

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

April 15, 2014

6:30 P.M.

AGENDA

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda:

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

1. 14-04... A request by Dr. Cyr and Patricia Crane, Section 27, 4283 Clifford, for a shoreline setback variance to construct an addition to the existing house.
2. 14-05...A request by Joseph Andrews, Section 10, 1115 Norfolk Drive, for a variance to use the existing building as a duplex.
3. 14-06...A request by Ronald Stotler, Section 29, 4337 Richardson, for a front yard setback variance, a side yard setback variance, a variance to allow an accessory building in the front yard, and a variance from the maximum allowable size of a detached accessory building to construct a detached accessory building.
4. 14-07...A request by PB Development LLC, Section 22, 4252 and 4260 Highcrest, Tax ID #4711-22-302-209, for a variance from the required front yard setback and shoreline setback to construct a single family dwelling.

Administrative Business:

1. Approval of minutes for the February 18, 2014 Zoning Board of Appeals meeting.
2. Zoning Board of Appeals 2013 Year End Report
3. Correspondence
4. Township Board Representative Report
5. Planning Commission Representative Report
6. Zoning Official Report
7. Member Discussion
8. Adjournment

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
April 15, 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 requests at the April 15, 2014 regular meeting:

- 1. 14-04... A request by Dr. Cyr and Patricia Crane, Section 27, 4283 Clifford, for a shoreline setback variance to construct an addition to the existing house.*
- 2. 14-05...A request by Joseph Andrews, Section 10, 1115 Norfolk Drive, for a variance to use the existing building as a duplex.*
- 3. 14-06...A request by Ronald Stotler, Section 29, 4337 Richardson, for a front yard setback variance, a side yard setback variance, a variance to allow an accessory building in the front yard, and a variance from the maximum allowable size of a detached accessory building to construct a detached accessory building.*
- 4. 14-07...A request by PB Development LLC, Section 22, 4252 and 4260 Highcrest, Tax ID #4711-22-302-209, for a variance from the required front yard setback and shoreline setback to construct a single family dwelling.*

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 seven days in advance of the meeting if you need assistance.

Published: BA-LCP 3-30-14

GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-04 Meeting Date: 4-15-14

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
 Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: ANN ARBOR SUNROOMS / DR. CYR & PATRICIA CRANE

Property Address: 4283 CLIFFORD Phone: 810-225-3355

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

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: SHORE LINE SET BACK 40' REQUIRED
REQUEST A 5' VARIANCE FOR A 35' SETBACK

2. Intended property modifications: 5 X 19' SUNROOM

This variance is requested because of the following reasons:

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

b. Other (explain) WE WERE IN FRONT OF THE BOARD IN AUGUST 2013. IT WAS
SUGGESTED BY THE BOARD TO DECREASE THE AMOUNT OF THE REQUEST OF 10'. WE HAVE
REDUCED THE REQUEST BY 1/2 OF THE FIRST REQUEST.

Variance Application Requires the Following:

- **Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information.**
- **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**

GENOA TOWNSHIP

MAR 13 2014

RECEIVED

Date: 3/10/2014

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.



ANN ARBOR SUNROOMS KITCHEN & BATH
6055 JACKSON RD.
ANN ARBOR MI 48103
3/10/2014

Application for: Dr. Cyr 4283 Clifford Brighton MI

Please find enclosed a check for the application fee for the April 15th, 2014 ZBA meeting. The purpose of our application is to return on a previous application and Meeting on Aug. 20th, 2013. At that time the case was tabled by suggestion of the board to come back with a different design that would decrease the rear yard set back request.

There are copies of the revised prints and survey for our new request in your files. We will look forward to the April 15th meeting.

Sincerely,

Robert Clark

Charter Township of Genoa
ZONING BOARD OF APPEALS
April 15, 2014
CASE #14-04

PROPERTY LOCATION: 4283 Clifford Rd.

PETITIONER: Ann Arbor Sunrooms/Patricia Crane & Ronald Cyr

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Connected to sewer system, well

PETITIONERS REQUEST: 5' Shoreline Setback Variance

CODE REFERENCE: Table 3.04.02

STAFF COMMENTS: See Attached Staff Report

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



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: March 17, 2014
RE: ZBA 14-04

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

STAFF REPORT

File Number: ZBA#14-04

Site Address: 4283 Clifford Dr.

Parcel Number: 4711-27-100-012

Parcel Size: 0.24 Acres

Applicant: Ann Arbor Sunrooms

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

Information Submitted: Application, site plan, addition elevations

Request: Dimensional Variance

Project Description: Applicant is requesting a variance from Table 3.04.02 shoreline setbacks to construct an addition to an existing residence.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday March 30, 2014 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. Please note that due to the time between meetings public hearing notices were mailed and published again and a new case number has been given to this case.

Background

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

- The parcel currently has an existing single family home on it which was built in 1965.
- The current house is setback 38' from the shoreline of East Crooked Lake
- The property is on the sewer system and is on a well.
- The applicant originally applied in August of 2013, but due to unforeseen circumstances withdrew their application until now.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is proposing to construct an addition (sun room) to the existing house on the waterfront side. This proposed addition will encroach into the shoreline setback 5'.

Variance Requests

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

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

The property is zoned LRR and is connected to public sewer and thus is subject to the rule that requires the setback to be consistent with the adjacent buildings. Both buildings are located 40' from the shoreline. This is consistent with the minimum setback of 40' so thus the required shoreline setback is 40'. The proposed sun room would be located 35' from the shoreline and would require a 5' shoreline setback variance.

Standards for Approval

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

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

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

enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

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

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

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

Summary of Findings

This application was before the ZBA at the August 2013 meeting. According to the minutes from that meeting the ZBA was struggling to find practical difficulty in the application and tabled their decision to allow the applicant to resubmit a site plan depicting a smaller variance request. The application was tabled in the September 2013 meeting and withdrawn at the October 2013 meeting. The applicant has resubmitted their application and it is now before you. I have attached the minutes of the previous meetings for your review.

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

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the shoreline setback would not unreasonably prevent the use of the property. There is an existing single family home on the property that is of comparable size to other homes in the surrounding area. The setbacks do not prevent the residential use of the property. There is a legal alternative to extend further toward the lake which is an uncovered deck that meets the rules in 11.04.02(c).
- **Extraordinary Circumstances** –By allowing the requested shoreline setback variance the house would be closer to the lake than the majority of the properties in the vicinity. Rather than making the property consistent with other properties in the vicinity, the variance would make the house less consistent. The need for the variance is self-created as this addition is not required to make the house habitable, but is intended for the comfort of the occupant.
- **Public Safety and Welfare** –There are no perceived public safety and welfare issues with the request.

- **Impact on Surrounding Neighborhood** –By allowing the addition to be so close to the water we could be setting a precedence for the surrounding area which is contrary to the intent of the Zoning Ordinance.

Staff Findings of Fact

1. Strict compliance with the standards in table 3.04.02 with regards to the shoreline setback variance request would not unreasonably prevent the use of the property.
2. If granted the variance request would make the property less consistent with the majority of other properties in the vicinity.
3. The need for the variance is self-created by the applicant. The addition is not required to make the house habitable.
4. 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.
5. The requested variance will not interfere or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
6. Granting this variance to allow an addition so close to the shoreline could set a precedence which is contrary to the intent of the Zoning Ordinance.
7. The applicant has the ability in the Zoning Ordinance to construct an uncovered deck per section 11.04.02(c) which may extend into the shoreline setback area as an alternative.

BIG CROOKED LAKE

WOOD DOCK

PROPERTY AS DESC.

