

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

Nov. 12, 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. 13-26...A request by Oren and Jill Lane, Section 9, 623 Sunrise Park, for a variance from both side yard setbacks, the front yard setback, the shoreline setback, and the maximum building height.

Administrative Business:

1. Approval of minutes for the October 8, 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
 - a. Feedback from Citizen Planner
8. Adjournment

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**

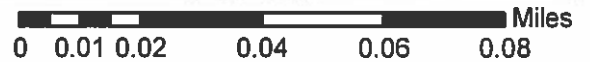
Date: 9-17-13

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



4711-04-400-006
GROTE, DARWIN E
612 SUNRISE PARK
HOWELL MI 48843

4711-04-400-008
LAKE CHEMUNG OUTDOOR RESORT,
320 S HUGHES RD
HOWELL MI 48843

4711-04-400-012
HALLIDAY, CHRIS
630 SUNRISE PARK
HOWELL MI 48843

4711-09-201-083
KOENIG, JOHN J. & INEZ
673 SUNRISE PARK
HOWELL MI 48843

4711-09-201-084
COX, LINDA R.
665 SUNRISE PARK
HOWELL MI 48843

4711-09-201-085
WILDMAN STEVE W & LAURA KIDD
658 PATHWAY DR.
HOWELL MI 48843

4711-09-201-086
FALKIEWICZ, HARRY & MAVIS
647 SUNRISE PARK
HOWELL MI 48843

4711-09-201-089
CHAPMAN, ROBERT J. & LISA K.
10569 HICKORY KNOLL
BRIGHTON MI 48114

4711-09-201-090
LANE, OREN & JILL
5286 TIMBER BEND DR
BRIGHTON MI 48116

4711-09-201-091
SCHIESSER, KEITH
615 SUNRISE PARK
HOWELL MI 48843

4711-09-201-092
GROTE, DARWIN E
612 SUNRISE PARK
HOWELL MI 48843

4711-09-201-093
SWARTZMILLER, CHRISTOPHER & LAURA
604 SUNRISE PARK
HOWELL MI 48843

4711-09-201-095
GROTE TRUST
612 SUNRISE PARK
HOWELL MI 48843

4711-09-201-097
FALKIEWICZ, HARRY & MAVIS
647 SUNRISE PARK
HOWELL MI 48843

4711-09-201-100
WILDMAN FRANCES M
664 SUNRISE PARK
HOWELL MI 48843

4711-09-201-224
SWARTZMILLER, CHRISTOPHER S. &
LAURA
604 SUNRISE PARK
HOWELL MI 48843

4711-09-201-227
SCHWEBS, DAVID & SHERRY
648 SUNRISE PARK
HOWELL MI 48843

4711-09-201-232
WHITE LIFE ESTATE
674 SUNRISE PARK
HOWELL MI 48843

Charter Township of Genoa
ZONING BOARD OF APPEALS
November 12, 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 Setback Variance, 3' Side Yard Setback Variance on Both Sides, 4' Waterfront Yard Setback Variance, 2' Building Height Variance

CODE REFERENCE: 3.04.01

STAFF COMMENTS: See Attached Staff Report

	Front	Side	Other Side	Rear	Height	Waterfront
Allowed	35	10	10	N/A	25	67
Requested	10	7	7	N/A	27	63
Variance Amount	25	3	3	N/A	2	4



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: November 4, 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 Application

Information Submitted: Application, site plan, elevation sketch

Request: Dimensional Variances

Project Description: Applicant is requesting variances from Article 3.04.01 for a 3' variance from the side yard setback on both sides, a 25' front yard setback variance, a 4' shoreline setback variance and a 2' maximum building height variance to construct a new home on an existing foundation and add a 25' X 28' addition.

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

Other:

Public hearing was published in the Livingston County Press and Argus on October 27, 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.
- See Record Card and Real Estate Summary Sheet.

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 existing house is legal non-conforming and in order to construct the new proposed home on the existing foundation with the addition variances will be required from the side yard setbacks, the shoreline setback and the front yard setback. The applicant is also requesting a variance from the maximum building height requirement for the LRR district. Please note that the applicants have indicated to me that the 3rd story turret has been removed from the project.

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 yard, side yard, shoreline setback or maximum building height requirements for the LRR zoning district. The current zoning requirements are 35' for the front yard setback, 10' for the side yard, 67' for the shoreline and 25' maximum building height. The request is for a 10' front yard setback variance, a 3' side yard variance on both sides, a 4' shoreline setback variance and a 2' maximum building height variance.

Standards for Approval

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

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

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

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

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

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

Summary of Findings

The following are findings based upon the presented materials.

