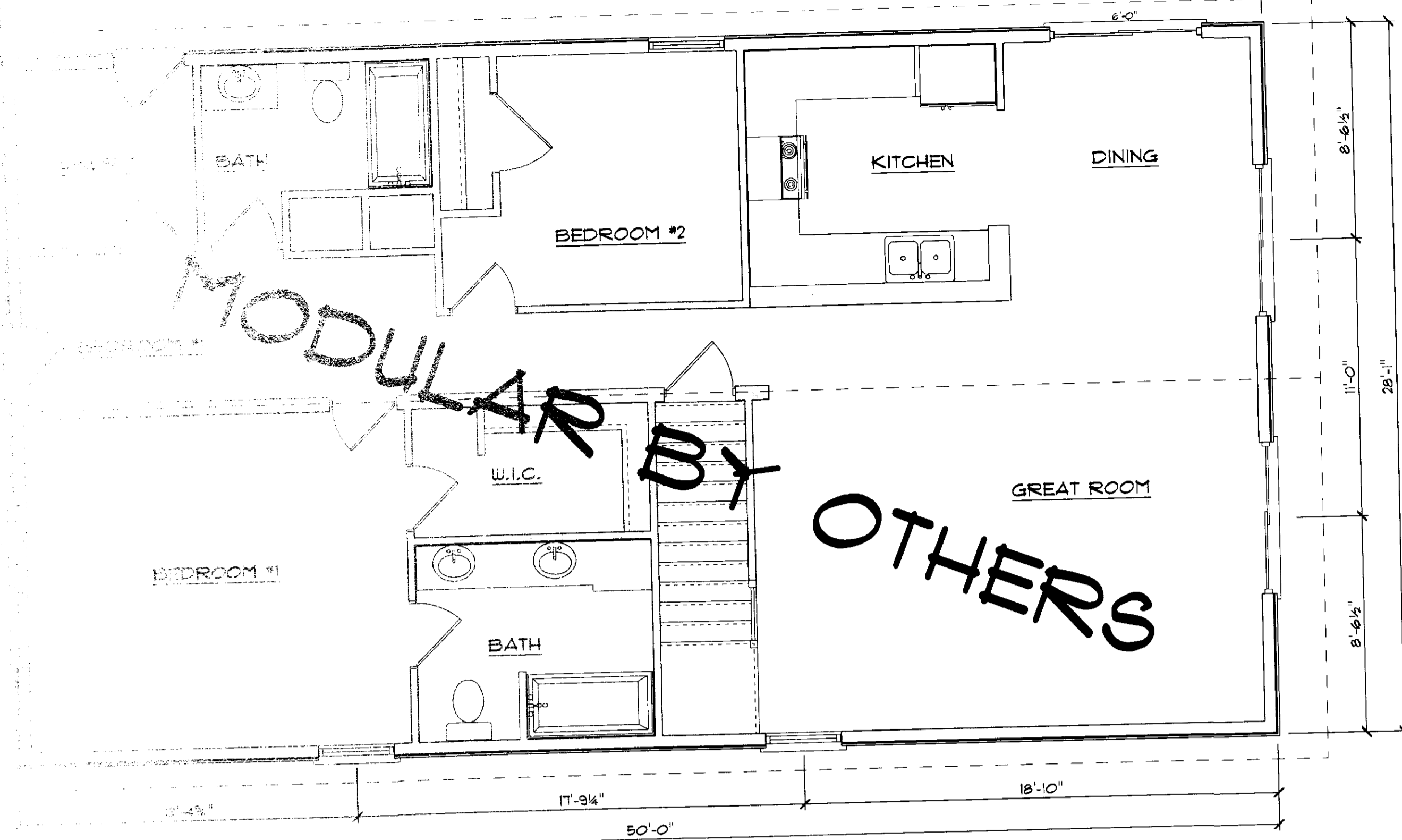
ALPINE Land Surveying, Inc.  
 4037 DOWLES ROAD, HIGHLAND MICHIGAN 49637  
 PHONE 248-487-3122 FAX 248-989-8878

