

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

January 14, 2014

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. 14-01... A request by Benjamin J. Marhofer, Section 09, 4179 Sweet Road, for a side yard setback variance to build an attached garage.

Administrative Business:

1. Approval of minutes for the December 10, 2013 Zoning Board of Appeals meeting.
2. Review Draft By-laws
3. Election of Officers
4. Correspondence
5. Township Board Representative Report
6. Planning Commission Representative Report
7. Zoning Official Report
8. Member Discussion
9. Adjournment

GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-01

Meeting Date: 01-14-2014

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: Benjamin J Marhofer

Property Address: 4179 Sweet Rd Phone: 248 444 0460

Present Zoning: RR Tax Code: 4711-09-300-002

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: Side Yard Set Back 8'6"

2. Intended property modifications: Build attached Garage

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) no Room on East side
Septic on West side

b. Other (explain) _____

GENOA TOWNSHIP

DEC 21 2013

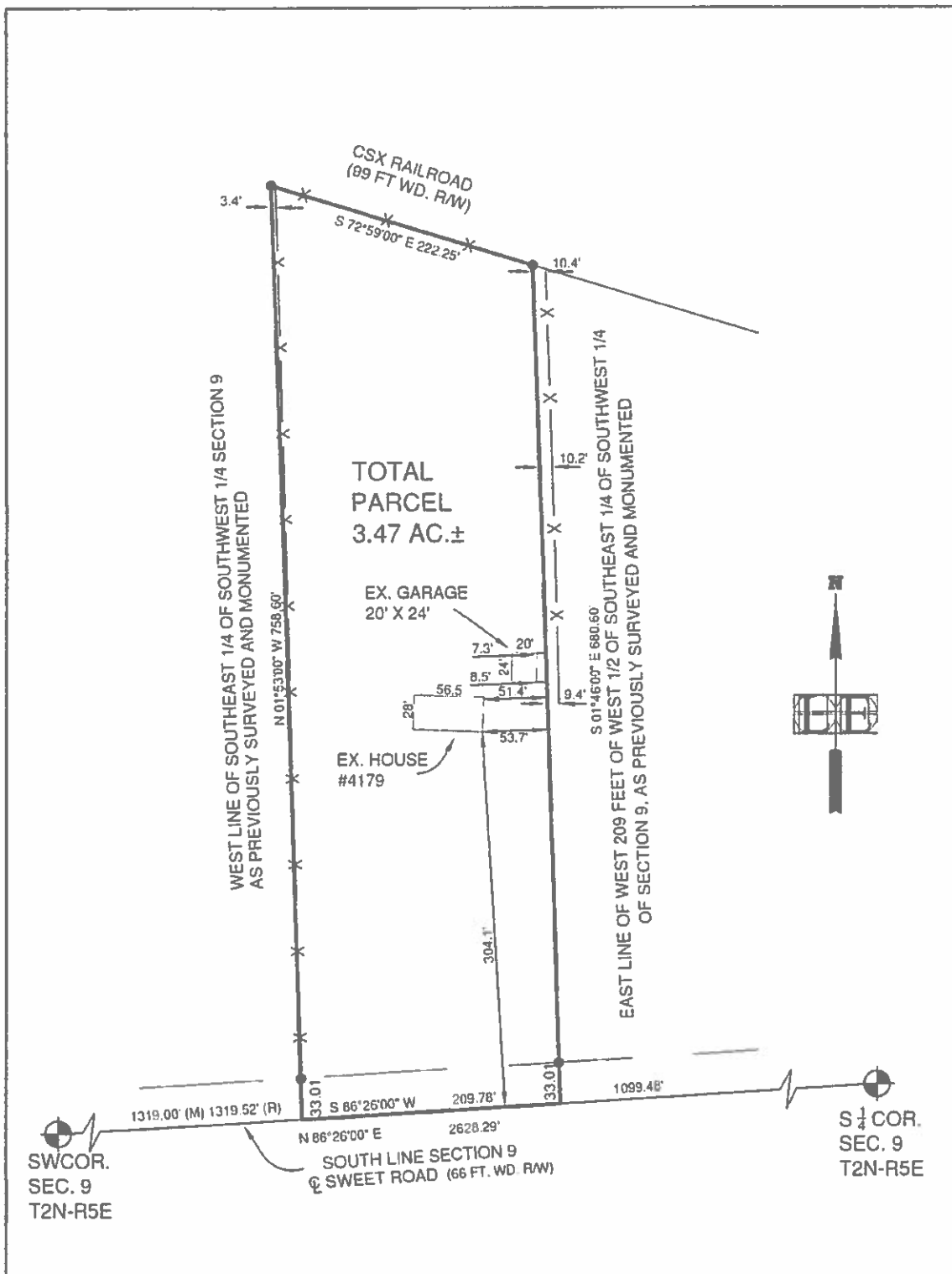
Variance Application Requires the Following:

- 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 8½ and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Date: 12-20-13 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.



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

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/10,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT 132-10.