SEAWALL

221.90

172.11

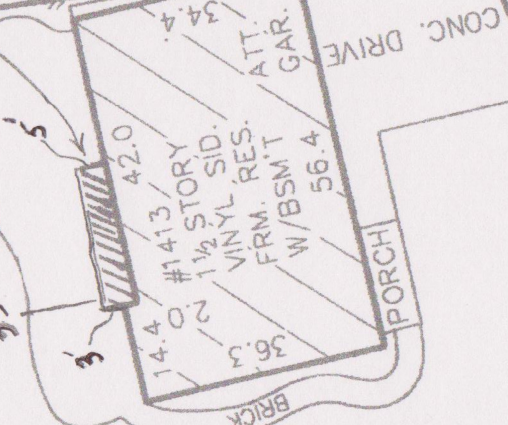
N 39°56'29" E

S 32°00'53" W

Proposed 5x19 Sunroom

CONC.

#4295



#4271

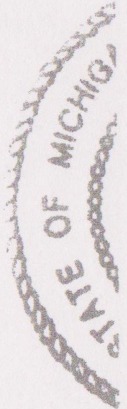
CLIFFORD ROAD

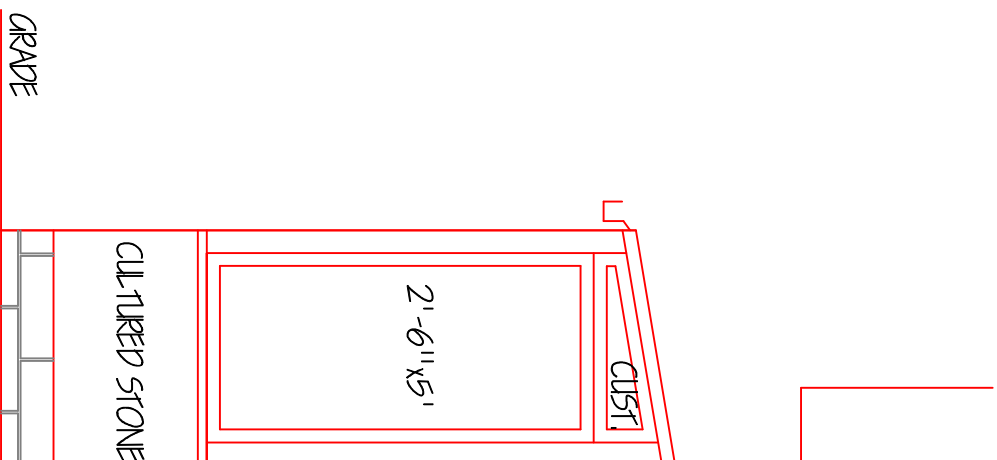
80.00

N 74°05'45" W

P.O.B.
498.10
E
7°05'45"