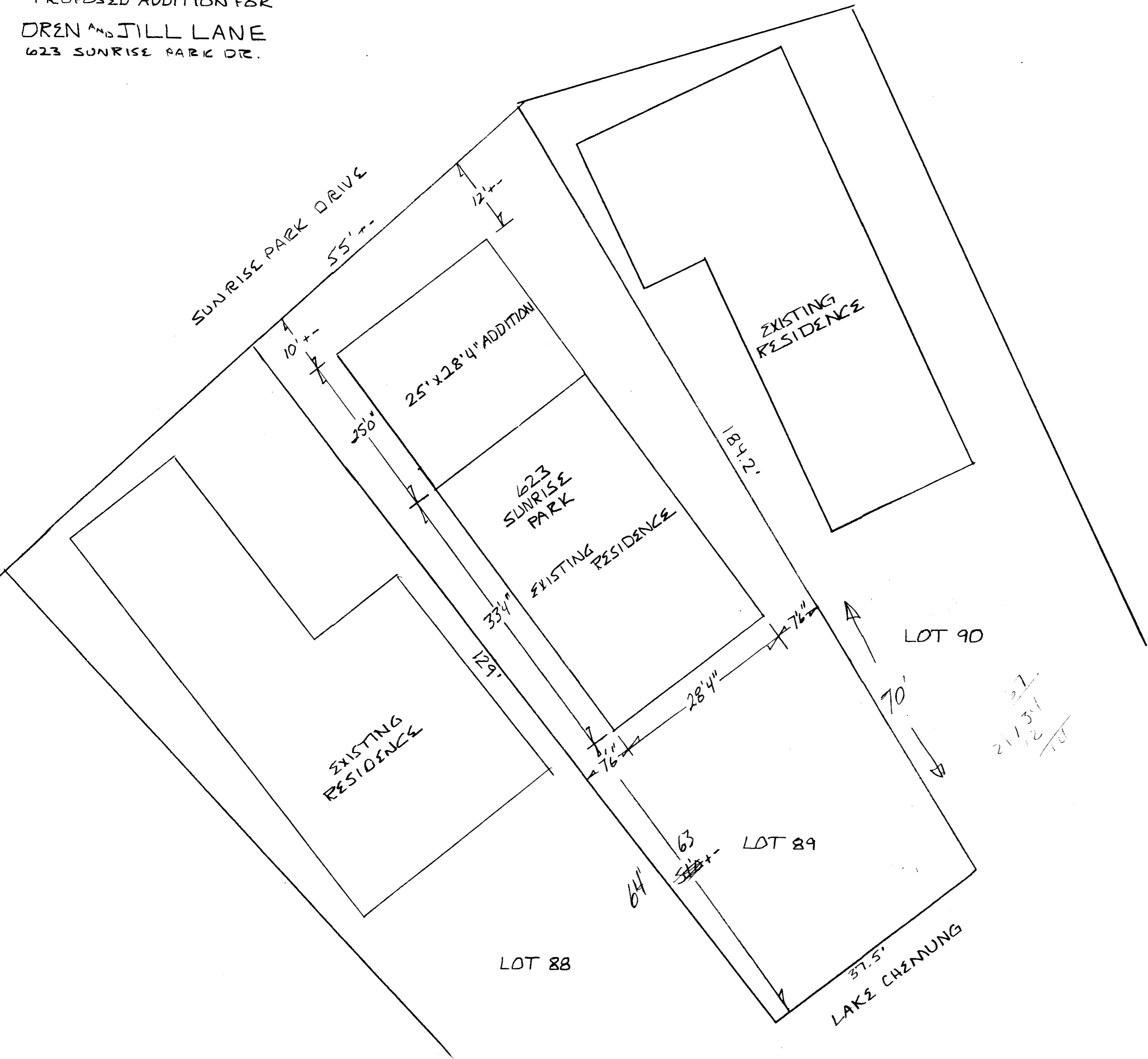
- **Practical Difficulty/Substantial Justice** – Strict compliance with the front yard setback would prevent the placement of a garage sized accessory building on the property. Accessory buildings are a use that is allowed in the LRR zoning district. The proposed side yard setbacks are due to the existing foundation, but this property would be unable to take advantage of the 5’ setback reduction in 3.04.02(k) due to the inability to meet the required 10’ separation between houses. The narrowness of the lot creates this practical difficulty. The shoreline setback is also due to the utilization of the existing foundation, but bringing the structure closer to the road would eliminate additional off road parking areas. The size of the house is consistent with that of the surrounding area. The height variance request is, according to the builder, due to the slight topographic differences between the area where the addition is to be built and the existing foundation.
- **Extraordinary Circumstances** – The variance was not self-created by the applicant as the narrowness and small size of the lot has created a practical difficulty in meeting the side yard, front yard and shoreline setbacks. The height variance is due to the utilization of the existing foundation and the slight topographical change on the lot. Adjacent homes do not comply with front or side yard setbacks.
- **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 there is a neighborhood overflow lot that is located across the street where guests have the ability to park.
- **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. The applicant is proposing to be a similar distance from the road as the adjacent parcels.