[Signature]

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

51685

| | | |
|---|------------------------|-----------------|
| CLIENT MARHOFER | 0' 100' 200' | DATE 12-17-2013 |
| DESCRIPTION SW 1/4 SEC. 9 T2N-R5E, GENOA TOWNSHIP LIVINGSTON COUNTY, MI | | REV. |
| | SCALE 1"=100' | JOB No. 13235 |
| | SHEET No. 1 of 2 | DRAWN WRS |
| | | CHECK |

FILE: G:\13235 Marhofer Genoa\dwg\working drawings\13235 sweet rd.dwg

DESCRIPTION OF PARCEL (as recorded in document 2013R-013010 LCR)

Township of Genoa, County of Livingston, and State of Michigan

The West 209 feet in width of the
West ½ of the Southeast ¼ of the Southwest 1/4 of Section 9, Town 2 North, Range 5 East, Michigan,
lying Southerly of the railroad right of way.
Commonly known as: 4179 Sweet Road
Parcel ID No. :4711-09-300-002

DESCRIPTION OF PARCEL (as surveyed)

Part of the Southwest 1/4 of Section 9, T2N, R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Southwest Corner of said Section 9; thence along the South line of said Section 9 and the centerline of Sweet Road (66 foot wide Right of Way), N 86°26'00"E, 1319.00 feet to the POINT OF BEGINNING of the Parcel to be described; thence along the West line of the West ½ of the Southeast ¼ of the South West ¼ of said Section 9, as previously surveyed and monumented, N 01°53'00" W, 758.60 feet to a found ½" iron rod; thence along the south right of way line of the CSX Railroad (99 foot wide Right of Way), S 72°59'00" E, 222.25 feet to a found pinch pipe; thence along the East line of the West 209 feet of the West ½ of the Southeast ¼ of the Southwest ¼ of said Section 4, as previously surveyed and monumented, S 01°46'00" E, 680.60 feet; thence along the South line of said Section and the centerline of Sweet Road, S 86°26'00" W, 209.78 feet to the Point of Beginning, containing 3.47 acres, more or less and subject to the rights of the public over Sweet Road. Also subject to any other easements or restrictions of record.

Bearings were established from the Michigan State Plane Coordinate System using RTK GPS observations based on corrections transmitted from the NGS CORS station BRIGHTON.

Witnesses:

S 1/4 Corner, Section 9, T2N-R4E

Found 1 ½" pipe with brass cap stamped "Livingston County Remonumentation Corner"
N30°E 65.10' – Found Remon nail/tag SE/S 12" Elm
South 39.89' – Center of Steel Fence Post
S80°W 103.13' – Center of Telephone Riser
N45°W 24.72' – Found Remon nail/tag SW/S 10" Oak

SW Corner, Section 9, T2N-R5E

Found 1 ½" pipe with brass cap stamped "Livingston County Remonumentation Corner"
N20°E 58.52' – Center of Telephone riser
S40°E 61.41' – Found Remon nail/tag N/S 4" Twin Maple
West 39.00' – Found Remon nail/tag N/S 12" Oak
N10°W 98.20' – Found Remon nail/tag E/S 26" Willow



Job No: 13235
Client: Marhofer
Date: 2013-12-17
File: 13235I.egals 2013-12-17.doc



LIVINGSTON ENGINEERING

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

PHONE: 810-225-7100

www.livingstoneng.com

FAX: 810-225-7699

Charter Township of Genoa
ZONING BOARD OF APPEALS
January 14, 2014
CASE #14-01

PROPERTY LOCATION: 4179 Sweet Rd

PETITIONER: Ben Marhofer

ZONING: CE (Country Estate)

WELL AND SEPTIC INFO: Well and Septic Present

PETITIONERS REQUEST: Side yard setback variance of 31.5' to construct an attached garage.

CODE REFERENCE: 3.04.01

STAFF COMMENTS: See Attached Staff Report

| | Front | Side | Other Side | Rear | Height | |
|-----------------|-------|-------|------------|------|--------|--|
| Allowed | 75' | 40' | 40' | 60' | 35' | |
| Requested | 304' | 8.5' | 95' | 315' | 20' | |
| Variance Amount | N/A | 31.5' | N/A | N/A | N/A | |



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: January 8, 2013
RE: ZBA 14-01

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

STAFF REPORT

File Number: ZBA#14-01

Site Address: 4179 Sweet Rd

Parcel Number: 4711-09-300-002

Parcel Size: 3.25 Acres

Applicant: Ben Marhofer

Property Owner: Same as Applicant

Information Submitted: Application, site plan, building dimensions

Request: Dimensional Variances

Project Description: Applicant is requesting a side yard setback variance from Article 3.04.01 to construct an attached garage.

Zoning and Existing Use: CE (Country Estate), Single Family Residential

Other:

The public hearing notice was published in the Livingston County Press and Argus on December 29, 2013 and notices were mailed to any real property within 300 feet of the property lines on December 27, 2013 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 with a total floor area of 1568 square feet.
- The house has a septic system and a well.
- See Record Card and Real Estate Summary Sheet.
- This property has a 100% PRE (Primary Residence Exemption)

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

- According to applicant the septic system is located on the west side of the house.

Summary

The applicant is proposed to remove the existing detached accessory building and construct a 40' X 50' attached garage on the east side of the house. According to the applicant the septic field is located on the west side of the house which would prevent the applicant from constructing the attached garage on that side. This project requires a side yard setback variance due to the house being located a bit over 50' from the side property line.

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 attached garage does not meet the side yard setback requirements for the Country Estate zoning district. The applicant is requesting a 31.5' variance from the side yard setback requirement. The required side yard setback for the Country Estate district is 40'.