SITEPLAN  
 BARRINGER RESIDENCE

#5359 WILDWOOD DRIVE  
 PARCEL ID NO 471-10-102-020  
 PART OF LOT 20 + 21  
 PLAT OF KIRK'S LANDING LONG LAKE  
 GENOA TOWNSHIP, MICHIGAN

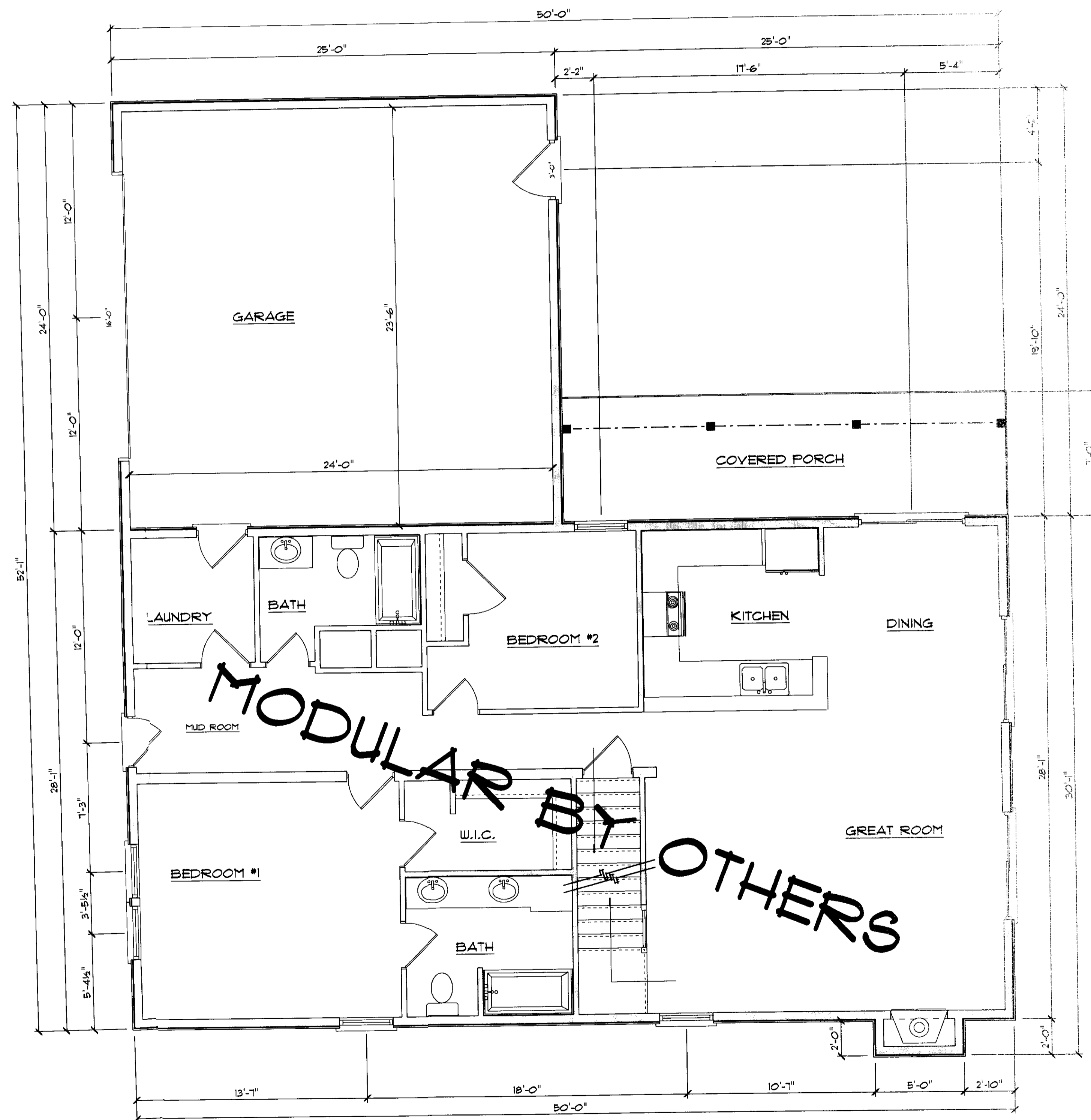
Scale: 1"=20'  
 Date: 08-10-13  
 Job No. 13-2183  
 Sht. No. 1 of 1

