

GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
August 20, 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. 13-19...A request by Bob Maxey Ford, Sec. 6, 2798 E. Grand River, for continuation of a nonconforming building or structure to continue the existing front building face to the east.
2. 13-20...A request by Zion Restoration US, Sec. 23, 6518 Catalpa, for a 14-foot side yard variance to construct an addition.
3. 13-21...A request by Thomas A. and Donna Jean Phelps, 4470 Clifford Road, for a 2-foot sideyard setback variance to construct a deck and a variance to extend that deck 3-feet further from the rear building line than the 15-foot maximum allows.
4. 13-22...A request by Dr. Cyr and Patricia Crane, 4283 Clifford Road, for a 10-foot shoreline set back variance to construct an addition to the existing house.

**ADMINISTRATIVE BUSINESS:**

- A. Approval of minutes for the July 16, 2013 Zoning Board of Appeals meeting.**
- B. Correspondence**
- C. Member Discussion**
- D. Adjournment**

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**August 20, 2013**  
**CASE #13-19**

**PROPERTY LOCATION:** 2798 E. Grand River

**PETITIONER:** SRM Associates LLC

**ZONING:** GCD (General Commercial District)

**WELL AND SEPTIC INFO:** Connected to water & sewer system

**PETITIONERS REQUEST:** 5' front yard setback variance (addition), 7' parking lot setback from the rear property line.

**CODE REFERENCE:** 7.03.01

**STAFF COMMENTS:** See Attached Staff Report

	Front	Parking Lot Setback (Rear Lot Line)	Other Side	Rear	Height	Waterfront
Setbacks for Zoning District	70	10	N/A	N/A	N/A	N/A
Setbacks Requested	65	3	N/A	N/A	N/A	N/A
Variance Amount	5	7	N/A	N/A	N/A	N/A

GENOA TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116

(810) 227-5225 FAX (810) 227-3420

Case # 13-19

Meeting Date: 8/20/13

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: SRM Associates LLC

Property Address: 2798 E. Grand River, Howell, MI 48843 Phone: 517-545-5700

Present Zoning: General Commercial District Tax Code: 4711-06-200-058

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: Sec. 24.04.01 Continuation of a nonconforming building or structure. Current encroachment into the front setback is 5 feet. Also, continuation of parking in rear setback to the west.

2. Intended property modifications: Continue the existing front building face to the east 53 feet at the same setback as the existing. A 6 ft. ht. screen wall will be construction to separate existing and proposed parking from residential.

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) \_\_\_\_\_

b. Other (explain) From a design and construction stand point, it becomes difficult to tie into an existing structure with a new structure when the sides do not line up. Also, with adding the screen wall, a buffer is no longer needed from residential.

**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 in x 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

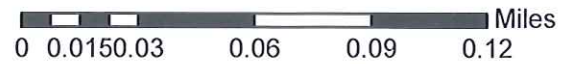
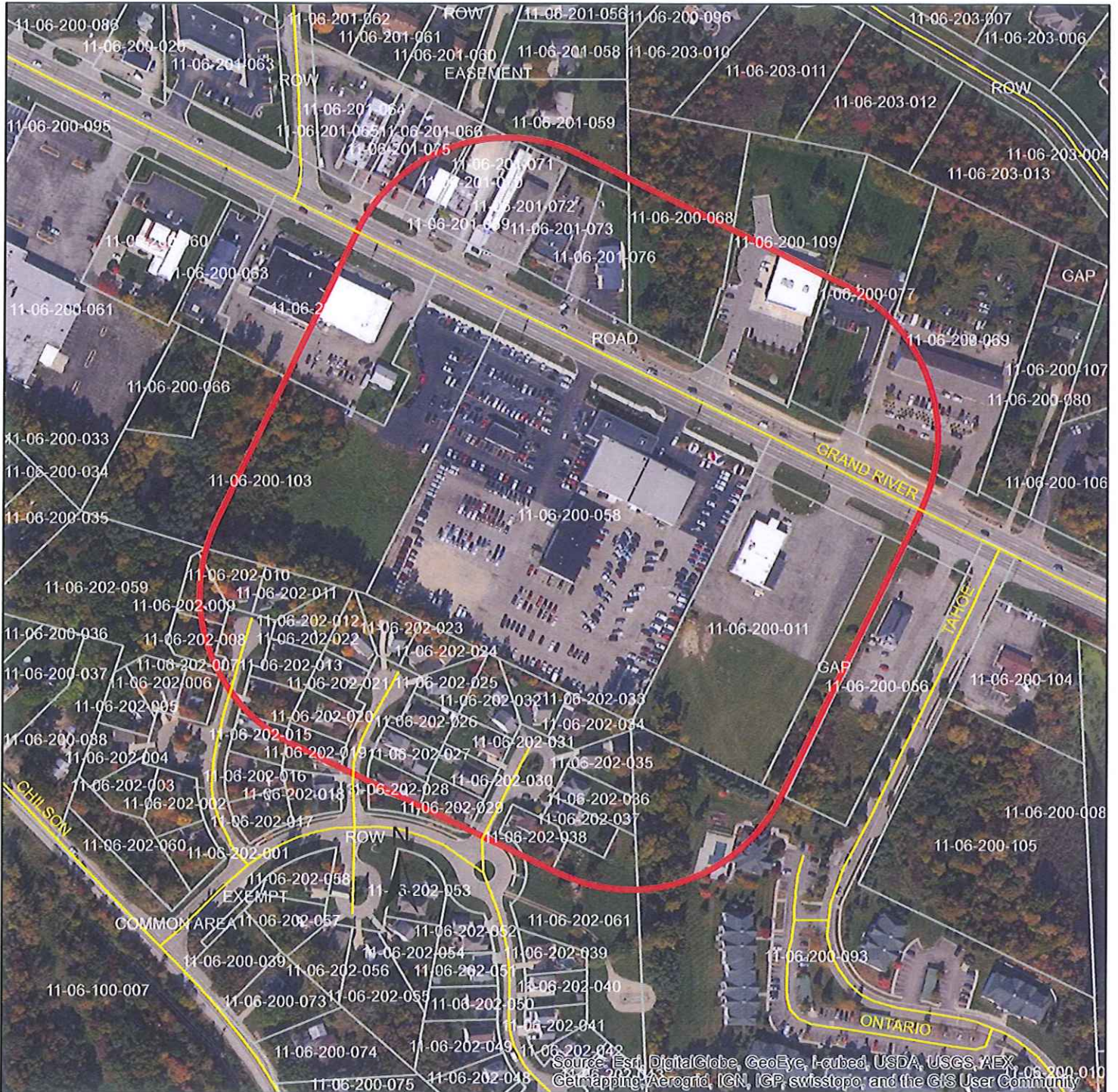
Petitioner (or a Representative) must be present at the meeting

Date: 7-18-13 Signature: Mark S. Mary

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.

# 300 ft Buffer for Noticing



Variance Case #13-20

Applicant: Bob Maxey Ford

Parcel: 11-06-200-058

Meeting Date: 8-20-2013



July 23, 2013

4711-06-200-011  
HOWELL ELKS LODGE #2168  
2830 E GRAND RIVER  
HOWELL MI 48844

4711-06-200-056  
FFCA ACQUISITION CORP.  
PIZZA HUT#422009  
3201 TASCHEREAU BLVD  
GREENFIELD PK, QC, CANADA J4V2H4

4711-06-200-058  
SRM ASSOCIATES LLC  
16901 MACK AVE  
DETROIT MI 48224

4711-06-200-068  
KALAMBAKA PROPERTIES, LLC  
30880 PEAR RIDGE  
FARMINGTON MI 48334

4711-06-200-069  
MANAGEMENT RESOURCES DEV.  
TCF NATIONAL BANK  
COMMERCIAL LOAN SERVICING 604-03-R  
P.O. BOX 537980  
LIVONIA MI 48153-7980

4711-06-200-077  
DISPLAYMAX, INC.  
2829 GRAND RIVER  
HOWELL MI 48843

4711-06-200-093  
JOHN HANCOCK REAL ESTATE  
FINANCE, INC.  
MORTGAGE ADMINISTRATION  
200 BLOOR STREET EAST, NT-5  
TORONTO, ON CANADA M4W 1E5

4711-06-200-102  
TENPENNY DAWN LAURIAN TRUST  
2700 E GRAND RIVER  
HOWELL MI 48843

4711-06-200-103  
SRM ASSOCIATES, LLC  
16901 MACK AVE  
DETROIT MI 48224

4711-06-200-109  
COLE AA HOWELL MI, LLC  
COLE REAL ESTATE INVESTMENTS  
2525 E CAMELBACK RD STE 1100  
PHOENIX AZ 85016

4711-06-201-069  
DJAJ HOLDINGS LLC  
803 N MICHIGAN AVE  
HOWELL MI 48843

4711-06-201-070  
JAMROS, MICHAEL R.  
1062 HACKER  
BRIGHTON MI 48116

4711-06-201-071  
DANCEY DANIEL & DIERDRE  
6350 BULLARD  
FENTON MI 48430

4711-06-201-072  
E.N.S. PROPERTIES, INC.  
2739 E GRAND RIVER  
HOWELL MI 48843

4711-06-201-073  
WOOD-SEIDL LLC  
COUNTRYSIDE VETERINARY CLIN  
2745 E GRAND RIVER  
HOWELL MI 48843

4711-06-201-076  
KALAMBAKA PROPERTIES, LLC  
30880 PEAR RIDGE  
FARMINGTON MI 48334

4711-06-202-007  
HOWDESHELL KIMBERLY L  
374 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-008  
BYRD BRIAN & SALWOSKI JENNIFER L  
362 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-009  
SABOL MICHAEL L  
356 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-010  
STRZALKA JESSICA J  
348 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-011  
KNAUSS JOHN R & CONNIE A  
341 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-012  
COUCH UNA M  
355 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-013  
DOLKEY WILLIAM C  
363 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-014  
COX KEITH D  
371 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-015  
ORLOWSKI SHANNON  
379 SPRINGWELL LANE  
HOWELL MI 48843

4711-06-202-019  
FANNIE MAE  
14221 DALLAS PARKWAY STE 1000  
DALLAS TX 75254

4711-06-202-020  
KLUG DEANNE E  
384 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-021  
BROZEK CAROL & MAKOWSKI VANESSA  
376 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-022  
GRYNIWICZ RONALD L  
368 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-023  
KENNEDY KIMBERLY  
360 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-024  
CARRENDER JENNIFER & CHARLES  
369 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-025  
SHULMAN HANLEY D  
377 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-026  
TRUDEAU DAVID & HOLLY  
385 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-027  
PRANKE ROBERT & KELLY  
393 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-028  
PETERS RICHARD M II & CARR JAIME  
401 CHALMERS LANE  
HOWELL MI 48843

4711-06-202-029  
HULETT MICHAEL  
424 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-030  
BEDORE BRIAN A  
416 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-031  
RENGERS JANET F  
408 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-032  
SCHUMAN KENNETH D  
400 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-033  
OSWALT JULIANNE M  
392 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-034  
TROE BARBARA M  
387 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-035  
LEE KENNETH F & DEBRA M  
5550 7 MILE RD  
SOUTH LYON MI 48178

4711-06-202-036  
VANDERHOVEL JASON D  
409 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-037  
FRANKINA ADRIA M  
7431 OCEOLA FARMS CT.  
HOWELL MI 48855

4711-06-202-038  
GARRETT TRACEY E  
421 VENTNOR COMMONS  
HOWELL MI 48843

4711-06-202-061  
ARTISAN BUILDING COMPANY  
PO BOX G  
LAKELAND MI 48143



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** August 14, 2013  
**RE:** ZBA 13-19

---

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

### STAFF REPORT

**File Number:** ZBA#13-19

**Site Address:** 2798 E. Grand River

**Parcel Number:** 4711-06-200-058

**Parcel Size:** 6.217 Acres

**Applicant:** SRM Associates LLC, 16901 Mack Ave, Detroit, MI 48224

**Property Owner:** Same as Applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting variances from article 7.03.01 for a front yard setback variance & parking lot setback variance

**Zoning and Existing Use:** GCD (General Commercial District), Automotive Sales and Service

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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.

**Summary**

The applicant is proposing to construct an addition onto their existing main building. This addition will be used for a service center. The east portion of the main building sits 5' inside the front yard setback line. The proposed addition will be constructed in line with the east side of the main building and is also located 5' inside the front setback line. This will require a variance. The second variance is to reduce the 10' setback requirement for a parking lot on the rear property line. The parking area is existing gravel and the applicant is making an application to pave the area. This would require a 7' parking setback variance.

**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

### **Variance Requests**

There are two variance requests associated with this project. They are as follows:

Article 7.03.01 – The GCD zoning district has a front yard setback requirement of 70'. The applicant is proposing to expand an existing non-conforming building within the front yard setback. That current building is located 5' inside the front yard setback.

Article 7.03.01 – The GCD zoning district also has a parking lot setback of 10' from the rear and side lot lines. The applicant has proposed the paved parking area to extend to 3' from the rear property line. The applicant has also proposed a 6' screening wall to shield the residential properties from the commercial use.

### **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

There have been several variance requests regarding this property over the past few years. The following are excerpts from the minutes regarding the specific variance requests over the past few years:

**08-13...A request by M. Krug Investments, Section 6, 2798 E. Grand River, for a front yard variance to construct an addition.**

A call to the public was made with no response.

**Moved** by Brady, supported by Figurski, to approve case #08-13 for 2798 E. Grand River, for a 44.05' variance with a 25.95' setback as requested. The practical difficulty is due to the sloping topography and the existing placement of the building on the site. **Motion carried unanimously.**

**10-06...A request by Krug Investments, Section 6, 2798 E. Grand River, to reapprove a variance granted in July of 2008 for a front yard variance to construct an addition.**

**Moved** by Perri, supported by Wildman, to grant petitioners request as it was approved in August of 2008 with no changes.

The Finding of fact is due to the sloping topography and the existing placement of the building on the site. **Motion carried unanimously.**

**11-24...A request by M. Krug L.L.C., Sec. 6, 2798 E. Grand River, for a front yard variance to construct quick oil change building.**

Mike Boss of Boss Engineering and Dan Rutherford of Krug Ford were present for the petitioner.

A call to the public was made with no response.

**Moved** by Wildman, supported by Figurski, to approve case#11-24, 2798 E. Grand River, for a front yard variance of 25 feet with a setback of 45 feet to construct a quick oil change. Finding of fact is the location of the existing power corridor that will infringe on the building in the back of the property. **Motion carried unanimously.**

At this time the front yard variance request was for an updated showroom. This request was approved in 2008 and re-approved in 2010 due to the approval expiring. The 2011 variance request was for a quick oil change building which was never constructed.

This proposed project requires a special use permit from the Township Board. The Planning Commission reviewed this project on 8/12/13. The Planning Commission recommended approval of the special use application and site plan application to the Township Board. The minutes and Planner's Report have been attached to the packet for your review.

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the front yard setbacks would prevent the addition from being in line with the existing main building. By constructing the building in this fashion it allows the applicant to take advantage of buildable area within the lot and maintain a consistent aesthetic appearance with the existing building. In regards to the request to

reduce the parking lot setback requirement, there are mitigation strategies in place to reduce the impact of the use on the residential properties to the south. The area is an existing gravel parking area which is proposed to be paved. The purpose of this 10' buffer area is to reduce the potential negative impact one use may have on another. In order to mitigate this impact the applicant has proposed to construct a 6' masonry screen wall between the commercial property and the residential property. According to the Planners Report for the project, this should be sufficient to mitigate the impact of the automotive dealer on the residential properties. This 6' masonry screening wall will do justice to the residential property owners because it will mitigate this impact. The front yard setback will do justice to the property owners along the Grand River corridor because allowing the addition to be built in line with the existing building will create a consistent appearance on the corridor.

- **Extraordinary Circumstances** – The need for the variance was not self-created. The developed area already encroaches into the required parking setback area. Based on this circumstance the applicant has proposed the 6' masonry screen wall to mitigate this issue. The existing building also encroaches into the front yard setback and if a consistent building line is to be maintained the addition would need to be constructed within the front yard setback.
- **Public Safety and Welfare** – The Planners Report to the Planning Commission summarizes that the impact statement of the project states the project will not adversely affect any public services/utilities, natural features, surrounding land uses or traffic.
- **Impact on Surrounding Neighborhood** – The impact of these variances on the surrounding neighborhood is limited. The front yard setback variance would provide a consistent appearance for the Grand River corridor and allow the continuation of an existing encroachment. The impact of the reduction in the parking lot setback requirement on the rear property line is adequately mitigated by a 6' masonry screening wall.

### **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 # 13-19 for SRM Associates LLC, 2798 E. Grand River, Howell, MI 48843, for a front yard setback variance of 5' and parking lot setback variance of 7' on the rear property line based on the following findings of fact:

1. Strict compliance with the front yard setback requirement would limit the ability of the property owner to construct an addition which maintains a consistent front building line with the existing main building.
2. The area within the rear lot line parking lot setback is already developed as a parking area and the proposed 6' masonry screening wall will adequately

mitigate the impact the proposed changes to the site plan will have on the adjacent residential properties.

3. The need for a variance is not self-created.
4. According to the Planner's Report, the proposed variance will not impair public safety or welfare.
5. There will be little if any negative impact on the surrounding neighborhood. The front yard variance will provide for a consistent appearance on the Grand River corridor and the proposed 6' masonry screening wall will mitigate the impacts of the extended parking area.

This approval shall be conditioned upon the following:

1. Approval of the site plan request and special use request by the Township Board.



**LSL Planning, Inc.**

Community Planning Consultants

July 23, 2013

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
<b>Subject:</b>	Bob Maxey Ford Expansion – Special Land Use and Site Plan Review #1
<b>Location:</b>	2798 E. Grand River Avenue – south side of Grand River, east of Chilson Road
<b>Zoning:</b>	GCD General Commercial District

Dear Commissioners:

At the Township’s request, we have reviewed the site plan (dated 7/9/13), as well as the application for special land use (dated 7/8/13) proposing an expansion of the existing auto dealership and service center on the 10-acre property. We have reviewed the proposal in accordance with the applicable provisions of the Genoa Township Zoning Ordinance.

**A. Summary**

1. Provided the Commission feels the 6-foot masonry screen wall is sufficient to protect the adjacent residential properties, the case can be made that the general special land use standards of Article 19 are met.
2. Any issues raised by the Township Engineer must be addressed and/or mitigated.
3. There are 4 automobile display pods in the greenbelt, while only 1 is permitted.
4. The applicant should confirm that all truck maneuvering is/will be accommodated on site.
5. A 6-foot masonry screen wall is proposed along the rear lot line in lieu of the required buffer zone.
6. There are existing and proposed dimensional deficiencies.
7. The Planning Commission has approval authority over the building elevations, including materials and colors.
8. We request the applicant provide parking calculations and delineate which spaces are intended for parking versus those for storage.
9. If the amount of parking is deemed excessive, Planning Commission approval will be required. Additionally, the number of barrier free spaces is deficient.
10. The site plan does not identify the 3 required loading/unloading spaces.
11. The existing site is deficient in terms of all landscaping requirements. The proposed project includes new detention pond landscaping.
12. The site plan does not identify any existing or proposed waste receptacles.
13. The applicant must provide fixture detail sheets.
14. The submittal exceeds the Zoning Ordinance limitation of 1 wall sign per business, although the Commission may allow a second sign in certain instances.
15. A Traffic Impact Statement is required by Section 18.07.09.
16. We recommend the require a Pollution Incident Prevention Plan (PIPP) in accordance with Section 13.07.04.



*Aerial view of site and surroundings (looking north)*

## **B. Proposal/Process**

The applicant requests special land use and site plan review/approval for a new 17,083 square foot collision center building, as well as a 10,139 square foot service center expansion. Table 7.02 of the Zoning Ordinance lists automobile dealerships as special land uses in the GCD.

In accordance with Section 19.06, the proposed expansion is considered a major amendment to an existing special land use. Therefore, a new application for special land use approval is required in addition to the need for site plan review and approval. Automobile dealerships are also subject to the specific use conditions of Section 7.02.02(c).

Lastly, the collision shop is an accessory component of the auto dealership, which is allowable per Table 7.02, although it would not otherwise be permitted in the GCD. That is, the accessory collision shop cannot operate in the absence of the auto dealership as the principal use of the property.

Following a public hearing on the request, the Planning Commission may forward its recommendation on the project to the Township Board for a final decision.

## **C. Special Land Use Review**

Section 19.03 of the Zoning Ordinance identifies the review criteria for Special Land Use applications as follows:

- 1. Master Plan.** The Township Master Plan and Future Land Use map designate the site as General Commercial. This Plan states that this classification is intended for “businesses which serve the requirements of the community at large including Genoa Township, Howell, Brighton and pass-by traffic along Grand River Avenue.” The Plan also notes that uses in this category are likely to generate significant traffic and that outdoor sales and display areas may be included. Lastly, the Plan states that such areas are to be buffered from nearby residential areas.

It is the latter statement that is the potential concern under this criterion. Specifically, the proposed development encroaches into required setbacks and buffer zones between the residential uses to the south (see Sections D and E of this letter below). Provided the adjacent residences can be adequately protected, the proposed project may be viewed as consistent with the Master Plan.

2. **Compatibility.** Similar to the statement above, the primary concern over compatibility amongst land uses is related to the encroachments towards the residential properties immediately south of the site. In an effort to mitigate this concern, the applicant proposes a 6-foot masonry screen wall along the rear lot line. Provided the Township finds the screen wall sufficient to protect the adjacent residences from impact, the project may be viewed as compatible with surrounding land uses.
3. **Public Facilities and Services.** As a developed site fronting Grand River, we are under the impression that necessary facilities and services are already in place. However, we defer to the Township Engineer and Fire Department for any concerns they may have under this criterion.
4. **Impacts.** Part of the proposed project includes an expansion of the retention basin. Provided engineering requirements are met, the project is not expected to impact environmental features.
5. **Mitigation.** If any additional concerns arise as part of this review process, the Township may require mitigation necessary to limit or alleviate any potential adverse impacts as a result of the proposed project.

#### **D. Use Conditions**

Section 7.02.02(c) provides the following use conditions related to the sale of automobiles in the GCD:

1. **Sale space for used mobile homes, recreational vehicles and boats may only be carried on in conjunction with a regularly authorized new mobile home, recreational vehicle or boat sales dealership on the same parcel of land.**

Given this is an existing dealership, this standard is likely met.

2. **All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose storm water without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.**

All such areas are either paved already or are proposed to be paved as part of this project.

3. **No storage or display of vehicles shall be permitted in any landscape greenbelt area, provided the Township may permit a display pod for an automobile within the greenbelt area where it is integrated into the landscape design.**

The site plan identifies 4 such display pods within the required greenbelt. It is unclear whether these are proposed or existing. If proposed, the applicant must remove 3 of the display pods; however, if existing, the Township must determine whether to allow them to remain or require removal to bring the site closer to compliance with current standards.

4. **The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.**

While the specific amount of office space is not identified, this standard is clearly met given the size of the sales building.

**5. All loading and truck maneuvering shall be accommodated on-site.**

As an established auto dealership, we believe this standard is met. However, if the Township is aware of any issues related to this criterion, the request for a new special land use approval warrants consideration of corrective measures.

**6. All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.**

The properties to the south are zoned and used for residential purposes; however, the developed area encroaches into the required buffer. In the absence of sufficient area to accommodate the required buffer zone, the Township may require a 6-foot high screen wall or fence as an alternative. Accordingly, the site plan proposes a new 6-foot tall masonry screen wall 3 feet from the rear property line. Additionally, if the east side spaces are intended for storage, the screen wall needs to be extended along the east side lot line as well.

**E. Site Plan Review**

**1. Dimensional Requirements.** The project has been reviewed for compliance with the dimensional requirements of Section 7.03, as shown in the table below. Of note are existing nonconforming building and parking setbacks, as well as non-compliant proposed buildings and parking spaces.

The Township may allow continuation of the established nonconformities; however, the proposed dimensional deficiencies must either be corrected or allowed by variance from the ZBA. Specifically, the applicant would need to obtain variances related to the front setback for the proposed building addition, as well as the rear parking setback for the proposed paved parking/storage improvements. One exception is that the Planning Commission may allow the rear yard building setback encroachment given the proposal to install a 6-foot tall screen wall (per Section 7.03.03m).

District	Lot Size		Minimum Setbacks (feet)				Max. Height	Lot Coverage
	Lot Area (acres)	Width (feet)	Front Yard	Side Yard	Rear Yard	Parking		
GCD	1	150	70	15	50	20 front 10 side/rear	35	35% building 75% impervious
Proposal	10.2	672	25 existing 65 proposed	37 (E)	41.8	0 front 0 side (E) 3 rear	19.8	13.2% building 67.4% impervious

**2. Building Materials and Design.** The proposed elevations, including colors and materials, are subject to review and approval by the Planning Commission. The proposed building addition is constructed of an aluminum panel system. The amount of aluminum paneling generally exceeds the percentage limitation of Section 12.01.03; however, it appears as though the intent is either to match the rest of the building or to refinish the rest of the building with a similar material. The Commission also has some discretion for alterations to existing buildings.

Meanwhile, the proposed new building is to be constructed of CMU and metal siding. Both materials exceed the percentage limitations of Section 12.01.03. As a new building, the Township may wish to require compliance with current Ordinance standards.

**3. Parking and Vehicular Circulation.** Section 14.04 requires 1 parking space for each 200 square feet of gross leasable area, plus 3 spaces per auto service bay for auto sales uses. Given the relative complexity of this site from a use and building standpoint, we request the applicant prepare parking calculations for the Township’s review.

A note on Sheet C2 indicates that 601 spaces will be provided. If this exceeds 120% of the minimum amount of parking required, the number of spaces proposed will require Planning Commission approval in accordance with Section 14.02.06. Additionally, there is no distinction provided as to what spaces are parking spaces for customers and employees versus those spaces that will be used to store vehicles for sale. We request the applicant make a distinction between parking and storage.

The parking spaces and drive aisles meet or exceed the dimensional standards of Section 14.06, while the details on Sheet C2 also provide for looped (or double) striped spaces, as required. Lastly, only 2 barrier free spaces are shown, which is not sufficient given the amount of parking provided.

4. **Pedestrian Circulation.** Section 12.05 requires sidewalks and pathways along certain road frontages, including an 8-foot pathway along Grand River Avenue west of the 141 interchange. The site plan shows an existing 8-foot wide concrete pathway, as is required.
5. **Vehicular Circulation.** The site currently provides 3 driveways accessing Grand River. No changes are proposed to the existing driveways or circulation pattern as part of the proposed project.
6. **Loading.** Given the size of the buildings, Section 14.08.08 requires 3 loading spaces, which are to be located in a rear or side yard not directly visible to a public street. The site plan does not identify the required spaces, which are to contain 500 square feet, unless otherwise approved by the Planning Commission.
7. **Landscaping.** The following table is a summary of the landscaping required by Section 12.02:

Location	Requirements	Proposed	Comments
Front yard greenbelt	17 canopy trees 20-foot width	10 existing trees 0 to 20-foot width (existing)	The project does not propose any changes to the existing greenbelt. Unless the Township requires removal of the existing front parking spaces on the westerly portion of the site, there is limited room for additional landscaping. One exception is there appears to be room for additional trees in the middle landscape island.
Buffer zone "A" (S) for outdoor storage	27 canopy trees 54 evergreens 107 shrubs 6' wall or 3' berm 50-foot width	6' wall 3-foot width	7.02.02(c) allows the Commission to approve a 6' screen wall in lieu of the required buffer zone.
Buffer zone "B" (S) for remainder of site	27 canopy trees 27 evergreens 105 shrubs 6' wall or 3' berm 20-foot width	Retain existing vegetation and provide detention pond landscaping 3 new evergreen trees 60-plus foot width	Section 12.02.13 allows the PC to modify landscaping requirements.
Buffer zone "B" (E) assuming spaces are for outdoor storage	12 canopy trees 12 evergreens 48 shrubs 6' wall or 3' berm 20-foot width	No buffer provided (existing condition)	Section 12.02.13 allows the PC to modify landscaping requirements.
Detention pond	22 canopy OR evergreen trees 122 shrubs	7 evergreen trees 70 shrubs Retain existing vegetation	Section 12.02.13 allows the PC to modify landscaping requirements.
Parking lot	40 canopy trees 4,000 s.f. of landscaped area	No landscaping provided (existing condition)	Section 12.02.13 allows the PC to modify landscaping requirements.



