

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 16, 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. 14-22 ... A request by Paul and Joy Corneliusen, 3880 Highcrest Drive, for a side yard setback variance for the construction of a detached garage.
2. 14-23 ... A request by Scott and Maureen Kiefer, 3695 Highcrest Drive, for front and side yard setback variances for the construction of an addition to an existing single family home.
3. 14-24 ... A request by Rod and Tamara Evans, 4174 Highcrest Drive, for a shoreline setback variance and front yard setback variance for the construction of a new home.
4. 14-25 ... A request by Chilson Pointe LLC, 4666 Brighton Road, for a variance from the maximum allowable size of a detached accessory building.

Administrative Business:

1. Approval of minutes for the Aug. 19, 2014 Zoning Board of Appeals meeting.
2. 2013 Annual Report Executive Summary
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
September 16, 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 Sept. 16, 2014 regular meeting:

1. 14-24 ... A request by Rod and Tamara Evans, 4174 Highcrest Drive, for a shoreline setback variance and front yard setback variance for the construction of a new home.
2. 14-25 ... A request by Chilson Pointe LLC, 4666 Brighton Road, for a variance from the maximum allowable size of a detached accessory building to construct a detached accessory structure.

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 (7) days in advance of the meeting if you need assistance.

Published: BA-LCP 8-31-14



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 12, 2014
RE: ZBA 14-22 & ZBA 14-23

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

The applicants for ZBA Cases 14-22 and 14-23 have both requested that their applications be withdrawn at this time. They are no longer considering variance requests.

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 TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-24 Meeting Date: 9-16-14
 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: Rod and Tamara Evans
Property Address: 4174 Highcrest Dr Phone: 810-571-0126
Present Zoning: _____ Tax Code: 4711-22-302-172

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: 35 ft. from back of curb to garage
South side setback 5', North side setback 5', only for porch
2. Intended property modifications: New Home

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) N/A
- b. Other (explain) Narrow lot (50'), setback from curb so as not to disturb sightline of adjacent properties.

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: 8-21-14
Signature: Ral B E

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.

Charter Township of Genoa
ZONING BOARD OF APPEALS
September 16, 2014
CASE #14-24

PROPERTY LOCATION: 4174 Highcrest

PETITIONER: Rod and Tamara Evans

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Public Sewer, Well

PETITIONERS REQUEST: Shoreline Setback Variance and a Front Yard Setback Variance to construct a single family home.

CODE REFERENCE: Table 3.04.01; 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	N/A	61.75'
Setbacks Requested	18.75'	5'	15.93'	N/A	N/A	54.5'
Variance Amount	16.25'	N/A	N/A	N/A	N/A	7.25'



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 12, 2014
RE: ZBA 14-24

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

STAFF REPORT

File Number: ZBA#14-24

Site Address: 4174 Highcrest

Parcel Number: 4711-22-302-172

Parcel Size: 0.202 Acres

Applicant: Rod and Tamara Evans, 6934 Westridge Dr, Brighton, MI 48116

Property Owner: Same as Applicant

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

Project Description: Applicant is requesting a shoreline setback variance and a front yard setback variance to construct a single family home.

Zoning and Existing Use: LRR (Lake Resort Residential), Old cottage being demolished

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 31, 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:

- A land use waiver was issued on 8/21/14 for the demolition of the existing cottage and detached accessory building.
- The property is on public sewer and well.
- See Real Estate Summary and Record Card.

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 remove the existing cottage and detached accessory building on the property and construct a new single family home with an attached garage. Due to the required shoreline setback and substantial relief on the site, the applicant is requesting a variance from the front yard setback and the shoreline setback in order to place this home on the property.

Variance Requests

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

- | | |
|--|---------------------------------|
| 1) Table 3.04.01 – LRR Front Yard Setback: | Required 35', Proposed 18.75' |
| 2) Table 3.04.02 – LRR Shoreline Setback: | Required 61.75', Proposed 54.5' |

Standards for Approval

The following are 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.