CONC. CURB
ASPH. PAVT

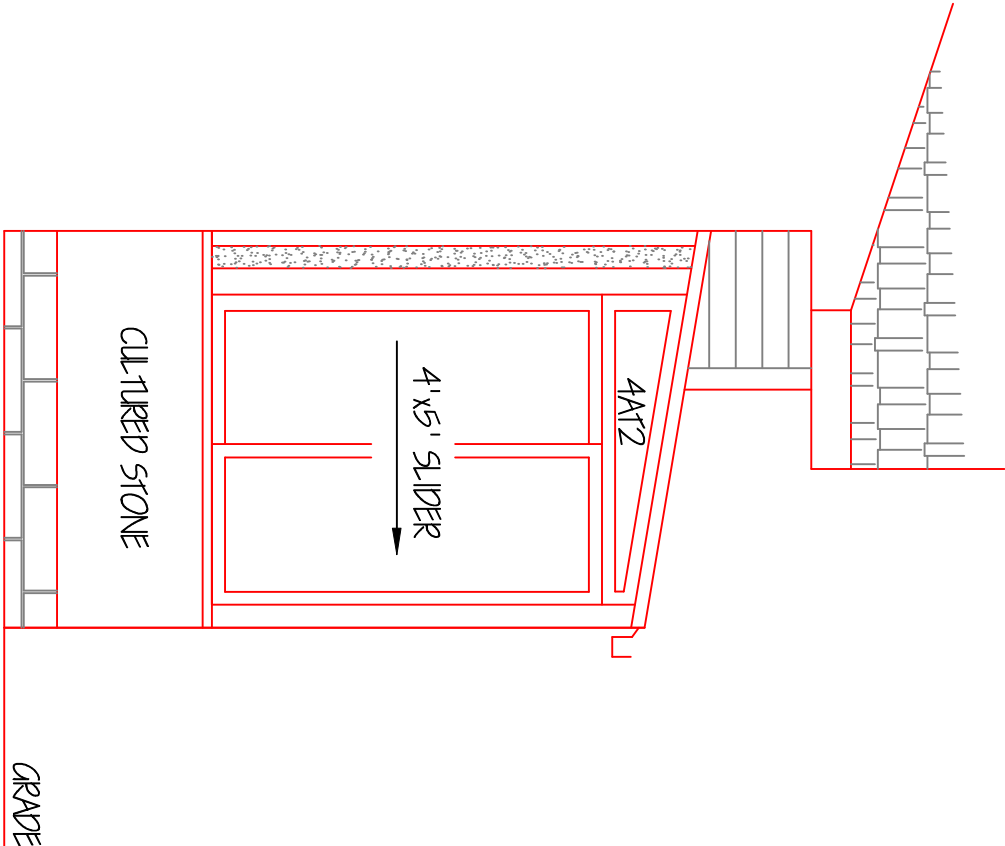




RIGHT ELEVATION

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

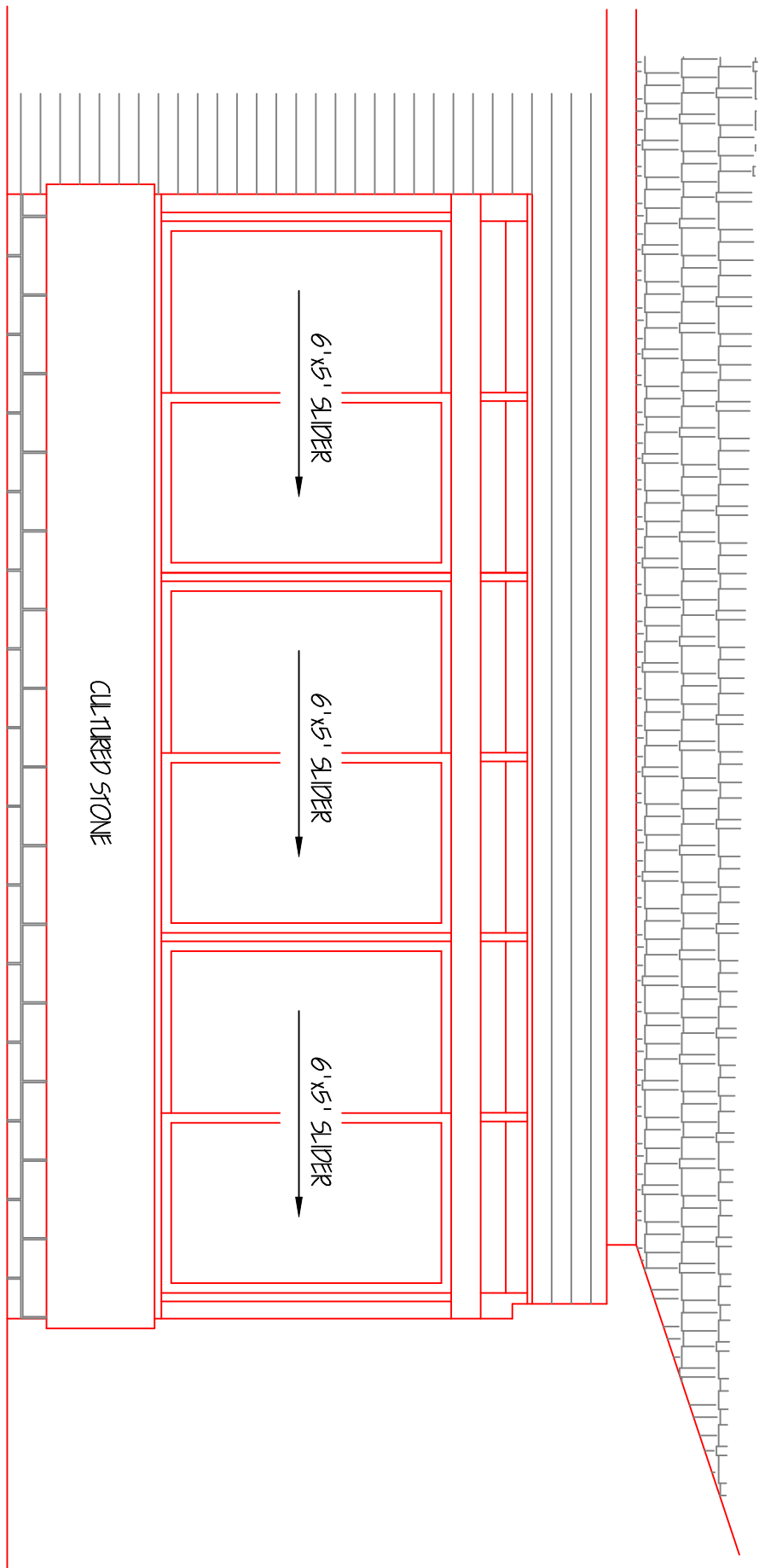
INITALS



LEFT ELEVATION

INITIALS

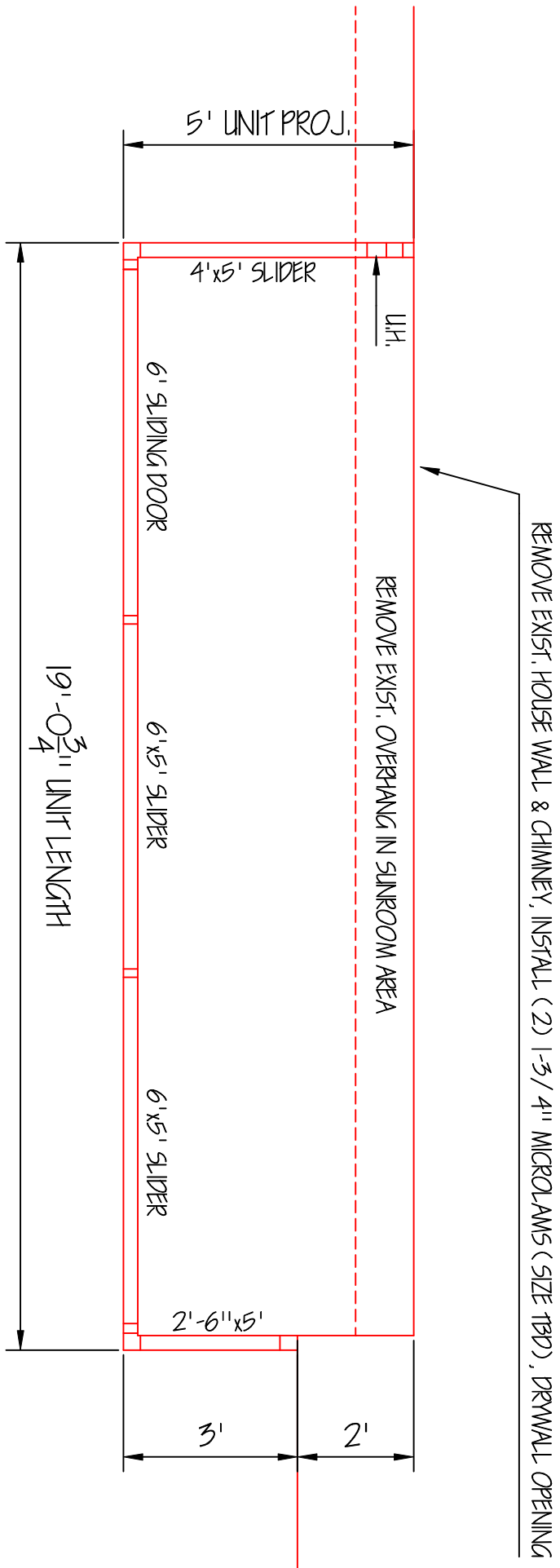
SCALE: 1/4" = 1'-0"



INITIALS

FRONT ELEVATION

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



INITIALS

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

FLOOR PLAN

4283 Clifford Dr. Area Map



1 inch = 40 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate.
This is not a survey.
Source: Livingston County GIS Department
Please note that parcel boundaries are not exact.

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 20, 2013
MINUTES**

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30p.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 11 persons in the audience.

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

13-19...A request by Bob Maxey Ford, Sec. 6, 2798 E. Grand River, for continuation building of structure to continue the existing front building face to the east.

Mike Maxey of Maxey Ford, Tony Dellicolli of CityScape Architects and Thom Dumond of Boss Engineering were present for the petitioner. Mr. Dumond gave a brief presentation of the proposed improvements and variances requested. Mr. Dellicolli provided renderings to the Board members to show the proposed improvements. The Board members were concerned about the flow of traffic coming out of the service center.

A call to the public was made with no response.

Moved by Figurski, supported by McCreary to approve case #13-19, for SRM Associates LLC, 2798 E. Grand River, for a front yard setback variance of 5' and parking lot variance of 7' on the rear property line based on the following finding of facts:

1. Strict compliance with the front yard setback requirement would limit the ability of the property owner to construct an addition which maintains a consistent front building line with the existing main building;
2. The area within the rear lot line parking lot setback is already developed as a parking area and the proposed 6' masonry screening wall will adequately mitigate the impact the proposed changes to the site plan will have on the adjacent residential properties;
3. The need for the variance is not self-created;
4. According to the Planner's Report, the proposed variance will not impair public safety or welfare;
5. There will be little if any impact on the surrounding neighborhood. The front yard variance will provide for a consistent appearance on the Grand River corridor and the proposed 6'

masonry screening wall will mitigate the impacts of the extended parking lot. **Motion carried unanimously.**

13-20...A request by Zion Restoration US, Sec. 23, 6518 Catalpa, for a 14 foot side yard variance to construct an addition.

Glen Vilcil of Zion Restoration and Mr. Swint was present for the petitioner. Mr. Vilcil gave a brief overview in regards of the neighborhood lots and of the addition which is 10 x 18 in size that the homeowner would like to construct.

A call to the public was made with Chairman Dhaenens stating that an email was received in support of the variance.

Moved by Ledford, supported by Figurski, to approve case #13-20 for Zion Restoration, 6518 Catalpa, for a 14 foot side yard variance due to the addition having little impact on the adjacent properties. The addition will be the same distance from the side property line as the attached garage.

The hardship is the property is zoned LDR (Low Density Residential) and was created under less strict zoning requirements. The lot size and building were made non-conforming by the current zoning requirements. The pie shaped lot has limitations. The variance is not self-created. Conditioned upon the home and garage being guttered. **Motion carried unanimously.**

13-21...A request by Thomas A. and Donna Jean Phelps, 4470 Clifford Road, for a 2 foot sideyard setback variance to construct a deck and variance to extend that deck 3 feet further from the rear building line than the 15 foot maximum allows.

Thomas and Donna Phelps were present for the petitioner. Mr. Phelps gave a history and overview of the property and the variances requested.

A call to the public was made with Chairman Dhaenens stating that an email from Terry Campo and Cynthia Giddings were received in support of the variance.

Moved by McCreary, supported by Figurski, to approve case #13-21, Thomas and Donna Phelps, 4470 Clifford, for a 2 foot side yard variance and a 3 foot variance from the rear distance line.