8. **Waste Receptacle and Enclosure.** The site plan does not identify any existing or proposed waste receptacles. The Township may wish to request details of existing receptacles and enclosures to ensure compliance with current standards or require a new receptacle and enclosure if deemed necessary.
9. **Exterior Lighting.** The lighting plan on Sheet C6 proposes 26 new light fixtures, which includes 15 light poles and 11 wall mounted fixtures. The photometric plan provided demonstrates compliance with the light intensity standards of Section 12.03.

Our only additional comment is that the applicant needs to provide detail sheets for the proposed fixtures to ensure the use of downward directed cutoff fixtures.

10. **Signs.** The building elevation drawings identify 3 wall signs in addition to signs noting the “Body Shop” and “Service.” Table 16.1 limits the business to 1 wall sign, although the Commission may permit a second wall sign under “certain circumstances.”

More specifically, Footnote 2(b) allows the Commission to grant two wall signs for businesses on interior lots, which require additional visibility due to obstructed views or building orientation. If two signs are allowed, their area cannot exceed a total of 100 square feet. If approved, the applicant must obtain a sign permit prior to installation of any signage.

11. **Impact Assessment.** As required by Ordinance, the submittal includes an Impact Assessment (dated 7/10/13). In summary, the Assessment notes that the project is not anticipated to adversely impact natural features, public services/utilities, surrounding land uses or traffic.

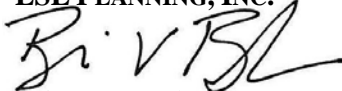
With that being said, the trip generation numbers provided in the Assessment establish the need for a Traffic Impact Statement as outlined in Section 18.07.09.

Lastly, we recommend the Township require a Pollution Incident Prevention Plan (PIPP), in accordance with Section 13.07.04, given the inclusion of a collision shop and the potential for the need to deal with some potentially hazardous materials.

Should you have any questions concerning this matter, please do not hesitate to contact our office. I can be reached by phone at (248) 586-0505, or via e-mail at [borden@lslplanning.com](mailto:borden@lslplanning.com).

Sincerely,

**LSL PLANNING, INC.**



Brian V. Borden, AICP  
Senior Planner

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
AUGUST 12, 2013  
6:30 P.M.**

**MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:31 p.m. Present were Chairman Doug Brown, Barbara Figurski, James Mortensen, Dean Tengel, Diana Lowe, John McManus, and Eric Rauch. Also present were Assistant Township Manager, Kelly VanMarter, and Brian Borden of LSL Planning.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: **Motion** by James Mortensen and support by Barbara Figurski to approve the agenda as proposed. **Motion carried unanimously.**

CALL TO THE PUBLIC: Chairman Brown opened the call to the public at 6:32 p.m. with no response.

**OPEN PUBLIC HEARING #1...** Review of a special use application, impact assessment and site plan for proposed grading within the natural features setback and construction of a new 2,368 square foot office building located on the north side of Grand River Avenue, east of Kellogg Road, Sec. 14, petitioned by Dr. Brad Rondeau.

Dr. Rondeau appeared before the Planning Commission with Thom Dumond of Boss Engineering and Mike O'Leary of Lindhout Associates. There are 2.5 acres on the parcel with more than 1 acre of property being developable. It's a tricky site. The petitioner would like to allow for future expansion. There is an access drive off of Grand River with detention to the east. The petitioner's interest in theater has driven the design of the building.

The south elevation has a lot of glass. The grade drops on the west side of the building. There is a full basement. The dumpster enclosure will be in the back recess rather than an enclosure built around it.

Dean Tengel inquired as to the materials. It will be an earthy red tone of siding and perhaps some brick – 75% siding and 25% brick. The petitioner did not bring samples of the materials for the Commission to review. They were hoping the 3D computer model presented this evening would suffice. The brick will be partial on the east/west elevations. The petitioner can provide samples to the Township if required. Rooftop screening is not necessary because there is nothing that requires screening. The floor plan was discussed, as well.

Chairman Brown asked for the reason of grading. The corner of the building is at the 25' setback line. In order to fill that, they had to grade that area. The outlet for the detention basin will also be cutting into the setback area, but that area will be restored.

Brian Borden suggested there should be no issues under general special land use standards because the setbacks will be restored. The petitioner proposes to exceed the threshold for parking. This will require approval. He believes that it is excessive by definition only. There are 12 spaces required and they are requesting 17. He believes the requested parking is justified.

Brian Borden discussed the fact that the proposed driveway does not meet the access standards contained in the ordinance. The petitioner cannot meet the technical standards due to space. If the petitioner obtains a county permit, this can be reviewed. The parcel to the west has an easement over the driveway to allow for potential shared access to this site. This information was only provided to the petitioner a few hours ago. The petition has less than the minimum required distance between the proposed drive and those to either side – 133 from the east and 223 feet to the west. Brian Borden suggested it should be over 300 feet. Jim Mortensen and many other Commissioners feel that the petitioner should explore a shared drive with Dr. Bonine. The petitioner has been dealing with severe time constraints and feels that this is a hardship because of this knowledge coming to petitioner at the last minute. The petitioner indicated that the easement was not on any deed or paperwork when he purchased the property. The safety factor is concerning to the Commission due to the location of the entrance to the Rollerama site 133 feet to the east of the proposed driveway.

Eric Rauch asked the petitioner to elaborate on any proposed future expansion. The petitioner is hopeful that at some point a partner will be brought in to assist. This would increase the building and parking toward the west. The petitioner would prefer not to expand into the basement because that would require an elevator be installed. Dean Tengel asked why the petitioner had not realized there would be a problem with the driveway placement. Dean Tengel indicated that he is not comfortable trying to push this through due to the petitioner's time constraints.

Mike Evans from the Brighton Fire Department addressed the Commission. He believes it would be dangerous to back out of this property onto Grand River and that is why the requirement for a turn around with a 150 driveway is in place. Mike Evans indicated that it would be acceptable to set up some sort of turnaround by going through Dr. Bonine's driveway. This would have to be maintained all year. Mike Evans feels that the current plan is close enough to meet the intent of the code. If the driveway is shared with Dr. Bonine, a turnaround would be required. Various alternatives for the placement of the driveway were discussed. Brian Borden explained the effect of having driveways too close to each other along Grand River. It's going to be dangerous for traffic.

There was discussion whether the building could be moved to the west and parking placed to the east. The petitioner was not interested in this alternative. The petitioner is willing to center the driveway between the driveways to the east and west. Dean Tengel is concerned about approving a plan where the driveway does not fit within the ordinance.

Chairman Brown asked why the petitioner dropped from 21 to 17 parking spaces between the two submittals. There are a total of four employees currently. It is hoped that a partner and second hygienist would be added within five years.

REU's were discussed. The petitioner has referred to himself as a medical office and a business office. The petitioner will meet with Township staff to work on this designation and the REU's for the same.

Barbara Figurski asked about the projecting wall sign. Brian Borden indicated it is marquis style and not permitted. The petitioner will be seeking a variance for this. The sign may be considered two sign spaces. Calculations will have to be made. The angle only allows the sign to extend 2' from the building at the farthest point.

Brian Borden discussed the fact that there is no dedicated load space. One isn't needed given the nature of the business.

Kelly VanMarter reminds the petitioner that although he has low windows in the back of the building, he may not manicure that area because of the natural features setback that must be maintained.

Chairman Brown asks if anyone from the public wishes to address the Planning Commission regarding this project. No one responded.

**Motion** by Jim Mortensen to table this item and reschedule it to a date certain of August 26. Support by Barbara Figurski. **Motion carried unanimously.**

Planning Commission disposition of petition

- A. Recommendation of Special Use.
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan.

**OPEN PUBLIC HEARING #2...** Review of a special use application, impact assessment and site plan for proposed outdoor storage and a 22,000 square foot addition of a manufacturing facility located at 1326 Grand Oaks Drive, Howell MI 48843, petitioned by Michigan Rod Products, Inc.

John Asselin from Flint, Michigan is the associate architect on this petition. He gave a brief overview of the proposed plan to the Planning Commission. The proposed addition is 22,000 square feet. There would also necessarily be increased parking. They want to bank a parking area at this time that would be paved in the future if needed to avoid water runoff issues at this point.

Brian Borden reviewed the plan. He feels that the general and specific use standards of the ordinance have been met. The expansion is intended to match the existing building.

Gary Markstrom addressed the Planning Commission. The re-grading of the detention basin and cleaning up of the detention basin area should be addressed by the petitioner. Fire hydrant placements, etc. has been addressed by the Fire Department per Gary Markstrom.

Mike Evans of the Fire Department addressed this petition. There is a pre-existing non-conformance situation with this petitioner. He is trying to work with the petitioner without creating a huge financial burden. The first issue is access. They need access on the west side of the building. Ideally, they'd like the south side as well but it's not feasible. He is hoping the petitioner will extend the drive behind the building for access by the Fire Department. This is a "sprinkle" building, so there is some leniency that can be given. The second issue is the water. They are requesting some more fire hydrants be placed along the property to increase the Fire Department's ability to fight any fire that may occur. The petitioner is open minded to working with the Fire Department.

The petitioner indicated the environmental impact assessment should read .38 to .39 rather than .39 to .39.

Eric Rauch addressed the petitioner as to how the dump truck would access the dumpster with coils in front of it. The petitioner will leave sufficient room for the dump truck.

A new employee entrance is being developed in the building.

The storm pipe on the north side of the building is approximately 5' from the building. This pipe is a 2' diameter pipe. The footing system is spread and it will be 6" outside the building. Manhole 1 should be moved north a few feet possibly.

Chairman Brown made a call to the public with no response.

Planning Commission disposition of petition

- A. Recommendation of Special Use.
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan.

**Motion** by Jim Mortensen to recommend that the Township Board approve the special use permit to store coils outside in three areas, the height of which will not exceed 10' and will not be visible from the main road because of the placement existing screening. This recommendation is consistent with the ordinance regarding special use permits and is further subject to the approval of the site plan and environmental impact assessment. Support by Barbara Figurski. **Motion carried unanimously.**

**Motion** by Barbara Figurski to recommend that the Township Board approve the environmental impact assessment with the addition of dust control management and subject to approval of the special use permit and site plan. Support by James Mortensen. **Motion carried unanimously.**

**Motion** by Jim Mortensen to recommend to the Township Board approval of the site plan dated 7/30/13 subject to the following:

1. Compliance with the Township engineer's letter dated 8/5/13, as revised;
2. Compliance with Brighton Fire Department letter dated 8/16/13 subject to changes that will occur over further discussions and agreements with Brighton Fire Department;
3. The installation of a gravel road for fire suppression purposes on the west side of the building as approved by the BFD
4. The approval by the Township Board of the environmental impact assessment and special use permit.

Support by Diana Lowe. **Motion carried unanimously.**

**OPEN PUBLIC HEARING #3...** Review of a special use application, impact assessment and site plan for proposed service center expansion, new collision center, and parking lot located at Maxey Ford, 2798 E. Grand River Avenue, Howell MI 48843, petitioned by SRM Associations, LLC.

Thom Dumond and Mike Maxey addressed the Planning Commission. Mr. Maxey gave a brief history of his experience in auto sales. He then gave a brief overview of the reasoning for the project. A photographic rendering was shown to the Planning Commission. Mr. Maxey has contacted the neighbors and has had good relations with them concerning this project.

The proposed plan will increase the service bays by six. Directly behind that area would be the new collision center. No parking spots will be lost. The parking that is reflected on the plan represents the amount of vehicles that Maxey can project to sell.

The screening wall will be 6' tall from the southwest corner of lot along the length of the parking area. There will be evergreens there. This design will bring the retention basin into compliance with the Drain Commission requirements. The front approaches from Grand River will remain "as is."

John from CityScape addressed the Planning Commission. Ford's current prototype image program will be utilized with this building to keep a clean image with the building. The petitioner provided material samples to the Township.

Brian Borden reviewed his concerns with the plan. This would be deemed a major amendment to an existing land use. The applicant is proposing a

6' masonry screen wall to provide a visual and noise barrier. This would be the only issue with the specific and general use standards.

The proposed addition to the service center will require a variance from the ZBA. The petitioner is in the process of obtaining that. They are seeking a variance for the setback, as well. The expansion will meet the current building materials. The new part of the building, the collision center, does not.

Brian Borden discussed parking versus vehicle storage and how each is treated. If one delineates how they are treated, they meet the Township standards.

Brian Borden indicated that essentially the entire site as it exists does not comply with landscape requirements. The applicant has included new plantings around the detention pond.

The proposed waste receptacle is in an allowable area that does require Planning Commission approval. The dumpster will be screened to bring it into compliance with the ordinance.

Signage was discussed. The second wall sign will require approval of the Planning Commission. A traffic impact statement was not provided. The Planning Commission has discretion whether to require this. The petitioner addresses the Planning Commission regarding traffic studies. The petitioner feels there will only be 105 additional "trips" per day with the increase of repair stalls.

The petitioner is encouraged to combine the two lots. This should be discussed at the Township Board meeting.

Gary Markstrom addressed the Commission. The petitioner has complied with most of their comments. It is hopeful that the factory sewer will become public. An 8" water main is being installed for fire suppression. The demands for water should be reviewed since it is a fairly large main. The drainage areas were discussed. The area on the south side should have provisions to capture the water on the site. There should be provisions for the water to go through the wall. The petitioner said this shouldn't be an issue.

Mike Evans addressed the Planning Commission. Item number two has been worked through with the architect. This will be a sprinkler building. The turning radiuses around the buildings caused the Fire Department some concern. To the west of the collision center are some parking spaces that can be moved/deleted to permit proper trip radius. There are approximately eight. The petitioner will meet with Mike Evans regarding that.

Chairman Brown makes a call to the public.

Dean Cocolies addressed the Commission. They will be facing the detention area. Their main concerns are lighting and noise. The woods are going to stay. He is asking what will be torn down exactly. The area that abuts his property will

not be changed. The lighting will not be aimed to the neighborhood and will be away from the residential areas. There will be noises added. The outdoor PA systems have been disconnected in the rear areas.

Allan Almgrin – Chairman of the Trustees of the Howell Elks Lodge addressed the Planning Commission. He asked about storm water runoff. He is hoping there will be some controlling of the runoff. Mr. Almgrin suggested he would speak to the petitioners at some point about working something out. He asked if there would be set construction hours and if they would impede on the Lodge's ability to earn rental income from receptions, etc. Any paint fumes, etc will be a non-issue.

Chairman Brown read various letters into the record: two by Jenny Carrender and one by John & Connie Knauss. All efforts will be made to save the existing trees by the petitioner.

Planning Commission disposition of petition

- A. Recommendation of Special Use.
- B. Recommendation of Environmental Impact Assessment.
- C. Recommendation of Site Plan.

**Motion** by James Mortensen to recommend to the Township Board approval of the special use permit for the expansion of Bob Maxey Ford to add a body shop and an expansion of the existing service department. This recommendation is made because it is a major amendment to an existing use and consistent with the zoning requirements of the ordinances. This recommendation is conditional upon approval of the site plan and environmental impact assessment by the Township Board. Further, requirements of this special use permit will be that no horns will be blown by dealership personnel attempting to locate vehicles, lighting will be down directed and no outdoor speaker system will be installed. Support by Dean Tengal. **Motion carried unanimously.**

**Motion** by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment dated 7/29/13, subject to:

1. PIP plan must be submitted prior to the land use permit authorization;
2. Expand retention basin statements;
3. Requirements of the Township Engineer must be met;
4. Approval of the special use permit and site plan.

Support by John McManus. **Motion carried unanimously.**

**Motion** by James Mortensen to recommend to the Township Board approval of the site plan dated 7/29/13 subject to:

1. The six foot masonry wall as depicted is acceptable and will substitute for the normal screening required for the site;
2. The proposed building addition will require a variance. The petitioner will seek variances from the Zoning Board of Appeals for the front



- setback requirements and grading the gravel storage area within the rear setback;
3. The Planning Commission recommends approval of the setback for the collision center given the masonry screening wall;
  4. The building elevations and materials reviewed this evening are acceptable and the building material samples will become the property of the Township;
  5. It should be noted that the proposed building addition shall match the existing building in terms of materials;
  6. The Planning Commission accepts the parking requirements as a combination of new vehicle storage and normal vehicle parking;
  7. The waste receptacle location is acceptable and will be screened;
  8. The concrete base shall be extended by three feet;
  9. The signage appears to be beyond the ordinance and will need to be reviewed by the Zoning Board of Appeals;
  10. A note will be added to the site plan that the applicant will work on drainage to the east with the Elks property and Township engineer;
  11. A note will be added to the site plan indicating that any Saturday construction will be coordinated with the Elks Club to the east;
  12. A note will be added to the site plan that every reasonable effort will be made to preserve trees in the installation of the masonry fence;
  13. The requirements of the Township engineer spelled out in his letter of 8/5/13 will be complied with. In addition, water usage with the installation of a water main will be coordinated with the Township engineer and additional drainage information will be provided to the Township engineer;
  14. The requirements of the Brighton Fire Department outlined in their letter of 8/8/13 will be complied with. Some modification may be possible in discussions with the Fire Department regarding turning radiuses;
  15. A note will be added to the site plan that the applicant will work with the Township regarding the possibility of combining the two parcels into one;
  16. Utilities easements will be provided prior to the issuance of the land use permit.

Support by Barbara Figurski. **Motion carried unanimously.**

**Administrative Business:**

- *Staff report. Kelly VanMarter provided an update.*
- *Approval of July 22, 2013 Planning Commission meeting minutes. **Motion** by Barbara Figurski and support by John McManus to adopt the minutes of the Planning Commission meeting of July 22, 2013. **Motion carried unanimously.***
- *Member Discussion*
- *Adjournment. **Motion** by Diana Lowe and support by Barbara Figurski to adjourn the meeting at 9:35 p.m. **Motion carried unanimously.***

# SITE / CONSTRUCTION PLANS FOR BOB MAXEY FORD OF HOWELL DEALERSHIP EXPANSION PART OF NE 1/4 SEC. 6, T.2N., R.6E. GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

## PROPERTY DESCRIPTION:

(Per Metropolitan Title Company, Commitment No. NU-412578, effective date March 28, 2002 at 8:00 A.M.): Revision E, May 13, 2002

Land in the Township of Genoa, Livingston County, Michigan, described as follows:  
Parcel 1: A part of the Northeast fractional 1/4 of Section 6, Town 2 North, Range 5 East, described as follows: Commencing at the East 1/4 corner of said Section 6; thence N 87°31'15" W 804.54 feet; thence N 1°34'30" E 1022.16 feet; thence N 60°06'45" W 616.07 feet along the centerline of Grand River Avenue to the point of beginning of the land to be described; running thence N 60°06'45" W 531.00 feet along the centerline of Grand River Avenue; thence S 29°53'15" W 570.00 feet; thence S 60°06'45" E 531.00 feet; thence N 29°53'15" E 570.00 feet to the point of beginning. Parcel 2: Part of the Northeast 1/4 of Section 6, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the East 1/4 corner of said Section 6; thence N 87°24'40" W 1616.81 feet along the East-West 1/4 line to a found iron rod; thence N 01°33'53" E 796.77 feet to a found concrete monument; thence N 60°06'45" W 531.00 feet to a found concrete monument and to the point of beginning of the land to be described; running thence N 70°11'20" W 525.21 feet (recorded as N 70°16'30" W 525.00 feet) to a found 1/2 inch iron rod; thence N 30°12'43" E 166.40 feet (recorded as N 29°41'36" E 166.45 feet) to a found 1/2 inch iron rod; thence S 78°31'03" E 114.50 feet (recorded as S 78°38'13" E 114.55 feet) to a found 1/2 inch iron rod; thence N 21°31'08" E 173.16 feet (recorded as N 21°26'18" E 173.06 feet) to a found 1/2 inch iron rod; thence S 60°01'58" E 326.49 feet (recorded as S 60°06'45" E) to a set 1/2 inch iron rod; thence N 29°52'49" E 105.14 feet to a set 1/2 inch iron rod; thence N 60°01'58" W 35.46 feet to a set 1/2 inch iron rod; thence N 29°52'49" E 183.46 feet and passing through the centerline of a curb cut to the centerline of Grand River Avenue; thence S 60°01'58" E 141.66 feet (recorded as S 60°06'45" E) along the centerline of Grand River Avenue; thence S 29°52'49" W 570.00 feet (recorded as S 29°53'15" W 570.00 feet) to the point of beginning.

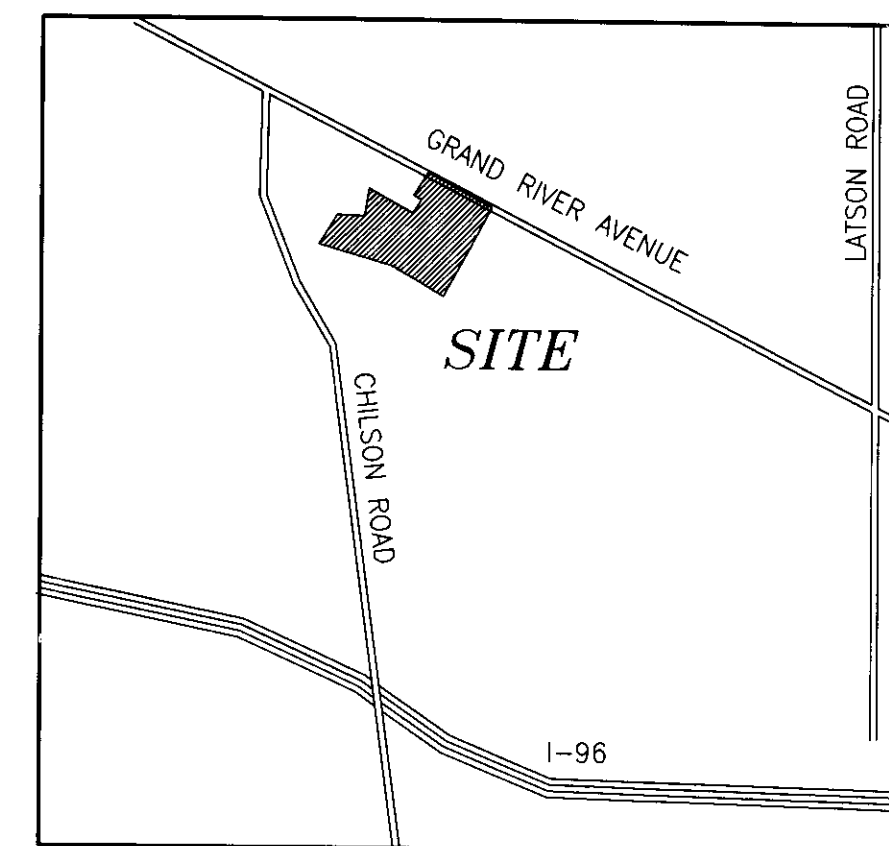
Easement Parcel:  
Easement for Common Driveway as created, limited and defined in the document entitled Grant of Common Driveway Easement dated January, 15, 1997, recorded in Liber 2147, page 719, Livingston County Records.

