

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

October 8, 2013

6:30 P.M.

AGENDA

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda:

Declaration of Conflict of Interest:

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

1. 13-22...A request by Dr. Cyr and Patricia Crane, 4283 Clifford Road, for a shoreline set back variance to construct an addition to the existing house.
2. 13-26...A request by Oren and Jill Lane, Section 9, 623 Sunrise Park, for a variance from the maximum required lot coverage, side yard setback, and front yard setback to build a new single family dwelling.
3. 13-27... A request by Ronald Socia, Section 22, 3950 Highcrest Drive, to modify the variance granted on June 18, 2013 in order to remove the condition that limits the applicant's ability to increase the height of the structure.

Administrative Business:

1. Approval of minutes for the September 17, 2013 Zoning Board of Appeals meeting.
2. Review Draft By-laws
3. Correspondence
4. Township Board Representative Report
5. Planning Commission Representative Report
6. Zoning Official Report
7. Member Discussion
8. Adjournment

Ron Akers

From: Robert Clark <sunroomclark@gmail.com>
Sent: Tuesday, October 08, 2013 11:22 AM
To: Ron Akers
Subject: Re: 4283 Clifford st.

Follow Up Flag: Follow up
Flag Status: Flagged

Ron,

I am sorry to say that the clients son is dealing with a life threatening health issue. They need to table this until the end of the spring or as long as mid summer.

If the board wishes we will just re-apply when we are ready.

Sorry for the late notice it has progressed quickly in the past few weeks.

Best Regards,

Sent from my iPhone
Robert Clark
Office: 734-769-9700
Cell: 248-787-6306
Fax: 734-769-7858

On Aug 19, 2013, at 5:00 PM, Ron Akers <Ron@genoa.org> wrote:

<http://genoa.org/contentfiledata/download/1494>

From: Ron Akers
Sent: Monday, August 19, 2013 4:52 PM
To: 'Robert Clark'
Subject: RE: 4283 Clifford st.

Mr. Clark,

The following link is to the Zoning Board of Appeals packet for tomorrow night's meeting. The staff report I prepared and information that I have provided the ZBA is in that packet. Should you have any questions please let me know.

Thanks,

<image001.png>

From: Robert Clark [<mailto:sunroomclark@gmail.com>]

Sent: Friday, August 02, 2013 3:02 PM

To: Ron Akers

Subject: 4283 Clifford st.

Ron,

Sorry to have taken so long. My survey company just delivered the legal Mortgage survey. Please find attached: Blueprints,survey and pictures from the site. I will look forward to the August 20th meeting.

Best Regards,

Robert Clark
Four Seasons Sunrooms of Ann Arbor
6055 Jackson Road
Ann Arbor, MI 48103
sunroomclark@gmail.com
248-787-6306 cell
734-769-9700 office
734-769-7858 fax

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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

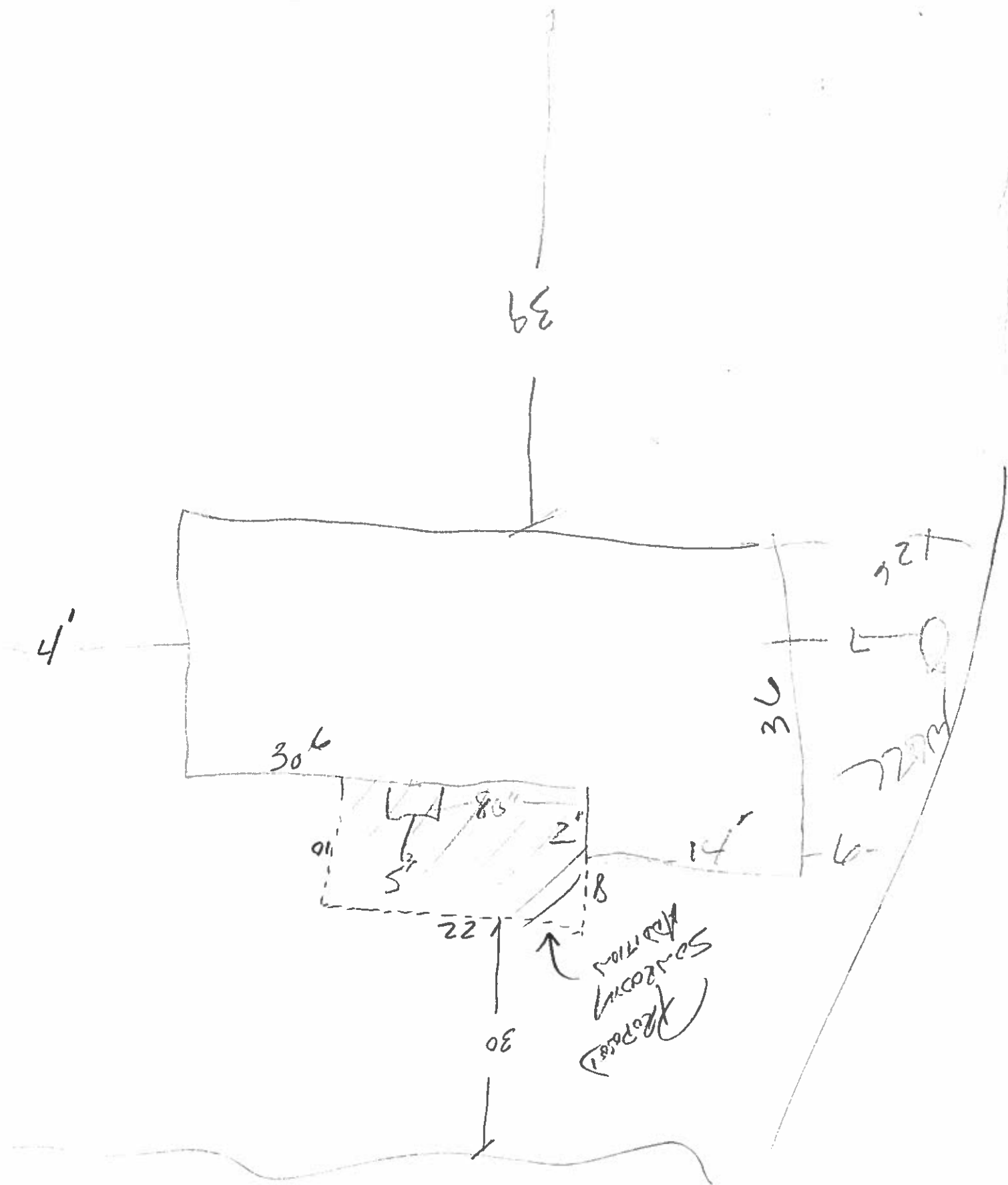
Property must be staked

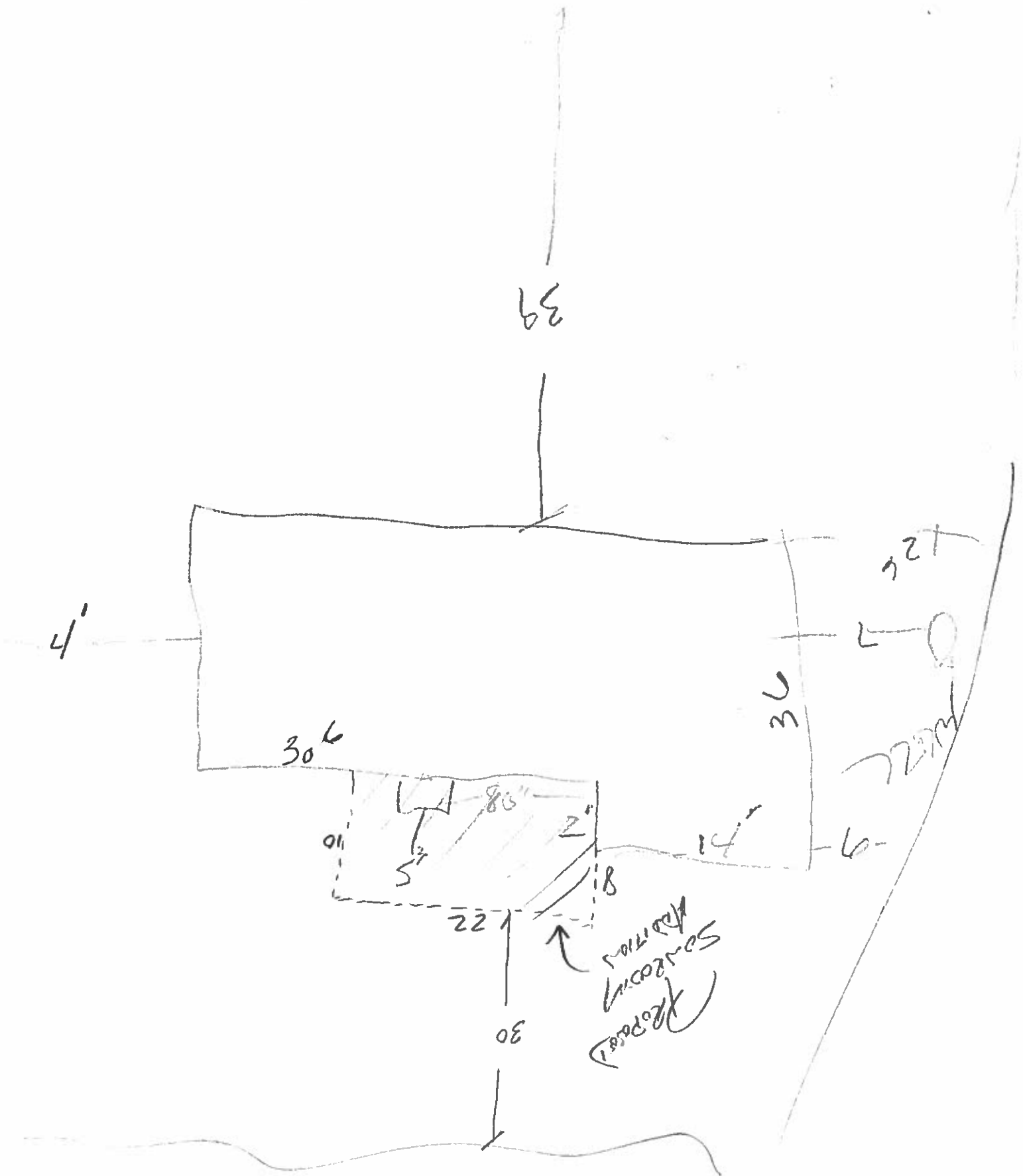
Date: 7-26-13

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.

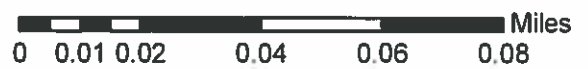
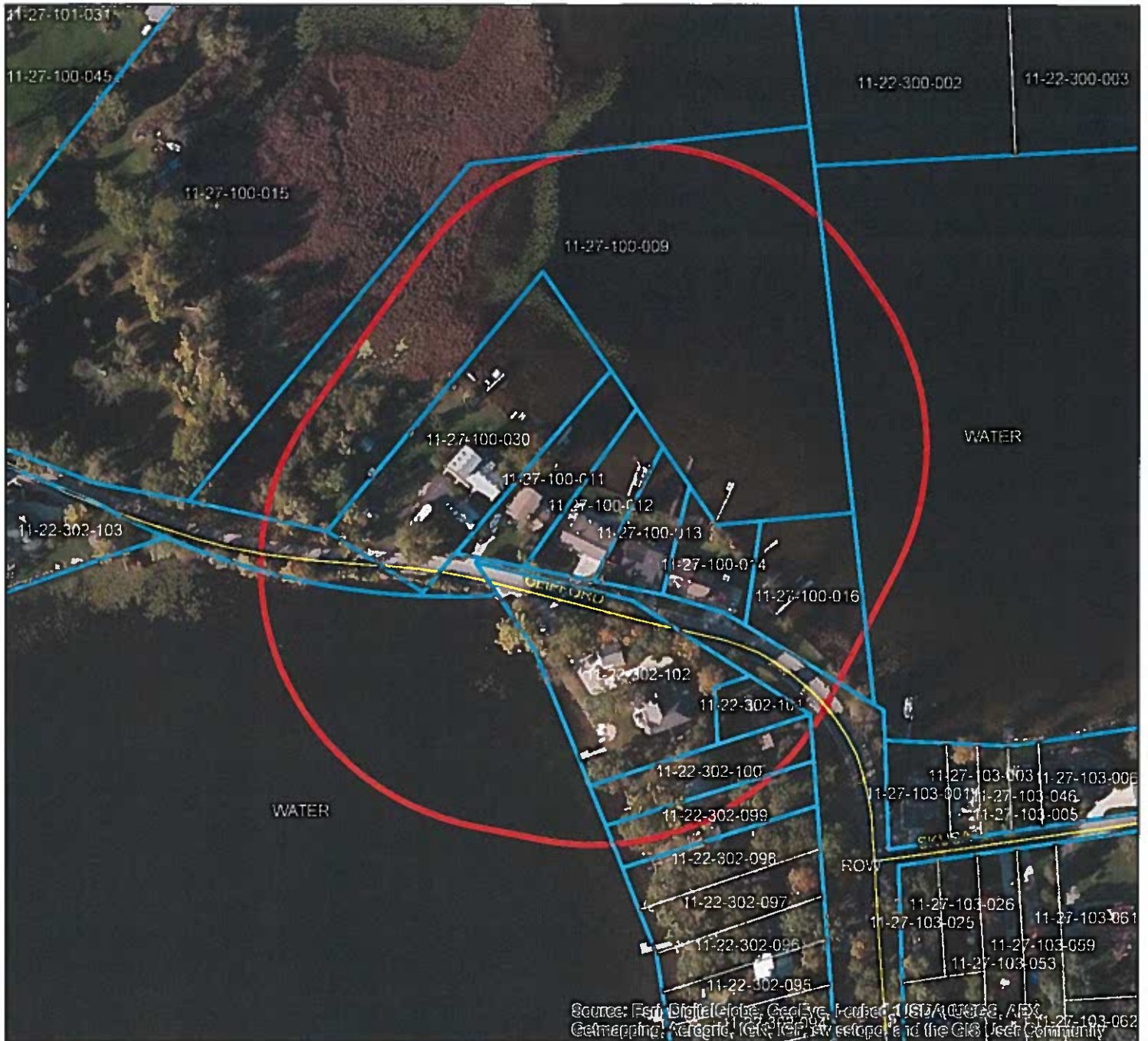
After the decision is made regarding your variance approval contact Adam or Amy at the township office to discuss what your next step is.