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 this provision of the zoning ordinance would unreasonably prevent placement of an attached garage. The location of the septic field prevents the placement of the attached accessory building on the opposite side of the house and the location of the house in such close proximity to the property line creates the need for the variance.
- **Extraordinary Circumstances** – There are other parcels in the vicinity where attached and detached accessory buildings do not meet the minimum side yard setbacks for the CE zoning district. The need for the variance was not self-created.
- **Public Safety and Welfare** – There should be little if any impact on public safety and welfare.
- **Impact on Surrounding Neighborhood** – According to the aerial photo there is a line of trees that serve as a barrier between the property and the neighbor to the east. If these are in place the visual impact should be limited. The house on the property to the east is set back approximately 90' from the shared property line.

Staff Findings of Fact

1. Strict compliance with the standards in 3.04.01 would unreasonably prevent the ability of the applicant to construct an attached garage on the property due to the location of the existing septic field and placement of the house on the parcel.
2. There are other properties in the vicinity which have accessory buildings which do not meet the side yard setbacks.
3. The need for the variance is not self-created by the applicant.

4. The location of the proposed attached garage should have limited if any impact on public safety or welfare.
5. The project would have a limited impact on the surrounding neighborhood due to the existence of existing accessory buildings on neighboring parcels that are within the side yard setback, the 90' distance between the proposed attached garage and the existing house on the property to the east, and an existing tree line which serves as a visual barrier between the property in question and the property to the east.

To the best of the designer's knowledge, these plans are drawn to comply with the owner's specifications. Any changes made to the plans after final permit approval are the contractor's responsibility. The contractor will verify all dimensions and drawings. The designer has no liability for errors or omissions in the preparation of these plans to avoid error. The designer has no liability for errors or omissions in the preparation of these plans. The contractor agrees to be responsible for any errors or omissions in the preparation of these plans and other details not shown on these plans.

Use Figured
Dimensions Only
Do Not
Scale

All local codes take precedence over these plans

NOTICE: THESE PLANS ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT WRITTEN PERMISSION FROM LIVINGSTON HOME PLANNERS AND DESIGNERS LLC