The Finding of Fact is the side yard variance will comply with the current building and is not self-created. The proposed deck will reduce the non-conformity of the deck. **Motion carried unanimously.**

13-22..A request by Dr. Cyr and Patricia Crane, 4283 Clifford Road, for a 10 foot shoreline set back variance to construct an addition to the existing home.

Robert Clark, Four Seasons of Ann Arbor and Dr. Cyr Crane were present for the petitioner. Mr. Clark provided an explanation of the variance request and supplied the Board with 2 letters received from Steve Bassett, 4295 Clifford and Debra Bradley, 4271 Clifford in support of the variance.

Grajek gave an explanation of what the Board uses for making decisions on variances. The Board stated that they are struggling to find a practical difficulty and would not want to set a precedent.

A call to the public was made with no response.

Moved by Grajek, supported by Ledford, to table case #13-22 for Dr. Cry and Patricia Crane, 4283 Clifford until the next Zoning Board of Appeals meeting. **Motion carried as follows: Ayes: McCreary, Grajek, Ledford and Dhaenens. Nays: Figurski.**

Moved by Figurski, supported by McCreary, to approve the July 19, 2013 Zoning Board of Appeals minutes with corrections. **Motion carried unanimously.**

Member discussion: Mr. Akers presented the Zoning Board of Appeals with the Michigan Planners Conference information if any board members are interested. Mr. Grajek would like to have some changes made to the review letters.

Moved by Figurski, supported by McCreary to adjourn the August 20th, 2013 Zoning Board of Appeals meeting at 7:58 p.m. **Motion carried unanimously.**

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

September 17, 2013

6:30 P.M.

MINUTES

Chair Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members of the staff of the Zoning Board of Appeals were then introduced. The board members in attendance were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present was Township staff member Ron Akers and 5 persons in the audience.

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

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

Charles Denning was present for the petitioner.

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

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

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

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

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

A call to the public was made with no response.

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

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

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

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

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

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

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

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

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

A call to the public was made with no response.

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

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

Jane and Randy Evans were present for the petitioner.

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

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

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

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

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

Addition of Conflict of Interest Section to Agenda

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

Correspondence

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

Ledford indicated that a former member of the Zoning Board of Appeals had questions at a recent Board meeting, dissatisfied with a ruling regarding Curt Brown. Ledford said that members of the Zoning Board of Appeals go to the properties, ask questions, and hear input of many kinds and that the Zoning Board of Appeals does a great job.

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

Member Discussion

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

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

**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 attended the same high school as one of the applicants and did not feel this was a conflict of interest.

A call to 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. Lane stated that the shed will be removed and the deck will stay as is. Mr. Akers brought it to 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 no response.

Motion by 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 of the Zoning Board of Appeals. It was the consensus of the Board not to make training mandatory. The bylaws have provisions for the liaisons to 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 a member declares a 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 the 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 of 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.**

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

04/11/2014 12:15 PM

Parcel: 4711-27-100-012
Owner's Name: CRANE PATRICIA & CYR RONALD
Property Address: 4283 CLIFFORD RD
BRIGHTON, MI 48116

Current Class: 401.401 RESIDENTIAL-IMPROVED
Previous Class: 401.401 RESIDENTIAL-IMPROVED
Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
MAP # V13-22
School: 47010 BRIGHTON
Neighborhood: 4306 4306 TRI LAKES LAKE FRONT

Liber/Page: 2013R-011839 **Created:** / /
Split: / / **Active:** Active

Public Impr.: None
Topography: REFUSE

Mailing Address:

CRANE PATRICIA & CYR RONALD
4283 CLIFFORD RD
BRIGHTON MI 48116

Most Recent Sale Information

Sold on 03/13/2013 for 269,000 by DUNCAN ERIC A.

Terms of Sale: ARMS-LENGTH

Liber/Page: 2013R-011839

Most Recent Permit Information

None Found

Physical Property Characteristics

2014 S.E.V.: 144,000	2014 Taxable: 144,000	Lot Dimensions:
2013 S.E.V.: 131,500	2013 Taxable: 131,500	Acreage: 0.24
Zoning: LRR	Land Value: 138,314	Frontage: 53.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 197.0

Improvement Data

of Residential Buildings: 1
Year Built: 1965
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 60
Heating System: Forced Heat & Cool
Electric - Amps Service: 0
of Bedrooms: 2
Full Baths: 1 Half Baths: 0
Floor Area: 1,932
Ground Area: 1,932
Garage Area: 0
Basement Area: 0
Basement Walls:
Estimated TCV: 149,693

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
DUNCAN ERIC A	CRANE PATRICIA & CYR RONALD	269,000	03/13/2013	WD	ARMS-LENGTH	2013R-011839	BUYER	100.0			
BURGETT, RONDY	DUNCAN ERIC A	261,000	08/20/2007	TA	FORECLOSURE		BUYER	100.0			
BURGETT, LILLIAN A.	BURGETT	0	08/31/1998	QC	QUIT CLAIM	26650905	BUYER	0.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status			
4283 CLIFFORD RD		School: BRIGHTON									
		P.R.E. 100% 03/28/2014									
Owner's Name/Address		MAP #: V13-22									
CRANE PATRICIA & CYR RONALD 4283 CLIFFORD RD BRIGHTON MI 48116		2014 Est TCV 288,007 TCV/TFA: 149.07									
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT						
		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		LAKE FRONT	53.00	197.00	1.0000	1.1862	2200	100	138,314
		Paved Road		53 Actual Front Feet, 0.24 Total Acres				Total Est. Land Value =		138,314	
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
Comments/Influences		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	
		Who	When	What	2014	69,200	74,800	144,000		144,000S	
					2013	62,900	68,600	131,500		131,500S	
					2012	62,900	68,000	130,900		130,900S	
					2011	62,900	73,800	136,700		136,700S	



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*** 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	Type	96	CCP (1 Story)	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		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling													
Yr Built 1965	Remodeled 2008	Ex	X	Ord		Min	Size of Closets			Class: C Effec. Age: 40 Floor Area: 1932 Total Base Cost: 112,890 Total Base New : 153,531 Total Depr Cost: 92,118 Estimated T.C.V: 149,693			CntyMult X 1.360 E.C.F. X 1.625			Bsmnt Garage:	
Condition for Age: Good		Lg	X	Ord		Small											
Room List		(5) Floors		Central Air Wood Furnace													
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		(12) Electric 0 Amps Service													
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Stories Exterior			Foundation Rate			Bsmnt-Adj Heat-Adj			Size Cost	
X	Wood/Shingle Aluminum/Vinyl Brick				Ex.	X	Ord.		1	Story Siding	Crawl Space	60.61	-8.21	1.92	1388	75,396	
	Insulation			No. of Elec. Outlets			Other Additions/Adjustments			Rate			Size Cost				
(2) Windows		(7) Excavation		(13) Plumbing			(14) Water/Sewer										
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 1388 S.F. Slab: 544 S.F. Height to Joists: 0.0			Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Public Sewer Well, 200 Feet CCP (1 Story), Standard Phy/Ab.Phy/Func/Econ/Comb.%Good= 60/100/100/60.0, ECF (4306 TRI LAKES LAKE FRONT)			1162.00 4975.00 30.27 1.625 => TCV of Bldg: 1 =			1 1 96	1,162 4,975 2,906
(3) Roof		(8) Basement		(9) Basement Finish			(14) Water/Sewer										
X	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		Recreation SF Living SF Walkout Doors No Floor SF			Public Water Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic										
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:										
X	Asphalt Shingle																
Chimney: Brick																	

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

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-05 Meeting Date: 4-15-14

- 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: Joseph Andrews
Property Address: 1115 Norfolk Dr. Phone: 248 672-4007
Present Zoning: Res. Tax Code: 4711-10-201-068

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: To Return & use as is & was. (Duplex)

This variance is requested because of the following reasons:

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

- b. Other (explain) The building has been there for 40+ years & is
Already a duplex.

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: 3-19-14

Signature: Joseph Andrews

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.