Proposed
 Sewer Room
 Addition

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

Charter Township of Genoa
ZONING BOARD OF APPEALS
October 8, 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: 5' 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	35
Variance Amount	N/A	N/A	N/A	N/A	N/A	5



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: October 4, 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 5'.

Variance Requests

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

Table 3.04.02 Shoreline Setback	
Condition	Required Setback from Shoreline or Ordinary High Water Mark of a Lake*
Principal Building	
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 35' from the shoreline and would require a 5' 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 5' 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** –By allowing the addition to be so close to the water we could be setting a dangerous precedence for the surrounding area.

BIG CROOKED LAKE

WOOD DOCK

Proposed 5x19 Sunroom

PROPERTY AS DESC.

SEAWALL

221.90

172.11

N 39°56'29" E

S 32°00'53" W

CONC.

#4295

34.4

CONC. DRIVE

80.00

CLIFFORD ROAD

N 74°05'45" W

P.O.B. 498.10 E

498.10 E

CONC. CURB ASPH. PAVT

#1413 1 1/2 STORY VINYL SID. FRM. RES. W/BSM'T

BRICK

PORCH

#4271

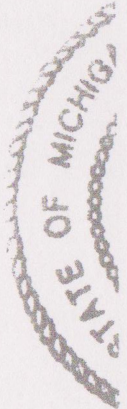
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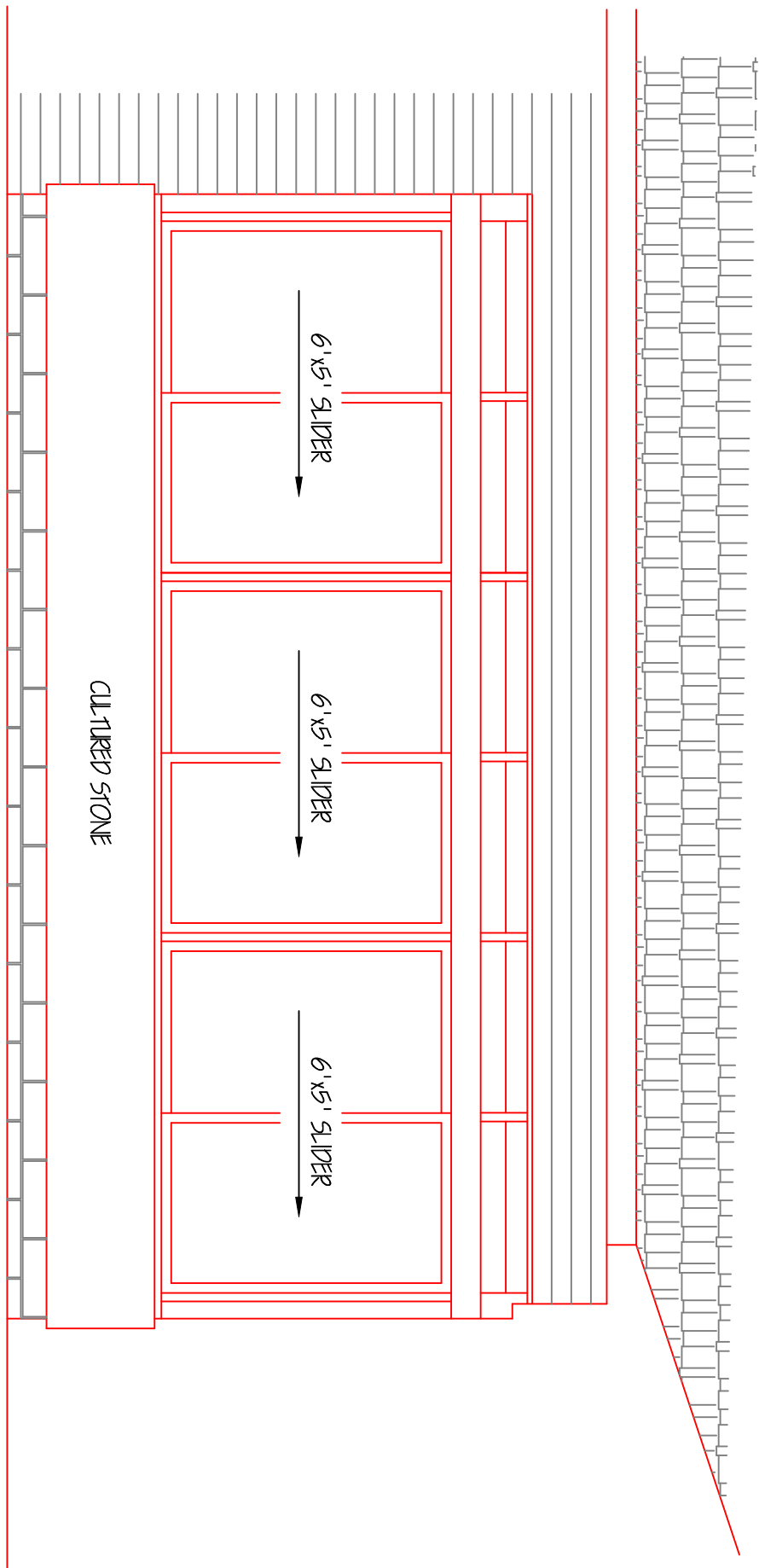
14.4

36.3

56.4

ATT. GAR.

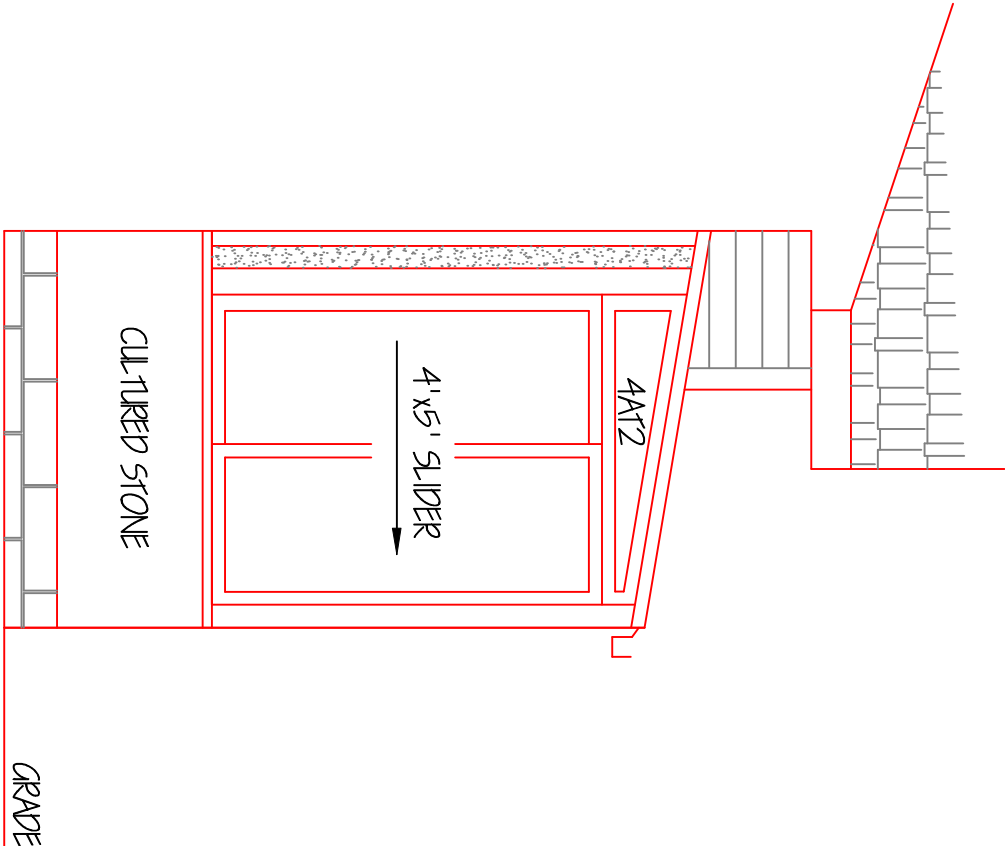




INITIALS

FRONT ELEVATION

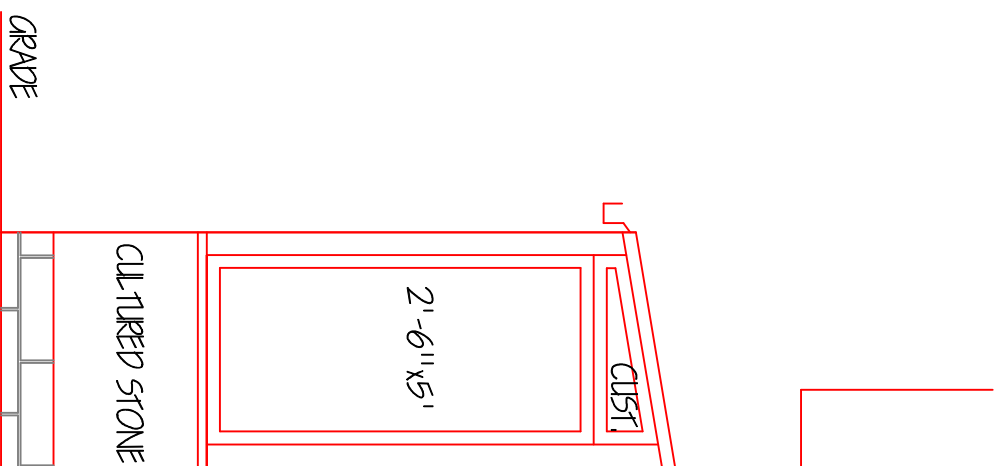
SCALE: 1/4" = 1'-0"



LEFT ELEVATION

INITIALS

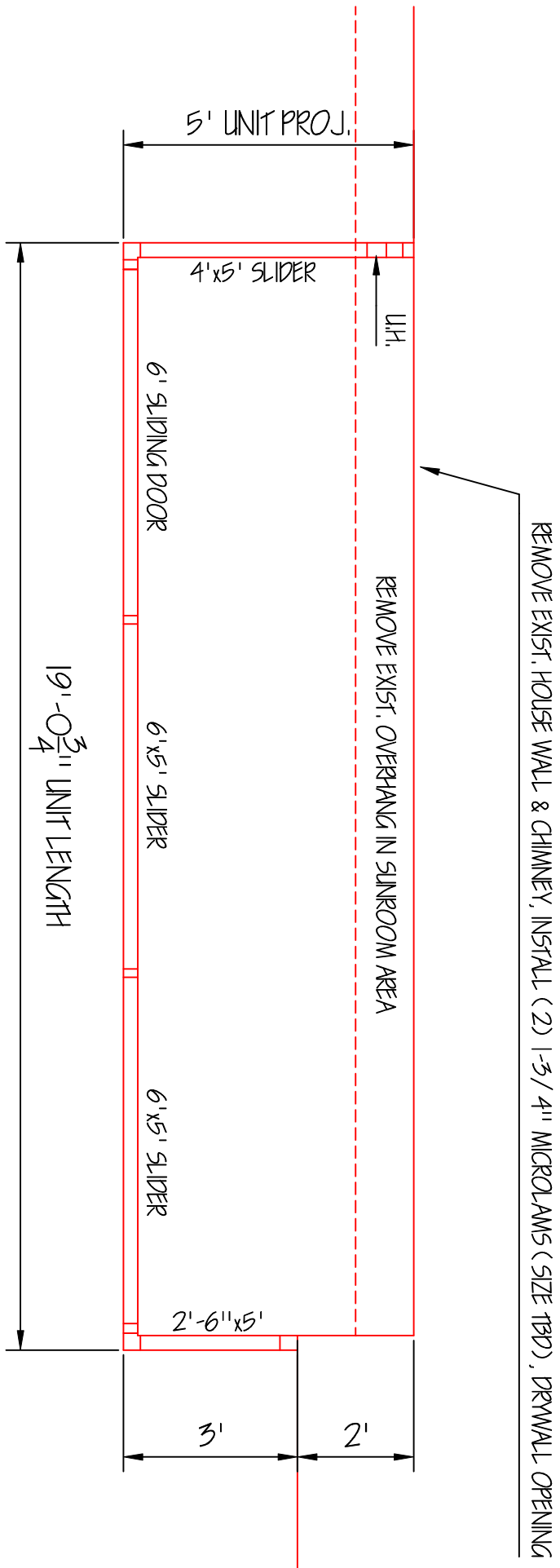
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

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

INITALS



INITIALS

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

FLOOR PLAN

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 13-26

Meeting Date: ~~10-16-13~~ ^{W-8-13 (Tuesday)} 13 (Wednesday)

- 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: OREN AND JILL LANE

Property Address: 623 SUNRISE PK, Phone: 810-333-9577

Present Zoning: LRR Tax Code: 11-09-201-090

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: LOT COVERAGE, SIDE YARD, FRONT YARD, REAR YARD.

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) _____
- b. Other (explain) NARROW WATERFRONT LOT. BUILD HOUSE ON SAME FOOT PRINT AND ADD GARAGE WITH SPACE ABOVE.

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**

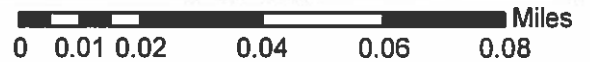
Date: 9-17-13

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.

300 ft Buffer for Noticing



Variance Case #13-26

Applicant: Oren and Jill Lane

Parcel: 4711-09-201-090

Meeting Date: 10-22-2013



Charter Township of Genoa
ZONING BOARD OF APPEALS
October 8, 2013
CASE #13-26

PROPERTY LOCATION: 623 Sunrise Park

PETITIONER: Oren and Jill Lane

ZONING: LRR (Lake Resort Residential)

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

PETITIONERS REQUEST: 25' Front Yard Variance, 3' Side Yard Variance on Both Sides.

CODE REFERENCE: 3.04

STAFF COMMENTS: See Attached Staff Report

	Front	Side	Other Side	Rear	Height	Waterfront
Allowed	35	10	10	40	25	Undetermined
Requested	10	7	7	51	25	Undetermined
Variance Amount	25	3	3	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: October 8, 2013
RE: ZBA 13-26

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

STAFF REPORT

File Number: ZBA#13-26

Site Address: 623 Sunrise Park

Parcel Number: 4711-09-201-090

Parcel Size: 0.132 Acres

Applicant: Oren and Jill Lane

Property Owner: Same as Applicatn

Information Submitted: Application, conceptual building design, site plan

Request: Dimensional Variances

Project Description: Applicant is requesting variances from Article 3.04 for a 3' variance on the side yards and a 25' front yard variance to reconstruct a home on an existing footprint and construct a 25' X 28' addition.