Staff Findings of Fact

1. Strict compliance with the setbacks would prevent the placement of a garage size accessory building on the property.

2. Attached accessory buildings are an allowed use in the LRR zoning district.
3. The adjacent homes do not meet front or side yard setback requirements.
4. The need for the setback variances was not self-created by the applicant, but was created by the narrowness and small size of the lot.
5. The house is of a similar size as the neighboring houses.
6. The garage will provide sufficient off-road parking areas for the residents of the house. An overflow parking area will be utilized for guests.
7. The impact of the variance requests on the surrounding neighborhood will be limited because the side yard and shoreline 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.

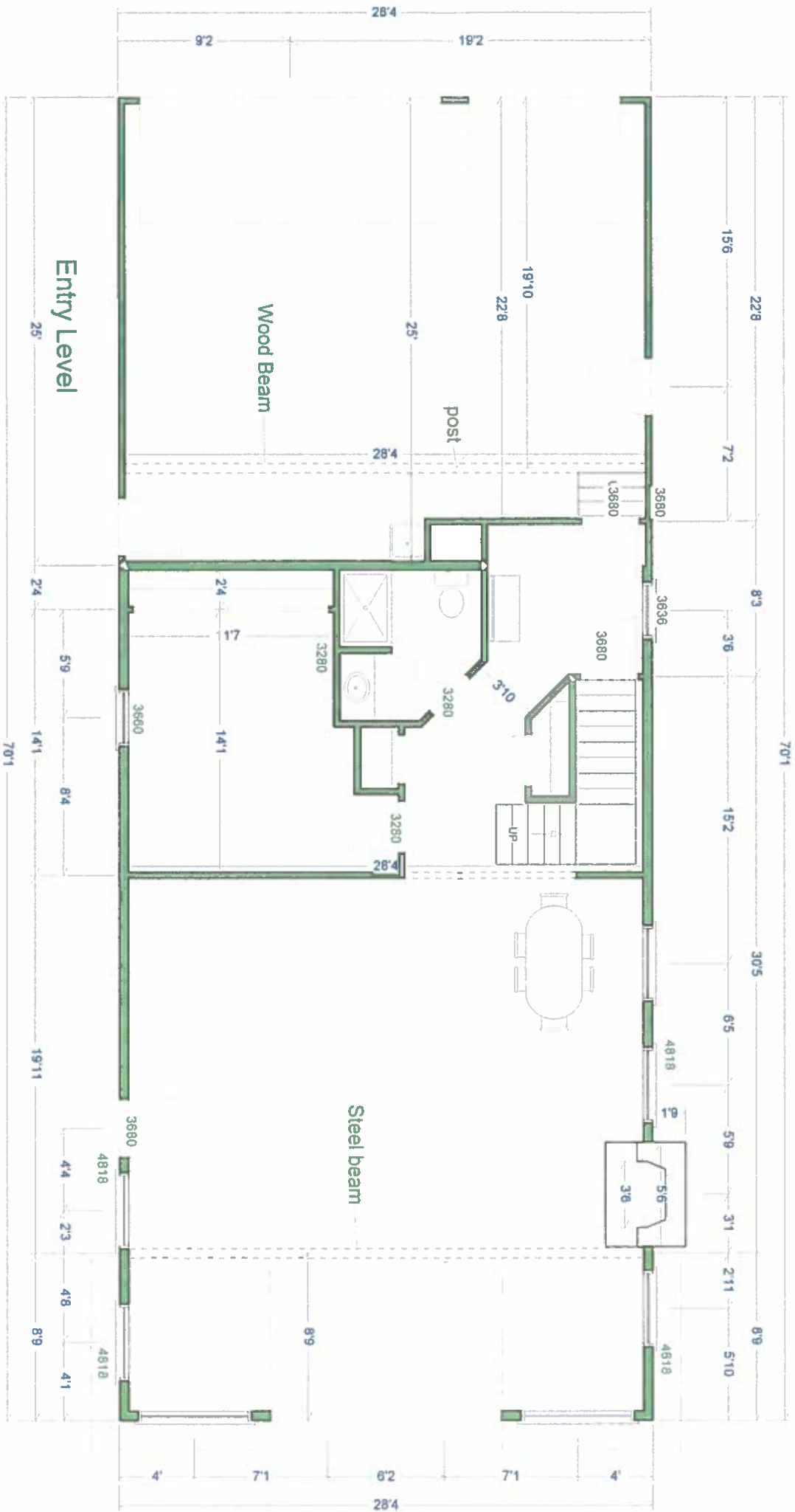


27
15
21
12

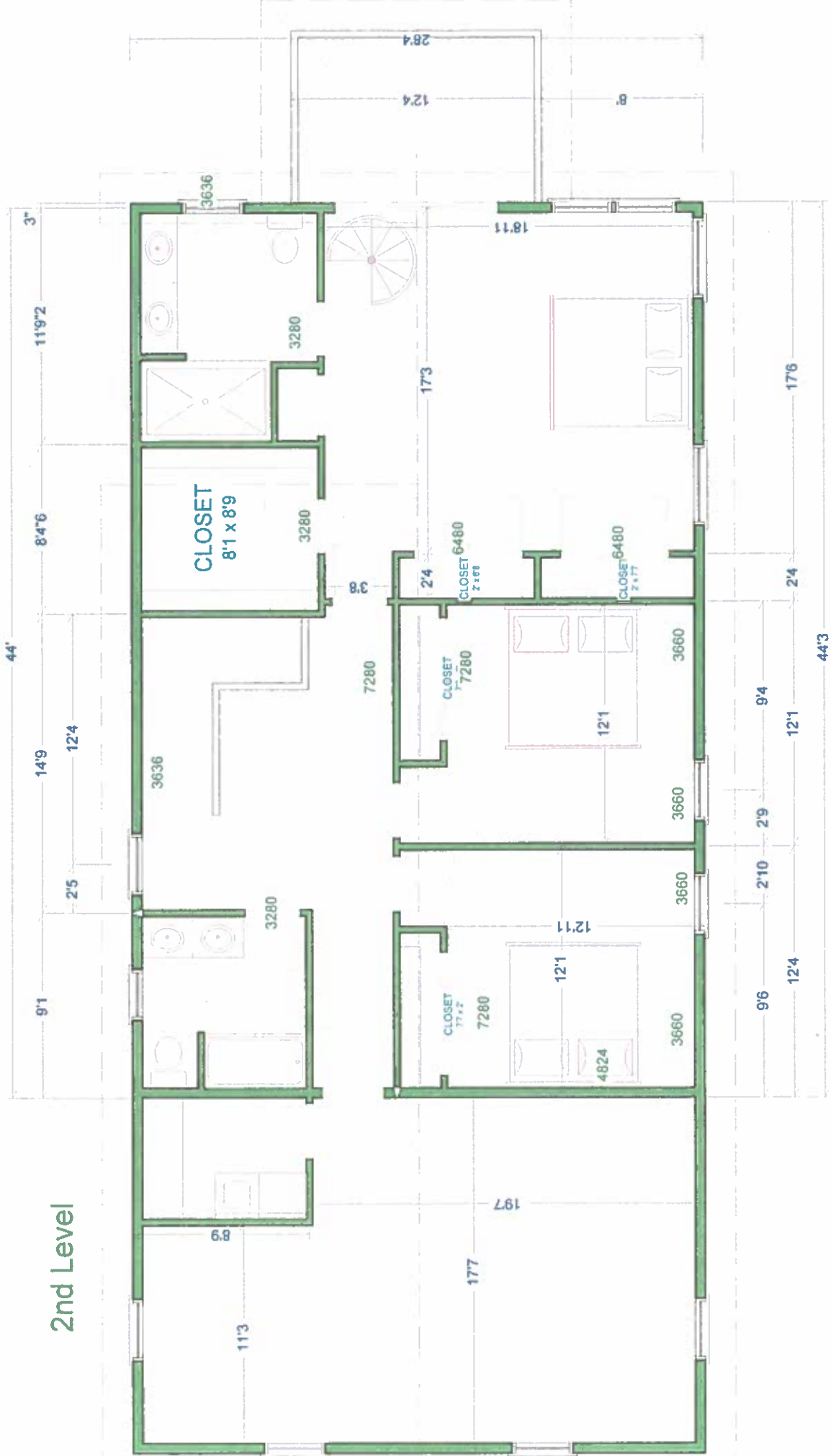
10





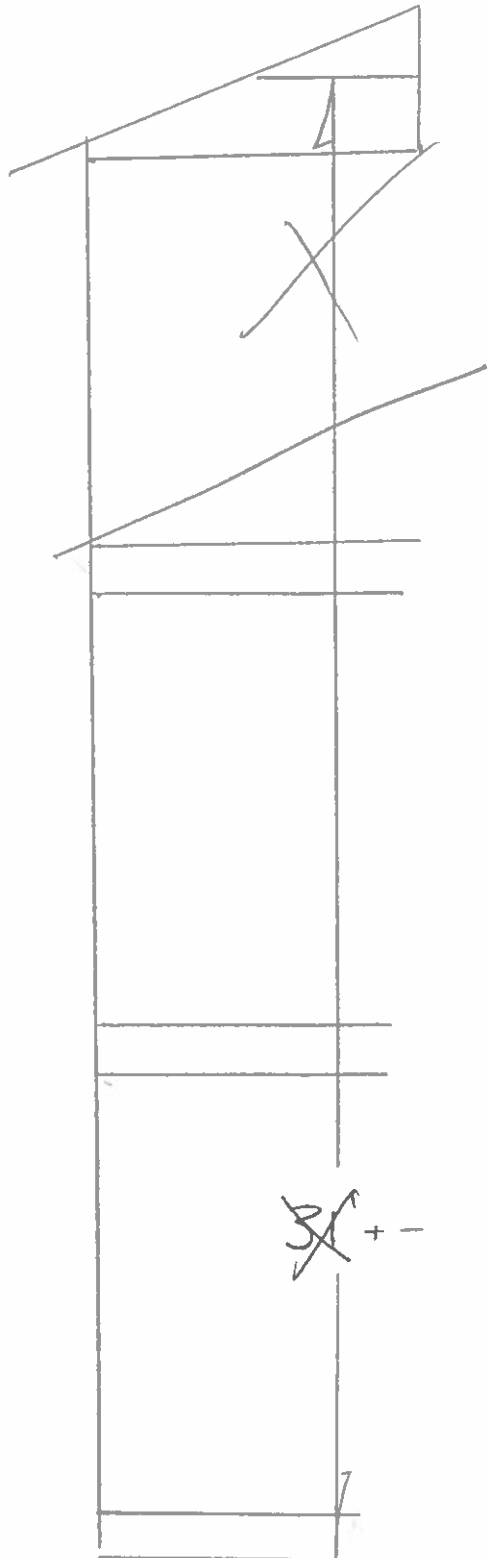


2nd Level



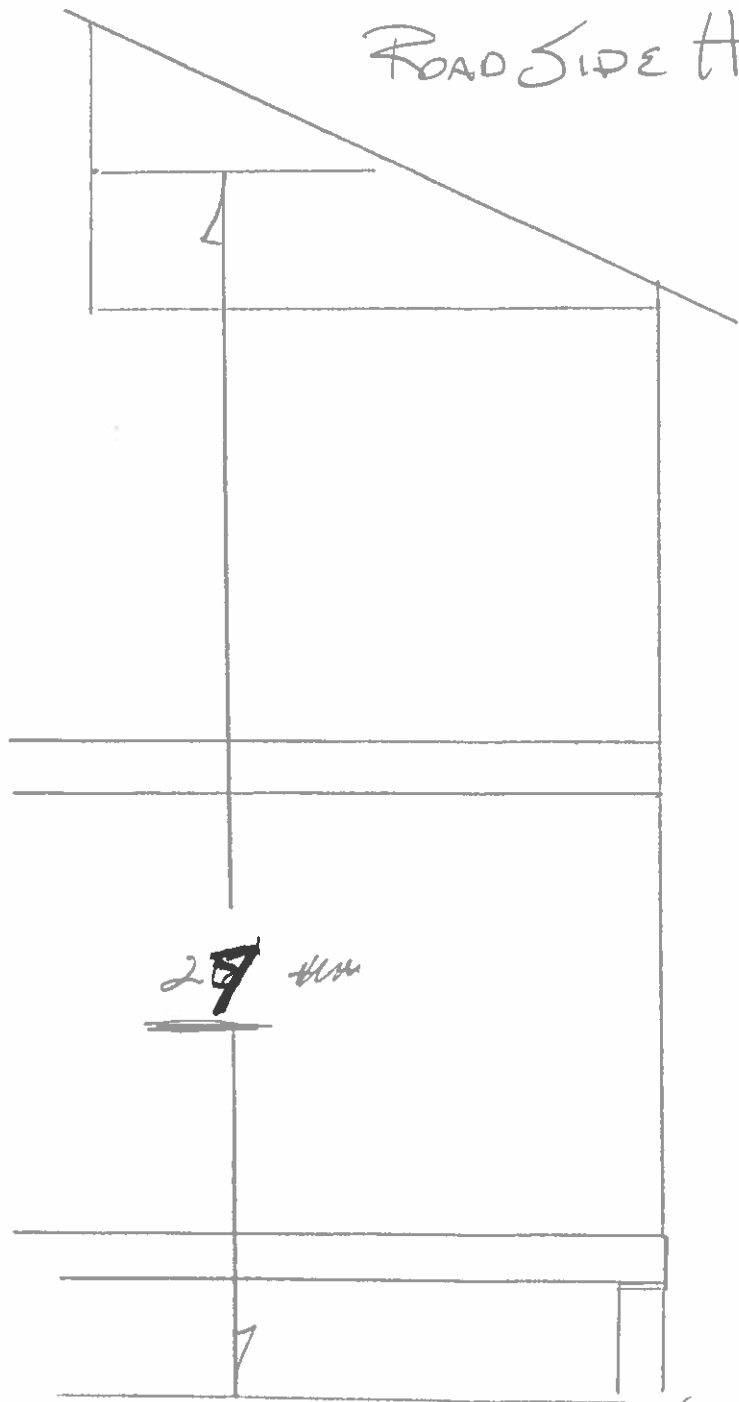
623 SUNRISE PARK, HOWELL MI.