A BOUNDARY SURVEY  
 BEFORE YOU DIG  
 CALL 1-800-830-8303  
 1-800-462-7477  
 WWW.BOUNDARYSURVEY.COM



MODULAR UNIT BY OTHERS

SCALE: 1/4" = 1' - 0"



GARAGE AND PORCH ADD ON

SCALE: 1/4" = 1' - 0"

RESSLER DESIGN, INC.  
 2610 ONAGON TRAIL WATERFORD, MI 48328  
 PHONE: 248-860-4400 FAX: 248-706-1600  
 WWW.RESSLERDESIGN.COM

PROJECT NAME:

BARRINGER RESIDENCE

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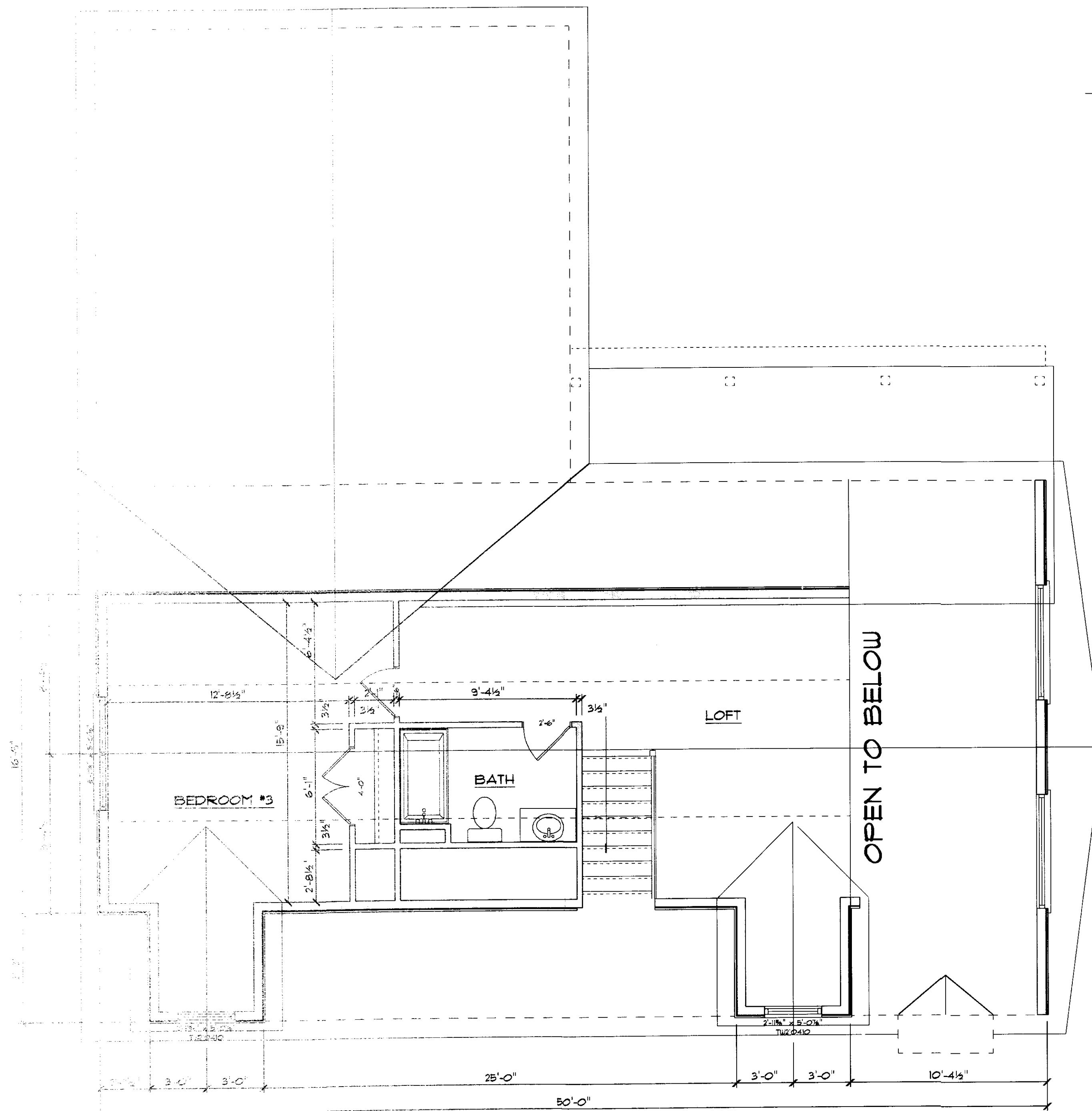
ADDITION SQ. FT.	1940.00
UNHABITABLE SQ. FT.	N/A
TOTAL HABITABLE SQ. FT.	2176.00
PROJECT NO.	0722-2013
SCALE:	1/4" = 1' - 0"
DATE:	06-17-2013