Tax Item No. 11-06-200-058-201-47070, as to Parcel 1  
Tax Item No. 11-06-200-103-201-47070, as to Parcel 2

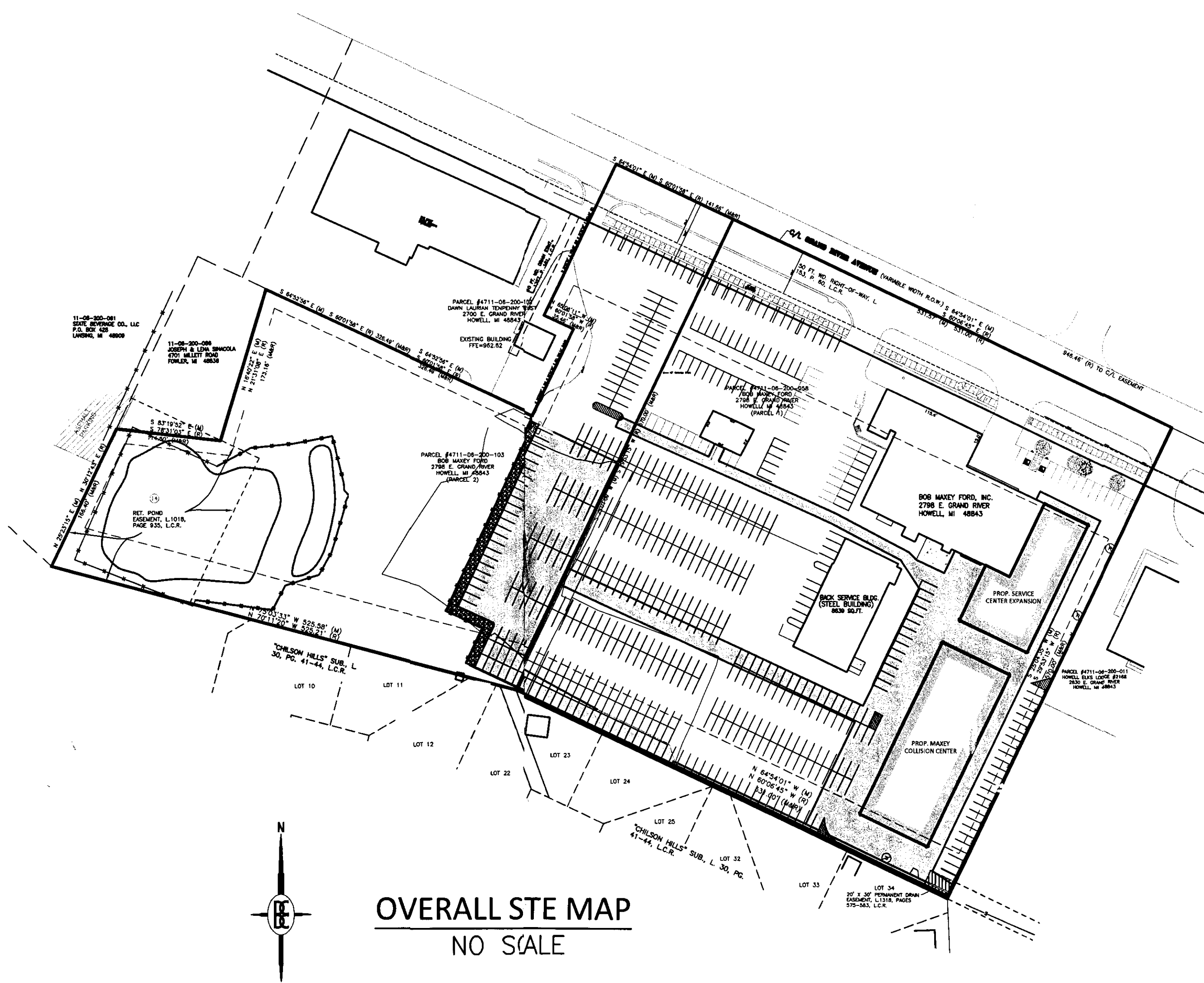
(AFTER SITE PLAN APPROVAL AND PRIOR TO ISSUANCE OF THE LAND USE PERMIT, A PARCEL COMBINATION WILL BE COMPLETED)

## CONSTRUCTION NOTES

- THE CONTRACTOR SHALL COMPLY WITH THE FOLLOWING NOTES AND ANY WORK INVOLVED SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
1. THE CONTRACTOR SHALL HOLD HARMLESS THE DESIGN PROFESSIONAL, MUNICIPALITY, COUNTY, STATE AND ALL OF ITS SUB CONSULTANTS, PUBLIC AND PRIVATE UTILITY COMPANIES, AND LANDOWNERS FOR DAMAGES TO INDIVIDUALS AND PROPERTY, REAL OR OTHERWISE, DUE TO THE OPERATIONS OF THE CONTRACTOR AND/OR THEIR SUBCONTRACTORS.
  2. DO NOT SCALE THESE DRAWINGS AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
  3. A GRADING PERMIT FOR SOIL EROSION-SEDIMENTATION CONTROL SHALL BE OBTAINED FROM THE GOVERNING AGENCY PRIOR TO THE START OF CONSTRUCTION.
  4. IF DUST PROBLEM OCCURS DURING CONSTRUCTION, CONTROL WILL BE PROVIDED BY AN APPLICATION OF WATER, EITHER BY SPRINKLER OR TANK TRUCK.
  5. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH LOCAL MUNICIPAL STANDARDS AND SPECIFICATIONS.
  6. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED TOWNSHIP, COUNTY, AND STATE OF MICHIGAN PERMITS.
  7. PAVED SURFACES, WALKWAYS, SIGNS, LIGHTING AND OTHER STRUCTURES SHALL BE MAINTAINED IN A SAFE, ATTRACTIVE CONDITION AS ORIGINALLY DESIGNED AND CONSTRUCTED.
  8. ALL BARRIER-FREE FEATURES SHALL BE CONSTRUCTED TO MEET ALL LOCAL, STATE AND A.D.A. REQUIREMENTS.
  9. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
  10. THE CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHTS-OF-WAY, PUBLIC OR PRIVATE, PRIOR TO THE START OF CONSTRUCTION.
  11. THE CONTRACTOR SHALL COORDINATE WITH ALL OWNERS TO DETERMINE THE LOCATION OF EXISTING LANDSCAPING, IRRIGATION LINES & PRIVATE UTILITY LINES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING LANDSCAPING, IRRIGATION LINES, AND PRIVATE UTILITY LINES.
  12. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT.
  13. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
  14. THE CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES.
  15. THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
  16. ALL EXCAVATION UNDER OR WITHIN 3 FEET OF PUBLIC PAVEMENT, EXISTING OR PROPOSED SHALL BE BACKFILLED AND COMPACTED WITH SAND (MDOT CLASS II).
  17. ALL PAVEMENT REPLACEMENT AND OTHER WORKS COVERED BY THESE PLANS SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWNSHIP, INCLUDING THE LATEST MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
  18. THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES.
  19. NO ADDITIONAL COMPENSATION WILL BE PAID TO THE CONTRACTOR FOR ANY DELAY OR INCONVENIENCE DUE TO THE MATERIAL SHORTAGES OR RESPONSIBLE DELAYS DUE TO THE OPERATIONS OF SUCH OTHER PARTIES DOING WORK INDICATED OR SHOWN ON THE PLANS OR IN THE SPECIFICATION OR FOR ANY REASONABLE DELAYS IN CONSTRUCTION DUE TO THE ENCOUNTERING OR EXISTING UTILITIES THAT MAY OR MAY NOT BE SHOWN ON THE PLANS.
  20. DURING THE CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL NOT PERFORM WORK BY PRIVATE AGREEMENT WITH PROPERTY OWNERS ADJACENT TO THE PROJECT.
  21. IF WORK EXTENDS BEYOND NOVEMBER 15, NO COMPENSATION WILL BE DUE TO THE CONTRACTOR FOR ANY WINTER PROTECTION MEASURES THAT MAY BE REQUIRED BY THE ENGINEER.
  22. NO TREES ARE TO BE REMOVED UNTIL MARKED IN THE FIELD BY THE ENGINEER.
  23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY BEYOND THE CONSTRUCTION LIMITS INCLUDING BUT NOT LIMITED TO EXISTING FENCE, LAWN, TREES AND SHRUBBERY.
  24. ALL AREAS DISTURBED BY THE CONTRACTOR BEYOND THE NORMAL CONSTRUCTION LIMITS OF THE PROJECT SHALL BE SODDED OR SEEDED AS SPECIFIED OR DIRECTED BY THE ENGINEER.
  25. ALL ROOTS, STUMPS AND OTHER OBJECTIONABLE MATERIALS SHALL BE REMOVED AND THE HOLE BACKFILLED WITH SUITABLE MATERIAL. WHERE GRADE CORRECTION IS REQUIRED, THE SUBGRADE SHALL BE CUT TO CONFORM TO THE CROSS-SECTION AS SHOWN IN THE PLANS.
  26. TRAFFIC SHALL BE MAINTAINED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL SIGNS AND TRAFFIC CONTROL DEVICES. FLAG PERSONS SHALL BE PROVIDED BY THE CONTRACTOR IF DETERMINED NECESSARY BY THE ENGINEER. ALL SIGNS SHALL CONFORM TO THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AT NO COST TO THE TOWNSHIP. NO WORK SHALL BE DONE UNLESS THE APPROPRIATE TRAFFIC CONTROL DEVICES ARE IN PLACE.
  27. ALL DEMOLISHED MATERIALS AND SOIL SPOILS SHALL BE REMOVED FROM THE SITE AT NO ADDITIONAL COST, AND DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.
  28. AFTER REMOVAL OF TOPSOIL, THE SUBGRADE SHALL BE COMPACTED TO 95% OF ITS UNIT WEIGHT.
  29. ALL GRADING IN THE PLANS SHALL BE DONE AS PART OF THIS CONTRACT. ALL DELETERIOUS MATERIAL SHALL BE REMOVED FROM THE SUBGRADE PRIOR TO COMPACTING.
  30. NO SEEDING SHALL BE DONE AFTER OCTOBER 15 WITHOUT APPROVAL OF THE ENGINEER.
  31. ANY EXISTING APPURTENANCES SUCH AS MANHOLES, GATE VALVES, ETC. SHALL BE ADJUSTED TO THE PROPOSED GRADE AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
  32. SOIL EROSION MEASURES SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION HAS BEEN RE-ESTABLISHED.
  33. ALL PERMANENT SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE MICHIGAN MUTCD MANUAL AND SHALL BE INCIDENTAL TO THE CONTRACT.



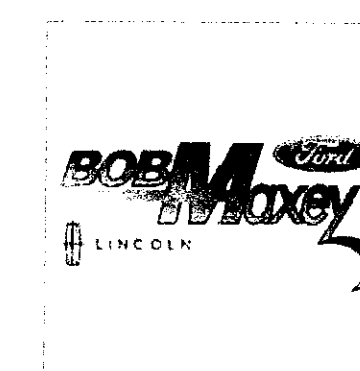
LOCATION MAP  
NO SCALE



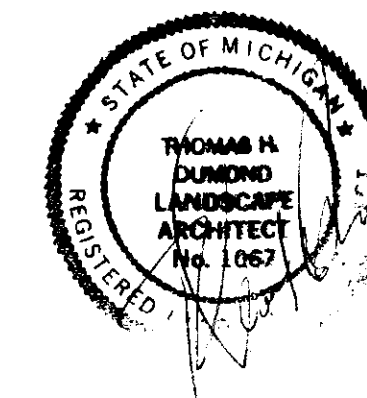
OVERALL STE MAP  
NO SCALE

SHEET INDEX	
SHEET NO.	DESCRIPTION
C1	COVER SHEET
C2	SITE PLAN
C3	GRADING, DRAINAGE & SOIL EROSION CONTROL PLAN
C4	UTILITY PLAN
C5	LANDSCAPE PLAN
C6	LIGHTING PLAN
C7	EXISTING CONDITIONS & DEMOLITION PLAN
C8	CONSTRUCTION NOTES & DETAILS
C9	CONSTRUCTION NOTES & DETAILS
C10	MHOG SANITARY SEWER DETAILS
C11	MHOG WATER SERVICE DETAILS
DRAWINGS PREPARED BY ARCHITECT	
A-101	RENOVATED SALES BLDG. FLOOR PLAN
A-103	PROPOSED BODY SHOP PLAN
A-201	SALES: EXTERIOR ELEVATIONS
A-202	BODY SHOP: BUILDING ELEVATIONS

## BOB MAXEY FORD DEALERSHIP EXPANSION



OWNER  
BOB MAXEY FORD  
2798 E. GRAND RIVER  
HOWELL, MICHIGAN 48843  
CONTACT: MR. MICHAEL MAXEY  
PHONE: 517-545-5700



ARCHITECT  
**CITYSCAPE**  
inc  
CITYSCAPE ARCHITECTS INC.  
40850 GRAND RIVER AVE, SUITE 200  
NOVI, MI 48375  
248.471.7877

CIVIL ENGINEER/LANDSCAPE ARCHITECT

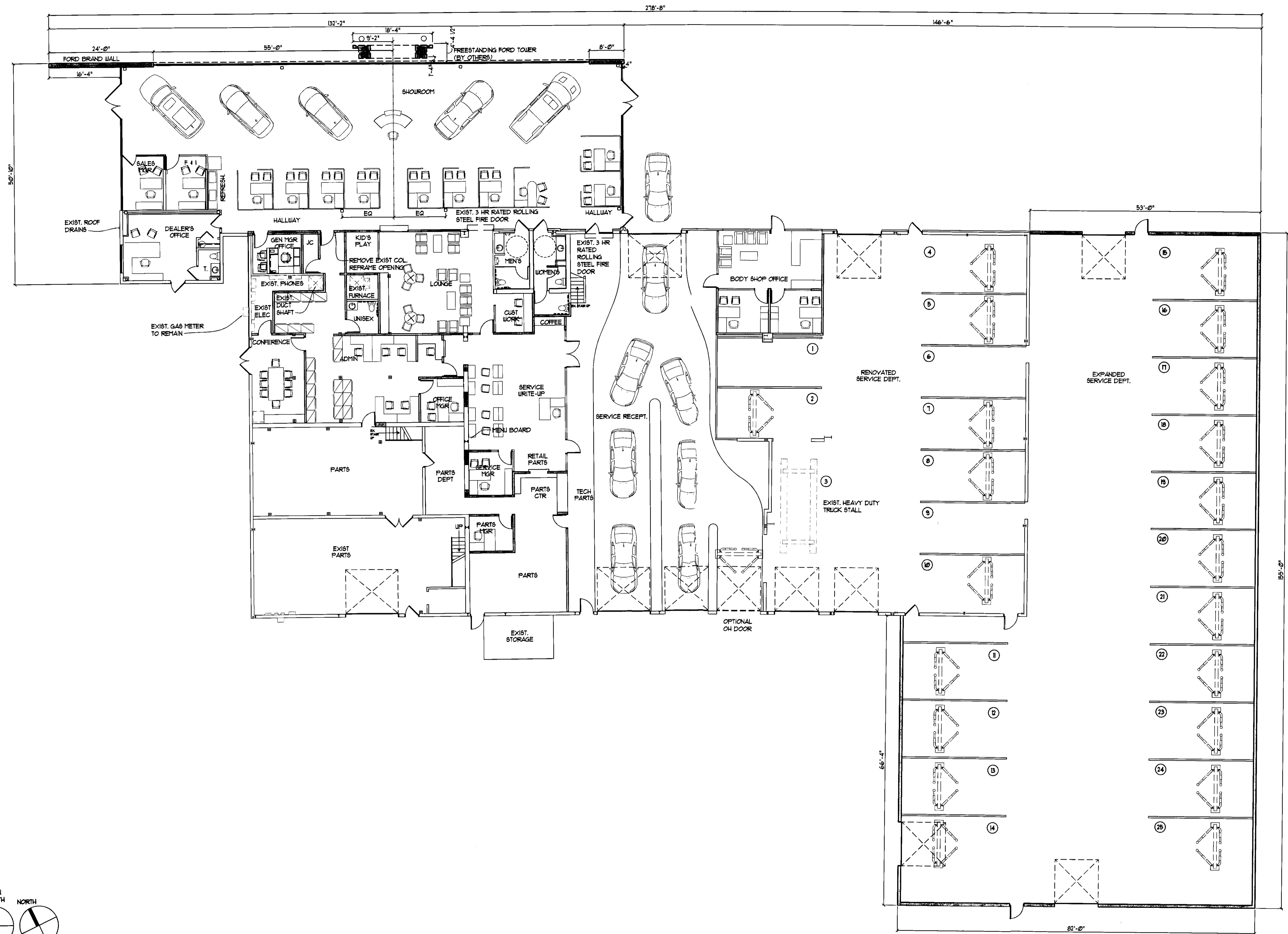
**BOSS ENGINEERING**  
ENGINEERS • SURVEYORS • PLANNERS  
LANDSCAPE ARCHITECTS  
(E-MAIL: bob@bosseng.com)  
5121 E. GRAND RIVER AVE.  
HOWELL, MI 48843  
(800) 246-6735 FAX (517) 548-1670

## INDEMNIFICATION STATEMENT

THE CONTRACTOR SHALL HOLD HARMLESS THE DESIGN PROFESSIONAL, MUNICIPALITY, COUNTY, STATE AND ALL OF ITS SUB CONSULTANTS, PUBLIC AND PRIVATE UTILITY COMPANY, AND LANDOWNERS FOR DAMAGES TO INDIVIDUALS AND PROPERTY, REAL OR OTHERWISE, DUE TO THE OPERATIONS OF THE CONTRACTOR AND/OR THEIR SUBCONTRACTORS.

				<b>C1</b>		
NO	BY	CK	REVISION	PER	DATE	ISSUE DATE: 7-09-13
						13-182





40850 Grand River Ave Suite 200  
 Novi, MI 48375  
 248 471 7877 ph  
 248 471 7868 fax

client

notice  
 THIS ARCHITECTURAL DRAWING IS GIVEN IN STRICT CONFIDENCE. NO USE, IN WHOLE OR PART, MAY BE MADE WITHOUT PRIOR WRITTEN CONSENT OF CITYSCAPE ARCHITECTS, INC. ALL RIGHTS ARE HEREBY RESERVED.  
 CITYSCAPE ARCHITECTS, INC. COPYRIGHT YEAR 2013

project title

**MAXEY FORD**

2798 E. Grand River Ave.  
 Howell, MI 48843

sheet title

**RENOVATED SALES BLDG. FLOOR PLAN**

DO NOT SCALE DRAWINGS  
 USE FIGURED DIMENSIONS ONLY

project number

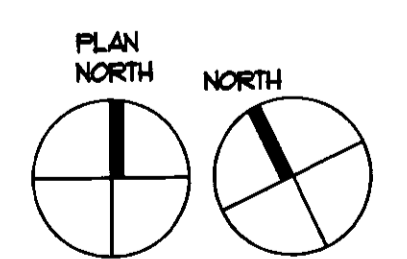
**12032**

drawn CAI  
 approved CAI

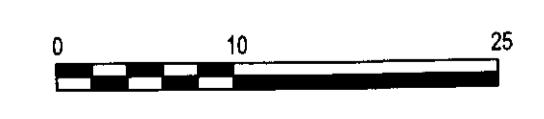
issued date  
 REVISION 07-02-13

sheet number

**A-101**



**1 FIRST FLOOR PLAN**  
 3/8" = 1'-0"



client

notice  
THIS ARCHITECTURAL DRAWING IS GIVEN IN STRICT CONFIDENCE. NO USE, IN WHOLE OR PART, MAY BE MADE WITHOUT PRIOR WRITTEN CONSENT OF CITYSCAPE ARCHITECTS, INC. ALL RIGHTS ARE HEREBY RESERVED.  
CITYSCAPE ARCHITECTS, INC.  
COPYRIGHT YEAR 2013

project title

**MAXEY  
FORD**

2798 E. Grand River Ave.  
Howell, MI 48843

sheet title

**PROPOSED BODY  
SHOP PLAN**

DO NOT SCALE DRAWINGS  
USE FIGURED DIMENSIONS ONLY

project number

**12032**

drawn CAI

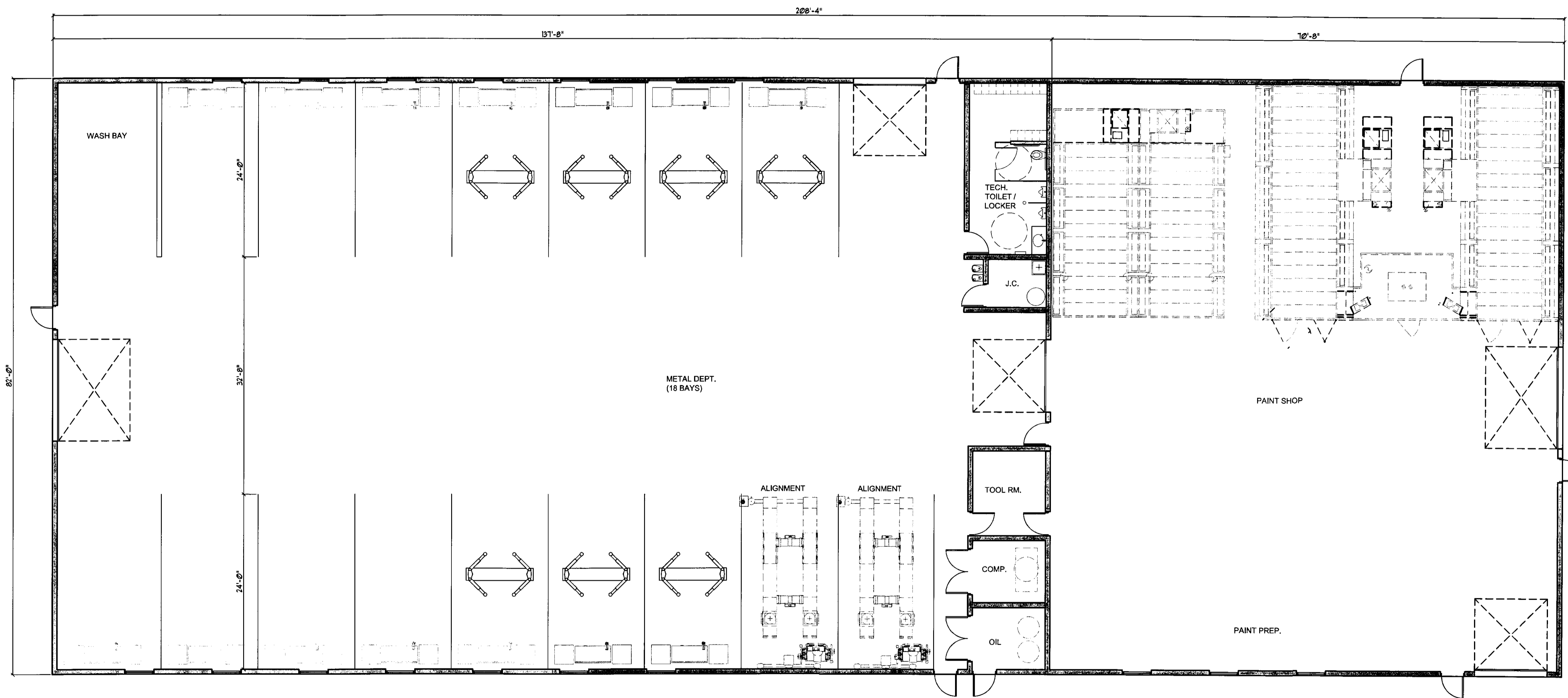
approved CAI

issued date

SITE PLAN APPROVAL 07-10-13

sheet number

**A-103**



 NORTH  PLAN NORTH **1** **PROPOSED BODY SHOP** 1/8" = 1'-0"

**notice**  
THIS ARCHITECTURAL DRAWING IS GIVEN IN STRICT CONFIDENCE. NO USE, IN WHOLE OR PART, MAY BE MADE WITHOUT PRIOR WRITTEN CONSENT OF CITYSCAPE ARCHITECTS, INC. ALL RIGHTS ARE HEREBY RESERVED.  
CITYSCAPE ARCHITECTS, INC.  
COPYRIGHT YEAR 2008