LAKE SIDE HEIGHT



~~31~~ +/-

ROAD SIDE HEIGHT



27 +/-

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

11/04/2013 9:32 AM

Parcel:	4711-09-201-090	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	LANE, OREN & JILL	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	623 SUNRISE PARK HOWELL, MI 48843	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V13-26
		School:	47070 HOWELL
		Neighborhood:	4302 4302 SUNRISE PARK LAKEFRONT

Liber/Page:	4374/0835	Created:	/ /
Split:	/ /	Active:	Active
Public Impr.:	None		
Topography:	REFUSE		

Mailing Address:
LANE, OREN & JILL
5286 TIMBER BEND DR
BRIGHTON MI 48116

Most Recent Sale Information

Sold on 02/20/2004 for 255,000 by LANE, JOSEPH & NORMA.

Terms of Sale: INVALID SALE

Liber/Page: 4374/0835

Most Recent Permit Information

None Found

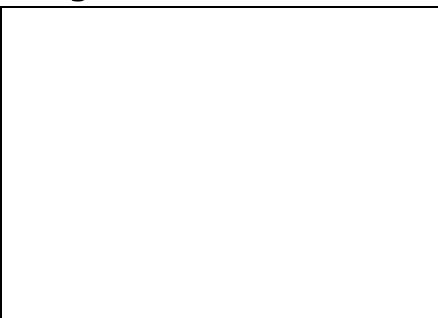
Physical Property Characteristics

2014 S.E.V.:	79,200	2014 Taxable:	78,500	Lot Dimensions:	
2013 S.E.V.:	78,500	2013 Taxable:	78,500	Acreage:	0.13
Zoning:	LRR	Land Value:	60,200	Frontage:	43.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	134.0

Improvement Data

of Residential Buildings: 1
Year Built: 0
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 61
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 1 Half Baths: 1
Floor Area: 1,260
Ground Area: 1,260
Garage Area: 0
Basement Area: 0
Basement Walls:
Estimated TCV: 98,155

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
LANE, JOSEPH & NORMA	LANE, OREN & JILL	255,000	02/20/2004	WD	INVALID SALE	4374/0835	BUYER	100.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status			
623 SUNRISE PARK		School: HOWELL									
Owner's Name/Address		P.R.E. 0%									
LANE, OREN & JILL 5286 TIMBER BEND DR BRIGHTON MI 48116		MAP #: V13-26		2014 Est TCV 158,355 TCV/TFA: 125.68							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK						
SEC. 9 T2N, R5E, SUNRISE PARK LOT 89		Public Improvements		* Factors *							
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		'A' FRONTAGE	43.00	134.00	1.0000	1.0000	1400	100	60,200
		Paved Road		43 Actual Front Feet, 0.13 Total Acres				Total Est. Land Value =		60,200	
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who	When	What	2014	30,100	49,100	79,200		78,500C	
					2013	30,100	48,400	78,500		78,500S	
					2012	30,100	47,300	77,400		77,400S	
					2011	30,100	48,800	78,900		78,900S	

*** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 420	Type Pine	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:
X	Wood Frame		Drywall Paneled				Plaster Wood T&G									
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 39 Floor Area: 1260 Total Base Cost: 79,889 Total Base New : 108,649 Total Depr Cost: 66,276 Estimated T.C.V: 98,155			CntyMult X 1.360 E.C.F. X 1.481		Bsmnt Garage: Carport Area: Roof:	
Yr Built 0	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			Size Cost			
Condition for Age: Good		Doors: Lg X Ord Small		No. of Elec. Outlets			Other Additions/Adjustments			Rate			Size Cost			
Room List		(5) Floors		(13) Plumbing			(14) Water/Sewer			Rate			Size Cost			
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		Average Fixture(s)			Public Sewer			Well, 200 Feet			1 1,162			
(1) Exterior		(6) Ceilings		1 3 Fixture Bath			1600.00			5.11			420 2,146			
X	Wood/Shingle Aluminum/Vinyl Brick			1 2 Fixture Bath			290.00			Phy/Ab.Phy/Func/Econ/Comb.%Good= 61/100/100/100/61.0,			Depr.Cost = 66,276			
	Insulation	Basement: 0 S.F. Crawl: 1260 S.F. Slab: 0 S.F. Height to Joists: 0.0		Softener, Auto			4975.00			ECF (4302 SUNRISE PARK LAKEFRONT)			1.481 => TCV of Bldg: 1 = 98,155			
(2) Windows		(7) Excavation		Softener, Manual												
X	Many Avg. Few	X	Large Avg. Small	Solar Water Heat												
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		No Plumbing												
(3) Roof		(8) Basement		Extra Toilet												
	Gable Hip Flat		Gambrel Mansard Shed	Extra Sink												
X	Asphalt Shingle	(9) Basement Finish		Separate Shower												
	Chimney: Brick	Recreation SF Living SF Walkout Doors No Floor SF		Ceramic Tile Floor												
(10) Floor Support		1 Public Water		Ceramic Tile Wains												
		Joists: Unsupported Len: Cntr.Sup:		1 Ceramic Tub Alcove												
		Lump Sum Items:		Vent Fan												

*** Information herein deemed reliable but not guaranteed***

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 8, 2013
MINUTES**

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members and staff of the Zoning Board of Appeals were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present was Township staff member Ron Akers. There were 8 persons in the audience.