Genoa Twp. Zoning Office
2911 Dorr Rd.
Brighton, MI 48116
Re: 1115 Norfolk Dr.
3/26/2014

Dear Sir or Madam,

I'm writing this letter in regards to the property I recently purchased which is located at 1115 Norfolk Dr., Genoa Twp. This property was for sale for approximately 6 years. I placed a bid for purchase in November 2013, with the understanding that this property was a duplex. It was listed as a duplex and I was told it was a duplex. To the best of my knowledge it was a duplex for more than 40 years. I purchased this property in December of 2013, based on that understanding. After closing on the property, I was made aware that it lost the zoning it held because of a technicality (vacant) and was rezoned to be a single family dwelling in November 2013. I was not aware of this until after the closing.

This property is currently in great despair. It needs repairs and renovations both inside and out. It was my intention to invest a sizeable sum of money into it in order to remove the blight and make it a nice, safe place for tenants with the intention of earning back the initial investment made over the next few years. I have been a landlord in the metro Detroit area for nearly 20 years. Each of my properties are above par in both aesthetics and safety. I reinvest regularly to keep things up. My wife and I bought in this area a few years ago and we really like it. The people are charming, the array of architecture stunning, and we both feel it will be a great area to begin moving our business into, as well an ideal are to retire to.

This property is long and skinny, not making it a suitable footprint for a single-family dwelling. It was to be an investment towards retirement as a duplex. It becomes cost prohibitive to turn this property into a single family dwelling for many reasons. It would take major structural changes, if not a complete tear down and rebuild, in order for there to be a suitable (rentable or saleable) single family floor plan. The loss of income by it not being a duplex would hinder that project. To completely rebuild and gain enough monies for rent to pay back the initial investment in a timely manner is unreasonable. The rate of rent, which would need to be charged, would be too great. If someone wanted to pay such a high rate, certainly they would own his or her own home. To rebuild and hope to be able to sell this property at a profit in this still unstable market is not enough. I cannot risk financial ruin for my family. Attached is an image of the renovation I am planning for this property. In my experience, a dramatic overhaul such as this not only increases the property's value, but will help to elevate the value of the homes surrounding it.

I am asking that you consider changing the zoning back to what it was when I agreed to purchase this property, to the zoning status it has been for 40+ years. I am not asking for something new, only for it to be changed back to what it's always been. My intention is to make it nice and help clean up the blight in the neighborhood, making this property, once again, a functional part of our community.

Sincerely,

Joseph R. Andrews



Charter Township of Genoa
ZONING BOARD OF APPEALS
April 15, 2014
CASE #14-05

PROPERTY LOCATION: 1115 Norfolk

PETITIONER: Joseph Andrews

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Connected to sewer system, well

PETITIONERS REQUEST: Use Variance, to use existing building as a duplex

CODE REFERENCE: 24.05.07

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Shoreline
Setbacks for Zoning	35	5	10	N/A	25	40
Setbacks Requested	N/A	N/A	N/A	N/A	N/A	N/A
Variance Amount	N/A	N/A	N/A	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: April 10, 2014
RE: ZBA 14-05

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

STAFF REPORT

File Number: ZBA#14-05

Site Address: 1115 Norfolk Dr.

Parcel Number: 4711-10-201-068

Parcel Size: 0.086 Acres

Applicant: Joseph Andrews, 1115 Norfolk Dr. Howell, MI 48843

Property Owner: Same as applicant

Information Submitted: Application, conceptual drawing, request letter

Request: Use Variance

Project Description: Applicant is requesting a variance from 24.05.07 in order to continue to use the building as a duplex.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), Two Family Residential Vacant for over twelve (12) months.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday March 30, 2014 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act

Background

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

- The parcel currently has an existing two family home on it which was built in 1925 and converted to a duplex at a later date.
- The current duplex has been vacant for over twelve (12) months.
- The property is on the sewer system and is on a well.
- See Record Card and Real Estate Summary

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 use the property as a duplex despite it having been vacant for twelve (12) months. Section 24.05.07 requires that when a nonconforming use of a structure or a structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination shall not be thereafter used except in conformance with the regulations of the zoning district in which it is located. The duplex at 1115 Norfolk has been vacant since January of 2013.

Variance Requests

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

24.05.07 Discontinuance or Termination of Nonconforming Use of Structure: When a nonconforming use of a structure or a structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination, shall not be thereafter used except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

Standards for Approval

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

24.05.04 Criteria Applicable to Use Variances. The Board of Appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is approval to allow a use that is otherwise not permitted in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

- a) **Unreasonable Current Zoning Designation.** The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.
- b) **Unique Circumstances.** The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment.
- c) **Not Self-Created.** The problem and resulting need for the variance has not been self-created. The Board of Appeals shall consider changes made to the property by the applicant and near term predecessors.

- d) Capacity of Roads, Infrastructure and Public Services. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
- e) Character of Neighborhood. The use variance will not alter the essential character of the neighborhood nor be a detriment to adjacent properties.

Summary of Findings

Please note that in order for a variance to be approved it has to meet all of the standards in 25.05.04 for use variances. We do not address many use variances, but the standards are similar. Rather than focusing on the practical difficulty of complying with dimensional requirements, the use variances are subject to unnecessary hardships of the property. The term unnecessary hardship focuses on the owner or applicant's inability to use the property in compliance with the Zoning Ordinance. For example if there is some aspect of a property that makes it unusable for residential such as pollution and applicant may request a variance to use the property for a use that is not allowed in the particular zoning district. The Zoning Enabling Act grants us the ability to consider and grant use variances, but the use variance requires a 2/3 majority rather than a simple majority. This means that with a five member board approval will require four (4) votes rather than three (3). It is important to also realize that if this use variance is approved, this property will forever be able to be used as a duplex.

The following are findings based upon the presented materials. Please realize that the applicant is required to meet all of the criteria in 25.05.04.

- **Unreasonable Current Zoning Designation** – The applicant has not demonstrated that this property cannot be used for any of the uses permitted in the LRR zoning district. There is no unnecessary hardship on the property which would prevent its use for single family residential which is a permitted use in the LRR zoning district.
- **Unique Circumstances** –The applicant has not demonstrated that there are certain features or conditions of the land that are not generally applicable throughout the zone and those features make it impossible to earn a reasonable return with adjustment. While the lot does have an existing duplex on it, the actual lot is of similar size and shape to other lots in the immediate area. These adjacent lots have single family homes on them.
- **Not-Self Created** –The use variance request is due to the specific clause in the Zoning Ordinance which requires that non-conforming uses of structures and/or land in combination which have been vacant for twelve (12) consecutive months to only be used in conformance with the Zoning Ordinance. In this particular situation the applicant cannot use a two family dwelling as it currently sits because the property has been vacant for over a year. The applicant does have an option to convert the existing two family dwelling to a single family dwelling or they may remove the two family dwelling and construct a new single family dwelling. The need for the variance

was not created by the applicant, but by the previous owners who left the property vacant.

- **Capacity of Roads** – The use of the property as a two family dwelling will not significantly compromise the capacity and operations of public roads, utilities and other facilities and services.
- **Character of Neighborhood** – While the two family dwelling had been in existence for several years, the intended character of the neighborhood is single family residential. The intent of the Zoning Ordinance is to gradually promote compliance with the existing requirements. In article 3.01.02 it states that an intent of the single family residential districts is to accommodate two family dwellings in appropriate locations. The Zoning Ordinance has identified these locations as the UR (Urban Residential), MDR (Medium Density Residential) and HDR (High Density Residential) zoning districts as those appropriate locations. Two family dwellings are not permitted in the LRR zoning district. While the use variance may not alter the existing essential character of the neighborhood, it does alter the intended essential character of the neighborhood. If the improvements that are being proposed are made then the use variance would not be a detriment to adjacent properties.