Owner
BEN MARHOEFER ZESPENGE
4119 SWEET RD
HOWELL, MI

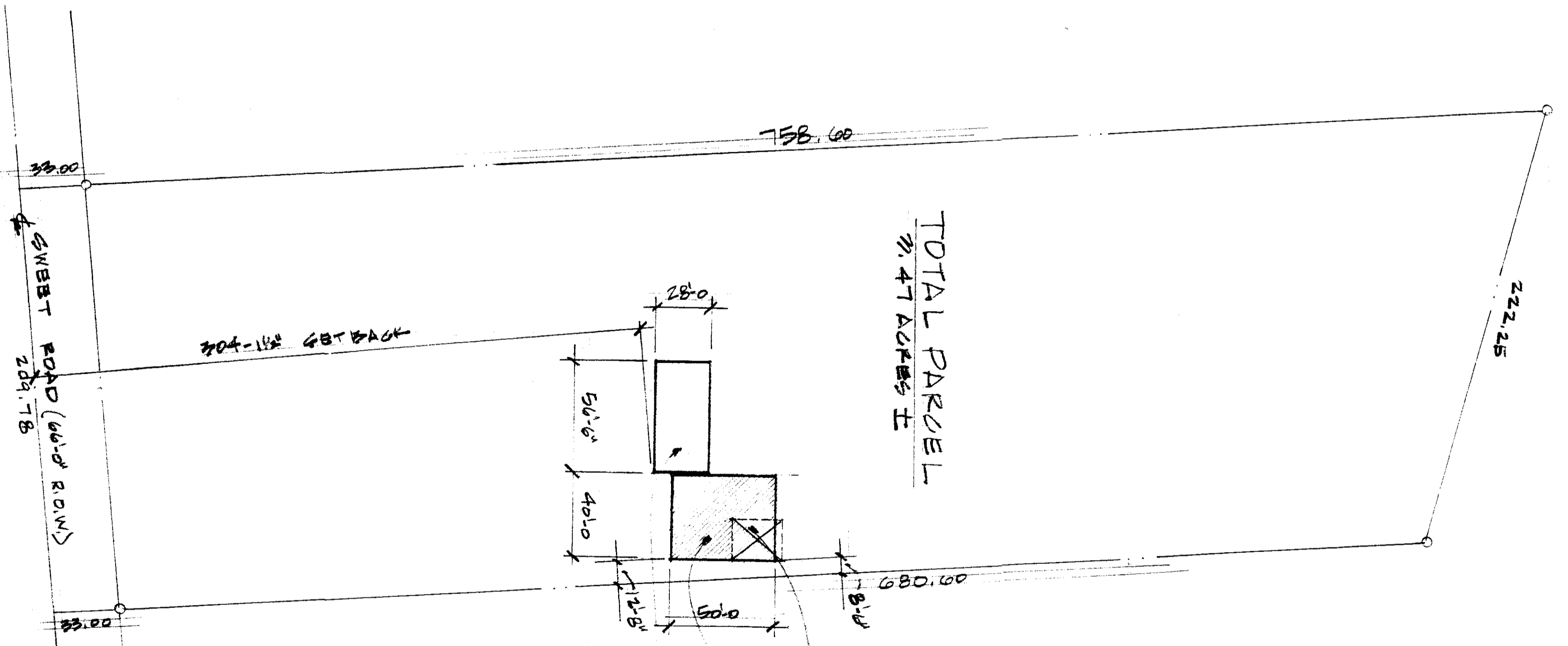
Builder



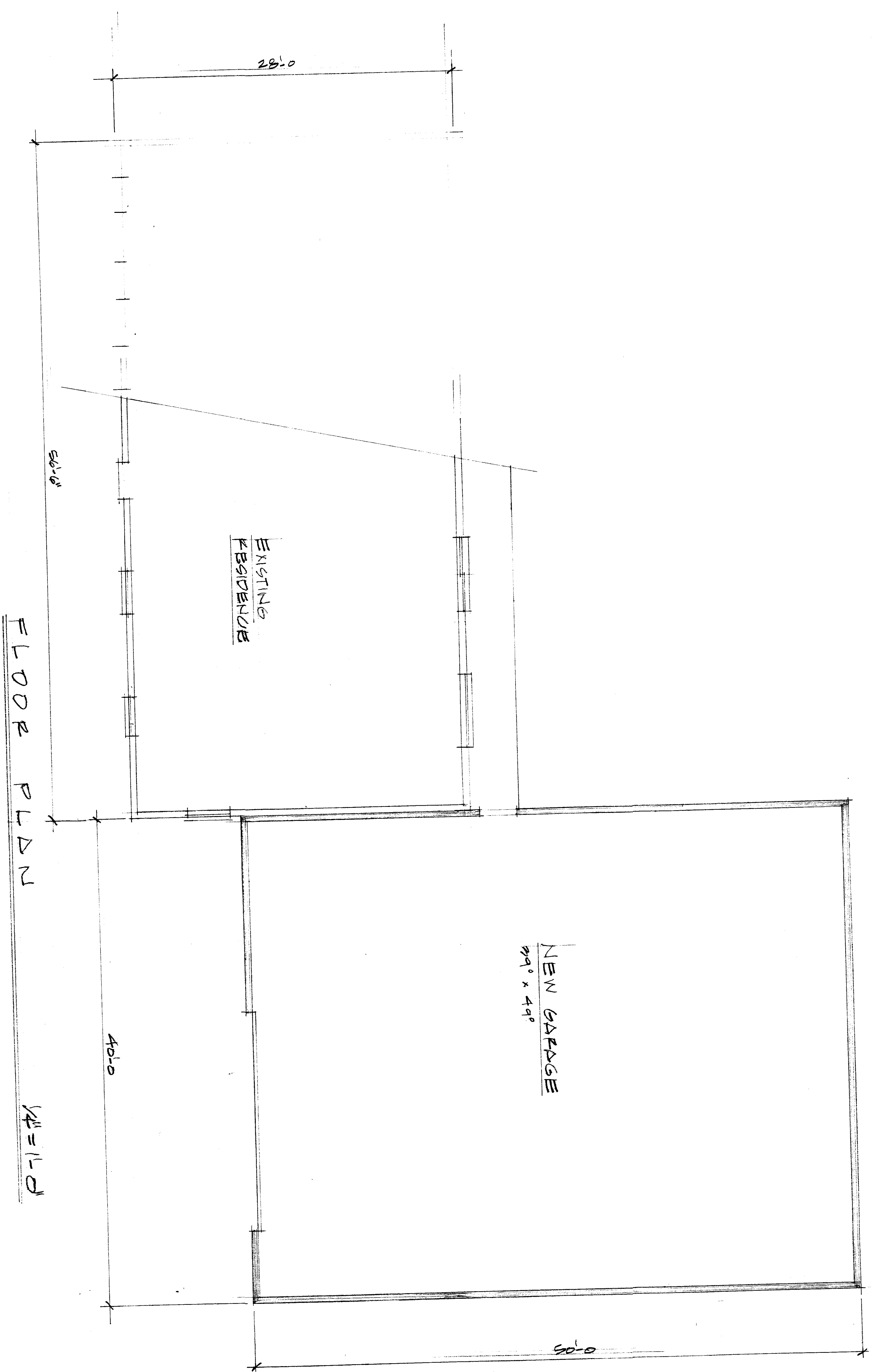
Livingston Home Planners and Designers LLC
223 East Mason Road
Howell, Michigan
517.346.3114
livingstonhomeplannersanddesigners.com

Job #
Sheet #
Date

SITE PLAN
DESCRIPTION OF PARCEL - TOWNSHIP OF GENOVA, COUNTY OF LIVINGSTON, AND STATE OF MICHIGAN.



To the best of the designer's knowledge these plans are drawn to comply with the owner's requirements. The designer does not warrant that the plans are free from errors or omissions. The contractor shall verify all dimensions and conditions of the site before construction. The contractor shall be responsible for any errors or omissions in the construction. The designer shall not be responsible for any errors or omissions in the construction. The contractor shall be responsible for any errors or omissions in the construction. The designer shall not be responsible for any errors or omissions in the construction.



Use Dimensions Do Not All take over these plans
Figured Only Scale local precedences these plans

NOTICE: THESE PLANS ARE NOT TO BE REPRODUCED IN ANY WAY IN PART OR IN WHOLE WITHOUT WRITING PERMISSION FROM LIVINGSTON HOME PLANNERS AND DESIGNERS, LLC

Owner
BEN MARHOFFER
4179 SUBBIT RD
HOWELL MICH.

Bladder



Livingston Home Planners and Designers, LLC

123 East Main Road
Howell Michigan
517-546-3114
livingstonhomeplannersanddesigners.com

Job #
Sheet #
Date

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
January 14, 2014
6:30 P.M.**

The Genoa Township Zoning Board of Appeals will hold a public hearing at Genoa Township Hall, 2911 Dorr Road, Brighton, MI, 48116 for the following variance request at the January 14, 2014 regular meeting:

1. 14-01... A request by Benjamin J. Marhofer, Section 09, 4179 Sweet Road, for a side yard setback variance to build an attached garage.