PRELIM.



LAKE VIEW ELEVATION (NORTH)

SCALE: 1/4" = 1' - 0"

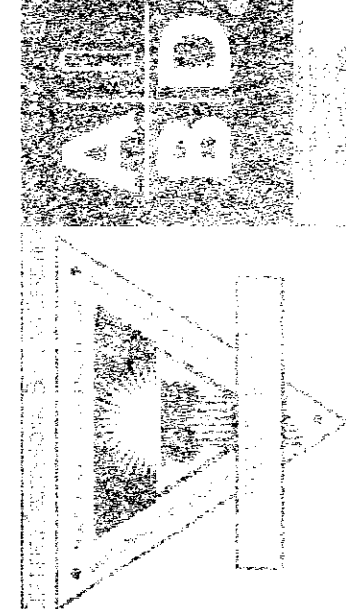


2ND FLOOR W/ LOFT

SCALE: 1/4" = 1' - 0"

RESSLER DESIGN, INC.

260 ONAGUN TRAIL, WATERBURY, VT 05678  
 PHONE: 802-249-4471 FAX: 802-249-6603  
 WWW.RESSLERDESIGN.COM



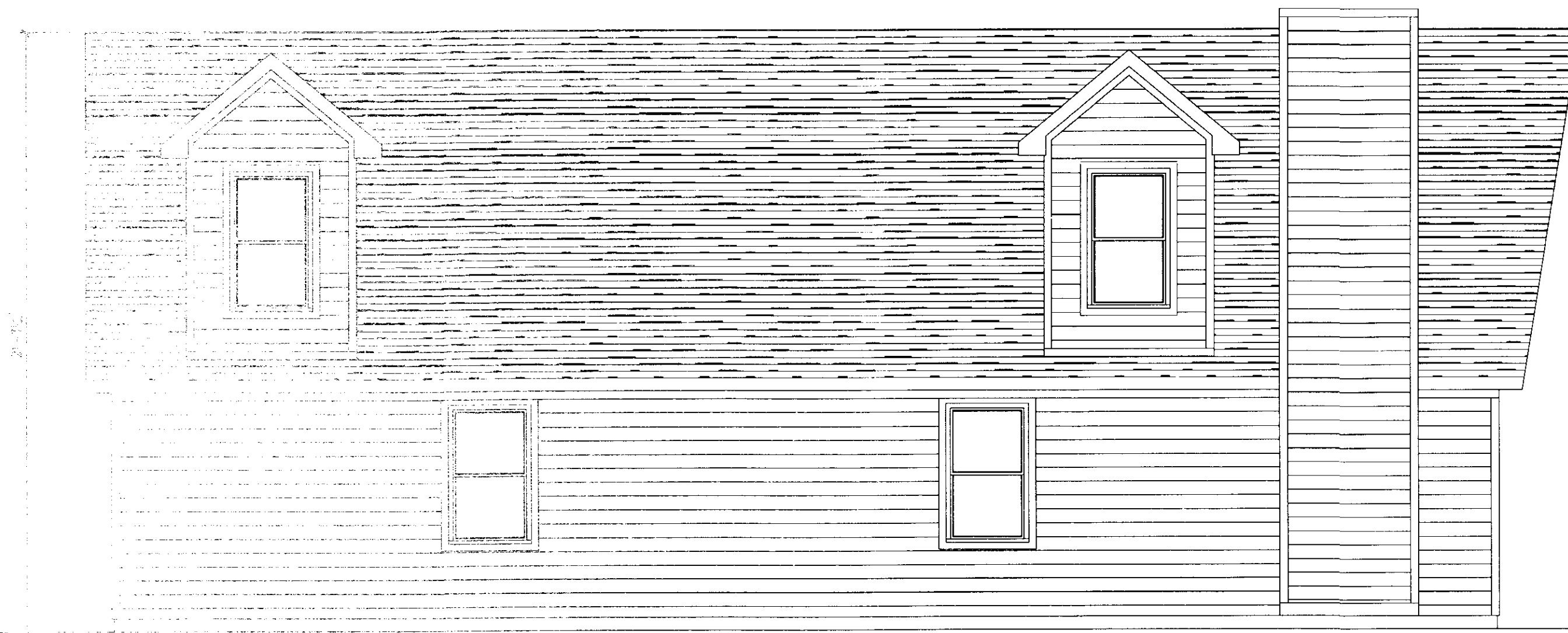
PROJECT NAME:

BARRINGER RESIDENCE

OWNER: BARRINGER RESIDENCE  
 ARCHITECT: RESSLER DESIGN, INC.  
 DATE: 06-17-2013

ADDITIONAL SQ. FT.	1840.00
UNHABITABLE SQ. FT.	N/A
TOTAL HABITABLE SQ. FT.	2176.00
PROJECT NO.	0722-2013
SCALE	1/4" = 1' - 0"
DATE	06-17-2013
SHEET NO.	PRELIM.





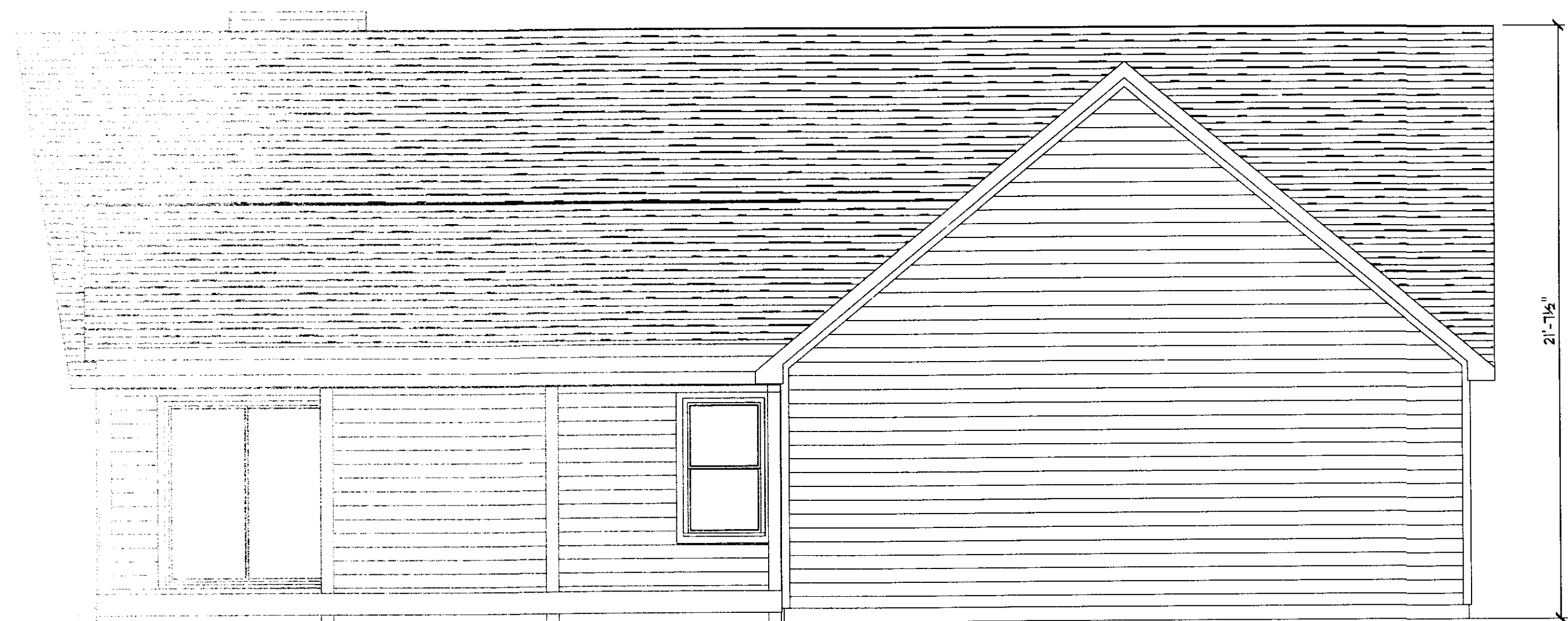
WEST ELEVATION

SCALE: 1/4" = 1' - 0"



SOUTH ELEVATION

SCALE: 1/4" = 1' - 0"

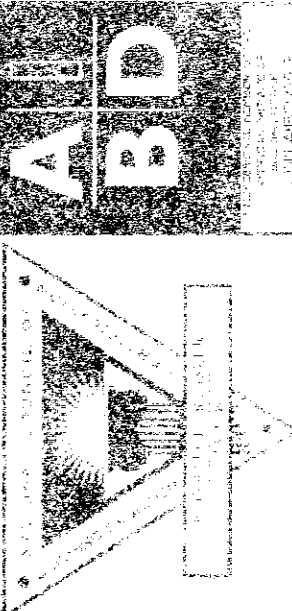


EAST VIEW ELEVATION

SCALE: 1/4" = 1' - 0"

RESSLER DESIGN, INC.

1610 CINCINNATI TRAIL WATERFORD, MI 48326  
 PHONE: 248-860-0400 FAX: 248-106-1608  
 WWW.RESSLERDESIGN.COM



PROJECT NAME:

BARRINGER RESIDENCE

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ADDITIONAL SQ. FT.	1340.00
UNHABITABLE SQ. FT.	N/A
TOTAL HABITABLE SQ. FT.	2176.00
PROJECT NO.	0722-2013
SCALE:	1/4" = 1' - 0"
DATE:	06-17-2013

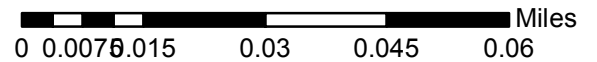
PRELIM.