project title

**MAXEY  
FORD**

2798 E. Grand River Ave.  
Howell, MI 48843

sheet title

**SALES:  
EXTERIOR  
ELEVATIONS**

DO NOT SCALE DRAWINGS  
USE PRINTED DIMENSIONS ONLY

project number

**12032**

drawn CAI

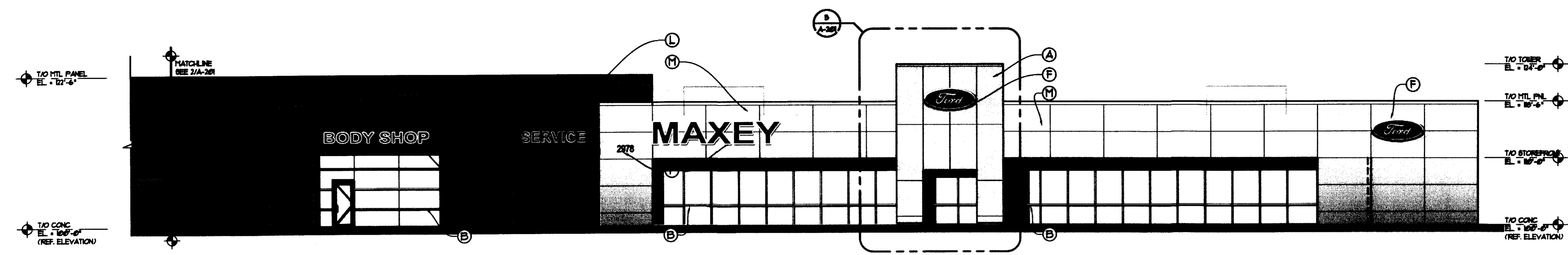
approved CAI

issued date

REVIEW 07-02-13

sheet number

**A-201**

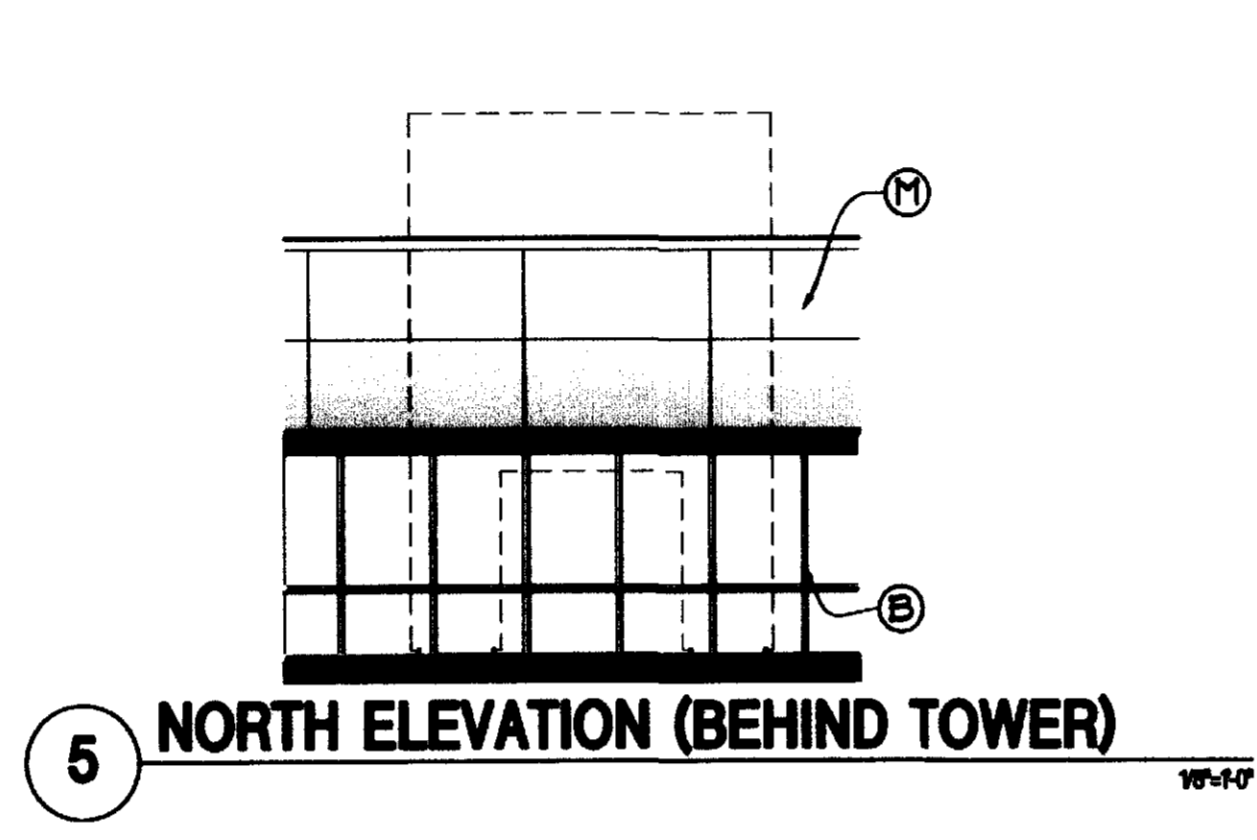


**1 PROPOSED NORTH ELEVATION (PARTIAL)**  
1/8"=1'-0"

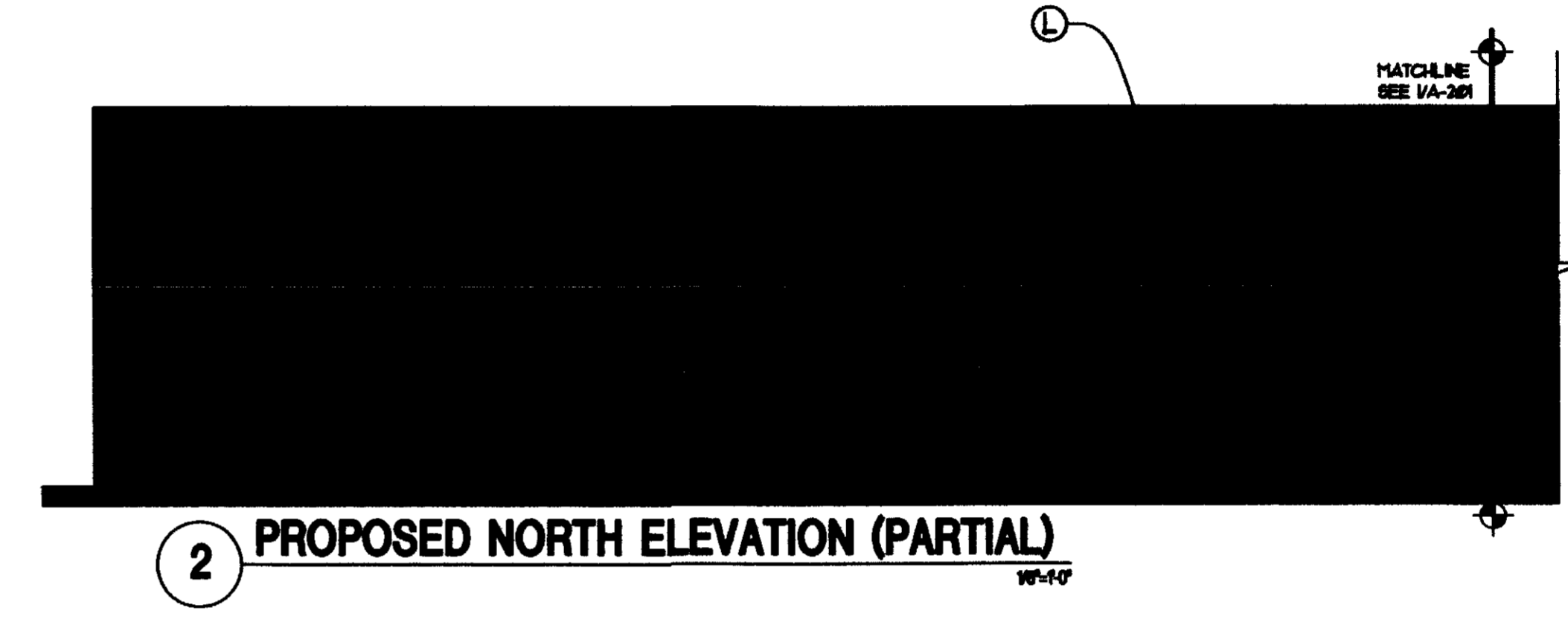
**EXTERIOR FINISH SCHEDULE**

- (A) FORD ENTRY ICON - PROVIDED AND INSTALLED BY AGI B&H - FOUNDATION BY G.C.
- (B) WINDOW WALL GLAZING SYSTEM 1" CLEAR INSULATED GLASS IN CLEAR ANODIZED ALUM FRAME - 1X6 YPU 400 TU OR APPROVED EQUAL
- (C) PROPOSED NICKEL-PLATED OVERFLOW SCUPPER LOCATION - PLUMBING BY OTHERS (DESIGN/BUILD)
- (D) NEW CORRUGATED METAL PANEL SIDING: 20 GA. 1/8" DEEP (EXPOSED, PAINTED FASTENERS) MANUFACTURER: ALCOA, COLOR: SLATE GREY. ALL EXPOSED FASTENERS TO BE INSTALLED IN UNIFORM, ORTHOGONAL PATTERNS, PREFINISHED TRIM AND COPING TO MATCH SIDING COLOR.
- (E) HOLLOW METAL DOOR AND FRAME - PAINT DOOR AND FRAME: UNIVERSAL GREY, COGN 62/ 000 ORDER# A2004 MANUFACTURER: GLIDDEN PROFESSIONAL
- (F) SIGNAGE PROVIDED AND INSTALLED BY OTHERS - G.C. TO PROVIDE FOLLER AND BLOCKING - COORDINATE EXACT SIZE AND LOCATION WITH OWNER AND SIGNAGE SUPPLIER
- (G) STEEL BOLLARD TYP. EA. SIDE OF VEHICLE ACCESS DOORS - PAINT UNIVERSAL GREY, COGN 62/ 000 ORDER# A2004 MANUFACTURER: GLIDDEN PROFESSIONAL - SEE A-III
- (H) EXISTING OVERHEAD DOOR
- (J) NEW OVERHEAD DOOR
- (K) GLASS/ALUMINUM OVERHEAD DOOR - CLEAR ANODIZED ALUMINUM FINISH
- (L) PREFINISHED DRY JOINT ALUMINUM METAL PANEL SYSTEM WITH RAIN SCREEN INSTALLATION - ALPOLIC MICA GRAY - 4"X4"X1/2" (SEE SPECS) - SUBMIT SAMPLE FOR ARCHITECT & OWNER APPROVAL. SEE A-201 FOR DETAILS. - RUN "GRAIN" HORIZONTAL, TYPICAL
- (M) PREFINISHED DRY JOINT ALUMINUM METAL PANEL SYSTEM WITH RAIN SCREEN INSTALLATION - ALPOLIC HAIRLINE ALUMINUM - 4"X4"X1/2" (SEE SPECS) - SUBMIT SAMPLE FOR ARCHITECT & OWNER APPROVAL. SEE A-201 FOR DETAILS. - RUN "GRAIN" HORIZONTAL, TYPICAL
- (P) GLASS & ALUMINUM ENTRY OR VEHICLE ACCESS DOOR - 1/4" CLEAR TEMPERED GLASS IN A CLEAR ANODIZED ALUMINUM DOOR FRAMING SYSTEM - INTEGRAL WITH CURTAIN WALL OR STOREFRONT WHERE ADJACENT
- (T) PAINT - COLOR: GRANITE GREY, COGN 37/ 000 ORDER# A2005 MANUFACTURER: GLIDDEN PROFESSIONAL
- (V) PAINT - COLOR: UNIVERSAL GREY, COGN 62/ 000 ORDER# A2004 MANUFACTURER: GLIDDEN PROFESSIONAL
- (W) KNOX BOX - GC TO COORDINATE EXACT LOCATION W/ FIRE MARSHALL - PROVIDE MISC METAL TRIM TO MATCH CORRUGATED METAL PANEL AS REQ'D
- (X) WALL PACK - SEE ELECTRICAL DRAWINGS

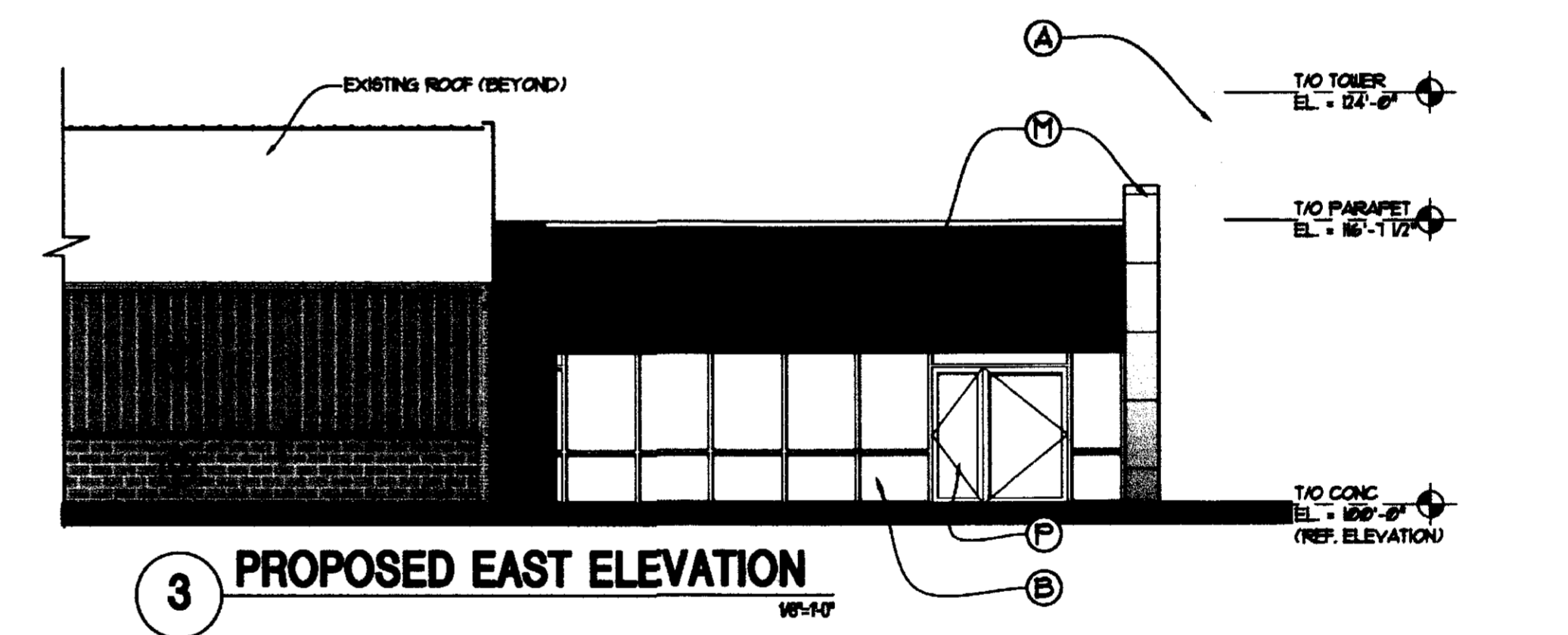
NOTE:  
REFER TO DOOR SCHEDULE FOR H1 DOOR FACE COLORS



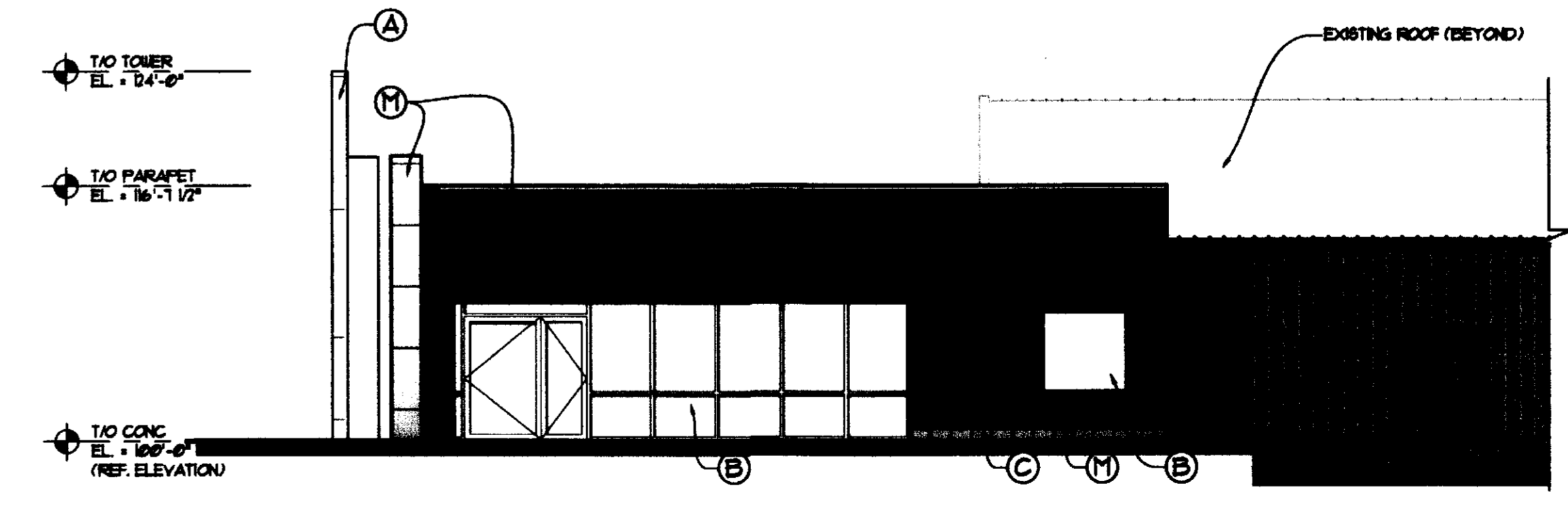
**5 NORTH ELEVATION (BEHIND TOWER)**  
1/8"=1'-0"



**2 PROPOSED NORTH ELEVATION (PARTIAL)**  
1/8"=1'-0"



**3 PROPOSED EAST ELEVATION**  
1/8"=1'-0"



**4 PROPOSED WEST ELEVATION**  
1/8"=1'-0"

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**August 20, 2013**  
**CASE #13-20**

**PROPERTY LOCATION:** 6518 Catalpa Dr.

**PETITIONER:** Zion Restoration

**ZONING:** LDR (Low Density Residential)

**WELL AND SEPTIC INFO:** Well and Septic Present/Not in Water or Sewer District

**PETITIONERS REQUEST:** 14' side yard setback variance

**CODE REFERENCE:** 3.04.01

**STAFF COMMENTS:** See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks of Zoning	50	30	30	60	35	N/A
Setbacks Requested	54*	34*	16	135	26	N/A
Variance Amount	N/A	N/A	14	N/A	N/A	N/A

**\*Setbacks for House**

# GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 13-20 Meeting Date: 8/20/13

- 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: ZION RESTORATION US

Property Address: 6518 CATALPA Phone: CELL 248 933 9401

Present Zoning: LDR Tax Code: 11-23-301-038

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: REQUESTING 14' SIDE YARD  
VARIANCE

This variance is requested because of the following reasons:

a. Unusual topography/shape of land  
(explain) \_\_\_\_\_

b. Other  
(explain) SUBDIVISION IS NON CONFORMING SUB THEREFORE  
MOST HOMES IN THIS SUB DO NOT MEET EXISTING SETBACKS.  
SETBACKS ARE DESIGNED FOR 1 ACRE HOME SITES.

### 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: 7-18-13

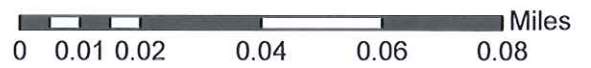
Signature: 

**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.**



# 330 ft Buffer for Noticing



Variance Case #13-20

Applicant: Zion Restoration US

Parcel: 11-23-301-038

Meeting Date: 8-20-2013



July 23, 2013

4711-23-301-018  
KRUG REBECCA A  
6564 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-019  
GREEN, MICHAEL F. & RENEE B.  
6545 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-020  
MERCCKLING, DONALD  
6530 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-021  
MONTNEY, BRANDON W. & SUSAN M.  
6518 GRAND CIRCLE DR  
Brighton MI 48116

4711-23-301-022  
KILDUFF STEVEN & JAMI  
6508 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-025  
LONGFELLOW, HERBERT B.  
6458 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-026  
BARACH, MILTON G. & LINDA S.  
6448 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-027  
EVERETT, BRUCE L. & SANDRA L  
6440 GRAND CIRCLE DR  
BRIGHTON MI 48116

4711-23-301-031  
LAPHAM WILLIAM J  
6483 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-032  
HOWAT SCOTT A  
10381 OVERHILL DR  
BRIGHTON MI 48114-7577

4711-23-301-033  
MAUCH, CARL & JEANETTE  
6503 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-034  
FORBES, WILLIAM  
6511 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-035  
HUNT KYLE & SARAH  
6523 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-036  
THOMAS TRUST  
6531 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-037  
GOLDON MICHAEL & ANN  
6530 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-038  
SWINT, JOHN & DONNA  
6518 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-039  
DOBEL, MICHAEL & LINDA  
6506 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-040  
STUTZMAN JAMACE & RACHEL A  
6496 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-041  
KOVATH, ERNEST III & CRISTY  
6484 CATALPA DR  
BRIGHTON MI 48116

4711-23-301-043  
HALL LORI  
6477 CHALLIS RD  
BRIGHTON MI 48116

4711-23-301-044  
RESKE, ROBERT  
6505 CHALLIS RD  
BRIGHTON MI 48116

4711-23-301-045  
AUTY, MARK & JENNIFER  
6527 CHALLIS RD  
BRIGHTON MI 48116

4711-23-400-003  
KANIA CORY & JEAN  
6557 CHALLIS RD  
BRIGHTON MI 48116

4711-23-400-006  
RAYNER, ERIC & LAURA  
6580 GRAND CIRCLE DR  
BRIGHTON MI 48116

August 2, 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, August 20, 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 23, 6518 Catalpa, requested by Zion Restoration US, for a 14-foot side yard variance.

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

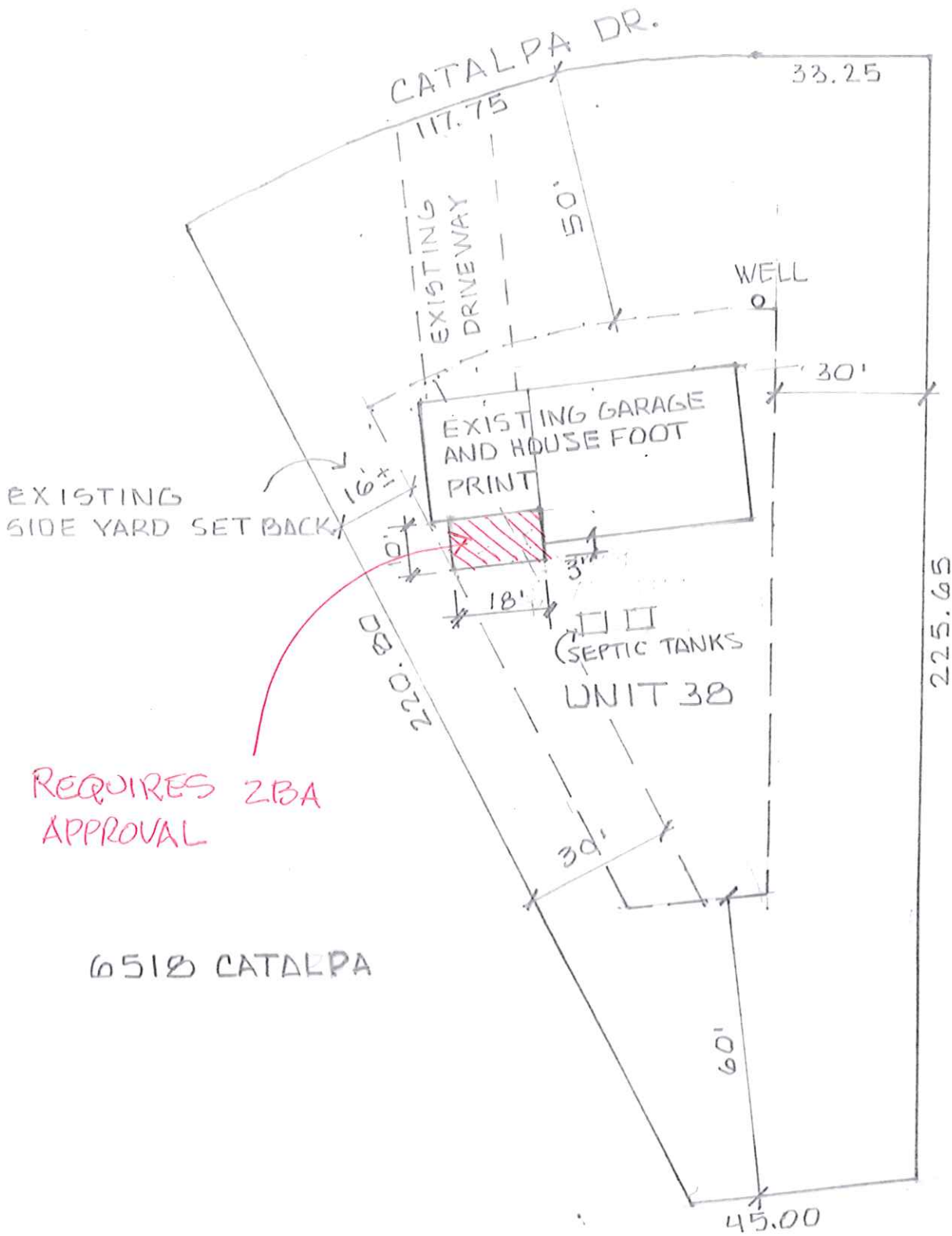
Please address any written comments to the Genoa Township Zoning Board of Appeals either at the Genoa Township mailing address listed above or via email at [ron@genoa.org](mailto:ron@genoa.org). All materials relating to this request are available for public inspection at the Genoa Township Hall prior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

RAA/km

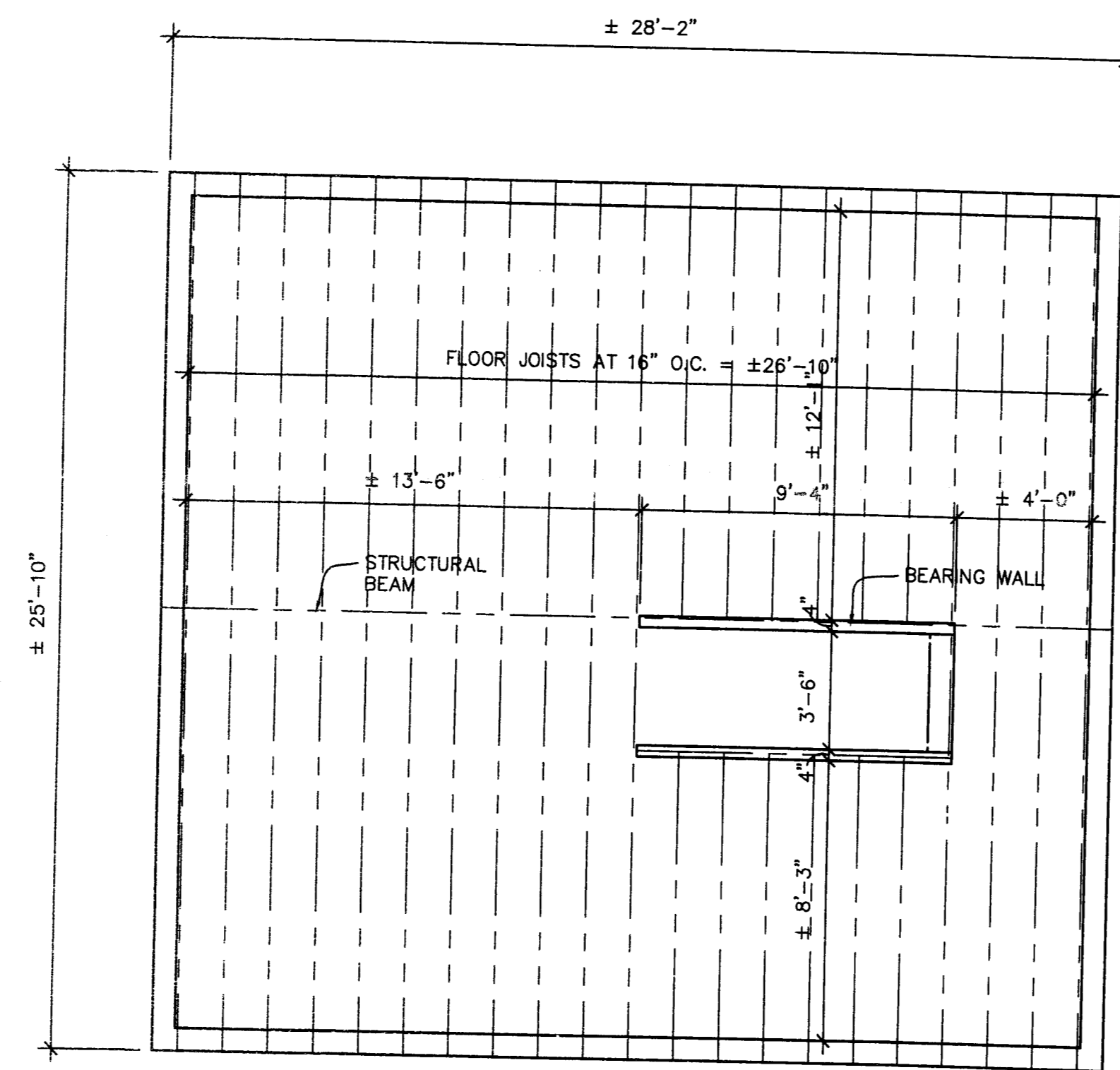


ZION RESTORATION U.S.  
 7723 KENSINGTON CT.  
 BRIGHTON, MI 48116

SCALE 1" = 30'-0"

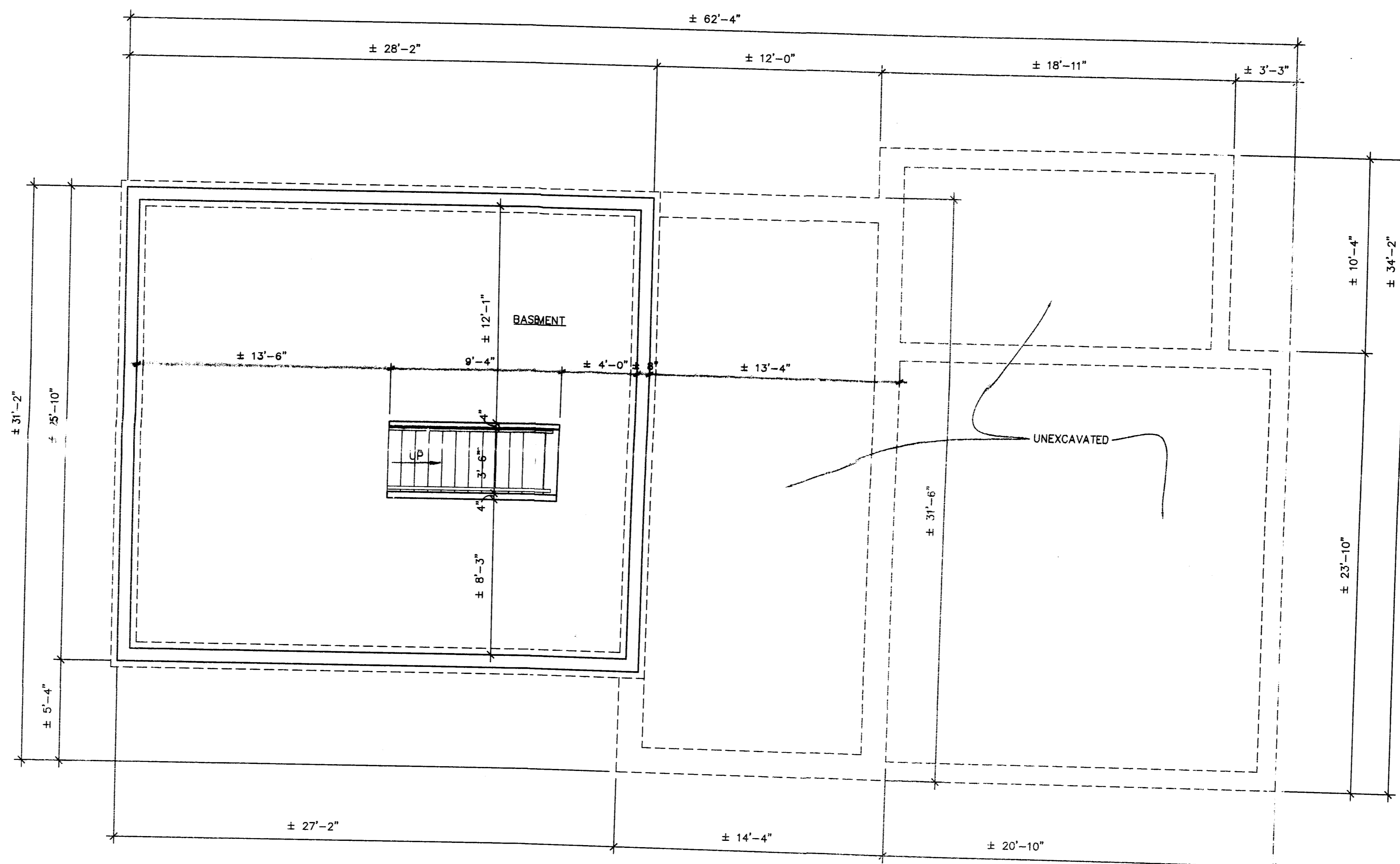


412 S. Broad St.  
Holly, MI 48442  
Phone: 810 • 634 • 5891



FIRST FLOOR  
FRAMING PLAN

1/4" = 1'-0" X01



FOUNDATION  
PLAN

1/4" = 1'-0" X01

SWINT  
RESIDENCE

ISSUED FOR  
REVIEW  
PERMITS

07/04/2013  
07/20/2013

SHEET TITLE

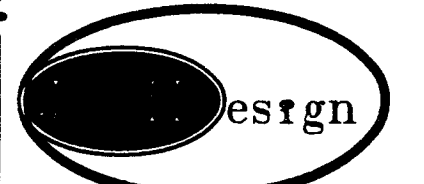
FOUNDATION PLAN  
AND FIRST FLOOR  
FRAMING PLAN