Moved by Figurski, seconded by Grajek to approve the agenda including withdraw of case 13-22, 4283 Clifford Road per applicant's request. **Motion passed.**

Chairman Dhaenens discussed that he attending the same high school as one of the applicants and did not feel this was a conflict of interest.

A call the public was made with no response for non-agenda items.

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.

Mr. Scott Tarkelson, Fenton Lakes Builders and Design was present for the petitioner.

Chairman Dhaenens questioned the current placement of the utility poles. Mr. Tarkelson stated that he has already spoken with DTE and is working to remedy that situation. Figurski questioned the placement of the shed and the deck. Mr. stated that the shed will be removed and the deck will stay as is. Mr. Akers brought it the Board's attention that additional variances will be needed and notices would need to be republished and remailed.

A call to the public was made with no response.

Moved by Ledford, seconded by Figurski, to postpone case #13-26 until the November 12th, 2013 Zoning Board of Appeals meeting. **Motion passed.**

13-27...A request by Robert 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.

Mr. Ronald Socia was present for the petitioner.

Mr. Socia stated that the need for the modification to the variance was to prevent snow and ice build-up on the roof.

Chairman Dhaenens questioned if there will be a change to the building size. Mr. Socia stated that they might add a loft and storage area to the upper level. McCreary asked if the applicant is ready to move

with construction or if he was still working with the architect? Mr. Socia stated that he was waiting for the decision from the Zoning Board of Appeals. The Board questioned if the applicant could design a lower roof to remedy the snow and ice issues. Grajek stated that there are two houses on this property. The spirit of the Zoning Ordinance does not allow 2 single family houses. He is concerned that with the improvements this will circumvent the ordinance. Mr. Akers stated the previously approved ZBA case stated that the height and footprint could not change per a condition placed on the previous approval. If Mr. Akers also stated that if Mr. Socia wanted to construct a new roof and keep the same height he would not have to go back to the Zoning Board of Appeals. The Board stated that the original motion was made conditioned upon the building staying within the original footprint and height of the building and that 16'1" is the highest that the applicant can do.

A call to the public was made with the no response.

Motion Grajek, seconded by Ledford to deny case #13-27, 3950 Highcrest, due to the existing condition as was stipulated in prior approval on June 18th, 2013 for case #13-15 which limited the applicant's ability to increase the height of the structure. **Motion passed.**

Administrative Business:

Moved by Figurski, seconded by McCreary to approve the September 17, 2013 Zoning Board of Appeals minutes with typographical corrections: **Motion passed.**

Review Draft By-Laws: Mr. Akers gave an overview of the bylaws that were included in the packet. Mr. Grajek brought up the concern if the Board has budgeted for the training for the Zoning Board of Appeals. It was the consensus of the Board not to make training mandatory. The bylaws have provisions for the liaisons for the board answering questions. In regards to the Officers section in the bylaws, it was decided that an election for a chairperson and vice-chairperson would occur the beginning of every calendar year. The Board decided that a secretary is not needed. Also in addition it will be added that the Chairman will serve as a liaison with staff. It was discussed if the applicants should have a cut off time for submitting information for the meeting. Conflict of Interest declaration and requirements was reviewed and determined that if member declares conflict of interest that said member was to leave the room while that case is being heard.

Correspondence was received from Mr. Akers in regards to Parliamentary Procedure.

Township Board Representative Report: Ledford presented that Board with correspondence from Polly Skolarus, Township Clerk in regards to Parliamentary Procedure.

Planning Commission Representative Report: Figurski stated that the Planning Commission has cancelled the October meeting due to lack agenda items.

Zoning Official Report: Mr. Akers updated the Board on zoning compliance issues.

Moved by Figurski, seconded by Ledford, to adjourn the October 8, 2013 Zoning Board of Appeals meeting at 8:03 p.m. **Motion passed.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 10-21-13
RE: Draft Rules of Procedure Revision 1

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

Attached are revised draft rules of procedure (bylaws). Please review the document and feel free to provide any feedback that you may have (questions, comments, etc.). One additional item to discuss regards attendance and how it should be addressed in the Rules of Procedure. I would like to specifically address exceptions to this standard with regards to excused absences (sick, family issues, etc.).

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 RULES OF PROCEDURE
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 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 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 for 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.** Members of the Board of Appeals should participate in training opportunities when they are available. Participating in training is not mandatory for membership, but it is strongly encouraged.
- C. Liaisons.** The purpose of liaisons is to provide 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, staff, agents and consultants of Genoa Charter Township. Other individuals may be allowed to participate in discussion at the discretion of the chairperson.