# 5359 Wildwood Area Map





# 300 ft Buffer for Noticing



Variance Case #13-18

Applicants: Mary Dean and Jeff Barringer

Parcel: 11-10-102-020

Meeting Date: 7-16-2013



June 20, 2013

4711-10-102-011  
SARRACH THEODORE A & JUSTIN D  
5297 WILDWOOD  
HOWELL MI 48843

4711-10-102-012  
MATEVIA, GERALD & JOYCE  
5309 WILDWOOD  
HOWELL MI 48843

4711-10-102-014  
DARBY, ROBERT A. & CAROLE  
3440 5 MILE RD  
SOUTH LYON MI 48178

4711-10-102-015  
SCHUMACHER, MARTHA M.  
5323 WILDWOOD  
HOWELL MI 48843

4711-10-102-016  
KIRKS LANDING - ALLEY

4711-10-102-017  
KOSMAN MARK & JODY  
7501 HAVERHILL LANE  
CANTON MI 48187

4711-10-102-018  
LOUGHREY, KEITH & DANA  
5287 MACK RD  
HOWELL MI 48855

4711-10-102-020  
BARRINGER, JEFFRY & MARY D.  
5359 WILDWOOD  
HOWELL MI 48843

4711-10-102-022  
VALASSIS, PERRY JR & RACHAEL A  
5365 WILDWOOD  
HOWELL MI 48843

4711-10-102-023  
OHANIAN DAWN & MICHAEL OR  
OHANIAN HARRY AND PHYLLIS M  
5373 WILDWOOD  
HOWELL MI 48843

4711-10-102-024  
NICHOLSON, FORD III & LINDA  
5377 WILDWOOD  
HOWELL MI 48843

4711-10-102-025  
STYKA, FREDERICK W. & THERESA D.  
5385 WILDWOOD  
HOWELL MI 48843

4711-10-102-026  
PRICE KURT & MALISA R  
5393 WILDWOOD  
HOWELL MI 48843

4711-10-102-035  
HEIKKILA CHRISTOPHER  
2728 W. AMBERLY BLVD.  
HOWELL MI 48843

4711-10-102-041  
SCHUMACHER, MARTHA  
5323 WILDWOOD  
HOWELL MI 48843-9183

4711-10-102-042  
WYZLIC ANDREW & MARY KAY  
5314 WILDWOOD DR.  
HOWELL MI 48843

4711-10-102-043  
WYZLIC ANDREW & MARY KAY  
5314 WILDWOOD  
HOWELL MI 48843

4711-10-102-044  
WYZLIC, ANDREW & MARY KAY  
5314 WILDWOOD  
HOWELL MI 48843

4711-10-102-047  
BARRY JORDON  
5332 WILDWOOD  
HOWELL MI 48843

4711-10-102-051  
ERICKSON TANYA N  
5368 WILDWOOD  
HOWELL MI 48843

4711-10-102-060  
NEEDHAM, DOUGLAS  
5338 WILDWOOD  
HOWELL MI 48843

4711-10-102-063  
OGLESBEE, JOHN R.  
5285 WILDWOOD DR.  
HOWELL MI 48843

4711-10-102-064  
SMITH, THOMAS & BEVERLY  
5415 WILDWOOD  
HOWELL MI 48843

4711-10-102-065  
SMITH, THOMAS E. & BEVERLY L.  
5415 WILDWOOD  
HOWELL MI 48843

4711-10-102-066  
DOW ROBERT & RENEE, COMER TIM & BR  
6800 CHADWICK DR.  
CANTON MI 48187

4711-10-102-067  
US BANK NATIONAL ASSOC  
1100 VIRGINA DR  
PO BOX 8300  
FORT WASHINGTON PA 19034

4711-10-102-075  
SARRACH TRUST  
5297 WILDWOOD DR.  
HOWELL MI 48843

4711-10-102-076  
SARRACH TRUST  
5297 WILDWOOD DR.  
HOWELL MI 48843

4711-10-102-078  