PROJECT NUMBER

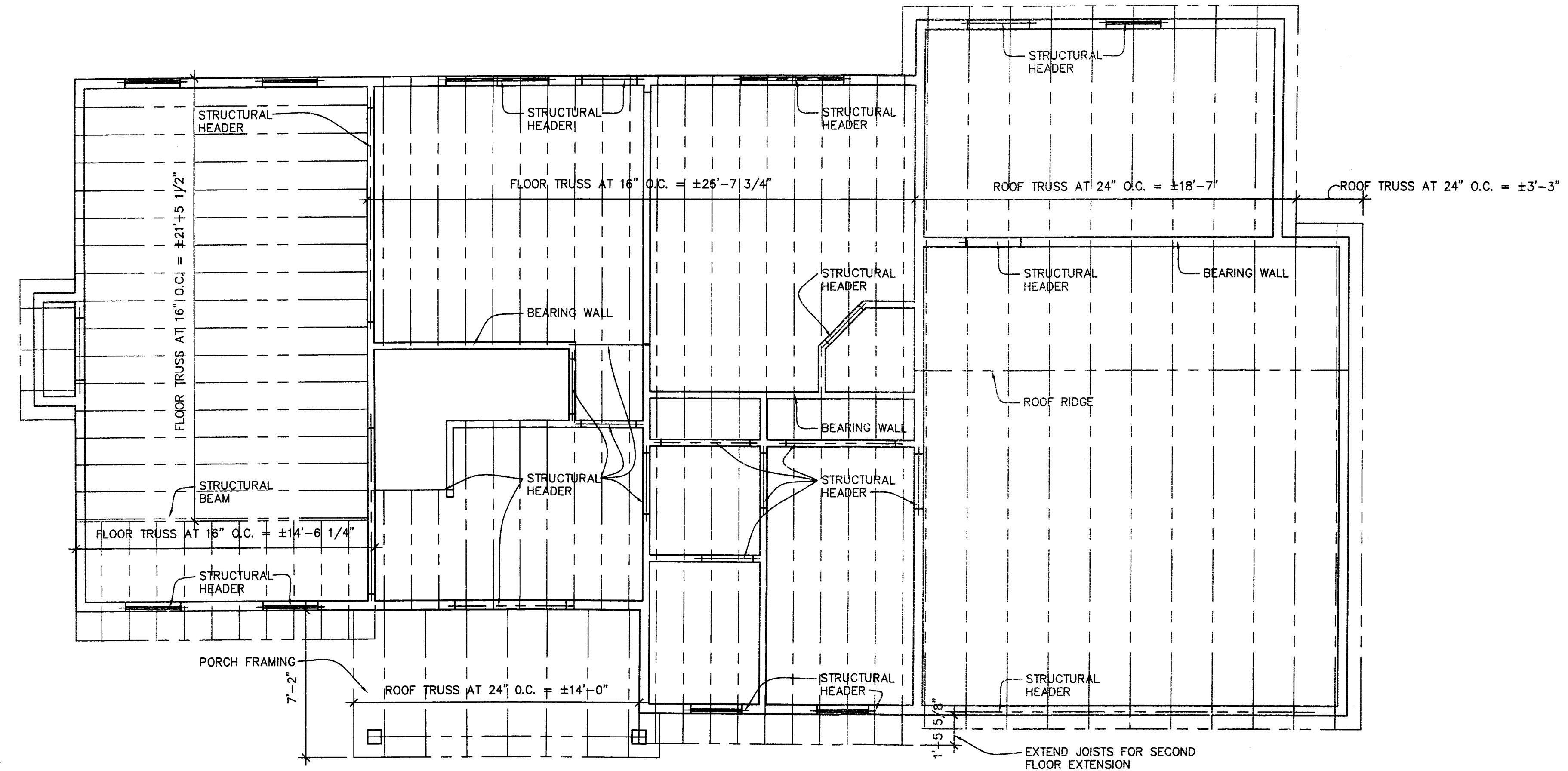
1302

SHEET

A-1

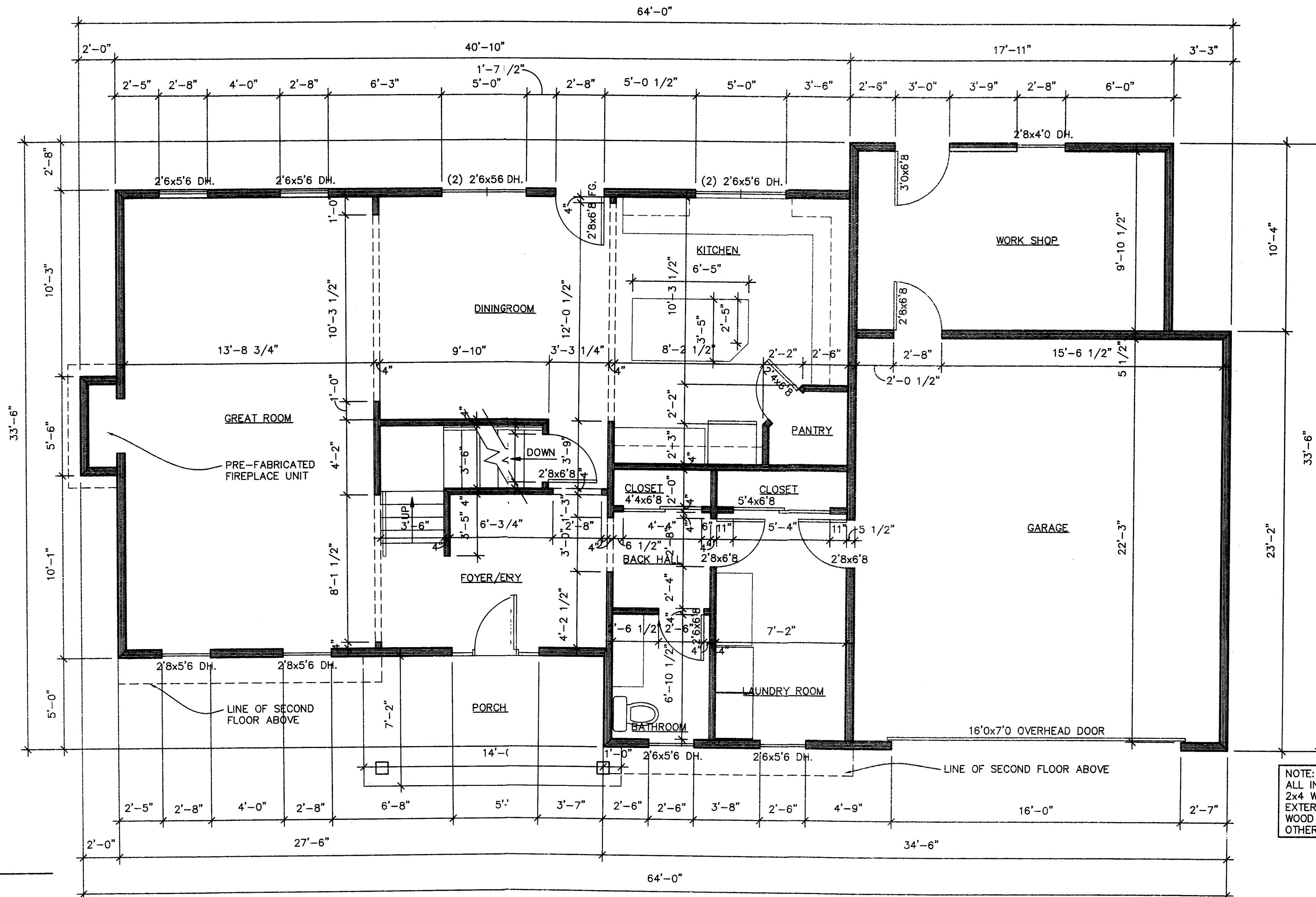


412 S. Broad St.  
Holly, MI. 48442  
Phone: 810 • 634 • 5891



### SECOND FLOOR FRAMING PLAN

1/4" = 1'-0" X01



### FIRST FLOOR PLAN

1/4" = 1'-0" X01

## SWINT RESIDENCE

ISSUED FOR  
REVIEW  
PERMITS

07/08/2013  
07/20/2013

SHEET TITLE  
FIRST FLOOR PLAN  
AND SECOND FLOOR  
FRAMING PLAN

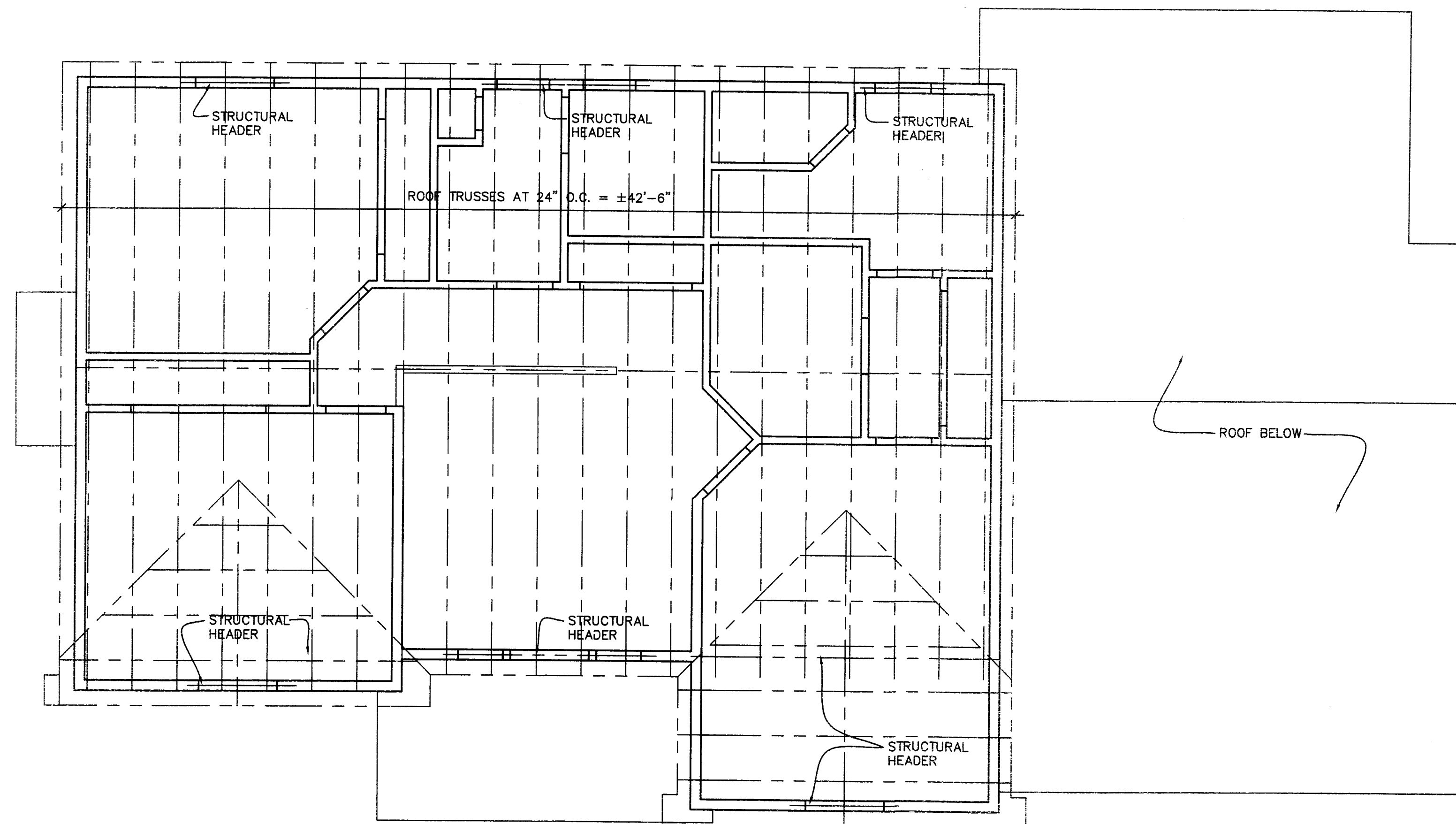
PROJECT NUMBER

1302

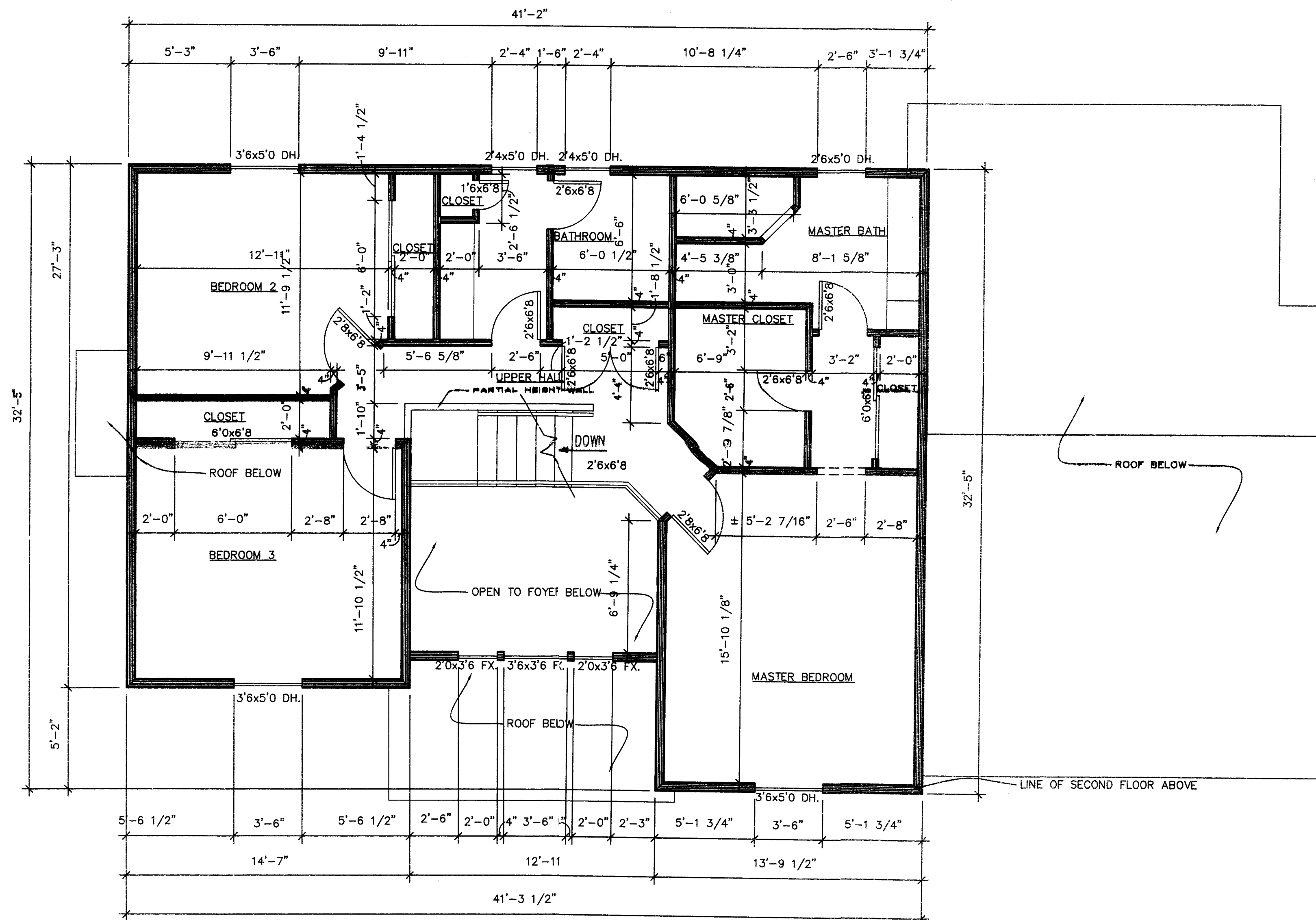
SHEET

A-2

NOTE:  
ALL INTERIOR WALLS ARE  
2x4 WOOD STUDS, ALL  
EXTERIOR WALLS ARE 2x6  
WOOD STUDS UNLESS NOTED  
OTHERWISE.



ROOF FRAMING PLAN  
 1/4" = 1'-0" X01



SECOND FLOOR PLAN  
 1/4" = 1'-0" X01

NOTE:  
 ALL INTERIOR WALLS ARE  
 2x4 WOOD STUDS, ALL  
 EXTERIOR WALLS ARE 2x6  
 WOOD STUDS UNLESS NOTED  
 OTHERWISE.

SWINT RESIDENCE

ISSUED FOR  
 REVIEW  
 PERMITS

07/08/2013  
 07/20/2013

SHEET TITLE

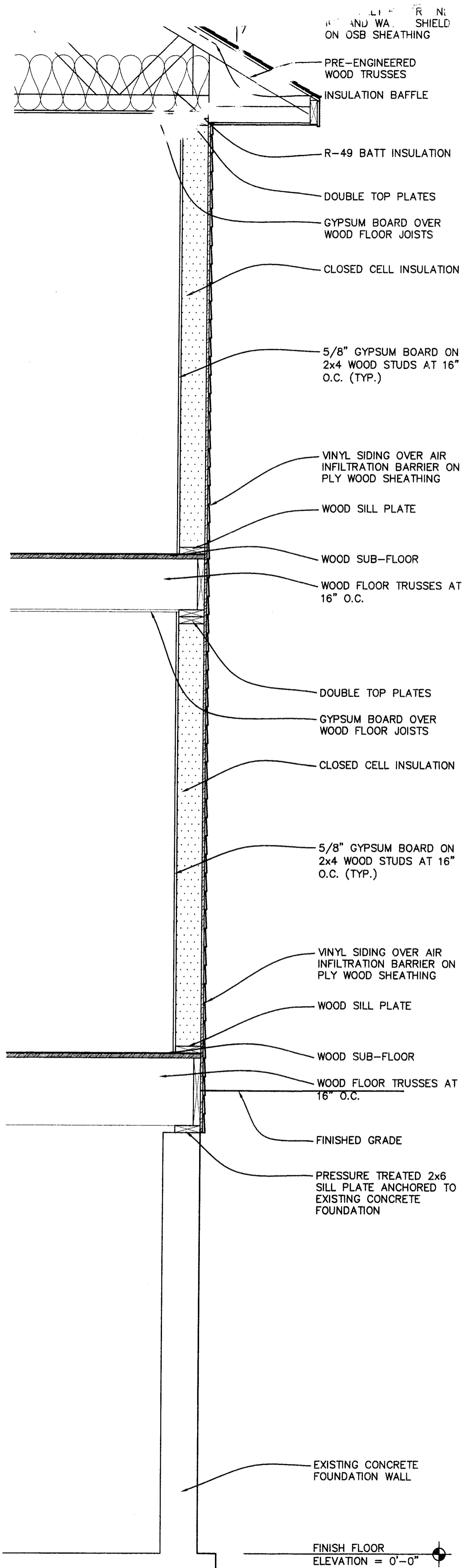
SECOND FLOOR PLAN  
 AND ROOF FRAMING  
 PLAN

PROJECT NUMBER

1302

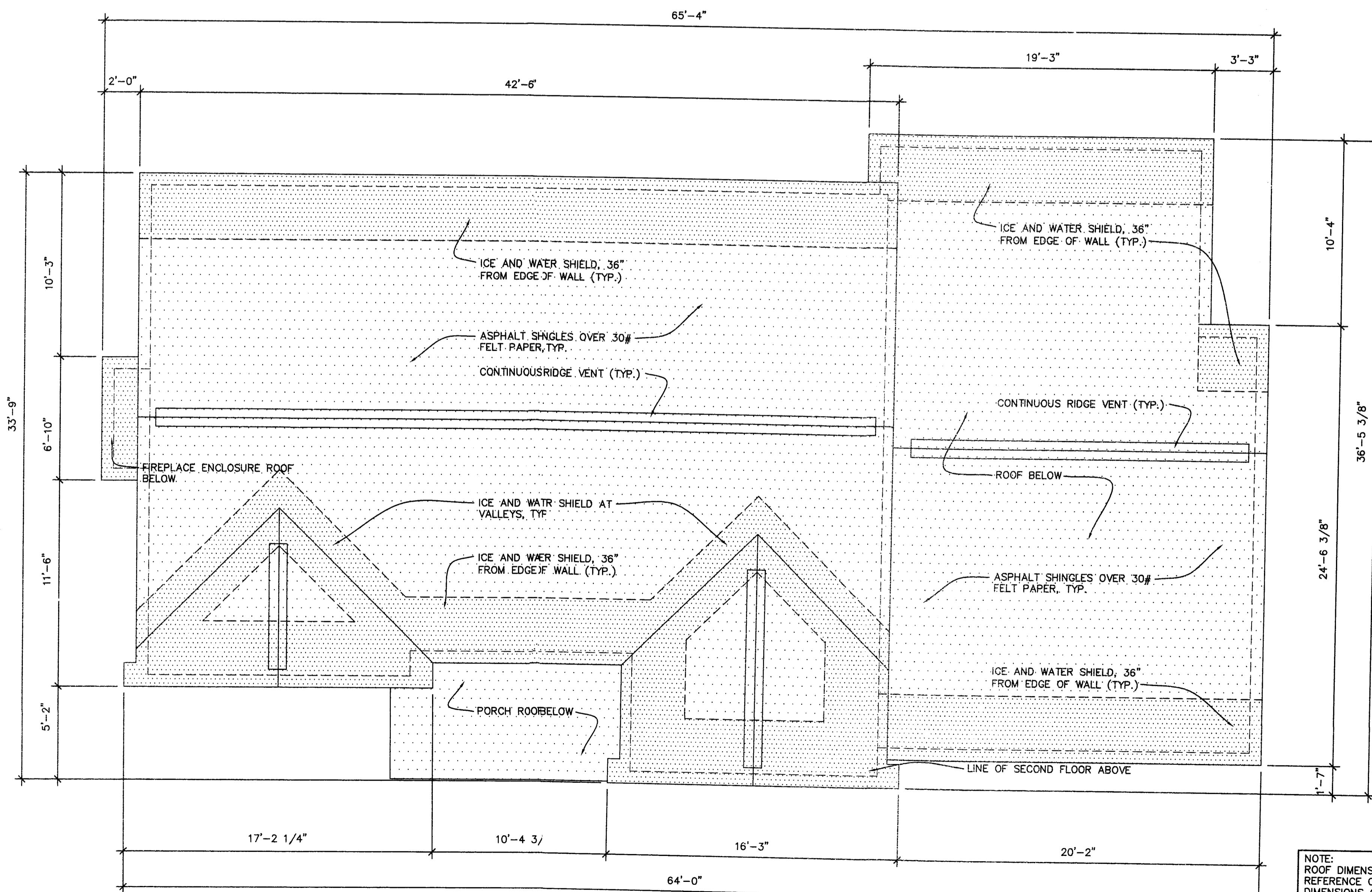
SHEET

A-3



TYPICAL WALL SECTION

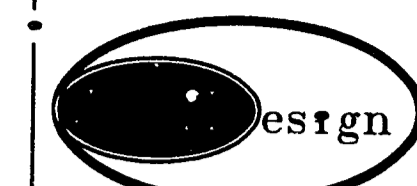
3/4" = 1'-0" X01



ROOF PLAN

1/4" = 1'-0" X01

NOTE: ROOF DIMENSIONS ARE FOR REFERENCE ONLY, FOLLOW DIMENSIONS ON FLOOR PLANS.