Staff Findings of Fact

1. The applicant has not demonstrated that the property cannot be used for any of the uses permitted in the LRR zoning district, including single family residential.
2. The applicant has not demonstrated that there are features or conditions of the land that are not generally applicable throughout the zone and that those features make it impossible to earn a reasonable return with adjustment.
3. The need for the variance is not created by the applicant, but by the previous owners who vacated the property.
4. The use of the property as a two family dwelling would not significantly compromise the capacity and operations of public roads, utilities and other facilities and services.
5. The use of the property as a two family dwelling will not alter the existing character of the neighborhood, but will alter the intended essential character of the neighborhood.

1115 Norfolk



1 inch = 40 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate.
This is not a survey.

Source: Livingston County GIS Department
Please note that parcel boundaries are not exact.

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

04/11/2014 11:53 AM

Parcel:	4711-10-201-068	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	ANDREWS JOSEPH	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	1115 NORFOLK HOWELL, MI 48843	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
Liber/Page:	2014R-000775	MAP #	14-05
Split:	//	School:	47070 HOWELL
Public Impr.:	None	Neighborhood:	4300 4300 LK CHEMUNG NON WATERFRONT
Topography:	REFUSE		
Mailing Address:	ANDREWS JOSEPH 1115 NORFOLK HOWELL MI 48843		

Most Recent Sale Information

Sold on 12/20/2013 for 20,100 by NATIONSTAR MORTGAGE.

Terms of Sale: FORECLOSURE **Liber/Page:** 2014R-000775

Most Recent Permit Information

None Found

Physical Property Characteristics

2014 S.E.V.:	60,500	2014 Taxable:	60,500	Lot Dimensions:	
2013 S.E.V.:	52,600	2013 Taxable:	52,600	Acres:	0.09
Zoning:	LRR	Land Value:	79,200	Frontage:	148.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	25.3

Improvement Data

of Residential Buildings: 1
Year Built: 1925
Occupancy: Single Family
Class: D
Style: D
Exterior: Wood Siding
% Good (Physical): 45
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 5
Full Baths: 2 Half Baths: 1
Floor Area: 1,774
Ground Area: 1,774
Garage Area: 0
Basement Area: 0
Basement Walls:
Estimated TCV: 41,820

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
NATIONSTAR MORTGAGE	ANDREWS JOSEPH	20,100	12/20/2013	WD	FORECLOSURE	2014R-000775	BUYER	100.0
ANEED, SALEEM & SHEREEN	NATIONSTAR MORTGAGE	74,385	04/17/2013	IV	FORECLOSURE	2013R-018374	BUYER	0.0
FREDENBURG, ELLEN G.	ANEED, SALEEM JR., & SHEREEN	131,900	11/21/2003	WD	ARMS-LENGTH	4312/0670	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
1115 NORFOLK	School: HOWELL					
	P.R.E. 0%					
Owner's Name/Address	MAP #: 14-05					
ANDREWS JOSEPH 1115 NORFOLK HOWELL MI 48843	2014 Est TCV 121,020 TCV/TFA: 68.22					

Tax Description	X Improved		Vacant	Land Value Estimates for Land Table 00004.LAKE CHEMUNG							
	Public Improvements			Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
SEC. 10 T2N, R5E, MC NAMARA'S SUBDIVISION LOT 64 AND N 1/2 OF LOT 63	Dirt Road			NON LAKE FRONT	50.00	75.00	1.0000	1.0000	800	100	40,000
	Gravel Road			NON LAKE FRONT	98.00	0.00	1.0000	1.0000	800	50	39,200
	Paved Road			148 Actual Front Feet, 0.09 Total Acres Total Est. Land Value = 79,200							
	Storm Sewer										
	Sidewalk										
	Water										
	Sewer										
	Electric										
	Gas										
	Curb										
	Street Lights										
	Standard Utilities										
	Underground Utils.										

Comments/Influences	Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Level							
	Rolling							
	Low							
	High							
	Landscaped							
	Swamp							
	Wooded							
	Pond							
	Waterfront							
	Ravine							
	Wetland							
	Flood Plain							
	X REFUSE							



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

*** 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 338 268	Type Treated Wood Treated Wood	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		(4) Interior Drywall Paneled				Plaster Wood T&G											
Building Style: D		Trim & Decoration Ex X Ord Min		Central Air Wood Furnace			(12) Electric 0 Amps Service			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj 1 Story Siding Crawl Space 43.60 -7.21 0.66			CntyMult X 1.360		Bsmnt Garage:			
Yr Built 1925	Remodeled 0	Size of Closets Lg X Ord Small		No./Qual. of Fixtures Ex. X Ord. Min			No. of Elec. Outlets Many X Ave. Few			Other Additions/Adjustments (13) Plumbing 3 Fixture Bath 1650.00 1 1,650 2 Fixture Bath 1100.00 1 1,100 (14) Water/Sewer Public Sewer 912.00 1 912 Well, 200 Feet 4400.00 1 4,400 (16) Deck/Balcony Treated Wood,Standard 5.99 338 2,025 Treated Wood,Standard 6.20 268 1,662 Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, Depr.Cost = 47,415 ECF (4300 LK CHEMUNG NON WATERFRONT) 0.882 => TCV of Bldg: 1 = 41,820			Total Base Cost: 77,475 Total Base New : 105,366 Total Depr Cost: 47,415 Estimated T.C.V: 41,820		E.C.F. X 0.882		Carport Area: Roof:	
Condition for Age: Good		Doors: Solid X H.C.		(6) Ceilings			(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Rate Bsmnt-Adj Heat-Adj 43.60 -7.21 0.66			Size Cost 1774 65,727		Roof:			
Room List		(5) Floors		Kitchen: Other: Other:			No. of Elec. Outlets Many X Ave. Few			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
Basement 1st Floor 2nd Floor 5 Bedrooms		Kitchen: Other: Other:		(7) Excavation			(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
(1) Exterior		Basement: 0 S.F. Crawl: 1774 S.F. Slab: 0 S.F. Height to Joists: 0.0		(8) Basement			(14) Water/Sewer Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
X	Wood/Shingle Aluminum/Vinyl Brick	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(9) Basement Finish			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
(2) Windows		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
Many Avg. Few	X Large Avg. Small	Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
X	Gable Hip Flat	Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
X	Asphalt Shingle	Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			
Chimney: Brick		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Rate Bsmnt-Adj Heat-Adj 1650.00 1 1,650 1100.00 1 1,100 912.00 1 912 4400.00 1 4,400 5.99 338 2,025 6.20 268 1,662			Size Cost 1 1,650 1 1,100 1 912 1 4,400 338 2,025 268 1,662		Roof:			

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

Ron Akers

From: Delphine Kujawa <mkujawa@sbcglobal.net>
Sent: Monday, March 31, 2014 2:59 PM
To: Ron Akers
Subject: variance

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ron,

My wife and I do not want you to approve this variance on Norfolk. We vote no to this variance.

This is a residential /family subdivision.

Thank you.

Mr. and Mrs. M.J. Kujawa
1080 Chemung Drive
Howell, MI
Prop.# 4711-10-201-015

Genoa Township Board of Appeals
2911 Dorr Road
Brighton, MI 48116

RE: 1115 Norfolk Variance

Dear Board Members:

I am writing in opposed to granting a variance for a duplex use at the above address in Genoa Township.

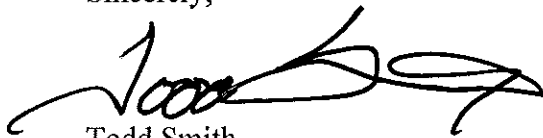
I feel that the request for duplex zoning is not appropriate in the single family zoned district. Further, this property has experienced sever lack of Maintenance, repairs and its general condition has continued to be of a health and safety concern to the neighborhood.

The owner can not create a **self made hardship** by not maintaining or upkeep of its property.