NEEDHAM, DOUGLAS  
5338 WILDWOOD  
HOWELL MI 48843

4711-10-102-079  
SULLIVAN DEBORAH  
5372 WILDWOOD  
HOWELL MI 48843

4711-10-102-080  
BENSON, JOHN A.  
BUCKLEY, KAREN  
5440 WILDWOOD  
HOWELL MI 48843

4711-10-102-081  
BEST, GERALD & TERI  
4591 PATTERSON LAKE  
PINCKNEY MI 48169

4711-10-102-082  
BEST, GERALD & TERI  
4591 PATTERSON LAKE  
PINCKNEY MI 48169



2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

June 28, 2013

Dear Property Owner:

Notice of Public Hearing:

The following is a proposed variance in your neighborhood that is on the agenda for the Genoa Township Zoning Board of Appeals meeting, Tuesday, July 16, 2013, at 6:30 p.m. at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI.

State Statute requires that notice be given to all properties within 300 feet of the property that is the subject of the request. A request is being made in your area located in Section 10, 5359 Wildwood Drive, by Mary Dean and Jeff Barringer, for front yard and waterfront setback variances.

If you have any comments regarding this request, please be present at the public hearing noted above.

Please address any written comments to the Genoa Township Zoning Board of Appeals either at the Genoa Township mailing address listed above or via email at [ron@genoa.org](mailto:ron@genoa.org). All materials relating to this request are available for public inspection at the Genoa Township Hall prior to the hearing.

Genoa Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Genoa Township Hall at (810) 227-5225 in advance of the meeting if you need assistance.

Sincerely,

Ron Akers  
Zoning Administrator

**SUPERVISOR**

Gary T. McCrie

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**MANAGER**

Michael C. Archinal

**TRUSTEES**

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

RAA/km

June 28, 2013

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Sincerely,

Ron Akers  
Zoning Administrator

RAA/km

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**JUNE 18, 2013**

**6:30 p.m.**

**MINUTES**

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30pm at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members and staff of the Zoning Board of Appeals were then introduced. The board members in attendance were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present were Township staff member Ron Akers and 16 persons in the audience.