412 S. Broad St.  
 Holly, MI. 48442  
 Phone: 810 • 634 • 5891

SWINT RESIDENCE

ISSUED FOR REVIEW PERMITS

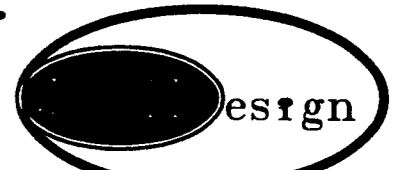
07/06/2013  
 07/20/2013

SHEET TITLE  
 ROOF PLAN

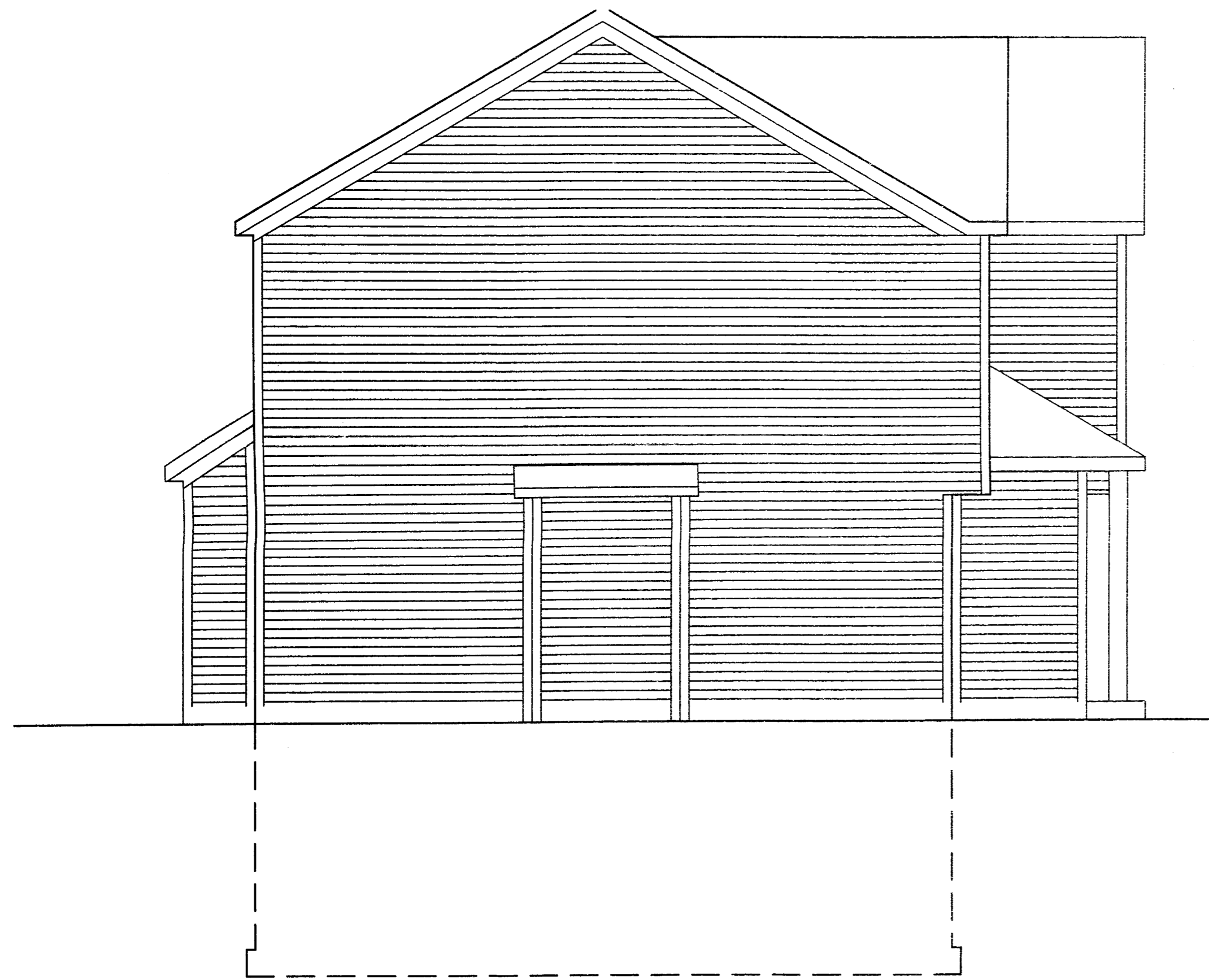
PROJECT NUMBER  
 1302

SHEET  
 A-4



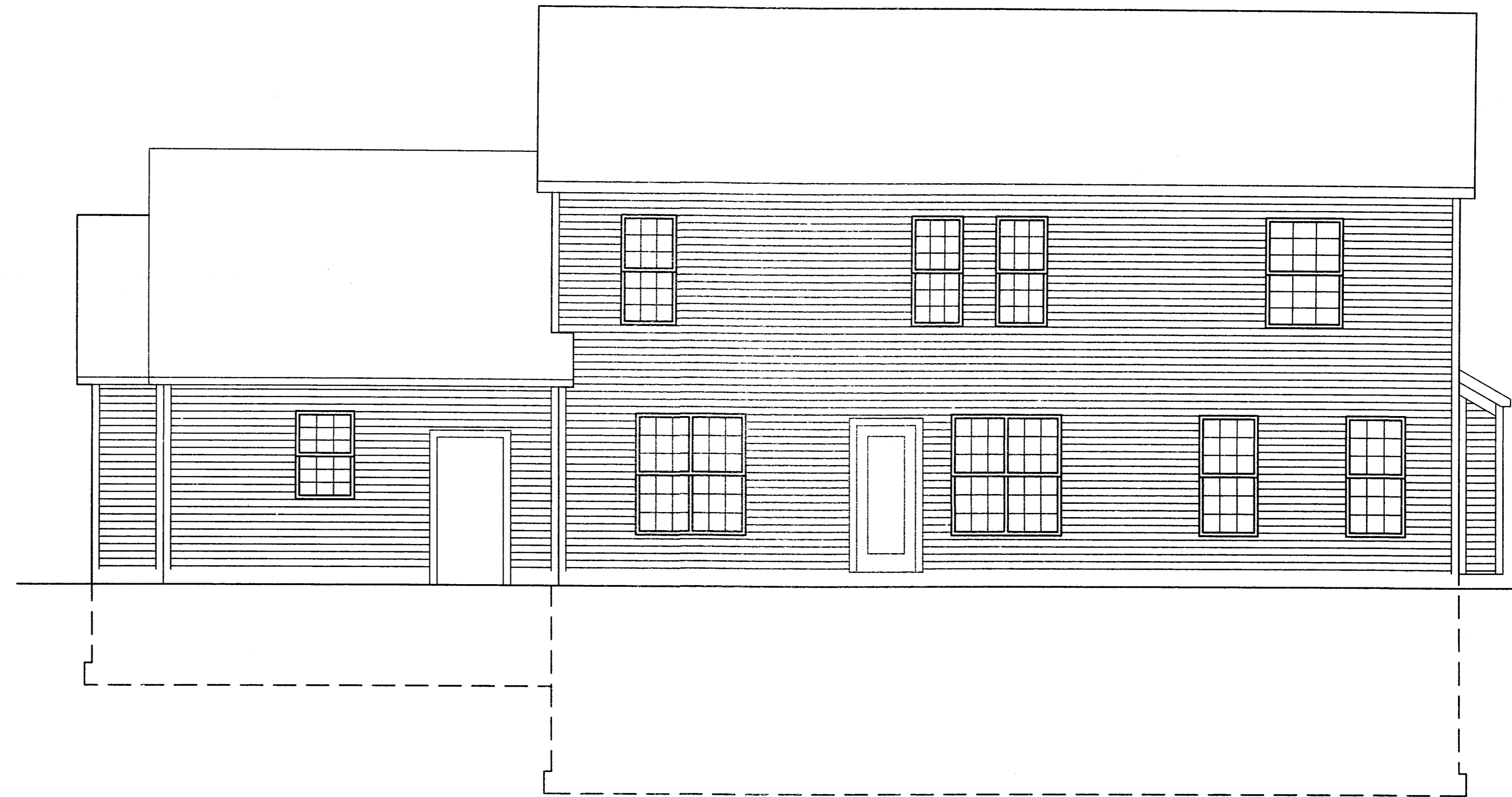


412 S. Broad St.  
Holly, MI. 48442  
Phone: 810 • 634 • 5891



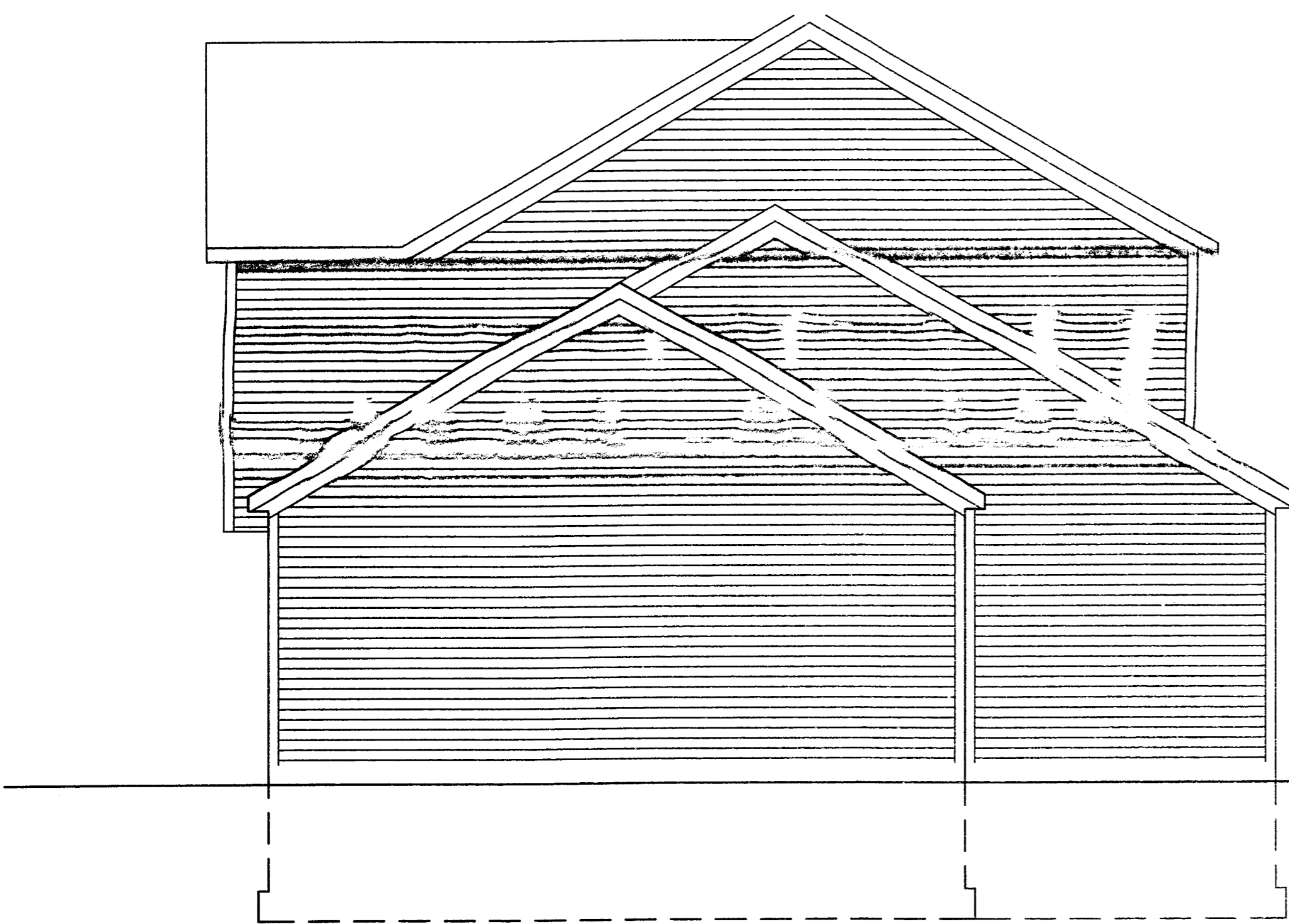
LEFT  
ELEVATION

1/4" = 1'-0" X01



REAR  
ELEVATION

1/4" = 1'-0" X01



RIGHT  
ELEVATION

1/4" = 1'-0" X01



FRONT  
ELEVATION

1/4" = 1'-0" X01

SWINT  
RESIDENCE

ISSUED FOR  
REVIEW  
PERMITS

07/06/2013  
07/20/2013

SHEET TITLE  
EXTERIOR ELEVATIONS

PROJECT NUMBER

1302

SHEET

A-5



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** August 14, 2013  
**RE:** ZBA 13-20

---

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

### STAFF REPORT

**File Number:** ZBA#13-20

**Site Address:** 6518 Catalpa Dr

**Parcel Number:** 4711-23-301-038

**Parcel Size:** 0.51 Acres

**Applicant:** Zion Restoration

**Property Owner:** John & Donna Swint, 6518 Catalpa, Brighton, MI 48116

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting variances from article 3.04.01 to construct an addition within the side yard setback.

**Zoning and Existing Use:** LDR (Low Density Residential), Single Family Residential (Existing house to be demolished due to fire damage.)

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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.
- There was a structure fire at the home which burnt down the existing attached garage and damaged the house portion of the structure.
- The property is on a septic system and a well and is not within the sewer or water district.
- A Land Use Waiver was issued on July 22, 2013 to demolish the fire damaged structure on the property.
- A Land Use Permit was issued on July 23, 2013 to place a house on the same footprint as the prior house.

**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 construct an addition off the back of the proposed attached garage. This attached portion of the building sits within the side yard setback. The dimensional requirements for the LDR zoning district are as follows:

- Setbacks: F: 50' S: 30' S: 30' R: 60'
- Lot Coverage: N/A
- Building Height: 35'
- Minimum Lot Size: 1 acre

The zoning designation for this subdivision changed to LDR at some point during the 1990's. This LDR zoning designation changed the minimum lot size and setbacks which made many lots and existing homes in the subdivision legal non-conforming.

## 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 side yard setback requirements for the LDR zoning district. The current zoning requirement is 30' and the addition is proposed to be setback 16' from the side property line. This require a variance of 14' to be granted.

## 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**

Prior to reviewing the summary of findings I want to discuss the different regulations that have been applicable to this property. The applicant approached the Township after the house fire to discuss demolition and reconstruction. There is a provision in the zoning ordinance that allows a legal non-conforming residential building to be reconstructed on the same footprint in the event of a fire. This section is as follows:

**24.04.05 Reconstruction of a Fire Damaged Residential Structure:** In the event a nonconforming residential structure is damaged by fire or other natural cause, a residential structure may be reconstructed on the same foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence.

This section allowed the applicant to pull a permit to reconstruct the existing house. The addition that the owner wanted to build behind the attached garage increased the first floor footprint and would increase the size of the previous residence. Due to this a variance was needed to construct the addition because it is located within the side yard setback.

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the setbacks would prevent an addition from being built off the garage. The dimensional standards of the zoning ordinance were changed after the subdivision was installed creating many legal non-conformities within this subdivision. The proposed addition is the same distance from the side line as the attached garage and substantial justice would be done to the applicant by allowing them the building envelope that was initially approved for the subdivision. The proposed addition will be constructed consistently with the house and based on the addition not moving any closer to the side line than the attached garage, there will be little if any impact on neighboring property owners.
- **Extraordinary Circumstances** – The extraordinary circumstances of this property is the legal non-conforming aspect of it. It is different from other properties in the LDR district because the subdivision was created with lesser zoning restrictions than what it was changed to. The need for the variance was not self-created because the change in zoning restrictions created the need.

- **Public Safety and Welfare** – The proposed variance allows for sufficient distance between the proposed residential building and residential buildings on adjacent parcels. There are no perceived public safety and welfare issues with the request.
- **Impact on Surrounding Neighborhood** – This use is consistent with the other single family residential uses in the surrounding neighborhood. Based on the distance of the addition from the side yard remaining the same as the attached garage, the impact on the adjacent property will be little if any.

### **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 # 13-20 for Zion Restoration, 6518 Catalpa Dr., for a side yard setback variance of 14' based on the following findings of fact:

1. Strict compliance with the side yard setback requirement would limit the ability of the property owner to place the addition on the attached garage.
2. The property is zoned LDR, but was created under less strict zoning requirements than the LDR district. Due to this the lot size and building were made existing non-conforming by the zoning change.
3. Many lots and structures within the Mountain View subdivision are also legal non-conforming.
4. The need for a variance is not self-created.
5. The proposed variance will not impair public safety or welfare.
6. The proposed addition will have little if any impact on adjacent properties due to the addition being located at the same distance from the side property line as the attached garage.

## Ron Akers

---

**From:** Linda%20Michele-Dobel%20Photography <lindamd@comcast.net>  
**Sent:** Tuesday, August 06, 2013 1:22 PM  
**To:** Ron Akers  
**Subject:** Proposed variance at at 6518 Catalpa

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ron,

This is the Linda Michele-Dobel, neighbor next to the Swint's home, at 6518 Catalpa, Brighton 48116.

My husband and I will be unable to attend the Zoning Boards upcoming meeting on August 20th, regarding a 14 foot variance

on a rebuild after a horrific fire that took place at the above mentioned home.

Our home is located at 6506 Catalpa, Brighton, 48116.

Please move forward in allowing the poor homeowners to get their home and garage rebuilt.

Thank you,  
Linda Michele-Dobel

--

Linda Michele-Dobel Photography  
810-220-3354

[lindamd@comcast.net](mailto:lindamd@comcast.net)

[www.lmd-photography.com](http://www.lmd-photography.com)

[www.lmd-photography.smugmug.com](http://www.lmd-photography.smugmug.com)

[www.facebook.com/#!/pages/Linda-Michele-Dobel-Photography/110728395607010](https://www.facebook.com/#!/pages/Linda-Michele-Dobel-Photography/110728395607010)

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**August 20, 2013**  
**CASE #13-21**

**PROPERTY LOCATION:** 4470 Clifford Rd.

**PETITIONER:** Thomas and Donna Phelps

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

**WELL AND SEPTIC INFO:** Connected to sewer system, connected to well

**PETITIONERS REQUEST:** 2' side yard setback variance (deck), 3' variance from the required distance a deck has to be from the rear building line.

**CODE REFERENCE:** 11.04.02(a) & 11.04.02(c)

**STAFF COMMENTS:** See Attached Staff Report

	Front	One Side	Other Side	Rear	Distance from Rear Building Line	Waterfront
Setbacks for Decks	N/A	4	4	N/A	15	N/A
Setbacks Requested	N/A	2	17	N/A	18	N/A
Variance Amount	N/A	2	N/A	N/A	3	N/A

# GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 13-21 Meeting Date: 8/20/13 @ 6:30 pm.

- 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 A. and Donna Jean Phelps

Property Address: 4470 Clifford Rd Phone: 810-227-8334

Present Zoning: LRR Tax Code: 4711-22-302-091

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: Variance from 11-04-02(a) for sideyard setback variance on the south  
Variance from 11-04-02(c) which requires decks to be max 15 ft from rear bldg. line

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) Narrowness of lot resulting from 1912 platting placed  
house 2 ft from south lot line. Existing tree blocks north extension of deck.
- b. Other (explain) Plan reduces existing non-conformity from 27 to 18 ft. Sight line of neighbors  
improved. Location of tree and double door-walls limits deck options.

## 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: 7/25/2013

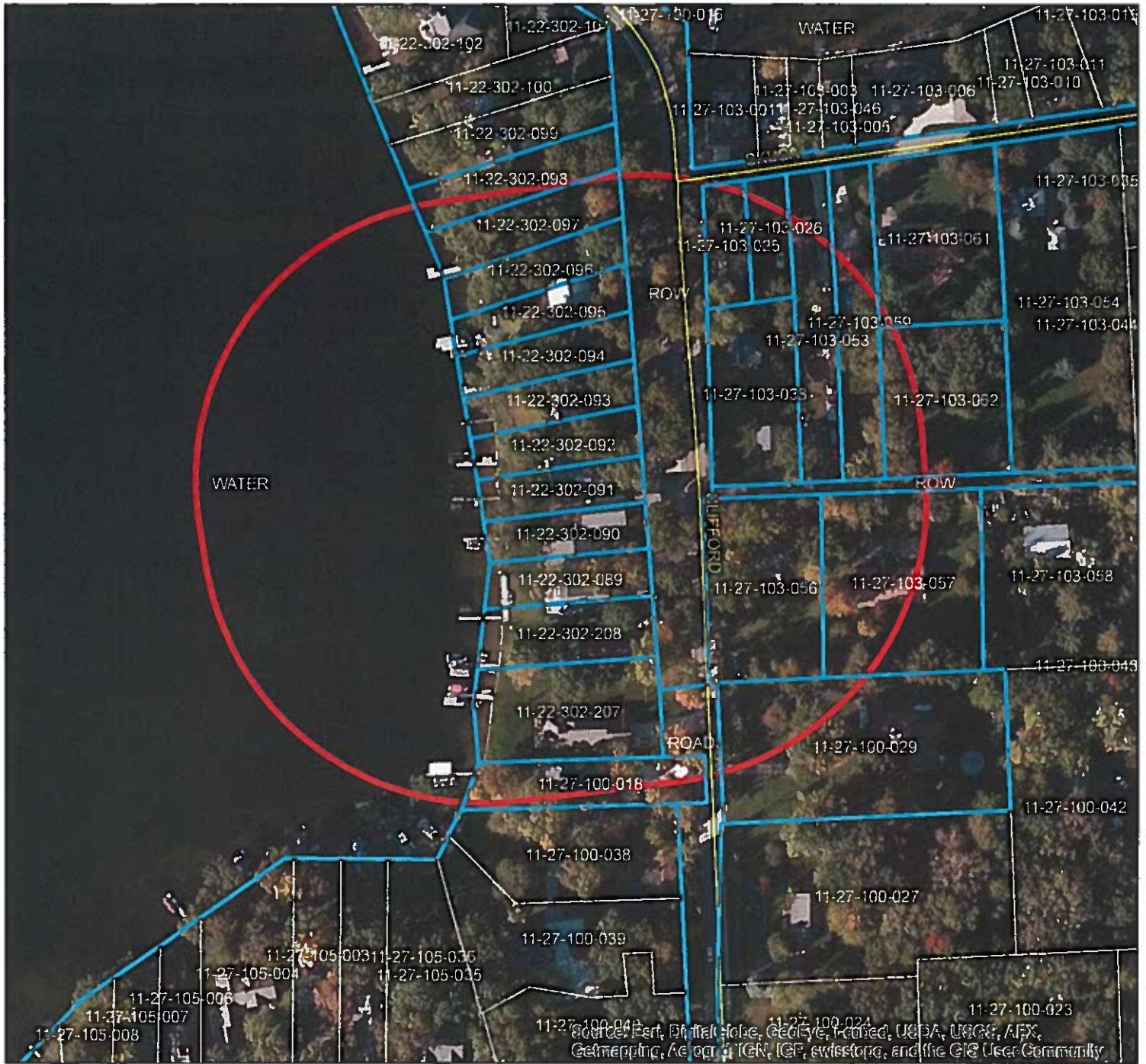
Signature: Donna Jean Phelps & [Signature]

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

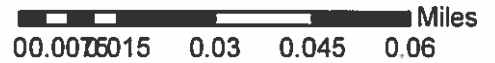
**After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.**



# 300 ft Buffer for Noticing



Source: Per: DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, ICF, swisstopo, and the GIS User Community



Variance Case #13-21

Applicant: Thomas A. and Donna Jean Phelps

Parcel: 4711-22-302-091

Meeting Date: August 20, 2013



July 26, 2013

# GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 13-21 Meeting Date: 8/20/13 @ 6:30pm.

- 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 A. and Donna Jean Phelps

Property Address: 4470 Clifford Rd Phone: 810-227-8334

Present Zoning: LRR Tax Code: 4711-22-302-091

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: Variance from 11-04-02(a) for sideyard setback variance on the south  
Variance from 11-04-02(c) which requires deck

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) Narrowness of  
house 2 ft from south lot line. Existing tree

- b. Other (explain) Plan reduces existing non-conform  
improved. Location of tree and double door

We will use blue painter tape to:  
① mark where proposed deck will end  
② mark where stairs down will start (on each side)

This will be applied to edges of existing deck and labeled

## Variance Application Requires

- Plot Plan Drawings showing setbacks and 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: 7/25/2013

Signature: Donna Jean Phelps & [Signature]

**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.**

4711-22-302-089  
MALPELI, CAMILLA  
4482 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-090  
CAMPEAU, STEVE & TERRI  
4476 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-091  
PHELPS, THOMAS & DONNA J.  
4470 CLIFFORD RD  
Brighton MI 48116

4711-22-302-092  
GIDDINGS, CYNTHIA F.  
TRUSTEE  
6380 ELSEY  
TROY MI 48098

4711-22-302-093  
BUTMAN, BARBARA J.  
15727 GRASS LAKE RD  
GRASS LAKE MI 49240

4711-22-302-094  
KOBE HERTHA  
13 FONTIS TERRACE  
CROSSVILLE TN 38558

4711-22-302-095  
MCCRIRIE W, GEDDIS S &  
GEDDIS-MCCRIRIE ALEXANDRA  
4430 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-096  
LAPHAM HOWARD  
4420 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-097  
LYON PROPERTIES ASSOC. LLC  
MIKE BIBER  
5332 ARBOR BAY  
BRIGHTON MI 48116

4711-22-302-098  
OSPREY S A LTD  
7600 GRAND RIVER, STE 180  
BRIGHTON MI 48114

4711-22-302-207  
KRUEGER, SCOTT M. & LINDA M.  
4500 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-208  
CLOKE MICHAEL & BRANDAU CATHY  
4490 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-018  
HESCHELES, CHRISTOPHER  
4510 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-029  
LANZA DOMINIC & KATHY  
4531 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-103-025  
PARISEAU, BRIAN & MARY  
4425 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-103-026  
JENJA ENTERPRISES LLC  
4487 FILBERT DR  
BRIGHTON MI 48116

4711-27-103-038  
MCCRIRIE WILLIAM D  
1015 E. MAIN  
BRIGHTON MI 48116

4711-27-103-053  
NORRIS, DANIEL & KANDACE  
4387 SKUSA  
BRIGHTON MI 48116

4711-27-103-056  
BARNETT, JR., RONALD D.  
4501 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-103-057  
SIECINSKI DOUGLAS F  
4493 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-103-059  
BAKER, SUSAN L.  
4382 SKUSA DR  
BRIGHTON MI 48116

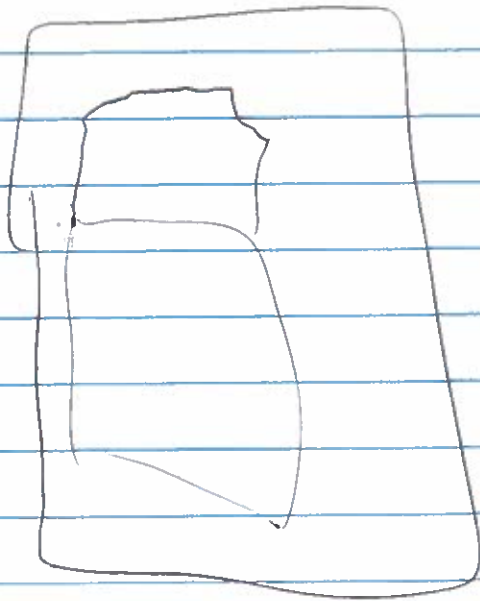
4711-27-103-061  
REBIGER DAVID & KAREN  
4371 SKUSA  
BRIGHTON MI 48116

4711-27-103-062  
REBIGER DAVID & KAREN  
4371 SKUSA DR.  
BRIGHTON MI 48116

- Can only extend 15' from building line
- required to be 4' from side prop. line
- uncovered?

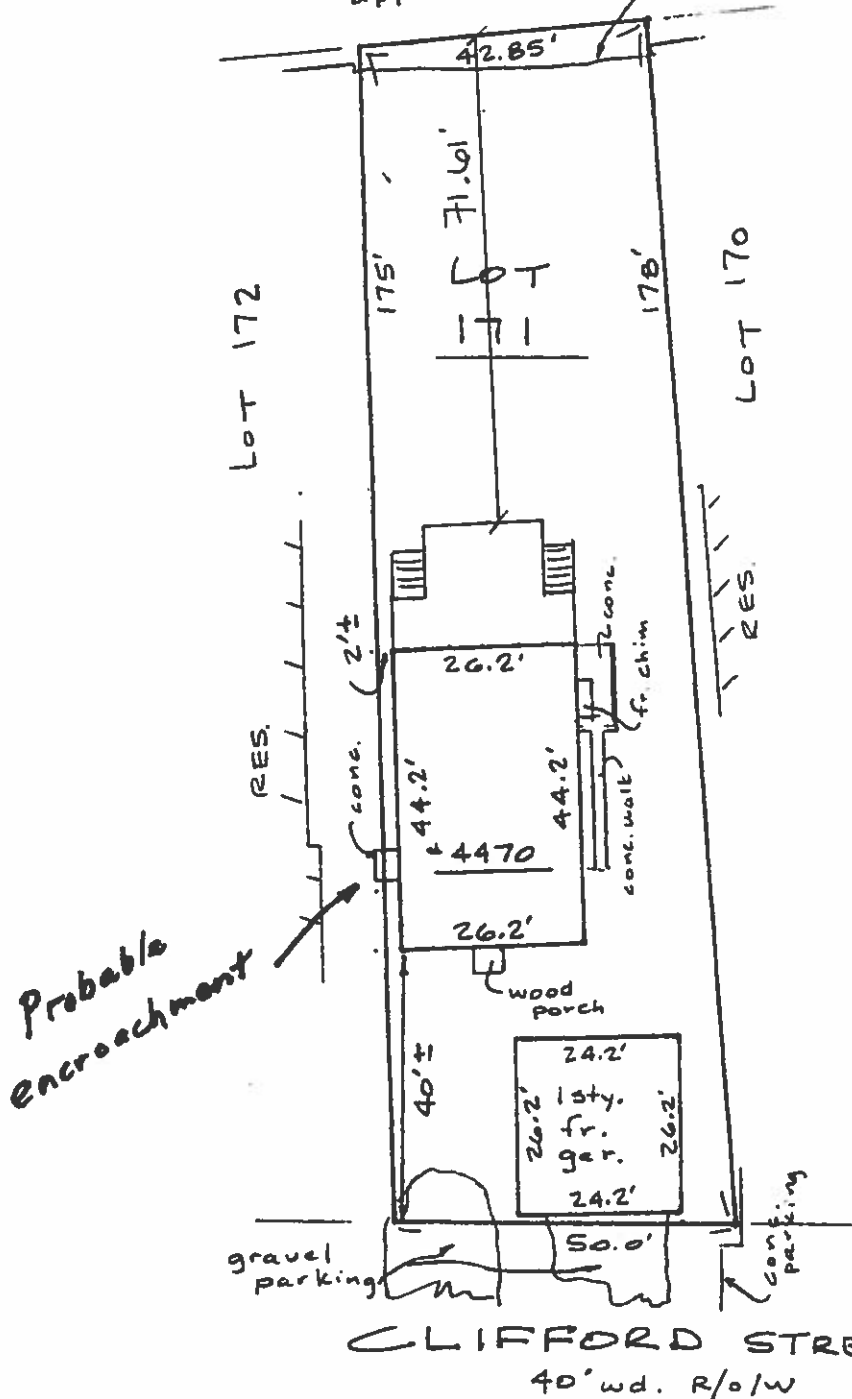
Jason  
517-897-1519

~~✱~~ djphelps@comcast.net

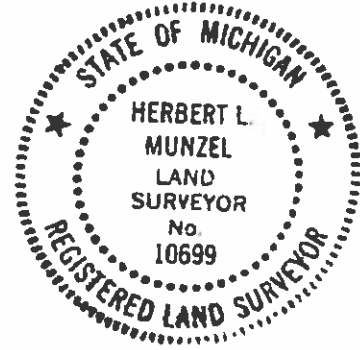


Lot 171, "CROOKED LAKE HIGHLANDS SUB." of part of Sections 21, 22, 27 and 28, T.2 N., R.5 E., Genoa Twp., Livingston Co., Mich., according to the plat thereof as recorded in Liber 1 of Plats, Page 40, Livingston County records.