Please address any written comments to the Genoa Township Zoning Board of Appeals at, 2911 Dorr Rd, Brighton, MI 48116 or via email at ron@genoa.org. All materials relating to this request are available for public inspection at the Genoa Township Hall prior to the hearing.

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

Published: BA-LCP 12-29-13

(12-29-2013 DAILY 173426)

PROOF O.K. BY: *Paul A. Carr* O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: GENOA TOWNSHIP
SALES PERSON: Legal Team
PUBLICATION: LV-LIVARGUS
SIZE: 3 col X 2.5 in

PROOF CREATED AT: 12/26/2013 1:01 PM
PROOF DUE: -
NEXT RUN DATE: 12/29/13

LV-0000173426.INDD



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

The 300 Foot Letters for ZBA Case 14-01 were mailed out via First Class USPS on
December 27, 2013.

Signed,

Ron Akers
Zoning Administrator

SUPERVISOR

Gary T. McCrie

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

, 0
RAILROAD

DEMEUSE, RICHARD C. & MARGO
4202 BECK RD
HOWELL, MI 48843
11-09-300-039

DINSER JAMES
4190 BECK RD
HOWELL, MI 48843
11-09-300-035

HARMON JAMES A
4289 SWEET RD.
HOWELL, MI 48843
11-09-300-004

HOSKINS, GLENN & DIANE L.
4166 SWEET RD.
HOWELL, MI 48843
11-16-100-015

LACHOWICZ, PHILLIP & CHERYL
3359 JEWELL
HOWELL, MI 48843
11-09-300-014

MARHOFER BEN
4179 SWEET RD.
HOWELL, MI 48843
11-09-300-002

O'BRIEN, THOMAS & NANCY
4290 SWEET RD.
HOWELL, MI 48843
11-16-100-012

RUCZYNSKI RICK A
4260 SWEET RD.
HOWELL, MI 48843
11-16-100-003

VAUGHN LINDSEY & PATRICK
4201 SWEET RD.
HOWELL, MI 48843
'11-09-300-003

VETTER JAMES L & KATHLEEN R
4200 SWEET RD.
HOWELL, MI 48843
11-16-100-013

ZINT, MICHAELA
4159 SWEET RD.
HOWELL, MI 48843
11-09-300-028

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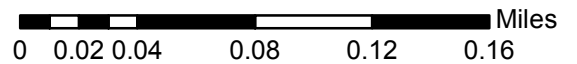
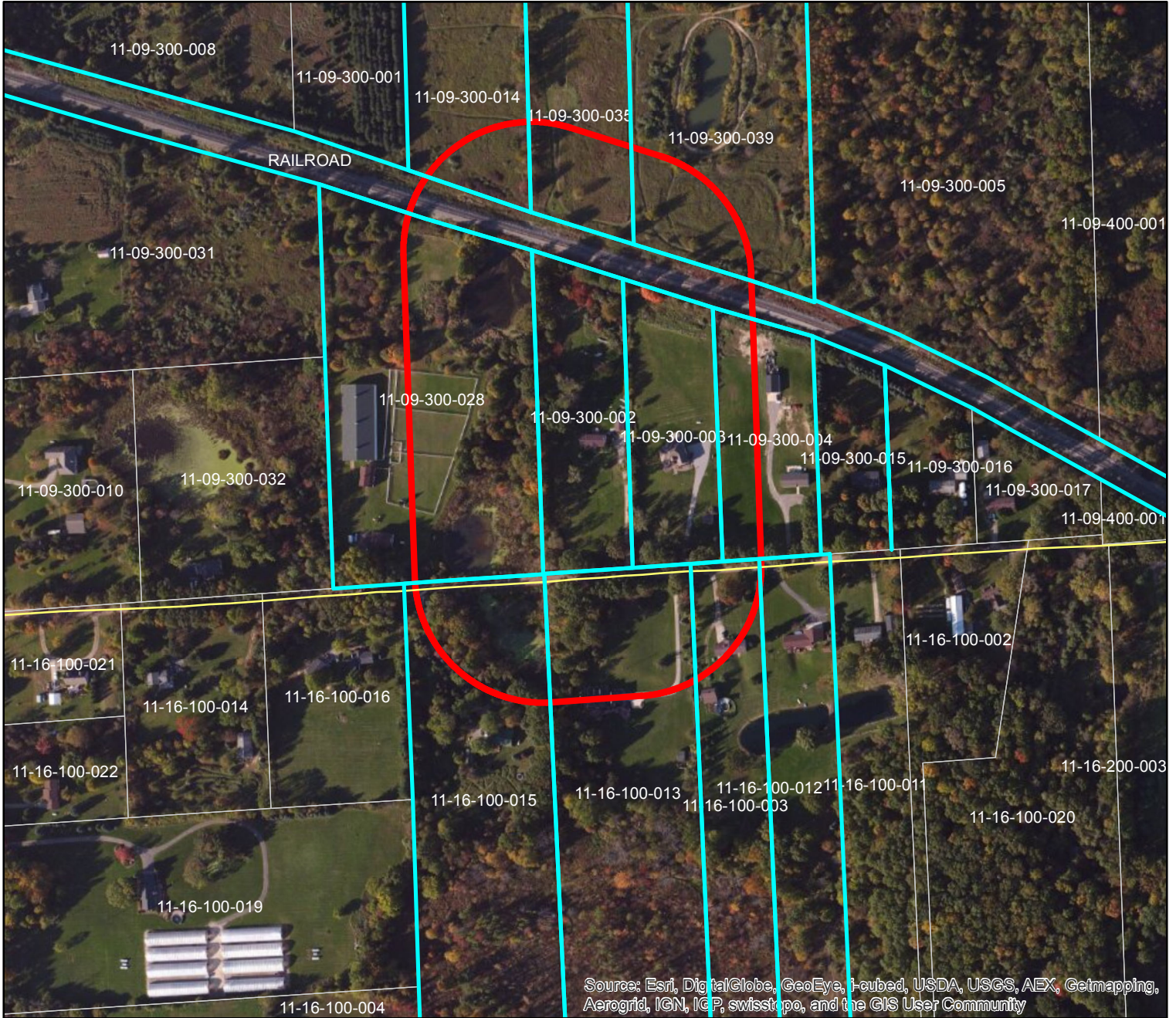
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300 Foot Buffer for Noticing