Zoning and Existing Use: LRR (Lake Resort Residential)

Other:

Public hearing was published in the Livingston County Press and Argus on September 23, 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:

- There is an existing home located on the property.
- The house is connected to public sewer and has an existing 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 demolish the existing house and construct a new house on the same foundation. As part of the new construction the applicant has also proposed adding a 25' X 28' 4" addition to that new house. The applicant has requested variances from the lot coverage requirements, side yard setbacks, front yard setbacks and rear yard setbacks. Upon inspection of the application it was determined that the project would not require rear yard or lot coverage setbacks.

The maximum lot coverage allowed for a parcel in the LRR district is 35%. As proposed the construction would have a 29% lot coverage. The application also specifies that a rear yard setback is needed. The rear yard setback in the LRR district is 40'. As this is a waterfront lot even if a rear yard setback was required the applicant would meet the requirement.

Variance Requests

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

1. Article 3.04.01 Schedule of Area and Bulk Requirements – The proposed building does not meet the front and side yard setback requirements for the LRR zoning district. The current zoning requirements are 35' for the front yard setback and 10' for the side yard. The request is for a 10' front yard setback variance and a 3' side yard variance on both sides.

Standards for Approval

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

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

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

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

(c) Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

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

Summary of Findings

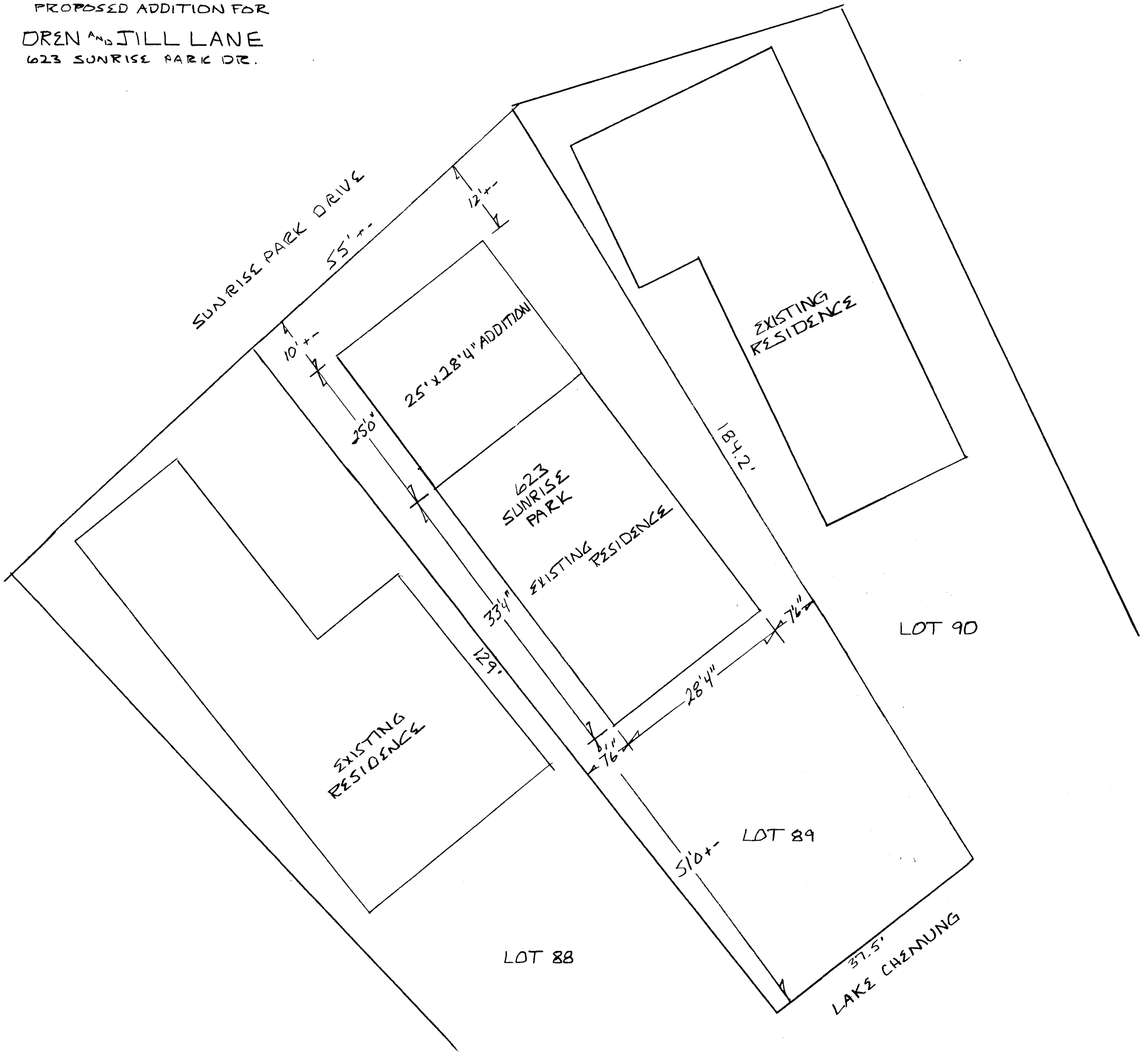
The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the setbacks would prevent the placement of a garage sized accessory building on the property. Accessory buildings are a use that is allowed in the LRR zoning district.
- **Extraordinary Circumstances** – The variance was not self-created by the applicant as the narrowness of the lot has created a practical difficulty in meeting the side yard setbacks. The front yard setback requirement would prevent the applicant from placing an accessory building on the property.
- **Public Safety and Welfare** – On the lakes there is always a concern with regards to off-street parking when a house moves closer to the road. The garage would provide off-street parking for the applicant and the applicant has also mentioned that there is a neighborhood overflow lot that is located across the street from them where guests have the ability to park. I have not confirmed this, but if it is true then this could reduce the concerns associated with off-street parking.
- **Impact on Surrounding Neighborhood** – The impact of the variances on the surrounding area should be limited. The side yard setbacks are consistent with what is already present and the front yard setback should not be an issue if the parking is available across the street.

Staff Findings of Fact

1. Strict compliance with the setbacks would prevent the placement of a garage size accessory building on the property.
2. Accessory buildings are an allowed use in the LRR zoning district.
3. The need for a variance was not self-created by the applicant, but was created by the narrowness of the lot.
4. The garage will provide sufficient off-road parking areas for the residents of the house.
5. The impact of the variance requests on the surrounding neighborhood will be limited because the side yard setbacks will be consistent with the existing house and the garage allows for the minimum required off-site parking spots as required in Article 14, Parking Standards (Two (2) per dwelling unit).

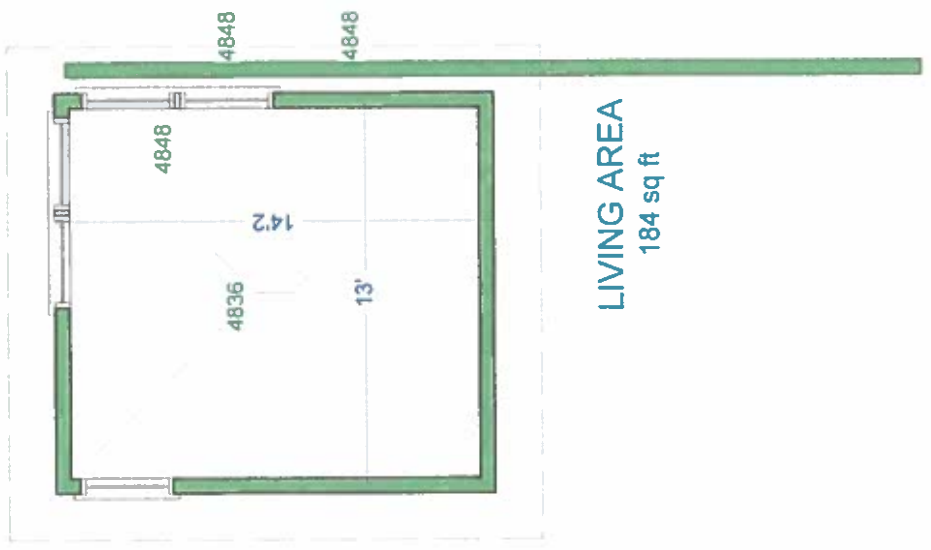
PROPOSED ADDITION FOR
DREN AND JILL LANE
623 SUNRISE PARK DR.







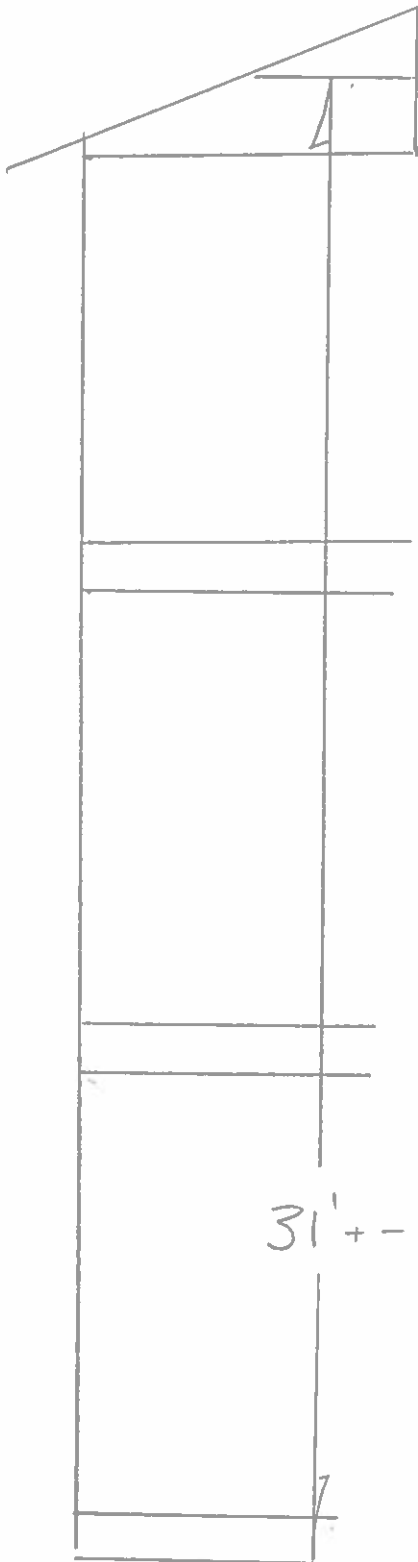
Turret Level



LIVING AREA
184 sq ft

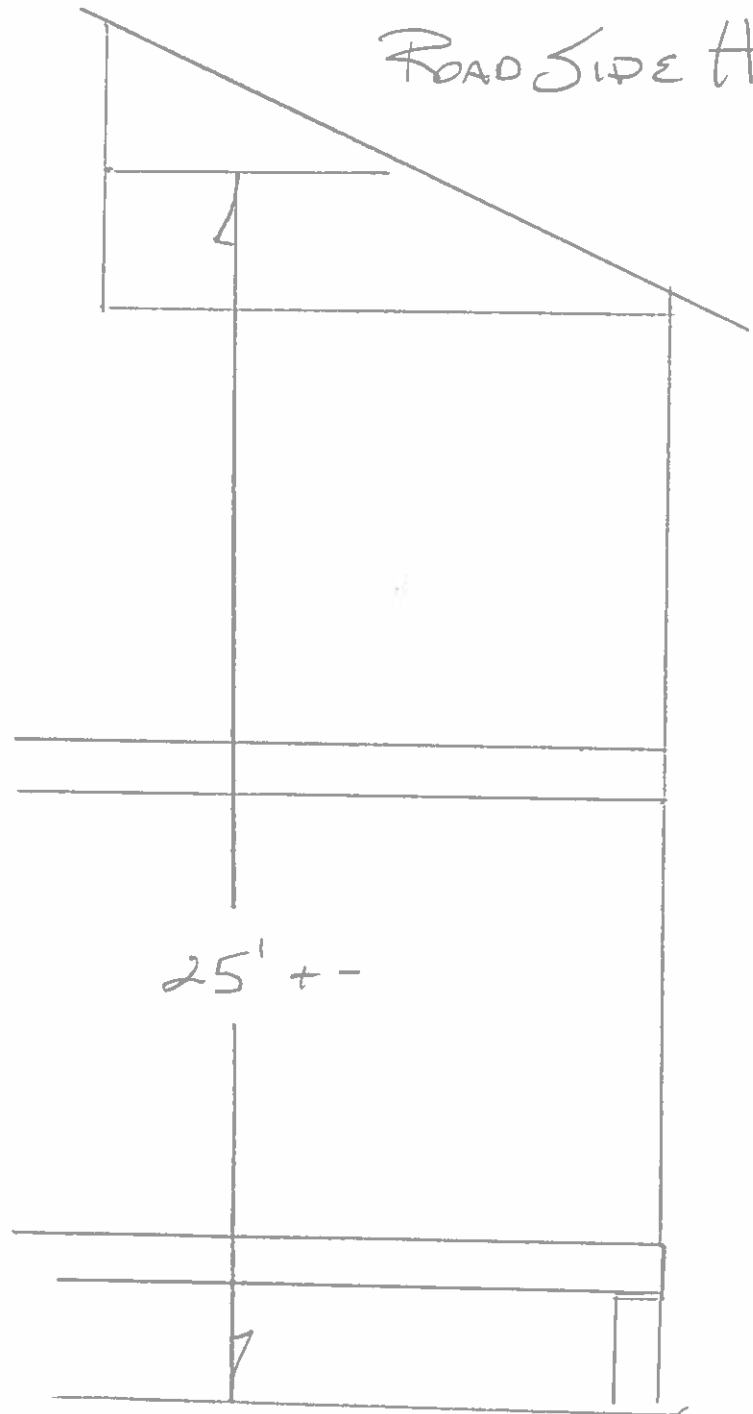
623 SUNRISE PARK, HOWELL MI.