Currently, the exterior façade brick is falling off the building, the roof and gutters are falling off and it is questionable if the house is habitable. Over the past 10 years this property has been rented to a variety of tenants. We have endured a crack house, two domestic disputes, renters pulling up floor boards to toss garbage in crawl space, a towing operation and general refuse laying around the yard.

By permitting a Duplex zoning this condition will be even more exaggerated and the owner can not demonstrate a hardship if he would have maintained the property and its occupants to the most basic of living standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Smith', with a stylized flourish extending to the right.

Todd Smith
1132 Chemung
Howell, MI 48843

GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-06 Meeting Date: 4/15/14
 PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
 Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: RONALD STOTLER
Property Address: 4337 RICHARDSON Phone: 517-376-6286
Present Zoning: CE Tax Code: 11-29-400-025

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
FRONT YARD SET BACK: VARIANCE FROM Being detached Accessory in front yard.
2. Intended property modifications: POLE BARN

This variance is requested because of the following reasons:

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

- b. Other (explain) LOCATION OF POOL & TREES
SMALL LOT.

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information.
- 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: MAR 19 2014

Signature: Ronald L Stotler

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 Ron at the township office to discuss what your next step is.

PARCEL SKETCH

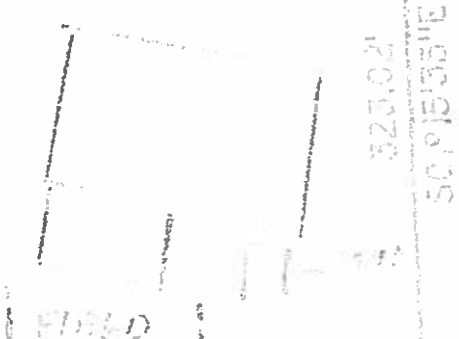
COON LAKE ROAD 33' WIDE 1/2 R.O.W.
S68°37'00"E 102.11'

RICHARDSON ROAD 35' WIDE 1/2 R.O.W.

N01°25'07"W
243.75'

4711-29-400-025

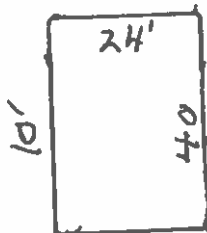
CENTER 1/4 COR
SECTION 29
T2N-R5E
GENOA TOWNSHIP
LIVINGSTON CO.
MICHIGAN



S23.02'

S01°15'35"E

HARDSHIP



S88°54'03"W

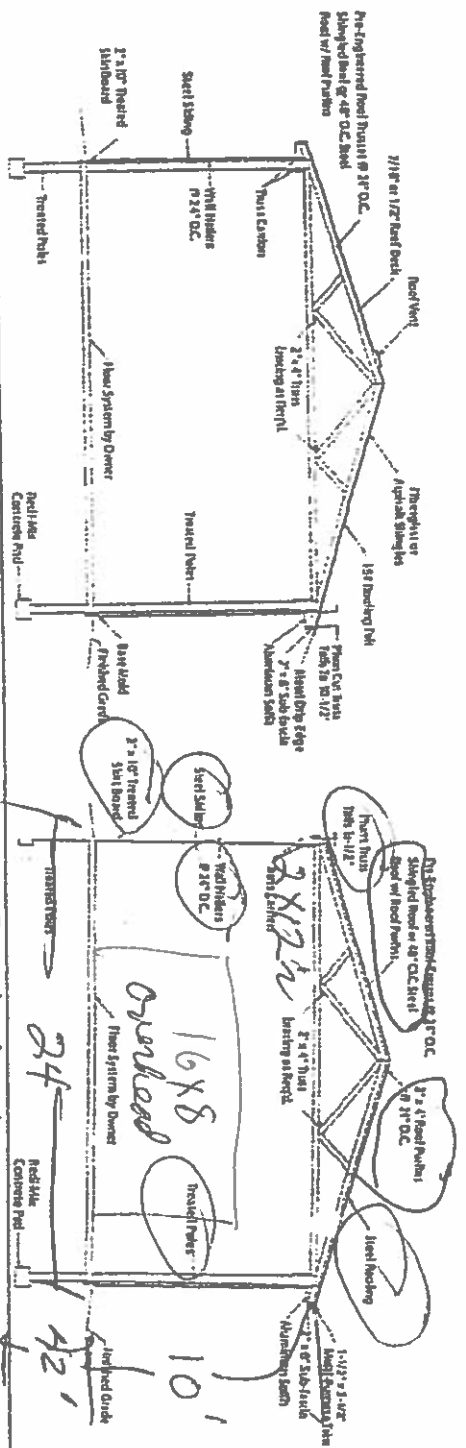
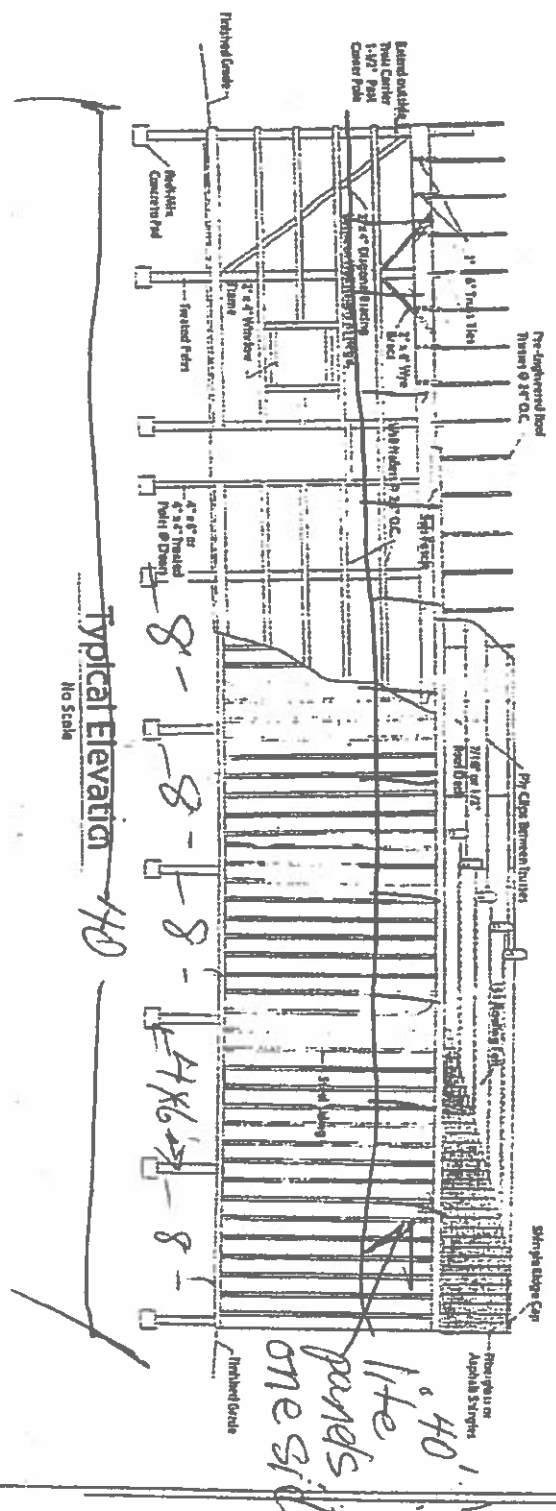
78.41'

TRASH CAN
PARCEL

S88°54'03"W

4'0"
00

Ron Staller



Packaged Pole Buildings
Elevation & Sections

Charter Township of Genoa
ZONING BOARD OF APPEALS
April 15, 2014
CASE #14-06

PROPERTY LOCATION: 4337 Richardson Rd

PETITIONER: Ronald Stotler

ZONING: CE (Country Estate)

WELL AND SEPTIC INFO: Septic & Well

PETITIONERS REQUEST: 65' Front Yard Setback Variance, 15' Side Yard Setback Variance, 60 Sq Ft Variance from the Maximum Allowable Size of a Detached Accessory Building, Variance to Allow a Detached Accessory Building in the Front Yard.