Variance Case # 14-01

Applicant: Benjamin J. Marhofer

Parcel: 4711-09-300-002

Meeting Date: January 14, 2014



December 26, 2013

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

01/08/2014 11:03 AM

| | | | |
|--------------------------|------------------------------------|------------------------|------------------------------|
| Parcel: | 4711-09-300-002 | Current Class: | 401.401 RESIDENTIAL-IMPROVED |
| Owner's Name: | MARHOFER BEN | Previous Class: | 401.401 RESIDENTIAL-IMPROVED |
| Property Address: | 4179 SWEET RD. HOWELL, MI 48843 | Gov. Unit: | 4711 GENOA CHARTER TOWNSHIP |
| | | MAP # | LATSON |
| | | School: | 47070 HOWELL |
| | | Neighborhood: | 47070 47070 HOWELL M & B |
| Liber/Page: | 2013R-013010 | Created: | // |
| Split: | // | Active: | Active |
| Public Impr.: | None | | |
| Topography: | REFUSE | | |

Mailing Address:

MARHOFER BEN
4179 SWEET RD.
HOWELL MI 48843

Most Recent Sale Information

Sold on 03/13/2013 for 80,000 by FANNIE MAE.

Terms of Sale: FORECLOSURE

Liber/Page: 2013R-013010

Most Recent Permit Information

None Found

Physical Property Characteristics

| | | | | | |
|---------------------|---------|--------------------------|--------|------------------------|------|
| 2014 S.E.V.: | 76,700 | 2014 Taxable: | 76,700 | Lot Dimensions: | |
| 2013 S.E.V.: | 73,600 | 2013 Taxable: | 70,703 | Acreage: | 3.25 |
| Zoning: | CE | Land Value: | 67,500 | Frontage: | 0.0 |
| PRE: | 100.000 | Land Impr. Value: | 0 | Average Depth: | 0.0 |

Improvement Data

of Residential Buildings: 1
Year Built: 1990
Occupancy: Single Family
Class: D
Style: D
Exterior: Wood Siding
% Good (Physical): 86
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 2 Half Baths: 0
Floor Area: 1,568
Ground Area: 1,568
Garage Area: 480
Basement Area: 0
Basement Walls:
Estimated TCV: 85,922

Image



| | | | | | | | | |
|-----------------|-----------------|------------|------------|------------|---------------|--------------|-------------|--------------|
| Grantor | Grantee | Sale Price | Sale Date | Inst. Type | Terms of Sale | Liber & Page | Verified By | Prct. Trans. |
| FANNIE MAE | MARHOFFER BEN | 80,000 | 03/13/2013 | WD | FORECLOSURE | 2013R-013010 | BUYER | 100.0 |
| BANK OF AMERICA | FANNIE MAE | 0 | 08/19/2011 | QC | FORECLOSURE | 2011R-024787 | BUYER | 0.0 |
| JACOBS, JEFFREY | BANK OF AMERICA | 120,796 | 07/27/2011 | SD | FORECLOSURE | 2011R-022741 | BUYER | 0.0 |

Property Address
4179 SWEET RD.

Owner's Name/Address
MARHOFFER BEN
4179 SWEET RD.
HOWELL MI 48843

Class: 401 RESIDENTIAL-I Zoning: CE Building Permit(s)

School: HOWELL

P.R.E. 100% 03/13/2013

MAP #: LATSON

2014 Est TCV 153,422 TCV/TFA: 97.85

X Improved Vacant

Land Value Estimates for Land Table 124.HOWELL M& B

Tax Description
SEC. 9 T2N, R5E, W 209 FT. OF W 1/2 OF SE
1/4 OF SW 1/4 LYING S OF R. R. R/W

Comments/Influences

Public Improvements
Dirt Road
Gravel Road
Paved Road
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

Who When What

| Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |
|------|------------|----------------|----------------|-----------------|----------------|---------------|
| 2014 | 33,800 | 42,900 | 76,700 | | | 76,700S |
| 2013 | 33,800 | 39,800 | 73,600 | | | 70,703C |
| 2012 | 33,800 | 38,700 | 72,500 | | | 69,046C |
| 2011 | 33,800 | 39,800 | 73,600 | 73,600M | | 67,231C |

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

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

ZBA Case# 14-01



0 75 150 300 Feet

* All Measurements are Approximate

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
December 10, 2013
6:30 P.M.
AGENDA

Call to Order: Chairman Dhaenens called the meeting of the Zoning Board of Appeals at 6:32 p.m. at Genoa Charter Township Hall. Present were Chris Grajek, Jean Ledford, Marianne McCreary and Jeff Dhaenens. Absent was Barbara Figurski. Also present was Township staff member Ron Akers. There were 8 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: All members of the Zoning Board of Appeals and the Recording Secretary introduced themselves to the audience.