LAKE SIDE HEIGHT



31' +/-

ROAD SIDE HEIGHT



25' +/-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: October 4, 2013
RE: ZBA 13-27, Corrected Approach

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

Based on a discussion with our Township Attorney please disregard the guidance in the staff report for ZBA case # 13-27 dated October 4, 2013. The following outlines the correct course of action should the Zoning Board of Appeals choose to approve the request.

Correct Course of Action in the Event the ZBA Chooses to Approve the Request

If the Board of Appeals chooses to grant Mr. Socia this request it must be treated as a separate variance. Any affirmative motion should be a motion to approve a height variance of 5' 8" (I will explain this in a moment).

Height Difference

Mr. Socia provided the Township with corrected plans on 10/7/13. The existing house is actually shorter than the original plans depict. (Original Plans: 16' 1" to Resubmitted Plans: 12' 7.5")

Summary

Mr. Socia came before the Zoning Board of Appeals in June, in order to obtain a variance to make improvements and modifications to the interior and exterior of two non-conforming structures which exceeded one half of the replacement value of the structures. There was a condition placed on the variance that was granted that states, "no improvements shall be made to increase the footprint and height of the structures." As Mr. Socia has progressed through the building process, his builder has recommended that he change his roof design in order to eliminate snow build-up and ice dams. Changing the roof design would increase the height of the roof by approximately 5.67 feet which I cannot approve because of the before mentioned condition of approval.

Variance Requests

The request by Mr. Socia is to obtain a height variance of 6 feet.

Standards for Approval

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

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

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.

Staff Findings

This condition was placed on the variance approval in order to prevent the expansion of these legal non-conforming structures. If this condition was not placed on the granted variance then it would be consistent with the provisions in the zoning ordinance. If the Board decides not to grant this, then the existing variance that was granted is still in place.

The practical difficulty in this project is the design of the pitch of the roof. The pitch of the roof is creating issues during the winter months in regards to ice dams and excessive snow buildup. The correct course of action if the Board of Appeals decides to approve this request will be to approve a height variance of 6 feet. Findings of Fact could be as follows:

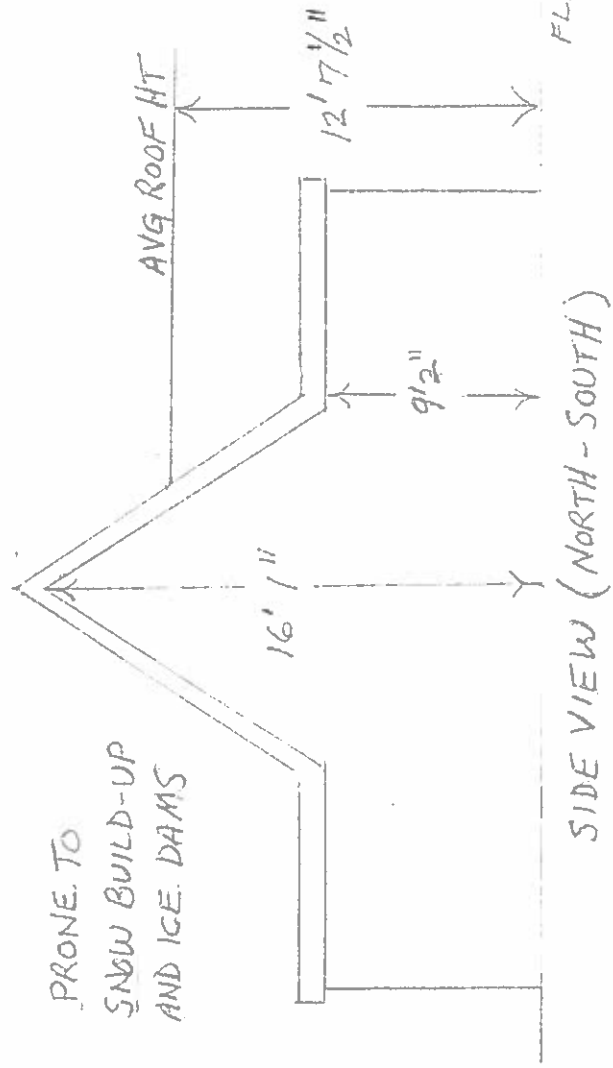
1. Limiting the applicant in regards to building height would prevent the improvement of a roof structure to correct the issues with snow buildup and ice dams.
2. There are conditions that are different from other properties in the surrounding area, because the height of this particular structure is limited.
3. The type of roof the applicant is proposing is similar to other types of roofs in the surrounding area.

4. Granting of the variance will not impair public safety or welfare.
5. Granting of this variance will not have a negative impact on the surrounding neighborhood.

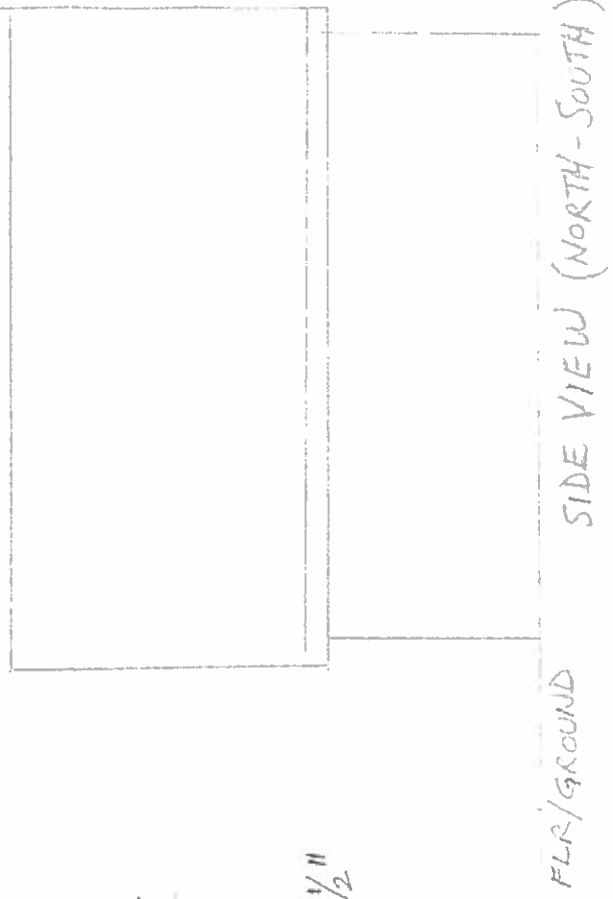
A motion to deny the request could be based on the ZBA supporting their prior decision.

PICTORIAL EXPLANATION OF REQUEST FOR HEIGHT VARIANCE - LAKE HOUSE

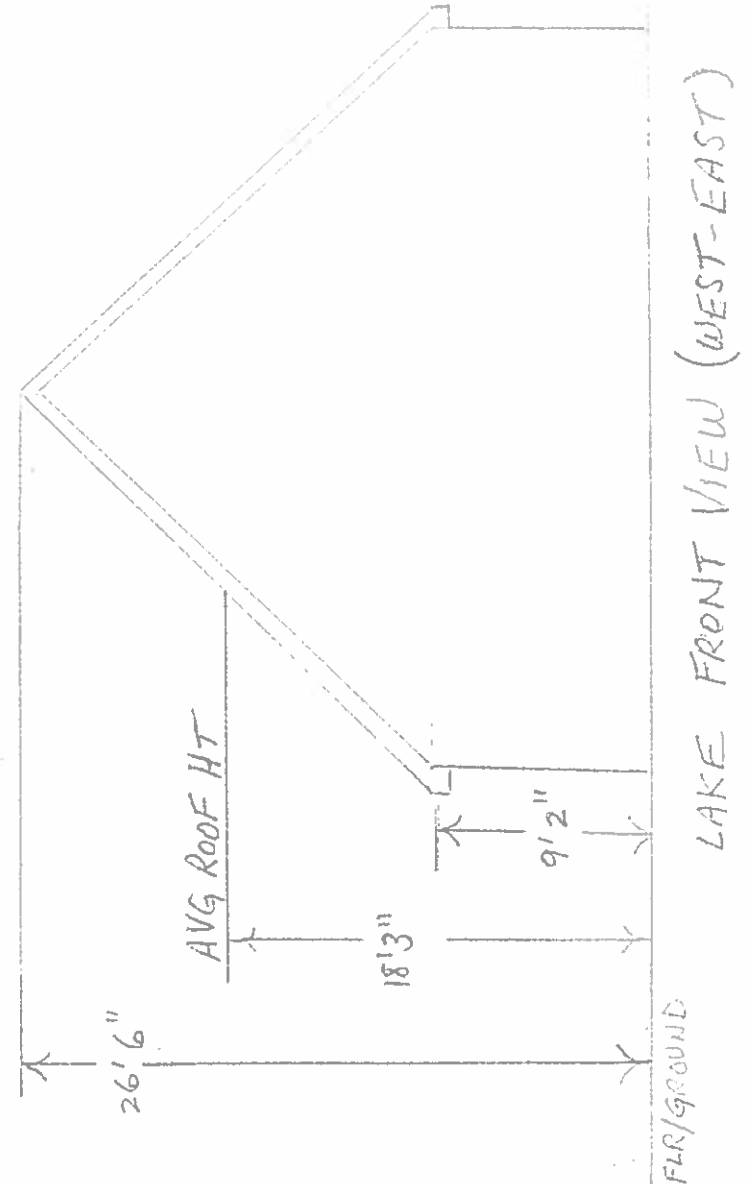
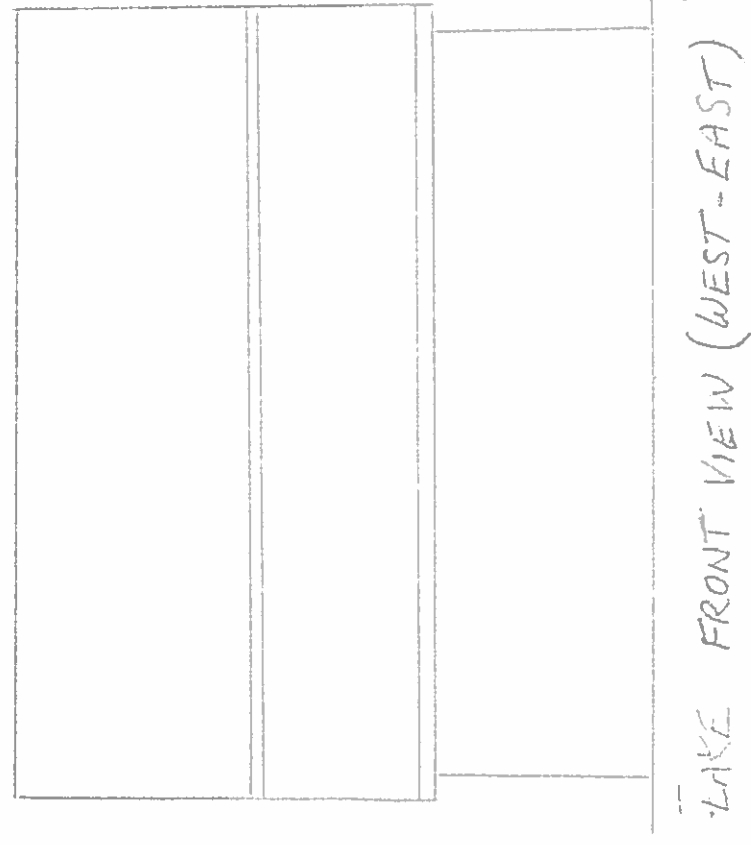
CURRENT ROOF



ALTERNATE ROOF DESIGN



REV. 1



GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420 10-8-13

Case # 13-057 Meeting Date: ~~10-8-13~~

- 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: RONALD A. SOCIA

Property Address: 3950 HIGHCREST DR. Phone: 734-455-8886

Present Zoning: LRR Tax Code: 4711-22-302-064

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: TO AMEND THE HEIGHT RESTRICTION IN APPROVED CASE #13-15 TO ALLOW INCREASED ROOF HEIGHT UP TO 3 FEET ABOVE CURRENT ROOF STYLE. (WAIVER # W13-133)

This variance is requested because of the following reasons:

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

b. Other (explain) TO ALLOW CHANGING OF THE ROOF DESIGN/DIRECTION IN ORDER TO ELIMINATE EXCESSIVE SNOW BUILD-UP AND ICE DAMS AS OCCURS WITH CURRENT ROOF.

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: 9-20-13

Signature: Ronald A. Socia

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 #13-27

Applicant: Ronald A. Socia

Parcel: 4711-22-302-064

Meeting Date: 10-8-2013



September 20, 2013



Charter Township of Genoa
ZONING BOARD OF APPEALS
October 8, 2013
CASE #13-27

PROPERTY LOCATION: 3950 Highcrest

PETITIONER: Ronald Socia

ZONING: LRR (Lake Resort Residential)

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

PETITIONERS REQUEST: Modify condition on variance granted on 6/18/13 in order to increase the height of the building 3.5' for a new roof structure.

CODE REFERENCE: N/A

STAFF COMMENTS: See Attached Information

	Size of Wall Sign	Number of Wall Signs	Other Side	Rear	Distance from Rear Building Line	Waterfront
Allowed Signage/Existing Signage	N/A	N/A	N/A	N/A	N/A	N/A
Requested Signage	N/A	N/A	N/A	N/A	N/A	N/A
Variance Amount	N/A	N/A	N/A	N/A	N/A	N/A



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#13-27

Site Address: 3950 Highcrest Dr

Parcel Number: 4711-28-302-064

Parcel Size: 0.193 Acres

Applicant: Ronald A. Socia

Property Owner: Socia Living Trust, 46513 Maidstone Canton, MI 48187

Information Submitted: Floor Plan, Site Plan

Request: Dimensional Variances

Project Description: Applicant is requesting a variance from 24.05.04 & 24.04.06 of the Zoning Ordinance, which requires that improvement to a nonconforming building/use not exceed 10% of the current replacement value of the structure in any twelve (12) month period.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), two (2) single family dwellings located on lot.

Other:

Public hearing was published in the Livingston County Press and Argus on September 23, 2013 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

Mr. Socia came before the Zoning Board of Appeals in June, in order to obtain a variance to make improvements and modifications to the interior and exterior of two non-conforming structures which exceeded one half of the replacement value of the structures. There was a condition placed on the variance that was granted that states, "no improvements shall be made to increase the footprint and height of the structures." As Mr. Socia has progressed through the building process, his builder has recommended that he change his roof design in order to eliminate snow build-up and ice dams. Changing the roof design would increase the height of the roof by approximately 3.5 feet which I cannot approve because of the before mentioned condition of approval.