CODE REFERENCE: Table 3.04.01; 11.04.01(c); 11.04.01(h);

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	Max. Acc Bldg Size
Setbacks for Zoning	75	40	40	60	14	900
Setbacks Requested	10	25	N/A	N/A	N/A	960
Variance Amount	65	15	N/A	N/A	N/A	60



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: April 11, 2014
RE: ZBA 14-06

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

STAFF REPORT

File Number: ZBA#14-06

Site Address: 4337 Richardson Rd

Parcel Number: 4711-29-400-025

Parcel Size: 1.52 Acres

Applicant: Ronald Stotler , 4337 Richardson Rd., Howell, MI 48843

Property Owner: Same as owner

Information Submitted: Application, site plan, building elevations

Request: Dimensional Variances

Project Description: Applicant is requesting a front yard setback variance, a side yard setback variance, a variance from the maximum allowable size of a detached accessory building and a variance to allow an accessory building in the front yard.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday March 30, 2014 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

Background

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

- The parcel currently has an existing single family home on it which was built in 1986.
- The property is on septic and well.
- There is an existing pool located adjacent to the house and a tree line which provides privacy between the house on the property and the neighbor to the south.
- The property is a legal non-conforming lot as it does not comply with the minimum lot size in the CE district.
- See Record Card and Real Estate Summary

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is proposing to construct a detached accessory building. Due to the nonconforming lot size (CE 5 acres requires, lot has 1.5 acres), the frontage on both Richardson and E. Coon Lake Rd and the location of the existing pool and septic system the placement options for a detached building are limited. In order to construct this detached accessory building the applicant has requested several variances.

Variance Requests

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

Table 3.04.01: Country Estate Required Front Yard Setback: 75'; **Proposed 10'**

Table 3.04.01: Country Estate Required Side Yard Setback: 40'; **Proposed 25'**

Section 11.04.01(c): Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except accessory buildings are permitted in the front yards as follows:... **Proposed: Accessory Building in Front Yard**

Section 11.04.01(h): Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met. **Required: 900 sf; Proposed 960 sf.**

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

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

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the front yard setback requirement, side yard setback requirement and prohibition of detached accessory buildings in the front yard would prevent the placement of a garage sized detached accessory building on the property. It is conceivable that the detached garage could also be placed north of the house, but this would also require these variances. The location of the pool, the septic field and the row of trees on the property prohibit the placement of this garage south of the house. The only advantage to placing the garage on the area north of the house is that the variance requests would be lessened. With regards to the maximum size variance request, strict compliance with this provision would not unreasonably prevent the applicant from placing a garage sized accessory building on the property.
- **Extraordinary Circumstances** - The condition of the property that are different from other properties in the same zoning district is that it has a significantly smaller lot size. The minimum lot size for a parcel in the CE district is 5 acres. The lot size for 4337 Richardson is 1.5 acres. This smaller lot size mixed with the dual frontage, creates a smaller building envelope which limits the ability to place a garage. The front yard setback variance, side yard setback variance and variance to place the accessory building in the front yard are not self-created, but are due to these circumstances on the property. The need for the variance from the maximum allowable size of an accessory building is self-created as the applicant has the ability to place a 900 square foot accessory building on the property.
- **Public Safety and Welfare** –The request should not have a detrimental impact on public safety and welfare.
- **Impact on Surrounding Neighborhood** –Placing the garage so close to Richardson road would be out of character with the surrounding neighborhood, as most buildings are set back far from the road. While placing

the garage so close to Richardson Road may not be in character with the surrounding neighborhood, it would likely not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Staff Findings of Fact

1. Strict compliance with the standards in table 3.04.02 with regards to the side yard setback, the front yard setback and restriction from placing a detached accessory building in the front yard would prevent the placement of a garage sized accessory building.
2. Strict compliance with the maximum allowable detached accessory building size would not prevent the applicant from constructing a garage sized accessory building.
3. The property is a legal nonconforming lot due to the small lot size. This in combination with the dual frontage, location of the row of trees and location of the existing pool limits the applicant's ability to place a garage.
4. The need for the side yard setback variance, the front yard setback variance, and the variance from placing a detached accessory building in the front yard is due to (3).
5. The need for the variance from the maximum allowable detached accessory building size is self-created by the applicant as nothing would prevent the placement of a detached accessory building which conforms to the requirements of the Zoning Ordinance.
6. The granting of the variances 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.
7. The requested variance will not interfere or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
8. The garage being so close to the road is out of character with the surrounding area.

4337 Richardson



1 inch = 60 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate.
This is not a survey.
Source: Livingston County GIS Department
Please note that parcel boundaries are not exact.

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

04/11/2014 11:59 AM

Parcel: 4711-29-400-025
Owner's Name: STOTLER RONALD & MARGARET
Property Address: 4337 RICHARDSON RD
HOWELL, MI 48843

Current Class: 401.401 RESIDENTIAL-IMPROVED
Previous Class: 401.401 RESIDENTIAL-IMPROVED
Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
MAP # SALES STUDY 2012
School: 47070 HOWELL
Neighborhood: 47070 47070 HOWELL M & B

Liber/Page: 2010R-031648 **Created:** / /
Split: / / **Active:** Active

Public Impr.: None
Topography: REFUSE

Mailing Address:

STOTLER RONALD & MARGARET
4337 RICHARDSON RD
HOWELL MI 48843

Most Recent Sale Information

Sold on 10/25/2010 for 155,000 by STAGGS, JOE B. JR. & SUSAN G.

Terms of Sale: ARMS-LENGTH

Liber/Page: 2010R-031648

Most Recent Permit Information

None Found

Physical Property Characteristics

2014 S.E.V.: 83,800	2014 Taxable: 79,654	Lot Dimensions:
2013 S.E.V.: 78,400	2013 Taxable: 78,400	Acres: 1.52
Zoning: CE	Land Value: 52,600	Frontage: 0.0
PRE: 100.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1986
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 80
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: -15
Full Baths: 1 Half Baths: 1
Floor Area: 1,510
Ground Area: 1,510
Garage Area: 472
Basement Area: 1,234
Basement Walls:
Estimated TCV: 115,091

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
STAGGS, JOE B. JR. & SUSAN	STOTLER RONALD & MARGARET	155,000	10/25/2010	WD	ARMS-LENGTH	2010R-031648	BUYER	100.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: CE	Building Permit(s)		Date	Number	Status		
4337 RICHARDSON RD		School: HOWELL									
Owner's Name/Address		P.R.E. 100% 10/25/2010									
STOTLER RONALD & MARGARET 4337 RICHARDSON RD HOWELL MI 48843		MAP #: SALES STUDY 2012		2014 Est TCV 167,691 TCV/TFA: 111.05							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 124.HOWELL M& B						
SEC 29 T2N R5E COMM S 1/4 COR, TH N01*21'28"W 2463.26 FT TO POB TH N01*21'28"W 172 FT TH N01*20'07"W 243.75 FT TH S68*37'00"E 194.11 FT TH S01*15'35"E 323.02 FT TH S88*54'03"W 78.48 FT TH S01*05'57"E 18.50 FT TH S88*54'03"W 100 FT TO POB 1.52AC, PARCEL 2 CORR 10/10		Public Improvements		* Factors *							
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		LAND TABLE A			1.520 Acres		34605 100		52,600
		Paved Road				1.52 Total Acres		Total Est. Land Value =		52,600	
		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	
		Who	When	What	2014	26,300	57,500	83,800		79,654C	
		TJL 11/22/2011 DATA ENTER			2013	26,300	52,100	78,400		78,400S	
					2012	26,300	50,700	77,000		77,000S	
					2011	26,300	50,900	77,200		77,200S	



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