ARTICLE 3: OFFICERS

Section 1. The Officers of the Board of Appeals shall be a chairperson and a vice-chairperson. 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 of Appeals, shall have the duties normally conferred by parliamentary usage on such officers and shall serve as the liaison between the Board of Appeals and Township Staff.
- 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.

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 Board of Appeals to the Township Board and shall update the 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 Board of Appeals to the Planning Commission and shall update the 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 of Appeals shall select from its membership a chairperson and a vice-chairperson 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: ADMINISTRATIVE DUTIES

Section 1. Duties of Township Staff. The Township Staff who is responsible for the execution of documents in the name of the Board of Appeals, shall perform the duties hereinafter listed below, and other such duties as the Board of Appeals may determine.

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

ARTICLE 5: MEETINGS

Section 1. Regular Meetings. Regular meetings of the Board of Appeals 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, suitable alternate dates in the same month shall be selected 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 three members of the Board of Appeals upon written request to the chairperson or by the chairperson himself/herself. The business which the Board of Appeals may perform shall be conducted at a public meeting of the Board of Appeals 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 Township Staff shall send notice of a special meeting to Board of Appeals members.

Section 4. Open Meetings. All meetings of the Board of Appeals 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 of Appeals during call to the public. A person shall not be excluded from a meeting of the Board of Appeals 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 Board of Appeals 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 of Appeals minutes shall be prepared by the Recording Secretary of the Board of Appeals. 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 Board of Appeals to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Board of Appeals shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the Board of Appeals 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 Board of Appeals members present shall be required for the approval of any requested action or motion placed before the Board of Appeals. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Board of Appeals member or directed by the chairperson. All Board of Appeals members shall vote on every motion placed on the floor unless there is conflict of interest, as established in ARTICLE 6. 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 Board of Appeals 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 of Appeals 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 an 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 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 Board of Appeals may take any of the following actions:
 - 1. In the event of a variance request, the Board of Appeals may table, approve, or deny the request or approve the request with conditions.
 - 2. In the event of an administrative appeal, the Board of Appeals 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 of Appeals may take action explaining the interpretation.

ARTICLE 6: CONFLICT OF INTEREST

Section 1. Declaration of Conflict. No Board of Appeals member shall participate in any matter where they have a conflict of interest. Board of Appeals 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 of Appeals is asked to make a decision.
- B.** The Board of Appeals 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 of Appeals 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 of Appeals member declaring such conflict.

Section 2. Requirements. Prior to discussion on a request, the Board of Appeals 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 room in which the discussion and voting take place.

ARTICLE 7: POWERS OF THE ZONING BOARD OF APPEALS

Section 1. The 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 of Appeals may interpret and clarify the meaning of zoning ordinance text. The Board of Appeals 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 8: OTHER DUTIES

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

- A. Ex Parte Contact.** Members shall avoid Ex Parte contact about cases where an administrative decision is before the Board of Appeals 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 the Township Board, and the member of the Board of Appeals sits both on the Township Board and Board of Appeals.
 - 3. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Township Board, 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 9: AMENDMENTS

These rules may be amended by the Board of Appeals by a concurring vote pursuant to subsection 6.8, during any 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: 11-6-13
RE: ZBA Meeting Schedule and Submittal Dates 2014

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

Attached is the tentative ZBA Meeting Schedule and Submittal Dates for 2014. The Township Board will still need to approve the meeting dates, but please review for any issues or concerns. I will provide the Board of Appeals with an official copy after the dates have been formally approved.

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

ZBA MEETING SCHEDULE AND SUBMITTAL DATES FOR 2014

**** Please note that applications will not be accepted without a site plan/plot plan showing setbacks from all lot lines and elevation drawings for all proposed structures. Plans must be folded if large in size.**

Meeting Date:

January 14, 2014 Tuesday @ 6:30 p.m.

Submit by: December 20, 2013

February 18, 2014 Tuesday @ 6:30 p.m.

Submit by: January 24, 2014

March 18, 2014 Tuesday @ 6:30 p.m.

Submit by: February 21, 2014

April 15, 2014 Tuesday @ 6:30 p.m.

Submit by: March 21, 2014

May 20, 2014 Tuesday @ 6:30 p.m.

Submit by: April 25, 2014

June 17, 2014 Tuesday @ 6:30 p.m.

Submit by: May 23, 2014

July 15, 2014 Tuesday @ 6:30 p.m.

Submit by: June 20, 2014

August 19, 2014 Tuesday @ 6:30 p.m.

Submit by: July 25, 2014

September 16, 2014 Tuesday @ 6:30 p.m.

Submit by: August 22, 2014

October 21, 2014 Wednesday @ 6:30 p.m.

Submit by: September 26, 2014

November 11, 2014 Tuesday @ 6:30 p.m.

Submit by: October 17, 2014

December 9, 2014 Tuesday @ 6:30 p.m.

Submit by: November 14, 2014