Variance Requests

The request by Mr. Socia is to re-grant the variance that was granted in June, but without the condition that prevented Mr. Socia from increasing the height of the structure.

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.

Staff Findings

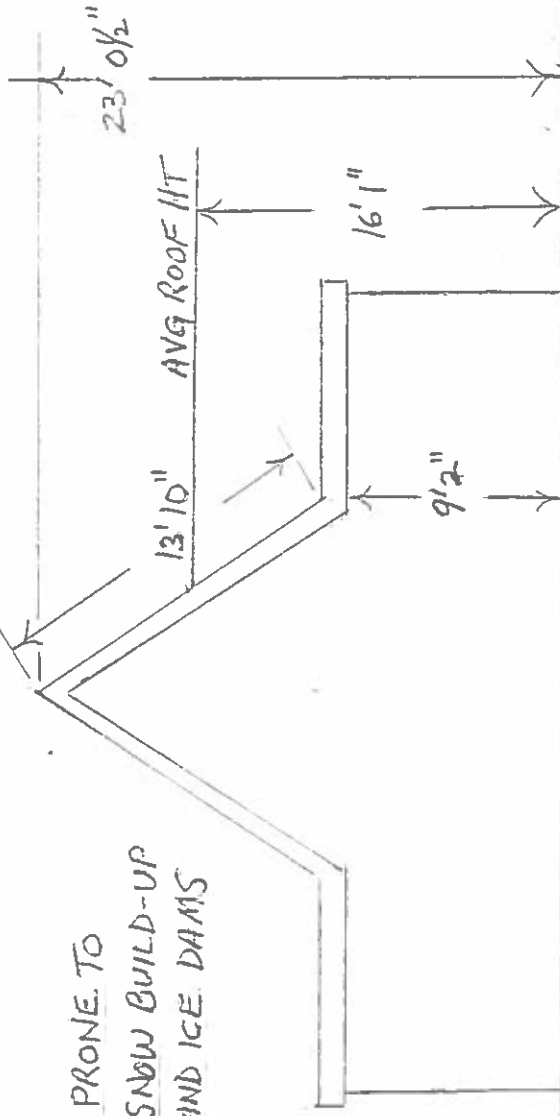
I have attached the prior documentation on the first case for your review. This condition was placed on the variance approval in order to prevent the expansion of these legal non-conforming structures. If this condition was not placed on the granted variance then it would be consistent with the provisions in the zoning ordinance. If the Board decides not to grant this, then the existing variance that was granted is still in place. If the Board does decide to grant this the process would be to grant the same variance with the condition regarding height removed or amended in a way to allow the new roof structure.

Rationale for granting this variance if the Board chooses to do so is that it is compliant with the zoning ordinance and I believe the intent was to prevent the applicant from adding a second story rather than change the pitch of the roof.

PICTORIAL EXPLANATION OF REQUEST FOR HEIGHT VARIANCE - LAKE HOUSE

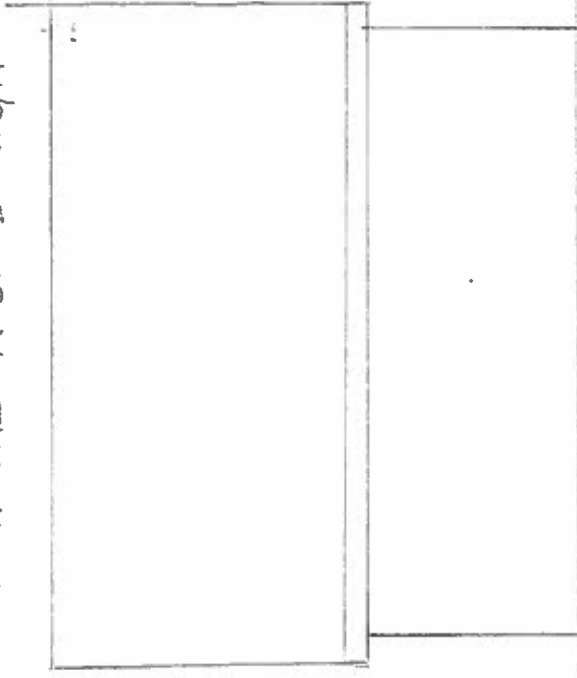
CURRENT ROOF

PRONE TO
SNOW BUILD-UP
AND ICE DAMS

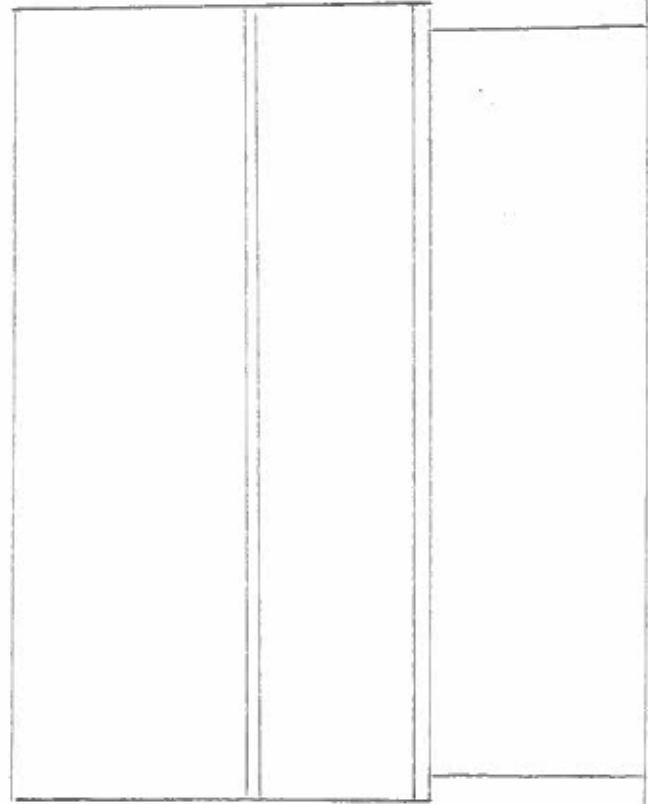


SIDE VIEW (NORTH - SOUTH)

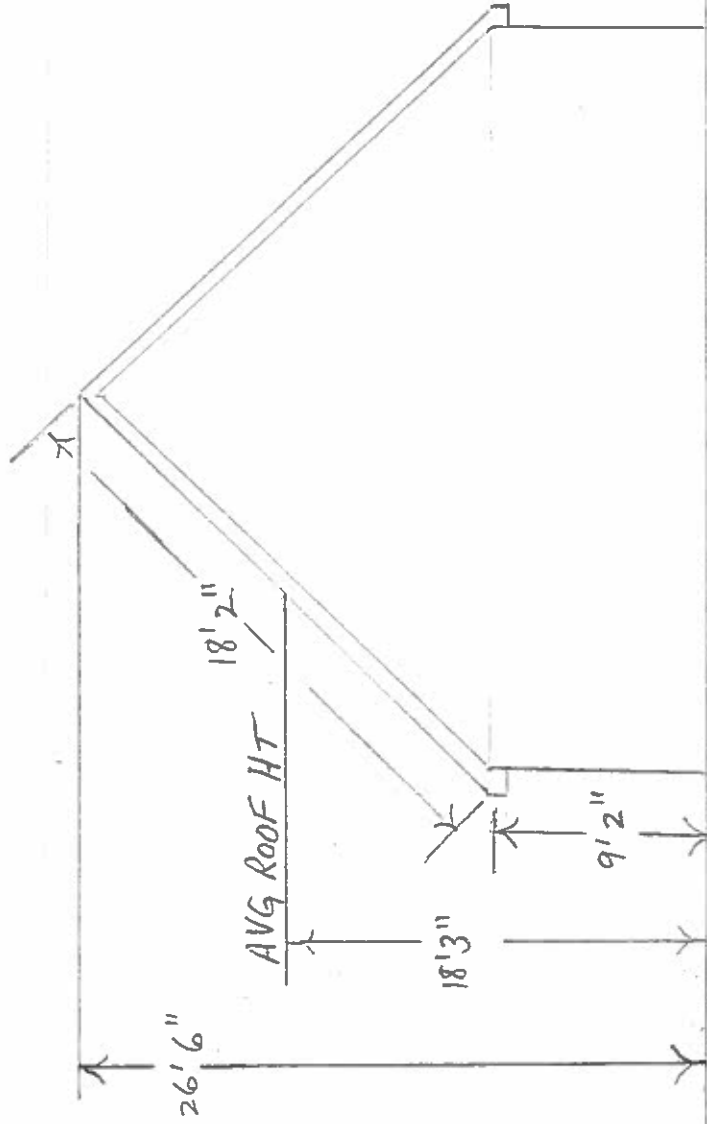
ALTERNATE ROOF DESIGN



SIDE VIEW (NORTH - SOUTH)



FRONT VIEW (WEST - EAST)



FLR/GROUND

FRONT VIEW (WEST - EAST)

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

JUNE 18, 2013

6:30 p.m.

MINUTES

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

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

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

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

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

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

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

Moved by Grajek, supported by Ledford, to approve case#13-13, 4010 Homestead for Curt Brown for a 25 foot shoreline variance with a 15 foot setback, front yard variance of 27 feet with an 8 foot setback, an accessory building size variance of 442 feet from the 900 feet allowed and an accessory building height variance of 6' 6" from the 14 feet allowed. Conditioned upon the structure being guttered and having downspouts and any grading issues should be addressed and satisfactorily dealt with by the petitioner. The practical difficulty is the typography of the lot and the difficulty to construct on the lot. Motion carried as follows: Ayes-Grajek, Dhaenens, and Ledford. Nays-Figurski and McCreary.

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

6-18-13 ZBA Approved Minutes

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

A call to the public was made with no response.

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

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

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

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

A call to the public was made with no response.

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

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

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

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

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

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

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



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: June 6, 2013
RE: ZBA 13-15; PID # 4711-22-302-064; Ronald A. Socia

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

STAFF REPORT

File Number: ZBA#13-15

Site Address: 3950 Highcrest Dr

Parcel Number: 4711-28-302-064

Parcel Size: 0.193 Acres

Applicant: Ronald A. Socia

Property Owner: Socia Living Trust, 46513 Maidstone Canton, MI 48187

Information Submitted: Floor Plan, Site Plan

Request: Dimensional Variances

Project Description: Applicant is requesting a variance from 24.05.04 & 24.04.06 of the Zoning Ordinance, which requires that improvement to a nonconforming building/use not exceed 10% of the current replacement value of the structure in any twelve (12) month period.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), two (2) single family dwellings located on lot.

Other:

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

Background

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

- The parcel currently has two (2) single family dwellings located on it.
- The single family dwellings are 988 sf (Lake House) and 1056 sf (Road House) in size.
- The parcel has frontage on West Crooked Lake.
- The property has an existing non-conforming structure and use on the property.

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

- The estimated true cash value of the Lake House is \$64,238, and Road House is \$89,416.

Summary

The applicant is proposing to make improvements and modernize the existing nonconforming houses. These improvements require a variance from article 24.05.04 & article 24.04.06 of the Zoning Ordinance which address limitations on the amount of improvements that can be made to legal nonconforming properties. According to the submitted application there will be “no elevation or footprint changes to be made.” No information was provided as to what specific improvements are to be made to the property.

Variance Requests

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

1. Article 24.05.04 **Repairs, Improvements and Modernization:** Repairs, improvements, or modernization of non-conforming buildings or structures shall be permitted provided such repairs or improvements do not exceed one-half (1/2) of the value of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. However, if a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the Building and Fire Departments, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

The property is considered existing non-conforming due to the presence of two (2) dwellings on the lot and because of the non-conforming status, improvements can only be made that do not exceed ½ of the value of the building during a twelve (12) month period. The estimated true cash value of the buildings as calculated by the Township Assessors is \$64,238 for the Lake House and \$89,416 for the Road House. Using this logic, if approved we would be allowing improvements that exceed \$32,119 for the Lake House and \$44,708 for the Road House.

2. 24.05.04 **Repairs to Nonconforming Use:** On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the structure, provided that the structure is not enlarged, extended, moved or structurally altered. This proposed accessory building would be an expansion/reconstruction of an existing nonconforming structure/use and a variance would need to be granted from this section of the Zoning Ordinance for it to proceed.

Having the second residential use on the property requires this to be qualified as a non-conforming building/use. This repair threshold is more stringent only allowing 10% of the replacement value of the building to be used for repairs. Using this standard, if approved we would be allowing improvements that exceed \$6,423 for the Lake House and \$8,941 for the Road House.