**Moved** by Figurski, supported by McCreary, to approve the agenda as presented. **Motion carried unanimously.**

**13-13...A request by Curt Brown, Sec.28, 4010 Homestead, for a front yard variance a waterfront variance to replace an existing garage.**

Curt Brown and Dennis Disner were present for the petitioner. Mr. Brown presented the changes the made since the previous meeting. He stated that the structure is 1342 sq.ft. and is considered an accessory structure.

A call to the public was made with the following response: Chairman Dhaenens stated that letters for approval were received from Shane Gadbow and Brian Leek.

Members of the Board had concerns regarding the proximity of the structure to the water's edge and the size and height of the proposed structure.

Tom Sechrist, 4089 Homestead stated the Mr. Brown's house is the envy of the neighborhood. What he is planning to do to is nothing but an improvement and the housing values would go up.

**Moved** by Grajek, supported by Ledford, to approve case#13-13, 4010 Homestead for Curt Brown for a 25 foot shoreline variance with a 15 foot setback, front yard variance of 26 feet with a 9 foot setback and a size variance of 442 feet from the 900 feet allowed. Conditioned upon the structure being guttered and having downspouts and any grading issues should be addressed and satisfactorily dealt with by the petitioner. The practical difficulty is the typography of the lot and the difficulty to construct on the lot. **Motion carried as follows: Ayes-Grajek, Dhaenens, and Ledford. Nays-Figurski and McCreary.**

**13-15...A request by Ronald Socia, Sec. 22, 3950 Highcrest Drive, for a variance to make home improvements/modernization to non-conforming structures in excess of 10% of its replacement value.**

Ronald Socia was present for the petitioner. Mr. Socia gave a history of the property and stated the improvements that he would like to make are interior and exterior with no changes building footprint.

A call to the public was made with no response.

Moved by McCreary and supported by Figurski to approve case #13-15, 3950 Highcrest for Ronald Socia, to approve a variance to make improvements and modifications on the interior and exterior of the home to a nonconforming structure. Conditioned upon the structures including gutters and downspouts, no improvements shall be made to increase the footprint or height of the structures and the structure shall not be used as rentals. The practical difficulty is the uniqueness of the property.

**Motion carried as follows: Ayes- Dhaenens, Ledford, McCreary and Figurski. Nays- Grajek.**

**13-16...A request by Janine Exline, Sec. 22, 4009 Highcrest Drive, for a side yard variance.**

Janine and James Exline were present for the petitioner. They gave a presentation on the variance that they are requesting.

A call to the public was made with no response.

Members of the Board voiced concerns over the ability to have emergency vehicle access to the shoreline.

**Moved** by Grajek, supported by Ledford, to approve case#13-16, 4009 Highcrest for Janine Exline for a 2.25 foot side yard setback with a 2.75 foot variance and an 8.15 foot setback on the west side with a 1.85 foot variance. Conditioned upon the structure to include gutters and downspouts. The practical difficulty is the narrowness of the lot and the continuing narrowness toward the road side. **Motion carried unanimously.**

**13-17...A request by Thomas and Diana Fleming, Sec. 28, 4049 Homestead, for a sight line and side yard variance.**

Mr. and Mrs. Fleming were present for the petitioner. Mr. Fleming stated that they are seeking a variance to tear down an existing cottage and garage and build a retirement home.

A call to the public was made with the following responses: Oliver Lanzon, 4053 Homestead stated that the only objection he had was moving the house 2 feet and the sun porch that would obstruct their view.

The Board stated that they are concerned about the setback from the water's edge in regards to the neighbors view and if emergency vehicles could access the waterfront.

**Moved** by Figurski, supported by McCreary, to table case#13-17, 4049 Homestead for Thomas and Diana Fleming, per petitioner's request. **Motion carried unanimously.**

**Moved** by Figurski, supported by McCreary, to approve the May 21, 2013 Zoning Board of Appeals minutes with corrections. **Motion carried unanimously.**



**Moved** by Figurski, supported by Ledford, to adjourned the June 18, 2013 Zoning Board of Appeals meeting at 8:55 p.m. **Motion carried unanimously.**