Approval of Agenda: **Motion** by Jean Ledford to approve the agenda as submitted. Support by Chris Grajek. **Motion carried unanimously.**

Declaration of Conflict of Interest: There were no conflicts noted.

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

Chairman Dhaenens explained that since Barbara Figurski is absent, any petitioner could request an adjournment. Neither petitioner requested that.

1. 13-28... A request by Steve Gronow, Section 29, 3800 Chilson Road, for a variance from the maximum allowable size of a detached accessory building.

Steve Gronow addressed the Zoning Board of Appeals regarding his request. This is a part of the Timbergreen PUD. That PUD governs the property where the barn is proposed, although it is no longer part of the development for any practical purpose other than the PUD.

This is a barn on a 46 acre parcel, but because it's part of the PUD he has to either have it removed from the PUD or get a variance from the Zoning Board of Appeals. Timbergreen still has not been developed. If that back property is removed from the PUD and the barn is completed, the chances of getting it back into the PUD could be difficult, so he is requesting the variance.

Mr. Gronow provided two graphics to the Zoning Board of Appeals. The proposed barn is 60x96. The driveway would be right in front of the barn. It would cross the panhandle pipeline that runs between his home and the proposed barn. Mr. Gronow played a short video outlining the terrain of the proposed building site. The proposed site is not visibly from anywhere except the petitioner's home. It is surrounded by trees and vegetation and wetland. He would like to put maintenance equipment, fifth, wheel, truck, attachments to tractors and Bobcat, as well as a utility trailer into the barn.

Chairman Dhaenens asked the petitioner why he needs a structure so large. Chris Grajek inquired as to what he believes is a practical difficulty. In rezoning the property, it was understood the largest building that could be built was 1,000 square feet and now he wants a building quadruple that size. This is a self-imposed issue as Chris Grajek sees it. That zoning was changed to develop the property and the petitioner has not done so.

The petitioner said, "If you don't want to do it, you don't want to do it. The economy crashed and things are different now. It's a change and we didn't create that. Don't do it if you don't want to do it; we'll come back and amend the PUD."

Jean Ledford is concerned that the petitioner may want to revert the PUD back after the market turns around again.

Chairman Dhaenens expressed his concern that it's an enormous barn. The petitioner indicated he believes that's a normal sized barn for a larger parcel of property where people store their things.

The petitioner needs the storage for his antique maritime collection, as well. He is mystified why this is not being approved. Chris Grajek indicated that the zoning must be followed. If there's a variance granted, there must be a practical difficulty caused by an issue that is not self-imposed.

Township Attorney, Frank Mancuso, indicated that a finding of practical difficulty. Another requirement is extraordinary circumstances. The petitioner has submitted a letter outlining his beliefs. The first element is practical difficulty. If there is one, then you go to the next step. 23.05.03(a) is where the Zoning Board of Appeals must start.

Marianne McCreary agreed with that statement. She believes that the out building is in scope and relationship to the existing property, but there is no hardship other than the zoning.

Chris Grajek discussed the options of changing the PUD. Township Planner, Kelly VanMarter, who was in the audience indicated that this property could be un-zoned and taken out of the PUD. The preferred option would be to amend the PUD to reflect the changes to allow for a larger structure. The zoning is the issue for Chris Grajek, not the size.

Marianne McCreary asked Kelly VanMarter if there is an option to put it in another spot. The PUD could be amended to permit the petitioner to put a barn on that lot instead of a house. The lot sizes could be reconfigured, but that would be more costly and challenging for the applicant. The petitioner indicated the configuration was reverse engineered according to perk locations.

Steve Berger of 3929 Timberview Court addressed the Zoning Board of Appeals. He doesn't understand why there is a problem if he has no issue with it and he's the only neighbor.

Motion by Marianne McCreary to deny case #13-28 for the reasons discussed as outlined above. Support by Jean Ledford. **Motion carried unanimously.**

2. 13-29... A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this property include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

The petitioner, Steve Schenk, addressed the Zoning Board of Appeals. He is seeking five weeks of additional signage. He congratulated the Township on the Latson Road interchange project. The signage will be located behind the sidewalk. The sidewalk is now back from where it was previously. His business is seasonal.

Chairman Dhaenens asked if there was signage the first year he was in business. The petitioner has only been there since 2009. He is inquiring to determine if there is a difference between the years that the signs were permitted and when none were permitted. The petitioner indicated that the foot traffic is much greater when the signs go up. It is difficult to track whether it was advertisements or signage though. They have excellent client retention. This is their fifth tax season. They have requested multi year variances in the past, but they were denied. He feels it can be frustrating to appear annually.

Ms. McCreary and Chairman Dhaenens both thanked the petitioner for proceeding properly in requesting the signs.

Mr. Akers indicated that it is an ongoing project to have illegal signs removed. Jean Ledford asked if there was a rule limiting how many years this can be requested. There is a provision in section 16 that allows someone to put one temporary sign on the site not to exceed 14 days. This is permitted only once during a business' stay at the same location. Therefore, the variance needs to be sought. There has been some discussion with local business owners regarding the possibility of changing the zoning ordinance to allow for such things.