There are provisions in the Zoning Ordinance under article 1 which address conflicting regulations. It states that when conflicting regulations arise that the more restrictive provision will prevail (1.05.01). If the decision is to approve the proposed application, approving variances for both 24.05.04 & 24.05.04 is good housekeeping (ie dotting I's and crossing T's)

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:

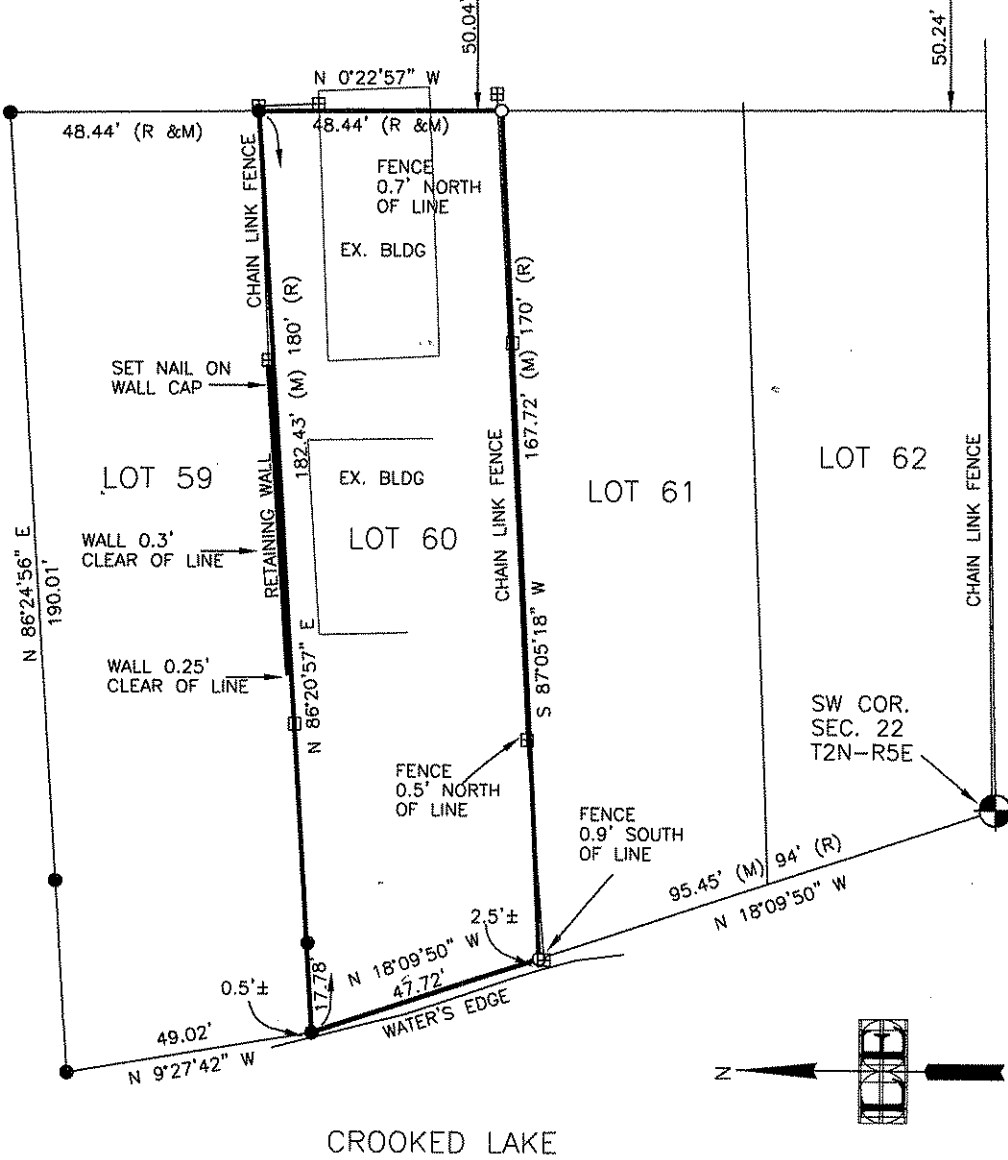
(a) Practical Difficulty/Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial 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.

HIGHCREST DRIVE (PLATTED AS HIGHLAND AVE.) 50 FT. WD R/W



LEGEND

- SECTION CORNER
- SET IRON ROD
- FOUND MONUMENT
- ✕✕✕ FENCE
- FOUND IRON ROD/PIPE
- SOIL BORING



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114

INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699

CLIENT SCOCIA

0' 30' 60' DATE 08-18-09

DESCRIPTION SW 1/4, SECTION 22
 T2N-R5E, GENOA TWP
 LIVINGSTON COUNTY, MI

SCALE 1"=30'

SHEET No 1 of 1

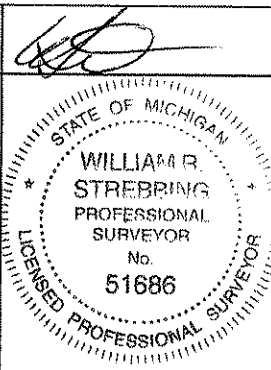
JOB No. 09163

DRAWN WRS

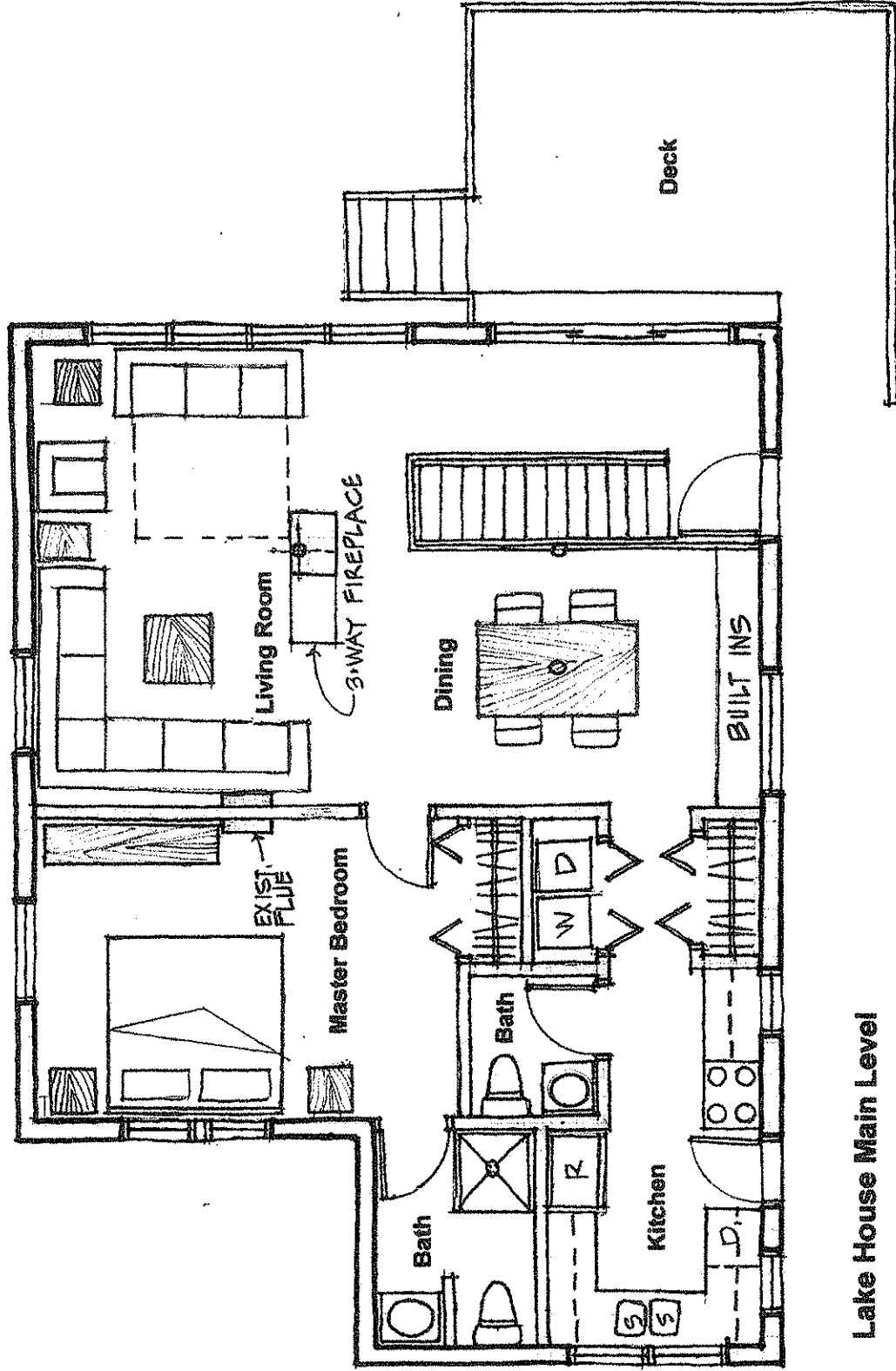
REV.

CREW MMB

CHECK



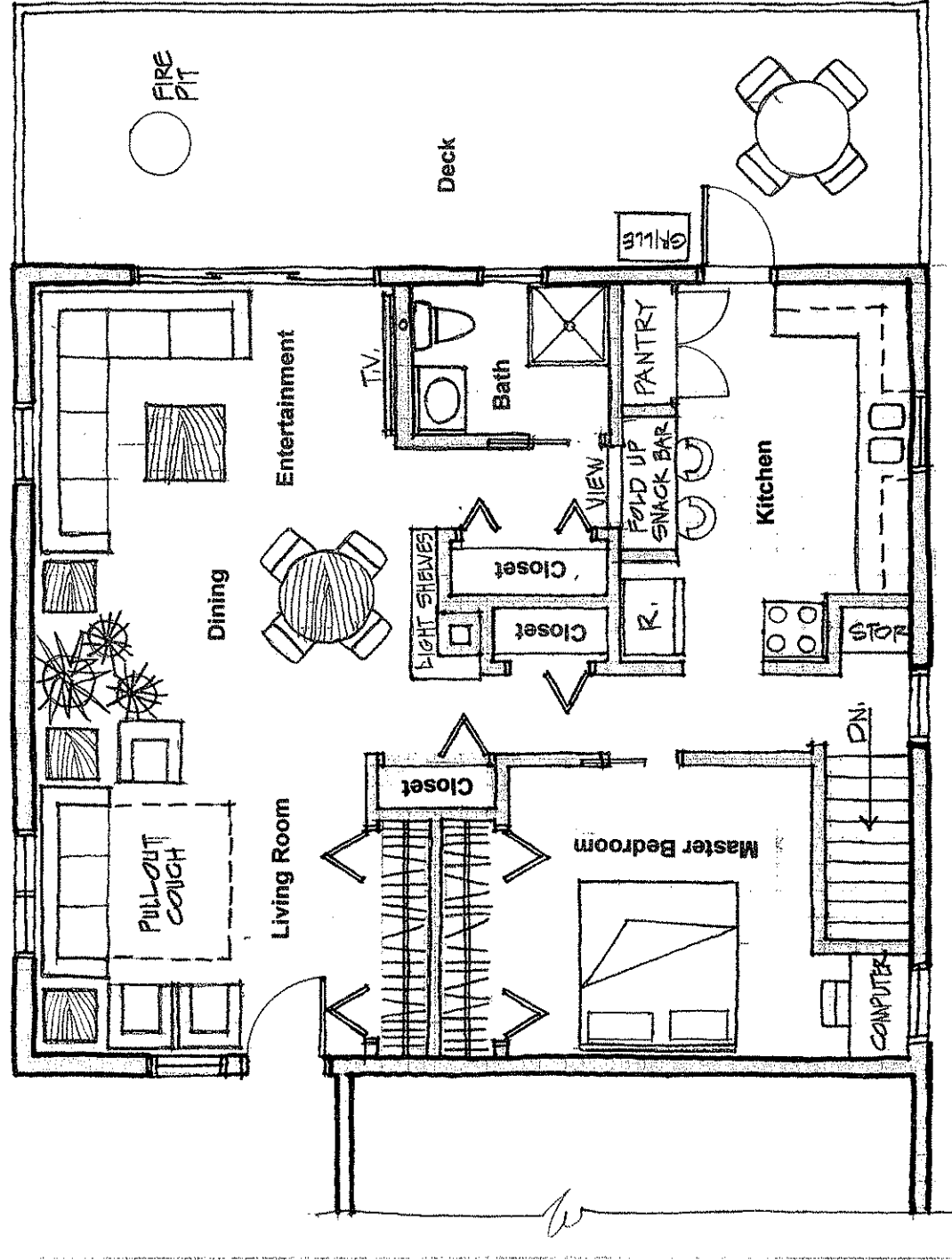
IBI GROUP	PROJECT: BRIGHTON HOUSE	SHEET: 3 OF: 3
	CLIENT: RON & BETTY SOCIA	PREPARED BY: DOB
	DESCRIPTION: LAKE HOUSE	DATE: 12.30.2012
	CHECKED BY:	OTHER:



Lake House Main Level

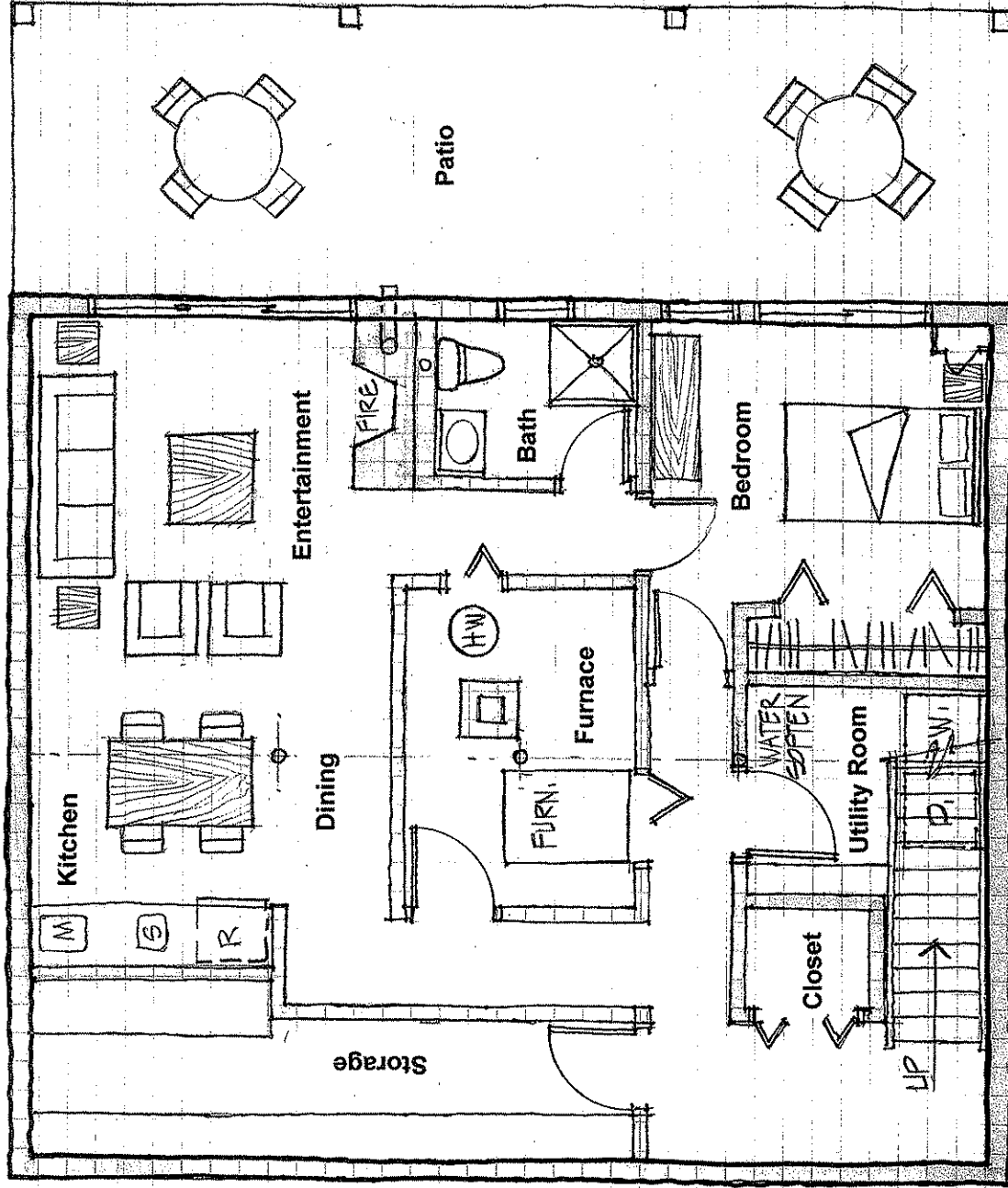


PROJECT: BRIGHTON HOUSE	PROJECT NO.:	SHEET: 3	OF: 3
CLIENT: RON & BETTY SOCIA	PREPARED BY: DOB	DATE: 12/30/2012	
DESCRIPTION: ROAD HOUSE	CHECKED BY:	OTHER:	