CLIFFORD LAKE  
 (platted as:  
 ROUND LAKE)  
 approx. shoreline



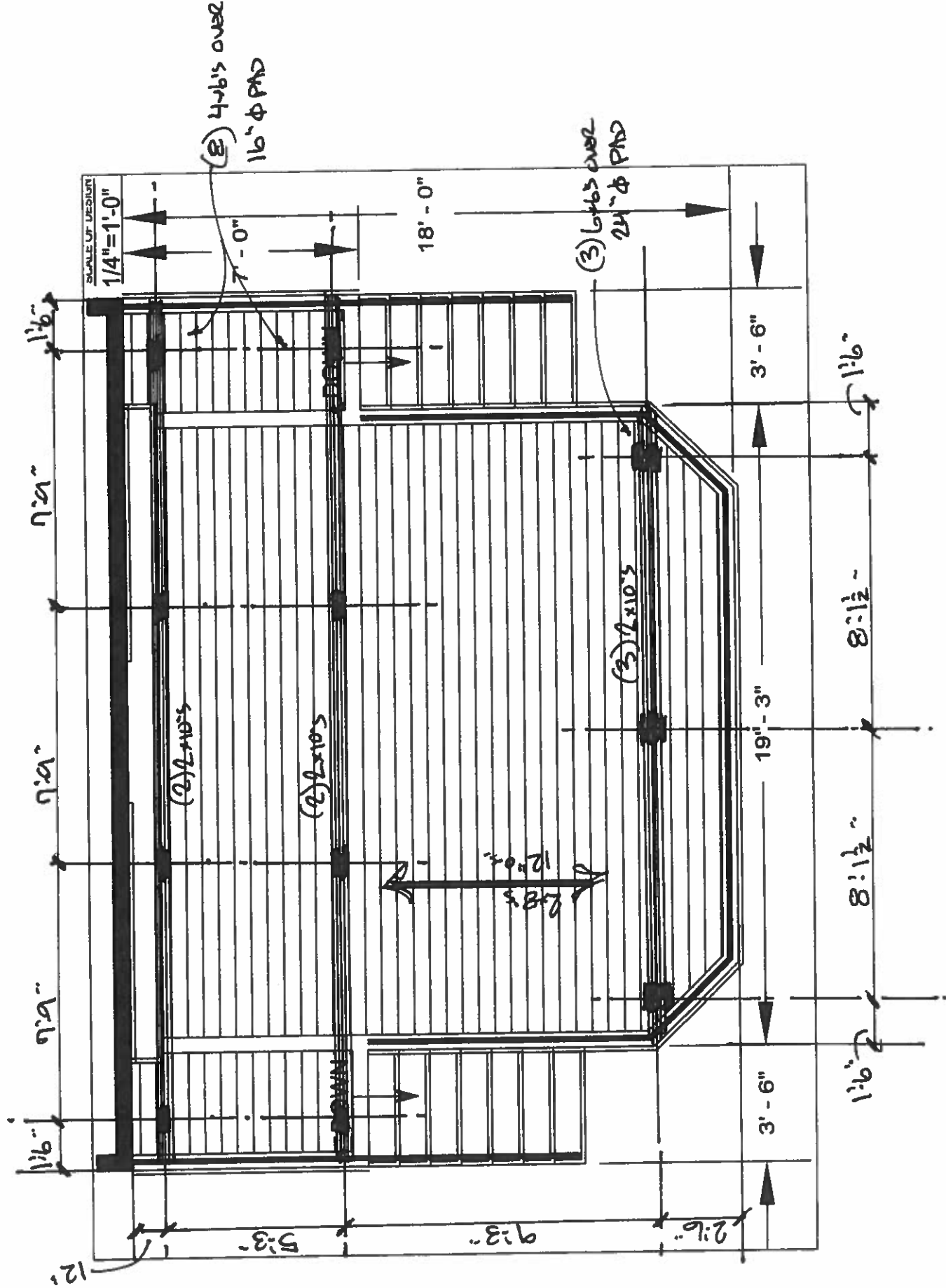
NOTE: Boundary/lot stake survey necessary to verify property lines and confirm position of structures relative to property lines.



We hereby certify that we have measured the buildings and their location on the above described parcel of land, as indicated on the sketch. Sideline and setback dimensions should not be used for establishing property lines or for setting fences.

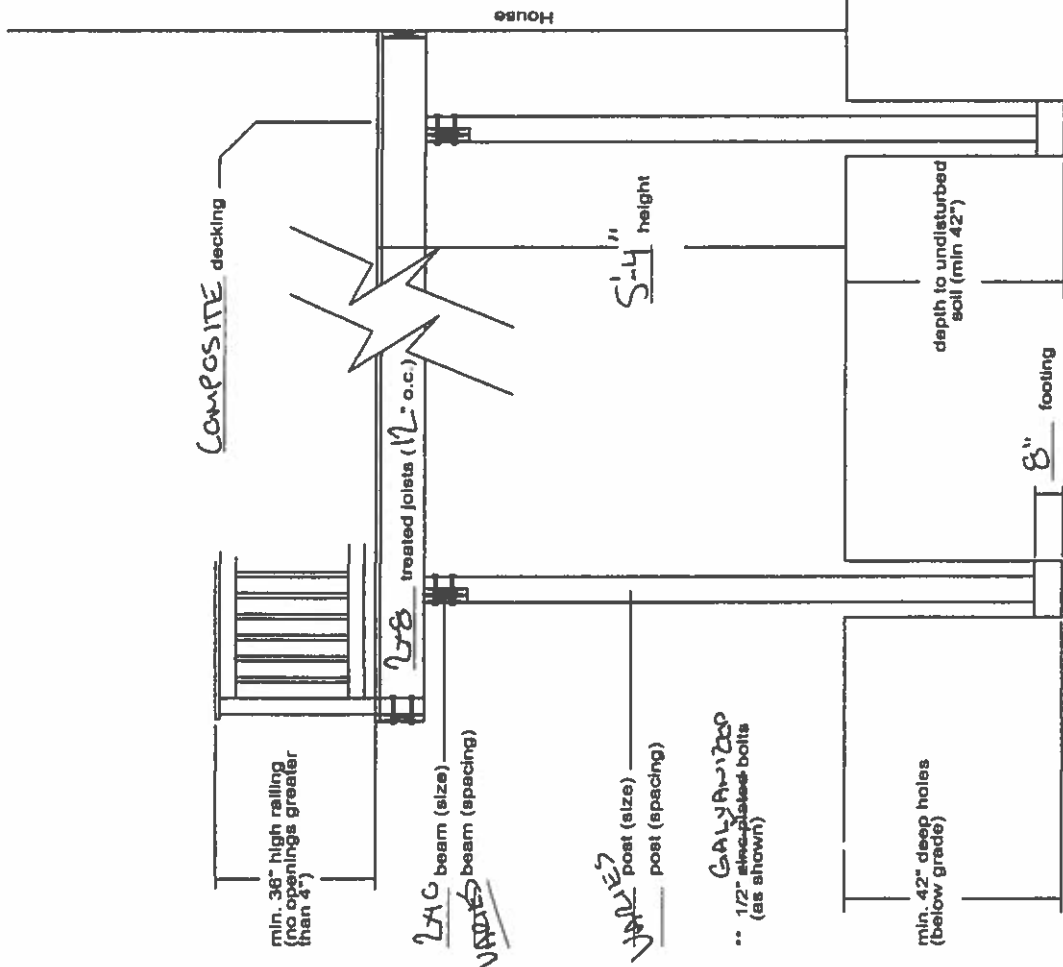
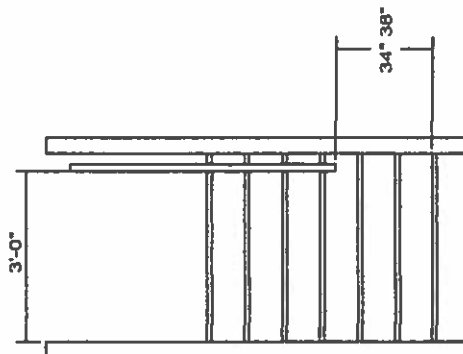
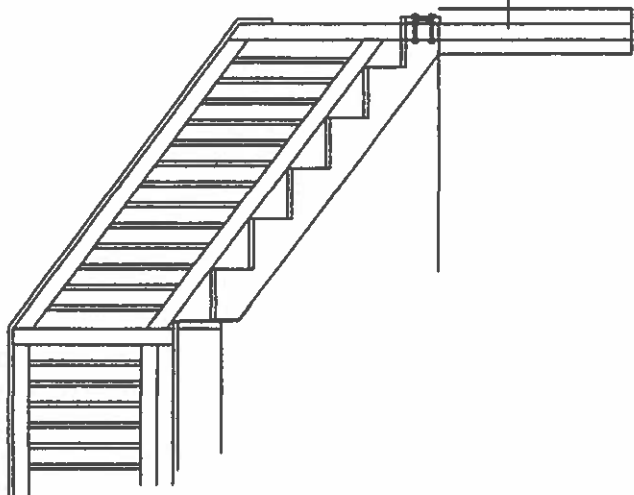
ENCROACHMENTS: Parking in street; see dwg. & NOTE

Herbert L. Munzel # 10699



Stair specs to meet Michigan Residential Building Codes:

- rise / tread measurements
- handrail guidelines
- guardrails



*Residential*

**GENOA TOWNSHIP  
LAND USE PERMIT REQUIREMENTS**

- Three copies of the construction plans (folded if large)
- Three copies of the site or plot plan showing the following:  
dimensions of property; all roads adjacent to property, easements, wetlands, lakes and streams, all structures, existing or proposed wells, septic tanks and fields, dimensions from buildings to property line, dimensions of proposed building including building elevations (folded if large)
- Completed Land Use Permit Application form
- Completed Meter Form (New Construction Only)

**LAND-USE PERMIT FEES**

*(Payments accepted in check or cash only)*

Mass Grading.....	\$150.00
Commercial / Industrial.....	\$150.00*
Sign.....	\$ 75.00
Residential New Construction/Addition.....	\$ 75.00*
Accessory Building.....	\$ 50.00
Deck/Fence/Swimming Pool.....	\$ 50.00

*\*Where applicable, connection and meter fees will also be required at the time of land use permit issuance.*

**AFTER OBTAINING A LAND USE PERMIT, YOU MUST CONTACT THE LIVINGSTON COUNTY BUILDING DEPARTMENT AT (517) 546-3240 TO PULL A BUILDING PERMIT.**

*If you have any questions, please call the Genoa Township Offices at (810) 227-5225.*





Residential Land Use Permit

Genoa Charter Township • 2911 Dorr Rd. • Brighton, MI 48116

Phone (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

GENOA TOWNSHIP

JUL 24 2013

PERMIT NO. \_\_\_\_\_

1. PROJECT INFORMATION

Site Address: 4470 Clifford RECEIVED Acreage:

2. OWNER/APPLICANT INFORMATION

Owner Name: Tom Phelps Phone No.: 734-645-9253

Owner Address: 4470 Clifford City: Brighton State: MI Zip:

Applicant is: [ ] Owner [X] Contractor [ ] Lessee/Renter [ ] Architect/Engineer [ ] Other:

Applicant name: Kyle Builders, Inc Phone No.: 386-254-9880

Applicant Address: 4495 22 Mile Rd City: Shelby Township MI Zip: 48316

3. TYPE OF IMPROVEMENT

A. Principal Structure [X] New Single Family [ ] New Multiple Family [ ] Addition to Existing Building [ ] Grading/Site Work [ ] Other:

B. Accessory Structure [ ] Fence [X] Deck [ ] Detached Accessory (garage, shed, pole barn) [ ] Pool/Hot Tub [ ] Other:

4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION

A. Proposed Principal Structure Setbacks (in feet)

Front: (measured from front property line, right-of-way line or private road easement, whichever is less) Rear: Least Side: Side: Water/Wetland:

B. Proposed Accessory Structure Setbacks (in feet)

Front: Least Side: Side: Rear: Water/Wetland: Distance from Principle Structure:

C. Proposed Building/Improvement Dimensions

Size of Building/Improvement: square feet Height: feet

6. SIGNATURE OF APPLICANT

I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.

Signature of Applicant: Printed Applicant name: Date:

FOR OFFICE USE ONLY

FLOODPLAIN

Floodplain: Panel #: Zone #:

ASSESSING APPROVAL

[ ] Approved [ ] Disapproved Approved by: Date:

ZONING APPROVAL

Parcel I.D. No.: 11-22-302-091 Zoning: LRR [ ] Approved [ ] Disapproved Approved by: Date:

Comments/Conditions:

ZBA Case #/Approval date: Conditions:

FEES

Land Use: \$ Water/Sewer: \$ Meter: \$



GENOA TOWNSHIP ASSESSING DEPARTMENT  
 REQUIRED LAND USE INFORMATION FORM  
 2911 Dorr Road ❖ Brighton, Michigan 48116  
 Phone: (810) 227-5225 ❖ Fax: (810) 227-3420 ❖ www.genoa.org

PERMIT NO. \_\_\_\_\_

**1. PROJECT INFORMATION**

Site Address: <i>4470 Clifford, Brighton</i>	Parcel I.D. No.:	Zoning:
---	------------------	---------

**2. TYPE OF IMPROVEMENT**

A. Principal Structure  
 Single Family       Multi-Family       Addition to Existing Building

B. Accessory Structure  
 Fence  Deck       Detached Accessory (garage, shed, pole barn)       Sunroom  
 Pool/Hot Tub:     Above ground       In ground

C. Value of Improvement: \$ 22,750

**3. SELECTED CHARACTERISTICS OF IMPROVEMENT**

<b>Building Style</b>	<input type="checkbox"/> Ranch	<input type="checkbox"/> 1.5 Story	<input type="checkbox"/> 2 Story
<b>Frame</b>	<input type="checkbox"/> Masonry, Wall Bearing	<input type="checkbox"/> Wood Frame	<input type="checkbox"/> Structural Steel <input type="checkbox"/> Reinforced Concrete
<b>Exterior</b>	<input type="checkbox"/> Brick	<input type="checkbox"/> Stone	<input type="checkbox"/> Siding <input type="checkbox"/> Wood
<b>Foundation</b>	<input type="checkbox"/> Basement	<input type="checkbox"/> Crawl	<input type="checkbox"/> Slab
<b>Area</b>	New Building Square Footage:		Addition Square Footage:
<b>Bedrooms</b>	No. of:		
<b>Bathrooms</b>	No. of Full:	No. of Half:	No. of Sinks:      No. of Showers
<b>Basement</b>	Walkout: <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished: <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished Square Footage:      Basement Baths-      No. of Full:      No. of Half:
<b>Central Air</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<b>Fire Suppression</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Fireplace</b>	<input type="checkbox"/> Direct Vent	<input type="checkbox"/> Pre-fab	<input type="checkbox"/> Other:
<b>Garage</b>	<input type="checkbox"/> Attached <input type="checkbox"/> Detached	Height:      feet	Depth:      feet      Width:      feet
<b>Inground Pool</b>	<input type="checkbox"/> Fiberglass	<input type="checkbox"/> Gunite	<input type="checkbox"/> Plastic
<b>Driveway</b>	<input type="checkbox"/> Gravel <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Brick <input type="checkbox"/> Other _____		
<b>Accessory Structure</b>	Height:      feet	Depth:      feet	Width:      feet      Flooring- <input type="checkbox"/> Concrete <input type="checkbox"/> Dirt <input type="checkbox"/> Wood

**4. APPLICANT SIGNATURE**

I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.

Signature of Applicant: <i>[Handwritten Signature]</i>	Date: <i>7/24/13</i>
---	----------------------

• Phelps House and Deck at 4470 Clifford Rd



Top: double door wall in relation to 2 levels of lower deck. Existing deck measures 27 ft out from house (not including steps to lawn which measure additional 6 ft), deck sides match up with house sides at 26 ft 3 in, with 2 ft to south lot line. Bottom: from seawall, shows setback from lake, which is 60 ft from seawall to deck (not including steps to ground), or 87 ft to house.

Phelps House and Deck at 4470 Clifford Rd



Current deck footprint shows lakeside edge view compared to adjoining houses; top view to south, bottom view to north.

Phelps House and Deck at 4470 Clifford Rd



Alignment of current deck footprint with sides of house, showing existing tree on north side.



4470  
Clifford  
Rd.

google maps aerial view  
from spring 2013  
(based on 2-missing trees from  
July 5, 2012 Wind storm)



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** August 14, 2013  
**RE:** ZBA 13-21

---

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

### STAFF REPORT

**File Number:** ZBA#13-21

**Site Address:** 4470 Clifford Rd

**Parcel Number:** 4711-22-302-091

**Parcel Size:** 0.175 Acres

**Applicant:** Thomas and Donna Phelps, 4470 Clifford Rd, Brighton, MI 48816

**Property Owner:** Same as Applicant

**Information Submitted:** Application, site plan, deck layout

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting variances from article 11.04.02(a) and 11.04.02(c) to reconstruct a deck.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential), Single Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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 which was built in 1925.
- That home has an existing deck which extends 27' from the house and is currently 2' from the left property line. This deck lines up with the house.
- The property is on the sewer system and is on a well.

**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 reconstruct a deck on the shoreline side of the house. This deck would be constructed at the same distance from the side yard line (2') as the existing deck and house and would be 9' further from the lake than the existing deck.

## **Variance Requests**

The regulations in the zoning ordinance pertaining to this variance are as follows:

### **11.04.02 Decks**

(a) Attached or unattached uncovered decks and porches without a roof, walls or other form of enclosure shall be permitted to extend a maximum of twenty five (25) feet from the rear building line of the principal building, provided they shall be at least four (4) feet from any side lot line and ten (10) feet from any rear lot line. Covered or enclosed decks and porches with a roof or walls shall be considered to be part of the principal building for purposes of determining setbacks. One pergola or gazebo as regulated in (d) is permitted.

(c) Shoreline Lots: Decks without roofs on a waterfront lot shall extend a maximum fifteen (15) feet from the rear building line of the principal structure. A minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline. A separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.

Due to the deck being removed and reconstructed, a variance will be required to deviate from the 4' side lot line setback and the provision that requires that the deck can only extend 15' from the rear building line. The applicant is asking for a 2' side yard variance and a 3' variance from the distance a deck is allowed to extend from a rear building line.

## **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**

There are a few specific circumstances which make this project unique. The first is the location of the door wall on the house. If the deck is brought in 2' the railing will be very close to the doorwall. The proposed and existing deck does not extend past the side line of the building and is the same width. The location of the building creates this issue. The second is the location of a pine tree on the opposite side of the deck. This pine tree would limit the ability of the deck to be moved toward the opposite side. The third circumstance is that the distance the deck extends from the rear building line is being reduced by 9' (27' existing, 18' proposed) and the proposed deck is within the shoreline setback for a single family home (approximately 58').

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the side yard setbacks would prevent the placement of the deck in a location that is consistent with the width of the house. The portion of the deck that extends past the 15 foot requirement is still approximately 13' further than the setback line of what a single family home would be from the shoreline. This regulation was intended to allow individuals to build decks that encroach into the shoreline setback only a certain distance provided they allowed adequate spacing between the deck and the shoreline. The proposed variance would meet that separation distance from the lake as well as the shoreline setback. The applicant is also reducing an existing non-conformity by reducing the distance of the deck from the rear building line.
- **Extraordinary Circumstances** – The extraordinary circumstances of this property is the legal non-conforming aspect of the lot. The lot is narrow which limits the placement of buildings on that lot. The home is existing and setback 2' from the side property line. Placing a deck which fits the width of the house would be located 2' from the side property line and thus would encroach in the side yard setback for decks. The circumstances in regards to the distance of the deck from the rear building line are that the placement of the deck

complies with the shoreline setback for the property and that by reducing the deck from 27' to 18', it reduces a non-conformity. The need for the variance was not self-created by the applicant because of the placement of the house prior to zoning regulations.

- **Public Safety and Welfare** – The proposed variance allows for sufficient distance for an emergency vehicle on the opposite side of the property and does not shorten the existing distance between the property and the neighbor's property. There are no other perceived public safety and welfare issues with the request.
- **Impact on Surrounding Neighborhood** – The deck is uncovered and consistent with other properties in the surrounding neighborhood. This deck would sit behind both neighbors residences on either side of the property and based on pictures would not impact the neighbors views of the lake.

### **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 # 13-21 for Thomas and Donna Phelps, 4470 Clifford Rd., for a side yard setback variance of 2' and a 3' variance from the required distance a deck has to be from the rear building line based on the following findings of fact:

1. Strict compliance with the side yard setback requirement would limit the ability of the property owner to place the deck consistent with the width of the house as the house is located within the side yard setback.
2. The proposed deck will meet the shoreline setback requirements as specified in table 3.04.02 of the Zoning Ordinance.
3. The proposed deck will reduce an existing non-conformity
4. The need for a variance is not self-created.
5. The proposed variance will not impair public safety or welfare.
6. The proposed addition will have little if any impact on adjacent properties due to the placement of the deck being at the same distance from the side lot line as the house and the proposed deck will not extend past the rear building lines of the adjacent houses.

## Ron Akers

---

**From:** Terri Campeau <terrancampeau@msn.com>  
**Sent:** Wednesday, August 07, 2013 3:05 PM  
**To:** Ron Akers  
**Subject:** 4470 Clifford proposed variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello-

I am writing in regards to the proposed variance for 4470 Clifford Road. We our direct neighbors of Tom & Donna Phelps and have discussed their plans for their new deck with them. As we will be unable to attend the meeting, I am writing to support their request for a variance and confirm that we have no issue with their proposed deck plans.

Sincerely,  
Steve & Terri Campeau

4476 Clifford Rd  
Brighton, MI 48116  
810/923-8878

## Ron Akers

---

**From:** Cindi Giddings <cindi.gid@gmail.com>  
**Sent:** Thursday, August 08, 2013 4:33 PM  
**To:** Ron Akers  
**Subject:** Property at 4470 Clifford Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Genoa Township Zoning Board,

I'm writing re the following variance that will be on your agenda August 20, 2013.

I received notice for property in Section 22, 4470 Clifford Road, owners Thomas A. and Donna Jean Phelps re a 2-foot side yard setback variance to construct a deck and a variance to extend that deck 3-feet further from the rear building line than the 15-foot maximum allows. I have no problem with the Phelps' request for said structure .

Sincerely,

Cynthia Giddings  
4460 Clifford Rd.

Sent from my iPad

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**August 20, 2013**  
**CASE #13-22**

**PROPERTY LOCATION:** 4283 Clifford Rd.

**PETITIONER:** Ann Arbor Sunrooms/Patricia Crane & Ronald Cyr

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

**WELL AND SEPTIC INFO:** Connected to sewer system, connected to well

**PETITIONERS REQUEST:** 10' Shoreline Setback Variance

**CODE REFERENCE:** Table 3.04.02

**STAFF COMMENTS:** See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Waterfront
Setbacks for Zoning	35	5	10	N/A	15	40
Setbacks Requested	N/A	N/A	N/A	N/A	N/A	30
Variance Amount	N/A	N/A	N/A	N/A	N/A	10

# GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 13-22 Meeting Date: 8/20/13

- 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: ANN ARBOR SUNROOMS / DR. CYR & PATRICIA CRANE

Property Address: 24283 CLIFFORD Phone: 810-225-3355

Present Zoning: LRR Tax Code: 11-27-100-012

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: REAR SETBACK LINE SET BACK REQUESTED 40'  
WILL HAVE 30' IF PROPOSED ADDITION IS APPROVED

2. Intended property modifications: 10x22 SUNROOM ADDITION

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) IRREGULAR SHAPED LOT & HOME IS  
39' OFF THE ROAD WITH A 35' SET BACK REQUIRED

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

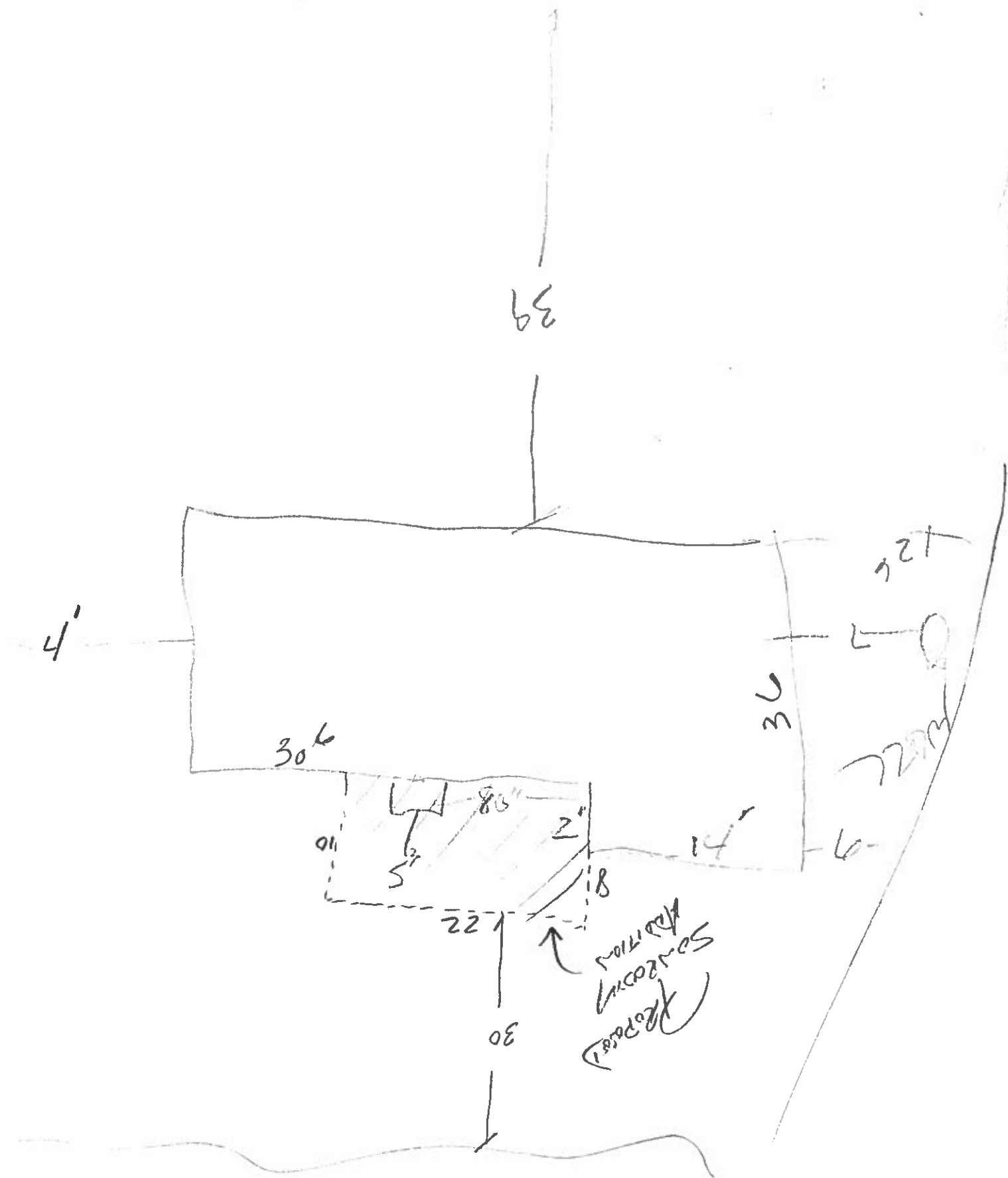
**Property must be staked**

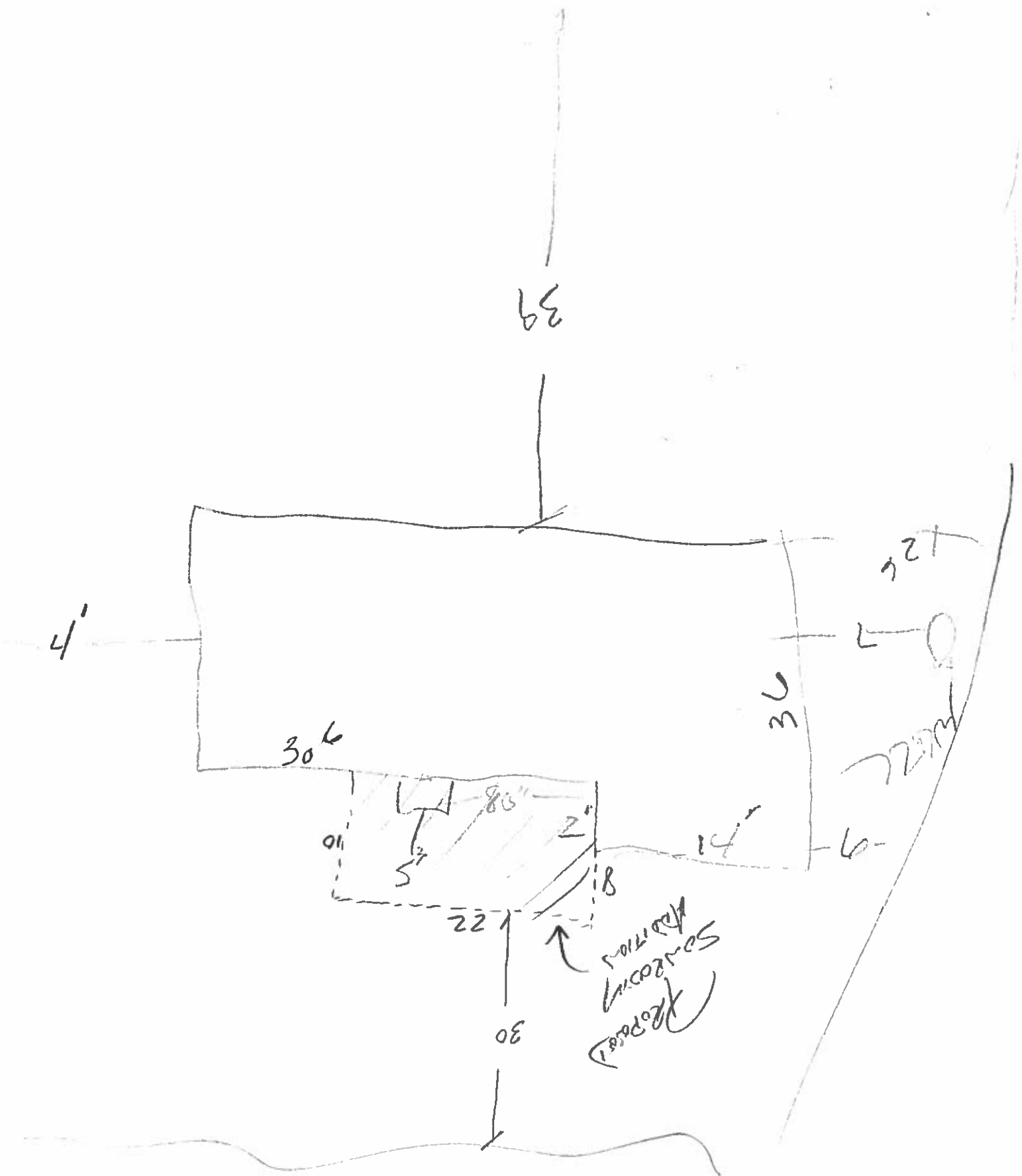
Date: 7-26-13

Signature: [Signature]