Chris Grajek asked if any other business was conducted in this location. The petitioner denied that. Chris Grajek asked if the petitioner has investigated alternate locations. The petitioner indicated that he had, but it creates a practical problem.

No in the audience wished to address the Zoning Board of Appeals.

Marianne McCreary indicated that she did not see a change in circumstances since last year when he applied. Jean Ledford agreed. Ms. McCreary understands that he has a seasonal business.

Motion by Marianne McCreary to approve case number 13-29 for the property at 4072 Grand River to allow temporary signage to exceed that allowed in the ordinance. The finding of fact is that the location of this is a busy location where

traffic is very fast. So those passing cannot see the services advertised. It's a seasonal business and therefore, very limited. This does not injure or affect the safety or welfare of the public or neighborhood. Support by Jean Ledford. **Motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the November 12, 2013 Zoning Board of Appeals meeting. **Motion** by Jean Ledford to approve the minutes of November 12, 2013. Support by Chris Grajek. **Motion carried unanimously.**
2. Review Draft By-laws. Ron Akers indicated the draft bylaws were submitted and he will bring the comments to the January meeting.
3. Correspondence. There was none.
4. Township Board Representative Report. Jean Ledford had nothing to report.
5. Planning Commission Representative Report. Barbara Figurski was absent. Kelly VanMarter reported that Qudoba was approved and is moving forward. Big Lots is moving near TJ Maxx. There is some inquiries about the old Prairie House. There is the possibility of a dental office by Remax on Grand River. Dakota's project has been put on hold due to changes in their business plan. The ordinances regarding temporary signs are being reviewed.
6. Zoning Official Report. Housing activity is up in Livingston County. The Township is getting more aggressive in sign enforcement. Mr. Akers will be personally approaching the business owners.
7. Member Discussion.
 - a. Feedback from Citizen Planner

Chairman Dhaenens discussed the Citizen Planner course that he attended. He provided some reading materials to the other members present.

Chairman Dhaenens asked if there is still a provision on the forms that notify the petitioners that Township representatives may be accessing the property within a few days prior to the hearing. Ms. McCreary suggested that there be language on the form regarding whether there is special access necessary. Mr. Akers believes there is something in the cover letter or form that requires staking within five days and that the ZBA members may check out the site. Mr. Akers will add this onto the application.

8. Adjournment. **Motion** by Marianne McCreary to adjourn at 8:10 p.m. Support by Jean Ledford. **Motion carried unanimously.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 1-3-14
RE: Draft Rules of Procedure

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

Attached are the draft rules of procedure. At this time I have received no comment from the members of the Township Board. I had our Township Attorney review the rules of procedure and he has requested that we make several changes. These changes have been made in the latest version, which is attached to this memo and will be discussed at the meeting. ~~Strikethrough~~ text indicates recommended omissions and ***Bold/Italic*** indicates added text. I look forward to your comments.

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 unincorporated area of the Township.
- C. Township Trustee.** Only 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 *by the Township Board* for the remainder of the *unexpired* term.
- F. Removal.** Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance or nonfeasance, 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 can 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. Staff Support.** Township staff will have the ability to participate in discussion with the Board of Appeals and nothing else. Township staff cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements in these rules of procedure. Township staff includes **staff employees**, 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. Township Staff is responsible for the execution of documents in the name of the Board of Appeals and shall perform the duties hereinafter listed below, and other such duties as the Board of Appeals may determine.

- A. Minutes.** ~~Township Staff shall be responsible for the permanent record of the minutes and shall have them recorded in suitable permanent records.~~ *Board of Appeals minutes shall be prepared by Township Staff. 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.*
- B. Correspondence.** 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.** Township Staff shall be responsible for maintaining an attendance record for each member of the Board of Appeals.
- D. Notices/Agenda.** Township Staff shall issue such notices and prepare the agendas for all meetings.

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 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 6. 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 7. 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. Any decision made by the Board of Appeals shall require a majority vote of the membership of the Zoning Board of Appeals with the exception of a use variance, which will require a 2/3 vote of the membership.**~~ 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 *an impermissible* conflict of interest, as established in ARTICLE 6 *or is otherwise prohibited.*

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:

- A. 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.*
- B. 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.*
- C. 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.*

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 8. Agenda. A written agenda for all regular meetings shall be prepared as follows:

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 a public hearing 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 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 and proper notice as specified in the zoning ordinance and Zoning Enabling Act was given.
- 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 the request, approve the request, 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 *an impermissible* 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. A *relative or other family member of a 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.*~~
- 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 **or a relative or other family member of a 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~~ *an impermissible* 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.

- B. Ex Parte Contact.** Members shall avoid Ex Parte contact *with the Zoning Administrator in* 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.
- C. Site Inspections.** Members may perform site inspections, however, no more than two (2) members may perform site inspections at the same time. *Members should avoid discussing the merits of the request with the applicant, family member of the applicant or agent of the applicant.*
 - ~~**A. 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:~~
 - ~~**B.** 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.~~

~~C. 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.~~

~~D. 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 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: 1-9-14
RE: Election of Officers

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

Should the Rules of Procedure be adopted with the recommended changes from the Township Attorney we will have an election of officers. The process for doing so is fairly straightforward as it is similar to making a motion. An individual nominates someone for a position, another individual seconds that nomination and assuming the person accepts the nomination the ZBA votes on it. A simple majority is needed to pass the nomination. We can start with either position, but it is common to start with the chairperson first. I look forward to any comments or questions the ZBA may have regarding this topic.

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