Lake House

Road House Main Level



Road House Lower Level

GENOA TOWNSHIP
MAY 10 2013
RECEIVED

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

RECEIVED

6:30 PM

Case # 13-15 Meeting Date: 6-18-13

- PAID Variance Application Fee CR # 8890
\$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: RONALD A. SOCIA

Property Address: 3950 HIGHCREST DR Phone: 734-455-8886

LRR
Present Zoning: 401 RESIDENTIAL Tax Code: 4711-22-302-064

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: IMPROVEMENTS/MODERNIZATION TO BOTH HOUSES ALLOWING THE COST/VALUE RESTRICTIONS COVERED IN ARTICLES 24.05.04 AND 24.04.06 BE WAIVED. NO ELEVATION OR "FOOTPRINT" CHANGES ARE TO BE MADE.
- This variance is requested because of the following reasons:

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

b. Other (explain) NONCONFORMING PROPERTY

Variance Application Requires the Following:

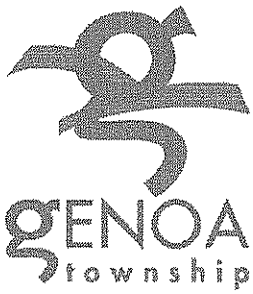
- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. *Note: Will need 8 copies of any drawings larger than 8 1/2 and 14 in size.*
- Waterfront properties must indicate setback from water for adjacent homes
- A Land Use Permit Application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

Date: 5-10-13

Signature: Ronald A. Socia

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.



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

May 28, 2011

Dear Property Owner:

The following is a proposed variance in your neighborhood that is on the agenda for the Genoa Township Zoning Board of Appeals meeting, Tuesday June 18, 2011, at 6:30 p.m. at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI.

State Statute provides for notifying property owners in close proximity to proposed variance requests. A request is being made in your area located in Section 22, 3950 Highcrest Drive, requested by Ronald A. Socia, for improvements to both houses on the property exceeding 10% of the current replacement value of the structures.

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

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

Sincerely,

Michael C. Archinal
Genoa Township Manager

MCA/km

SUPERVISOR

Gary T. McCrie

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

4711-22-300-001
CRANE HAROLD L & DONOGHUE SHARON L,
WALSH JOHN & EVELYN
716 SPENCER RD
BRIGHTON MI 48116

4711-22-302-057
BARTOLOMUCCI, JOANN
3914 HIGHCREST
BRIGHTON MI 48116

4711-22-302-058
LINDSEY LEIGH
3920 HIGHCREST
BRIGHTON MI 48116

4711-22-302-059
COOK, ERIC & JODI
3924 HIGHCREST
BRIGHTON MI 48116

4711-22-302-060
COOK, GEORGE & BARBARA
3930 HIGHCREST
BRIGHTON MI 48116

4711-22-302-061
CRANE THOMAS S & BLAIR JACQUELINE
3934 HIGHCREST
BRIGHTON MI 48116

4711-22-302-062
MESSING TRUST
3940 HIGHCREST
BRIGHTON MI 48116

4711-22-302-063
PERKOWSKI, ADAM J. II
3944 HIGHCREST
BRIGHTON MI 48116

4711-22-302-064
SOCIA LIVING TRUST
46513 MAIDSTONE
CANTON MI 48187

4711-22-302-065
CROWLEY, FLOYD J.
3956 HIGHCREST
BRIGHTON MI 48116

4711-22-302-066
PERRI JOSEPH JR. & MARIA D
3962 HIGHCREST
BRIGHTON MI 48116

4711-22-302-073
BARTOLOMUCCI NICOLE
3968 HIGHCREST
BRIGHTON MI 48116

4711-22-302-074
DAVIDGE, MICHAEL & TIFFANEY
3974 HIGHCREST
BRIGHTON MI 48116

4711-22-302-075
KOTH WILLIAM R
3980 HIGHCREST
BRIGHTON MI 48116

4711-22-302-076
BOLAND MICHAEL A TRUST
3986 HIGHCREST
BRIGHTON MI 48116

4711-22-302-077
RICE REGINA & DEBRA
3994 HIGHCREST
BRIGHTON MI 48116

4711-27-100-001
WIENCEK INVESTMENT TRUST
2624 FRESHLY BREWED CT.
HENDERSON NV 89052

4711-27-100-002
HOLMES, THOMAS J. & SANDRA M.
3945 HIGHCREST
BRIGHTON MI 48116

4711-27-100-003
PAQUETTE JAMES & KATHERINE
3953 HIGHCREST
BRIGHTON MI 48116

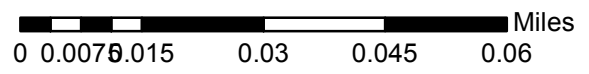
4711-27-100-004
STANEK, JOHN
3975 HIGHCREST
BRIGHTON MI 48116

4711-27-100-034
MERCIER, MARC F. & SHERYL C.
5054 WILLOW GROVE LANE
BRIGHTON MI 48116

4711-27-100-035
THAGARD JAMES & WENDY
5082 WILLOW GROVE LANE
BRIGHTON MI 48116

4711-27-100-036
PLUMMER KEITH & LINDSAY
5110 WILLOW GROVE LANE
BRIGHTON MI 48116

300 ft Buffer for Noticing



Variance Case #13-15

Applicant: Ronald A. Socia

Parcel: 4711-22-302-064

Meeting Date: 6-18-2013



May 17, 2013

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

September 17, 2013

6:30 P.M.

MINUTES

Chair Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members of the 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 was Township staff member Ron Akers and 5 persons in the audience.

Moved by Figurski to approve the agenda with the tabling of item 4 to the next Zoning Board of Appeals, as requested by the petitioner. **Motion carried unanimously.**

13-23...A request by Charles Denning, Sec. 10, Parcel ID # 4711-10-301-029 on East Grand River, for a variance to add a carport on the property without a principle structure.

Charles Denning was present for the petitioner.

Grajek asked if a permanent structure was present and would he need to go to Livingston County. Petitioner explained it is freestanding. Anchor rods would hold the structure, 4 anchors on each side. It is not a permanent structure and the property is classified as a vacant lot. Dhaenens asked if the carport was attached to the existing garage whether the petitioner would still be required to present to Zoning Board of Appeals. Akers explained it would still be considered an accessory structure.

Dhaenens asked the petitioner whether a hardship or difficulty existed which would require the variance, expressing concern that there are already two non-conforming structures on the lot and this would be a third. The petitioner said there was no hardship and explained there are three lots. Two lots are combined along the front of Grand River.

Figurski asked if there was another place to store the item. Petitioner asked why that would be necessary when he has all the room he needs on the property. Figurski asked about the shed in poor repair. Petitioner said he could take it down if he was required to do so. Figurski indicated that the need for a variance request was self-created.

Grajek said that in order to grant the variance, there needs to be a hardship, something that is being required that is unfair to the petitioner. Petitioner said he is paying taxes on a lot that is useless. Figurski said that anyone driving along Grand River would only see two carports.

Petitioner reminded the board that it is not a permanent structure. Grajek said it is an accessory building.

A call to the public was made with no response.

Moved by McCreary supported by Grajek to deny case #13-23 for a variance request for the property on East Grand River, Sec. 10, Parcel ID# 4711-10-301-029 to construct a carport on the property without a principal building based on the finding of fact that there is no allowance for additional structures. **Motion carried unanimously.**

13-24...A request by Bob Maxey Ford, Sec. 06, 2798 E. Grand River, for a variance to increase allowable wall sign square footage from 150 square feet to 169 square feet and to install two (2) additional walls signs which will exceed the maximum number of allowable wall signs by three (3) for a total of five (5) wall signs on the building.

Mike Maxey of Bob Maxey Ford and Tony Delicolli of CityScape Architects were present for the petitioner.

Petitioner said they are looking to expand dealership and include signs. To comply with Ford renovations guidelines, a blue oval logo sign needs to be added to the front of the building. He also needs to indicate to the public where the new collision center is located.

Grajek asked if Ford was mandating a second sign. Can you not just take one down. Maxey indicated Ford wants it on the building and on the new tower. Ford will invest \$700,000 if Maxey complies with Ford guidelines in this way. Other dealerships are able to get approvals. There are three businesses on the site: new car sales, service, collision. He needs to direct customers to the collision center.

Delicolli indicated that they are looking for the addition of the word collision on the building which has no exposure to the street. The oval logo being introducing is being instituted by Ford at 500 locations nationally. The difference in the second oval is that it's a little smaller in scale than the other one. He referred to the rendering of the proposed look.

Grajek indicated the collision sign makes sense because we want people knowing where to go while they are driving. The second Ford logo is an issue of supporting local businesses and is not compliant with local ordinances.

Maxey indicated that other dealerships have two and three logos on their buildings as well. Figurski indicated that the size of the building was significant. Delicolli indicated that the issue is about street frontage. The property has 278 feet of frontage along Grand River. If you have 201-400 feet of frontage, then you're allowed a 150 square foot wall sign. So the request is for a 19 foot variance. Based on automotive company's requirements, they are trying to make it as conforming as possible.

Grajek said he sees everything covered except the second Ford logo. I can see directional signs being needed. Ledford said that the building is very long and that the second logo makes sense.

A call to the public was made with no response.

Moved by Figurski, supported by Ledford to approve case #13-24 for the property located at Parcel ID # 4711-10-301-029, 2798 East Grand River for a variance of 19 square feet of allowable wall sign area and for two additional wall signs with the finding of fact that the length of the building and the speed of traffic on Grand River Avenue requires the additional signage to safely guide traffic in and out of the property. **Motion carried unanimously.**

13-25...A request by Jane and Randy Evans, Sec. 28, 4444 Glen Eagles Court, for a variance from the deck setback requirement between condominium units to extend an existing deck.

Jane and Randy Evans were present for the petitioner.

Mr. Evans stated they are asking to extend their deck as it runs up against a common wall. They are asking to come forward 4 feet. They have Oak Pointe, Glen Eagles Association approval. They have approval in writing from neighbor. Extending the deck will make the deck more usable.

McCreary asked whether it was built without a variance or setback when originally built. Akers explained that yes, when two condos are attached, the zoning requires that a deck be set back 4 feet from the common wall or midway point between the condominium units. It was architecturally designed to have deck extend to the common wall. This deck was likely in place before that zoning ordinance provision was adopted. Grajek cautioned about build-up of water on the deck.

A call to the public was made. Letters of support were acknowledged by Dhaenens from the Glen Eagles Condominium Association and Jack Thibeau.

Moved by Ledford, supported by McCreary to approve case #13-25 for a 4-foot variance to extend a deck which is located between two condominium units based on the findings of fact that the condominium was built in 1996 and at the time did not meet the standard set forth in Section 11.04.02(b), the need for the variance was not self-created by the applicant, the layout and design of the building created a need for the variance, and granting this variance will make the property consistent with other properties in the area. **Motion carried unanimously.**

Moved by Dhaenens, seconded by Grajek, for approval of minutes, with corrections by Figurski for the August 20, 2013 meeting. **Motion carried unanimously.**

Addition of Conflict of Interest Section to Agenda

Akers explained the issue, recommending a set of by-laws to ensure consistency in meetings. They speak to how we conduct business. Grajek indicated that some lakefront points are archaic. Clarification is needed. Akers indicated that one of the requirements in the Zoning Enabling Act is that the Zoning Board of Appeals has members who are liaisons with the Planning Commission and Township Board. Akers asked whether the board would like him to work on by-laws and have something together for the next meeting. The board agreed. McCreary asked that the township attorney review the by-laws.

Correspondence

Akers indicated that a Citizen Planner classroom series is being offered in Howell. One class does fall on the day of the next meeting. The Zoning Board of Appeals could hold a special meeting instead of a regular meeting if there is interest in the class. Jean Ledford indicated that she could not attend due to SELCRA commitment. McCreary, Dhaenens, and Grajek will attend.

Ledford indicated that a former member of the Zoning Board of Appeals had questions at a recent Board meeting, dissatisfied with a ruling regarding Kurt Brown.

Akers also discussed that future motions should be based on findings of fact and provisions in the zoning ordinance. Grajek indicated that we need a justification why something does not make sense, rather than why it makes sense. Discussion was held on wording of motions. Grajek recommended a template be made on how to make a motion which includes finding of fact and other important components of a motion. Akers said he would draw something up before next meeting. Ledford said that members of Zoning Board of Appeals go to the properties, ask questions, and hear input of many kinds and that the Zoning Board of Appeals does a great job. Grajek and Dhaenens indicated that more structure would be helpful.

Member Discussion

Dhaenens had a question regarding Denning: if he had attached to existing garage and said can I add an awning would the board have felt differently. Grajek said it's a non-conforming property already and we should avoid steps to make it further non-conforming. Akers said it's still an accessory structure. He did not have a principal building on the property.

Motion by Ledford, supported by Figurski to adjourn the Zoning Board of Appeals meeting at 8:10 p.m. **Motion carried unanimously.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 10-4-13
RE: Draft Bylaws

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

Attached are the draft bylaws/rule of procedure that the Board requested I put together. Rather than approve these bylaws at this meeting I would like to review them with the Board, discuss any issues with them and seek direction on certain sections of the bylaws. Once the review process is completed and there is a finished product, I will have the attorney review the bylaws.