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

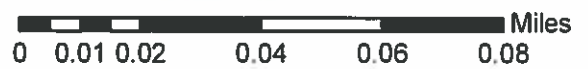
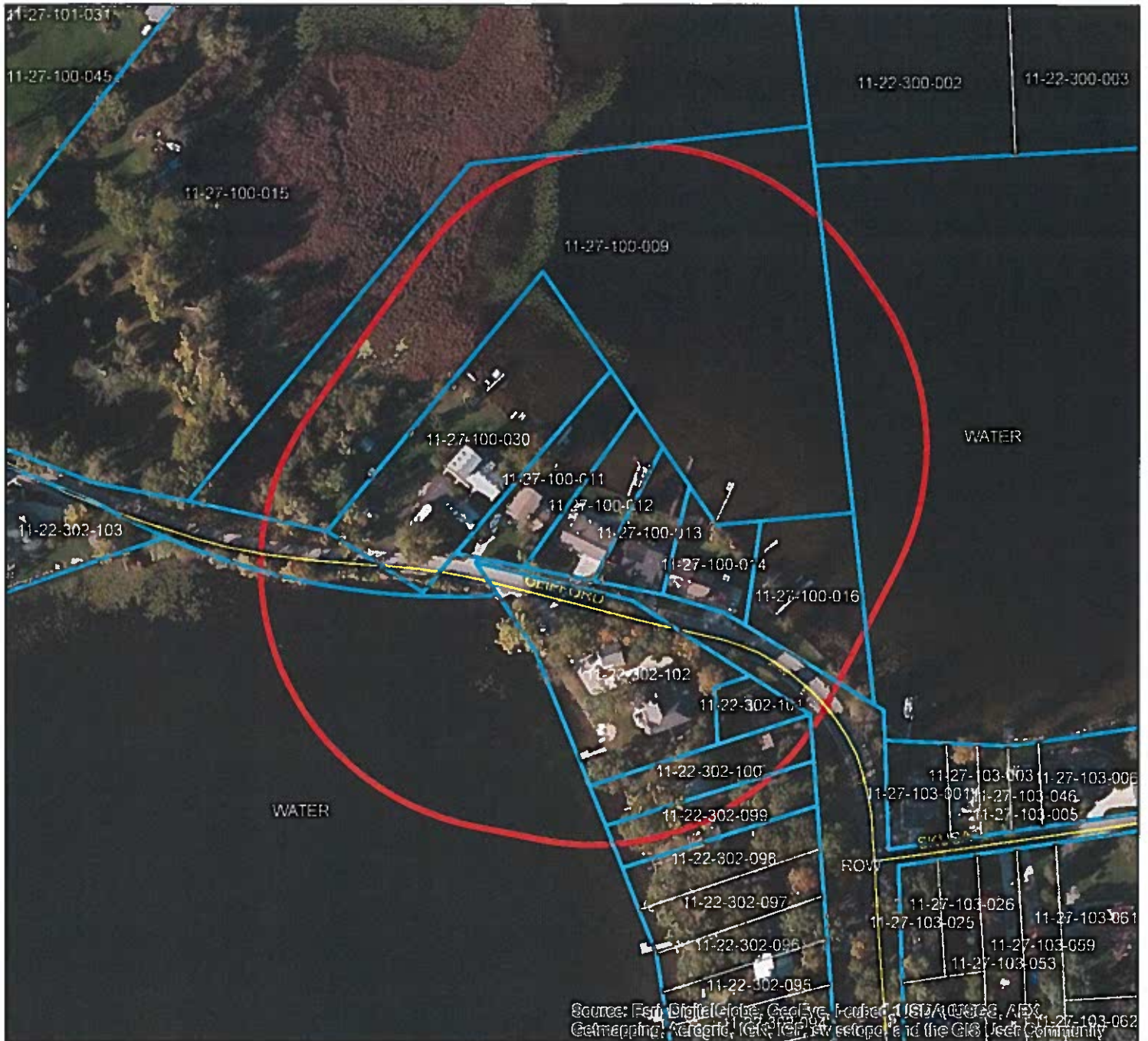
**After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.**







# 300 ft Buffer for Noticing



Variance Case #13-22

Applicant: Dr. Cyr and Patricia Crane

Parcel: 4711-27-100-012

Meeting Date: August 20, 2013



July 26, 2013

4711-22-302-099  
LAPHAM, DAN ROSS REV. TRUST  
4390 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-100  
SELLERS DONALD JR  
4380 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-101  
TRIERWEILER, DIANA  
4370 CLIFFORD RD  
BRIGHTON MI 48116

4711-22-302-102  
GALENS DANIEL K & ROY AMY  
4350 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-009  
BIERMANN CAREN  
4263 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-011  
BRADLEY, DEBRA MARIE  
4271 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-012  
CRANE PATRICIA & CYR RONALD  
4605 OAK POINTE DR  
BRIGHTON MI 48116

4711-27-100-013  
BASSETT STEPHEN M & KELLY A  
4295 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-014  
POSZYWAK KEITH E  
4301 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-016  
GALENS DANIEL K & AMY E  
4350 CLIFFORD RD  
BRIGHTON MI 48116

4711-27-100-030  
BIERMANN, CAREN M.  
4263 CLIFFORD RD  
BRIGHTON MI 48116

29°08'55" E  
52.81

BIG CROOKED LAKE

WOOD DOCK

221.90

172.11

PROPOSED  
10x19  
SUN ROOM

N 39°56'29" E

S 32°00'53" W

PROPERTY AS DESC.

30°

CONC.

#4271

#4295



BRICK

PORCH

CONC. DRIVE

80.00

P.O.B.  
4°05'45" E  
498.10





CONC. CURB  
ASPH. PAV'T

N 74°05'45" W

CLIFFORD ROAD



RON CYR & PATRICIA CRANE  
 4283 CLIFFORD  
 BRIGHTON, MI 48116  
 (810) 225-3355

	APPROVAL	DATE
	DESIGN:	_____
	SALES REP.:	_____
	SUPERINTENDENT:	_____
	CUSTOMER:	_____
	CUSTOMER:	_____

DATE: 7/30/13

MODEL: 230 SUN & STARS SWM-10DH x (6) 36" BAYS

WALL FRAME COLOR: WHITE INT. & EXT.  
 ROOF FRAME COLOR: WHITE INT. & EXT.

FLOOR SYSTEM: 4" INSULATED CONCRETE SLAB  
 FOUNDATION TYPE: 12"x42" POURED CONCRETE FOOTING W/ L-BLOCK

ROOF SYSTEM: CONSERVAGLASS PLUS CODE 78 GLAZING, DOUBLE TEMPERED  
 SKYLIGHTS: NONE

TRANSOMS: (2) STD. GLASS TRAPEZOIDS, (2) CUSTOM GLASS TRAPEZOIDS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

WINDOWS: (3) 6'x5' SLIDERS, (1) 5'x5' SLIDER- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

DOORS: (1) 7' SLIDING DOOR- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

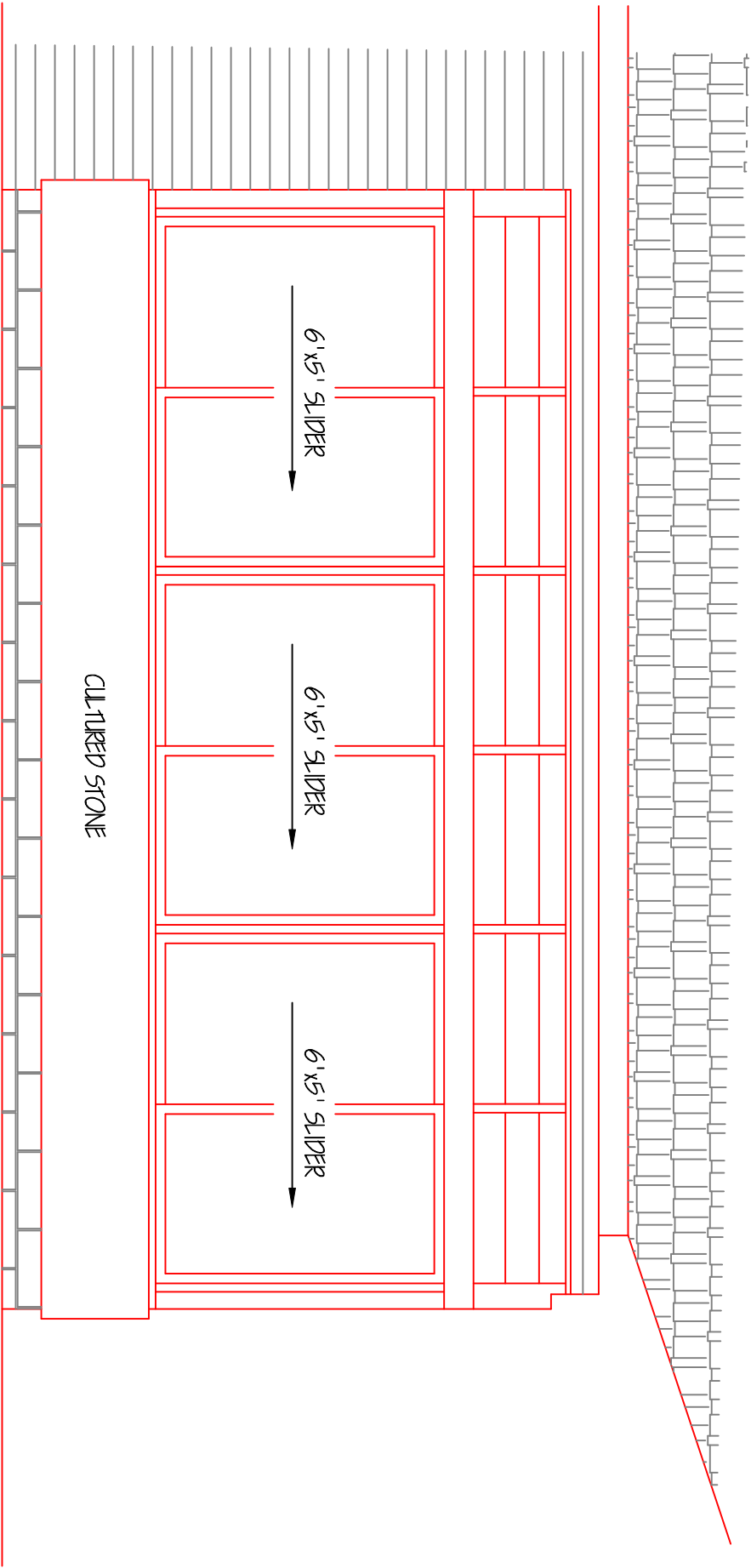
KNEEWALL: 2x6 KNEEWALL @16" O.C., DRYWALL INT., 1/2" SHEATHING W/ TYVEC HOUSE WRAP & CULTURED STONE EXT.

FANS & VENTS: (1) CEILING FAN (PROVIDED BY HOMEOWNER)

ELECTRIC: OUTLETS TO CODE, (1) EXT. LIGHT (PROVIDED BY HOMEOWNER) W/ SWITCH, (1) CEILING FAN (PROVIDED BY HOMEOWNER) W/ SWITCH

HEAT: BY OTHERS

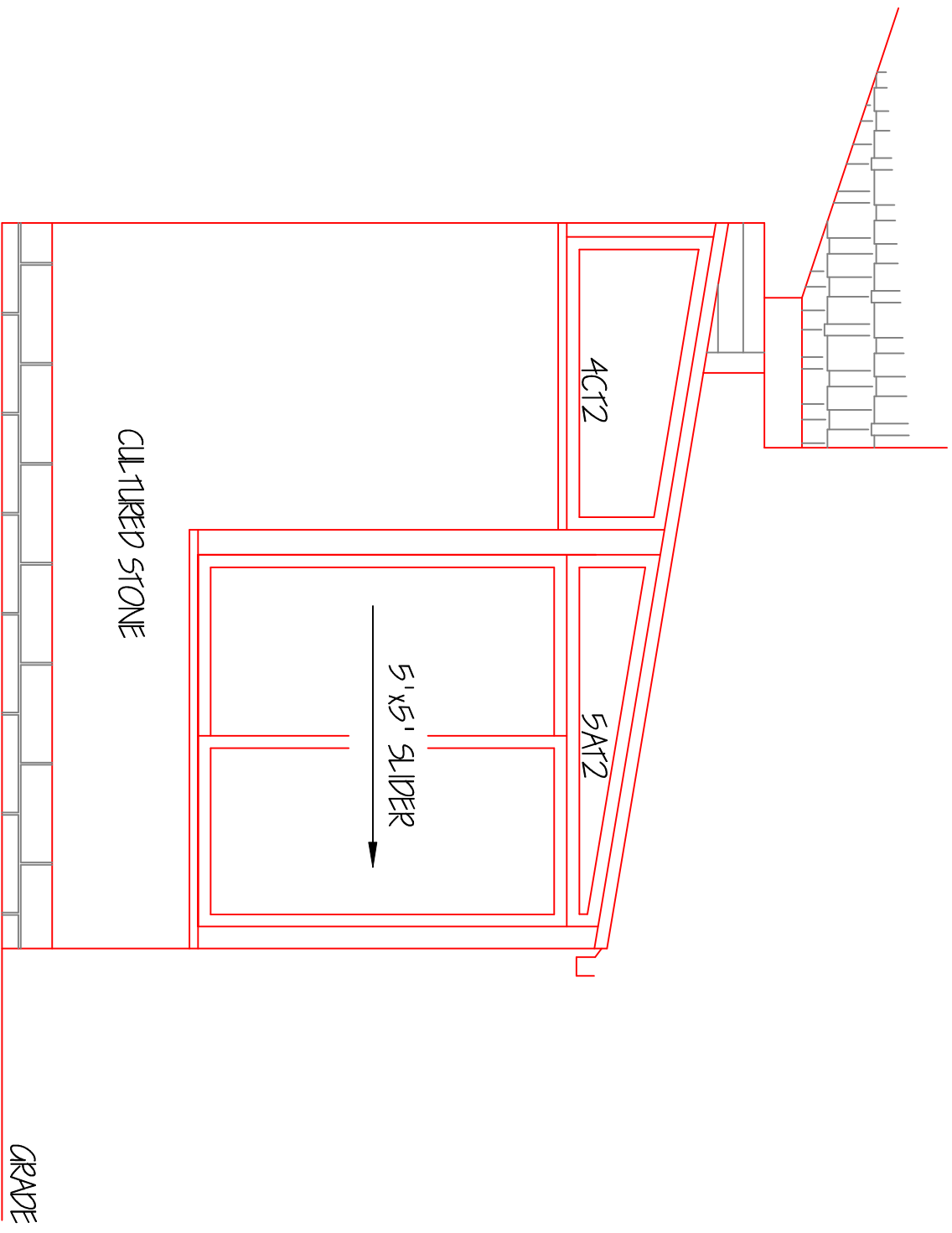
FINISH WORK: DRYWALL REMAINING HOUSE WALL & WALL OPENING



INITIALS

# FRONT ELEVATION

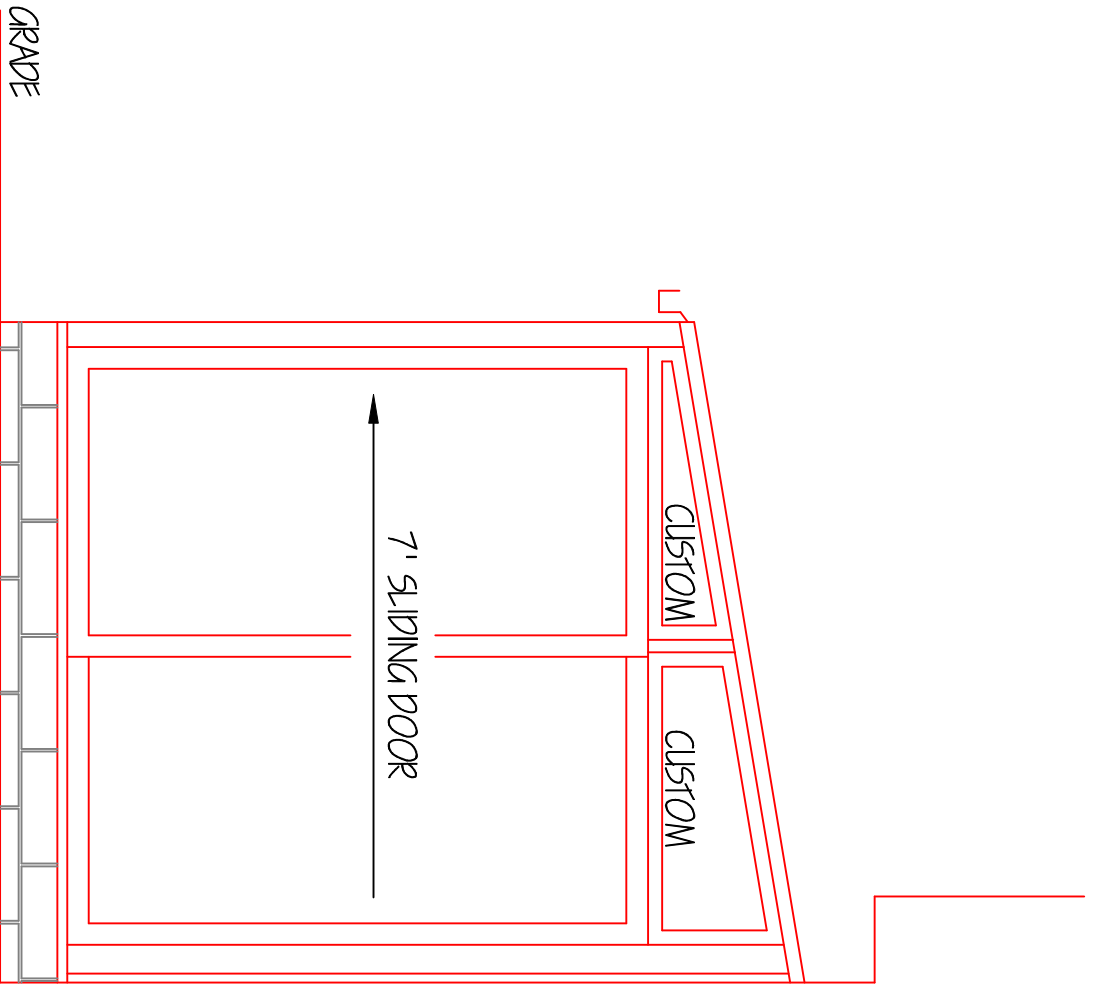
SCALE: 1/4" = 1'-0"



# LEFT ELEVATION

INITIALS

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



# RIGHT ELEVATION

INITIALS

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



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Ron Akers, Zoning Official  
**DATE:** August 14, 2013  
**RE:** ZBA 13-22

---

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

### STAFF REPORT

**File Number:** ZBA#13-22

**Site Address:** 4283 Clifford Dr.

**Parcel Number:** 4711-27-100-012

**Parcel Size:** 0.24 Acres

**Applicant:** Ann Arbor Sunrooms

**Property Owner:** Patricia Crane and Ronald Cyr, 4283 Clifford Rd, Brighton, MI 48816

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting variances from Table 3.04.02 shoreline setbacks to construct an addition.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential), Single Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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 which was built in 1965.
- The current house is setback 38' from the shoreline of East Crooked Lake
- The property is on the sewer system and is on a well.

**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 construct an addition (sun room) to the existing house on the waterfront side. This proposed addition will encroach into the shoreline setback 10'.

### Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

<b>Table 3.04.02 Shoreline Setback</b>	
<b>Condition</b>	<b>Required Setback from Shoreline or Ordinary High Water Mark of a Lake*</b>
<b>Principal Building</b>	
Sites lacking public sanitary sewer	Minimum 100 feet
Sites connected to public sewer	Minimum 70 feet
Sites connected to public sewer in Lakeshore Resort Residential Dist.	Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.
Paved parking areas	All paved parking areas shall be setback a minimum 25 feet from any shoreline.

The property is zoned LRR and is connected to public sewer and thus is subject to the rule that requires the setback to be consistent with the adjacent buildings. Both buildings are located 40' from the shoreline. This is consistent with the minimum setback of 40' so thus the required shoreline setback is 40'. The proposed sun room would be located 30' from the shoreline and would require a 10' shoreline setback 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**

This particular lot has a small buildable area. In regards to the proposed variance there is little room to add on to that building. The applicant wishes to add a sun room on the waterfront side of the property. This proposed addition could have a negative impact on the surrounding properties because it would extend this structure 10' closer towards the water than both houses on adjacent properties. If the applicant wishes to extend closer to the lake, an alternative to this option would be for an uncovered deck as specified in 11.04.02(c) which allows a deck without a roof to encroach 15 feet into the shoreline setback area as long as a 15 foot wide green belt is maintained between the deck and the water. Despite the small buildable area limiting the owner's ability to build, there could be a negative impact of the proposed sunroom on the adjacent property owners due to the sun room having a closer proximity to the lake than the houses on the adjacent properties.

As there does not appear to be many homes that are closer than 40 feet to the water, by allowing the applicants to do this it could set a dangerous precedence for future shoreline setback cases.

Please note that in order for a variance to be approved it has to meet all of the standards in 25.05.03.

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the side yard setbacks would prevent the placement of a sunroom in the waterfront yard due to an encroachment into the shoreline setback area. There is a legal alternative to extend further toward the lake which is an uncovered deck that meets the rules in 11.04.02(c).

- **Extraordinary Circumstances** – The extraordinary circumstances of this property are related to the small building area of the property. While sunrooms are common in properties around the lake, there are not any properties in the immediate area that are closer than 38' to the lake shore.
- **Public Safety and Welfare** – There are no other perceived public safety and welfare issues with the request.
- **Impact on Surrounding Neighborhood** – There is a potential for a negative impact on the adjacent property owners through reduced views. By allowing the addition to be so close to the water we could be setting a dangerous precedence for the surrounding area.

**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 deny ZBA case # 13-22 for Ann Arbor Sunrooms/Patricia Crane and Ronald Cyr, 4283 Clifford Rd., for a shoreline setback variance of 10' based on the following findings of fact:

1. A deck without a roof is an alternative allowed by the article 11.04.02(c) of the zoning ordinance which allows further extension into the shoreline setback.
2. The proposed variance would have a negative impact on the adjacent properties by obstructing views.

# ZBA 13-22 Location Map



**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**July 16, 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 members Ron Akers and Kristina Galinac and 11 persons in the audience.

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

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

Thomas and Diana Fleming were present for the petitioner. Mr. Fleming presented the changes made since the previous meeting. He stated that the sunroom no longer was part of the plans but instead a brick patio will be placed to avoid blocking the neighbors lake view.

A call to the public was made with no response.

Members of the board had concerns about the side yard setback and the buildings proximity to the neighboring house. The board members also had questions on the visibility of the stakes marking the building outline.

**Moved** by Grajek, supported by Ledford, to approve case #13-17, 4049 Homestead for Thomas and Diana Fleming for a side yard setback variance of 5 feet and a waterfront setback variance of 16.5 feet for the construction of a new home. Conditions place on the approval are that the structure is to have gutters and downspouts installed and that any grading and drainage issues should be addressed and satisfactorily dealt with by the petitioner. The practical difficulty is the topography and narrowness of the lot. **Motion carried unanimously.**

13-18...A request by Mary Dean and Jeff Barringer, Sec. 1, 5359 Wildwood Drive, for a front yard setback variance and a water front setback variance for the construction of a single family home.

Matt Johnson of Sterling Homes was present for the petitioner. Mr. Johnson presented materials based on building envelope, onsite parking, building orientation, practical difficulty,

extraordinary circumstances and public safety and welfare. Presented were the architectural drawings of the building style and blueprints.

A call to the public was made with the following responses:

Rachel Valasses, 5365 Wildwood was concerned about losing 25% lake view. Members of the board voiced their concerns about the proximity to the lake and lake view obstruction. McCreary presented pictures taken of the Valasses' current view and ground stakes of building footprint.

Keith and Dana Loughrey, 5347 Wildwood, voiced their concerns about damage to their fence and arborvitae plants from the use of a crane and other construction operations. Mr. Johnson assured that if any damages to the fence and plants occur they will be replaced at the expense of the petitioner.

**Moved** by McCreary, supported by Grajek, to approve case #13-18, 5359 Wildwood Drive, for a 19.9 foot front yard setback variance and a 17.7 foot waterfront setback variance for the construction of new home. Based on the practical difficulty of a small building envelope and the narrowness of the platted subdivision and conditioned upon the structure having gutters and downspouts, grading or drainage issues should be addressed and satisfactorily dealt with by the petitioner and if there is damage to the fence and arborvitae plants, they are to be replaced by the expense of the petitioner. **Motion carried unanimously.**

**Moved** by McCreary, supported by Ledford, to approve the June 18, 2013 Zoning Board of Appeals minutes with corrections. **Motion carried unanimously.**

**Moved** by Figurski, supported by Grajek, to adjourned the July 16, 2013 Zoning Board of Appeals meeting at 7:20 p.m. **Motion carried unanimously.**