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS BYLAWS**
Effective (blank)

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the Genoa Charter Township Zoning Board of Appeals (hereinafter referred to as the “Board of Appeals”), to facilitate the duties of the Board of Appeals as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.) and the Genoa Charter Township Zoning Ordinance.

ARTICLE 2: MEMBERSHIP

Section 1. The Zoning Board of Appeals shall consist of five (5) members as follows:

- A. Planning Commission Member.** The first member shall be a member of the Township Planning Commission.
- B. Other Members.** The remaining members shall be selected and appointed by the Township Board from among electors residing in the unincorporated area of the Township.
- C. Township Trustee.** One member may be from the Township Board and their membership term shall be limited to the time they are a member of the Township Board.
- D. Alternates.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals.
- E. Terms.** Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those respective boards. Any vacancies shall be filled within one (1) month after the vacancy occurs. Vacancies for unexpired terms shall be filled for the remainder of the term.
- F. Removal.** Members of the Board of Appeals shall be removable by the Township Board of non-performance of duty or misconduct in office, upon filing of written charges and after a public hearing before the Township Board.
- G. Resignation.** A member may resign from the Board of Appeals by sending a letter of resignation to the Township Supervisor or the Township Board.

Section 2. Members of the Board of Appeals shall be subject to the following membership requirements.

- A. Attendance.** If any member of the Board of Appeals is absent from three (3) consecutive meetings then that member shall be considered delinquent. Delinquency shall be grounds

for the Township Board to remove a member of the Board of Appeals for nonperformance of duty or misconduct after holding a public hearing on the matter.

B. Training. (Mandatory Training? If so how much is appropriate? Please review and discuss at October meeting.)

C. Liaisons. The purpose of liaisons is to provide certain Township officials and quasi-Township officials with the ability to participate in discussion with the Board of Appeals in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements in these bylaws. Liaisons are, if not already an appointed Board of Appeals member, are:

1. Appointed staff, agents and consultants of Genoa Charter Township.
2. **Any Others? (County Staff?)**

ARTICLE 3: OFFICERS

Section 1. The Officers of the Board shall be a Chairperson, a Vice-Chairperson and a Secretary. The Township Board representative shall not serve as an officer.

A. Duties of the Chairperson. The Chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.

B. Duties of the Vice-Chairperson. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his/her absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority vote of the members present.

C. Duties of the Secretary. The Secretary shall serve as the liaison between the Board and the Township Staff who is responsible for the execution of documents in the name of the Board, performing the duties hereinafter listed below, and performing such duties as the Board may determine.

1. Minutes. The Township Staff shall be responsible for the permanent record of the minutes and shall have them recorded in suitable permanent records.
2. Correspondence. The Township Staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission.
3. Attendance. The Township Staff shall be responsible for maintaining an attendance record for each member of the Board.
4. Notices/Agenda. The Township Staff shall issue such notices and prepare the agendas for all meetings as required by the Board.

Section 2. The duties of the Planning Commission representative and Township Board representative shall be as follows:

- A. Duties of the Township Board Representative.** The Township Board representative shall report the actions of the Zoning Board of Appeals to the Township Board and shall update the Zoning Board of Appeals on the actions of the Township Board.
- B. Duties of the Planning Commission Representative.** The Planning Commission representative shall report the actions of the Zoning Board of Appeals to the Planning Commission and shall update the Zoning Board of Appeals on the actions of the Planning Commission.

Section 3. The election of officers shall be carried out in the following manner.

- A. Elections.** At the first meeting of the calendar year, the Board shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve-month period and who shall be eligible for re-election. A candidate receiving a majority vote of the membership present shall be declared elected. Newly elected officers will assume their office at the next meeting.
- B. Vacancies.** Vacancies in office shall be filled by regular election procedure and shall only serve the remainder of the term.

ARTICLE 4: MEETINGS

Section 1. Regular Meetings. Regular meetings of the Board shall be held the third Tuesday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

Section 2. Meeting Notices. All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 3. Special Meetings. A special meeting may be called by **(two or three?)** members of the Board upon written request to the secretary or by the chairperson. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

Section 4. Open Meetings. All meetings of the Board shall be opened to the public and held in a place available to the general public. A person shall be permitted to address the Board during call

to the public. A person shall not be excluded from a meeting of the Board except for breach of the peace, committed at the meeting.

Section 5. Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6. Minutes. Board minutes shall be prepared by the recording secretary of the Board. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance.

Section 7. Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting.

Section 8. Voting. An affirmative vote of the Commission members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Board member or directed by the chairperson. All Board members shall vote on every motion placed on the floor unless there is conflict of interest, as established in ARTICLE 7.

Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

Section 9. Agenda. A written agenda for all regular meetings shall be prepared as followed. The required agenda items for all regular meetings shall be:

- A. Call to order
- B. Pledge of Allegiance
- C. Introduction
- D. Approval of Agenda
- E. Declaration of Conflict of Interest
- F. Call to the Public
- G. Administrative Business
- H. Adjournment

Section 10. Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order”.

Section 11. Public Hearings. Hearings shall be scheduled and due notice given in accordance with the Genoa Township Zoning Ordinance and the Michigan Zoning Enabling Act. Public hearings conducted by the Board shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- A. Prior to holding the public hearings for any variance request, interpretation or appeal of administrative decision, the chairperson shall explain to the public the criteria in the zoning ordinance for how that decision is made.
- B. Announce Subject. The chairperson announces each agenda item and describes the subject to be considered.
- C. Open Public Hearing. The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- D. Close Public Hearing. The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- E. Deliberation. Any action of the Zoning Board of Appeals must be supported by reasonable Findings and conclusions, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing so long as the public hearing was opened and closed.
- F. Action. After deliberation, the Zoning Board of Appeals may take any of the following actions:
 - 1. In the event of a variance request, the Board may table the request, approve the request, deny the request or approve the request with conditions.
 - 2. In the event of an administrative appeal, the Board may decide in favor of the Zoning Administrator or may reverse any order, requirements, decision, or determination of the Zoning Administrator.
 - 3. In the event of a request to make an interpretation of the zoning ordinance, the Board may take action explaining the interpretation.

ARTICLE 5: CONFLICT OF INTEREST

Section 1. Declaration of Conflict. The Board shall make a determination regarding the presence of a conflict of interest. Board members shall declare a conflict of interest when any one (1) or more of the following occur:

- A. A relative or other family member is involved in any request for which the Board is asked to make a decision.
- B. The Board member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant’s company, agency, or association.
- C. The Board member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the request, as required by the zoning ordinance and Michigan Zoning Enabling Act.
- D. There is a reasonable appearance of a conflict of interest, as determined by the Board member declaring such conflict.

Section 2. Requirements. Prior to discussion on a request, the Commission member shall do all of the following to declare a conflict:

- A. Announce a conflict of interest and state its general nature.
- B. Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- C. Absent himself/herself from the Board table in which the discussion and voting take place.

ARTICLE 6: POWERS OF THE ZONING BOARD OF APPEALS

Section 1. The Zoning Board of Appeals shall have the following powers/duties as granted by the Michigan Zoning Enabling Act and the Genoa Township Zoning Ordinance:

- A. **Appeal of Administrative Decisions.** TO hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Planning Commission or any administrative official charged with administration or enforcement of the zoning ordinance.
- B. **Variances (Dimensional and Use).** To authorize, upon a variance from the strict application of the provisions of the zoning ordinance, where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the zoning ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance.
- C. **Interpretation.** Upon request of the Planning Commission or any administrative or enforcement officer charged with administration or enforcement of the zoning ordinance, the Board may interpret and clarify the meaning of zoning ordinance text. The Board may also be requested to interpret boundaries of zoning districts where the zoning district classification cannot be clearly discerned on the Official Zoning Map.

ARTICLE 7: OTHER DUTIES

Section 1. Duties. The following are duties which are expected of the individual members of the Board.

- A. **Ex Parte Contact.** Members shall avoid Ex Parte contact about cases where an administrative decision is before the Board whenever possible. Sometimes it is not possible to avoid Ex Parte contact. When this occurs the member should take detailed notes about what was discussed and make every member or other interested parties aware of what was said.

B. Site Inspections. Members may perform site inspections, however, no more than two (2) members may perform site inspections at the same time.

C. Not Voting On the Same Issue Twice. Any member of the Board of Appeals shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by the Planning Commission, and the member of the Board of Appeals sits both on the Planning Commission and Board of Appeals.
2. When the appeal is of an administrative or other decision by any committee of the Planning Commission, legislative body, other committee, and the member of the Board of Appeals sits both on that committee and Board of Appeals.
3. When the appeal is of an administrative or other decision by any committee of the Planning Commission, legislative body, other committee, and the member of the Board of Appeals sits both on that committee and the Board of Appeals.

D. Accepting Gifts. Gifts shall not be accepted by a member of the Board of Appeals or liaisons from anyone connected with an agenda item before the Board of Appeals. As used here, gifts shall mean cash, any tangible item or service, regardless of value and food valued over \$10.

E. Spokesperson for the Board of Appeals. The Board of Appeals may appoint a spokesperson for the Board of Appeals for all matters which occur outside of the meetings.

ARTICLE 8: AMENDMENTS

These rules may be amended by the Commission by a concurring vote pursuant to subsection 6.8, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 9/24/2013
RE: Motions

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

In the past the Board has raised issues with formulating reasons to deny variances. This memo should grant some clarity and provide a simple way to formulate a motion for denial and approval.

Standards of Approval in Zoning Ordinance

There are specific criteria in the zoning ordinance that an applicant for a dimensional variance has to meet. They are in section 23.05.03 as follows:

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.

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

Using These Criteria for Motions

These standards are all required to be met in order for a variance to be granted. When I prepare staff reports I use these in my review process. Every dimensional variance application needs to be reviewed based on these guidelines.

When making motions it is important to include findings of fact. The findings of fact are included to support the decision that was made. The findings should relate to the ordinance standards, conditions of the property and surrounding area, and other relevant considerations that went into the decision. These are essential for the ZBA to make “defensible decisions.” The findings of fact tell the story of how and why the decision was made. Making the findings of fact as complete, concise and well organized is an issue that many ZBA’s and Planning Commission’s across the State face. There are a few simple rules that can be followed which can help with this issue:

- A. Always Reference the Standards for Approval in the Zoning Ordinance: If an application meets the criteria in the zoning ordinance, reference that specific section of the zoning ordinance. If an application does not meet the criteria in the zoning ordinance state specifically where it does not meet the criteria.

Example:

I move to approve case#13-00, 5555 Greenway for a variance from height requirements in section 1.01.01 of the Genoa Township Zoning Ordinance to install a 60’ Ferris wheel on a residential property based on the following findings and conclusions:

1. The variance request meets the required criteria in section 23.05.03 of the zoning ordinance.

I move to deny case#13-00, 5555 Greenway for a variance from height requirements in section 1.01.01 of the Genoa Township Zoning Ordinance to install a 60’ Ferris wheel on a residential property based on the following findings and conclusions:

1. The variance request does not meet the required criteria in section 23.05.03, specifically sections (a), (b), (c) and (d).

- B. List What Aspect of the Property , Area or Project that Demonstrates Why Variance Does or Does Not Meet Those Criteria:

I move to deny case#13-00, 5555 Greenway for a variance from height requirements in section 1.01.01 of the Genoa Township Zoning Ordinance to install a 60’ Ferris wheel on a residential property based on the following findings and conclusions:

1. Strict application of the 35’ height requirement would not prevent the applicant from placing a Ferris wheel on the property that could meet the requirements of the zoning ordinance. (23.05.03 (a))

2. The property is of similar size, shape and physical characteristics of other properties within the LRR zoning district. (23.05.03(b))
3. The need for the variance is self-created by the applicant because the need for a larger Ferris wheel is not required by any condition of the property. (23.05.03(b))
4. Granting this variance will endanger the public safety because the Fire Department does not have the proper equipment and vehicles to combat fires above 35'. (23.05.03 (c))
5. A 60' Ferris wheel would have a negative impact on adjacent properties and the surrounding neighborhood by creating excessive light and noise. (23.05.03(d))
6. The variance request does not meet the required criteria in section 23.05.03, specifically sections (a), (b), (c) and (d).

C. List the Findings of Fact Numerically

The purpose of this is to ensure that they are organized and concise.

D. Take the Time and Formulate the Motion and Findings of Fact Correctly

It is more important to take additional time to get the decision right than to make an incorrect or incomplete decision.

E. Prepare Motions and Findings of Fact Ahead of Time

It is ok to organize your thoughts ahead of time. This helps you prepare for the meeting and formulate questions for the applicant. Just because it is written down in your notes prior to the meeting does not mean that is the decision that has to be made. These decisions can and do change.

F. Again Always Reference the Standards for Approval in the Zoning Ordinance

Once again I cannot stress how important this is. Making a decision that references a specific section in 23.05.03 (when dealing with dimensional variances) describes in an effective way why that application was denied or approved. Using the Ferris wheel example, if I want to deny that application it can be denied based on the findings and conclusions that it does not meet the standards in 23.05.03(b), (c) and (d) of the zoning ordinance. This tells the applicant (as well as a judge if a lawsuit followed) that the reason the ZBA denied this variance request was because extraordinary circumstances were not present, there is the possibility that the project could have public safety and welfare concerns and it would have a negative impact on the surrounding community. Having additional findings and conclusions which explain why these standards were not met provides a more concise answer.

Oct. 7, 2013

To: Genoa Township Board

From: Polly Skolarus, Clerk

I recently attended a class in Parliamentary Procedure. As a result you will see small changes incorporated into future minutes. The following summary is provided for your consideration:

- The township board may only make positive motions that will either pass or fail
- Negative motions of denial are only allowed for the Zoning Board of Appeals
- A tie vote is always a NO vote
- We should not use the word “support” but instead use the word “second” when supporting a motion
- The maker of a motion always get the first chance to speak
- “The motion carried unanimously” must not be used when recording minutes
- The motion “passed” or “failed” is correct
- A withdrawn motion will not appear in the minutes

Notes:

***The word “unanimously” is incorrect unless there is a roll call vote. Often members remain silent but that does not mean that they vote yes or no.

** No member may speak a second time until all other members are allowed to speak. Then the chair asks if anyone else wants to speak.

*Chairman should alternate between affirmative and negative positions at a Call to the Public

Policy/parliamentary procedure