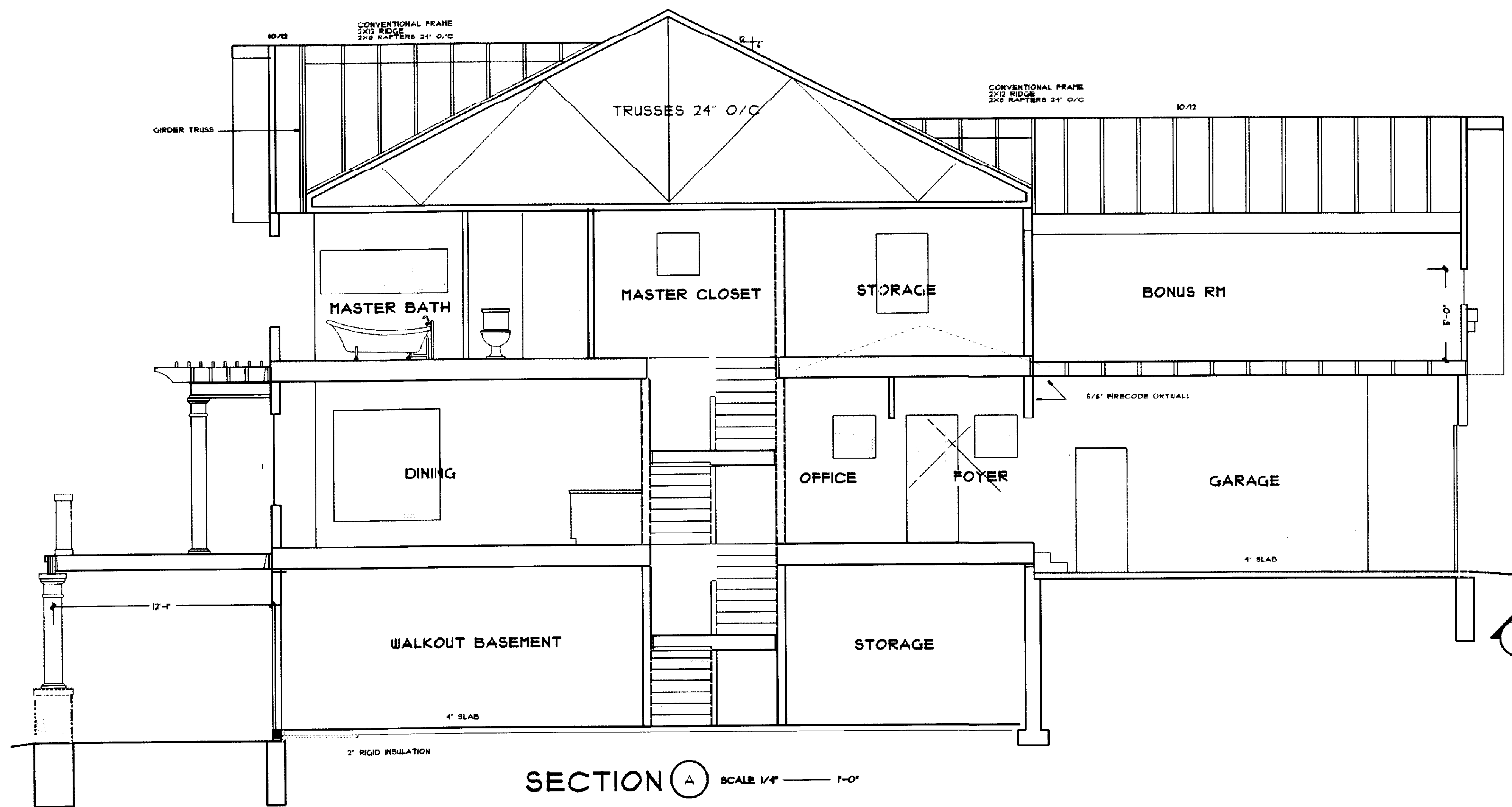
The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with the shoreline and front yard setbacks would prevent the applicant from constructing a house on the property which is of similar size to the houses in the immediate vicinity. The physical shoreline, according to the site plan, dips toward the road further than on either adjacent property. This further works to limit the building envelope. In addition to this the substantial topography in the proposed waterfront yard would make moving the house closer to the shoreline unnecessarily burdensome. This topography on the site also limits where this house can be located.
- **Extraordinary Circumstances** – Granting these variances would make the property consistent with the majority of other properties in the vicinity. The house site line on the site plan demonstrates that while the house may be closer to the shore line it is actually in line with the adjacent homes on the property. The exceptional circumstance on the property is the requirement of the shoreline setback as well as the topography on the parcel limiting where the house can be located.
- **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.
- **Impact on Surrounding Neighborhood** – I do not believe that the variance will have a substantial negative impact on the surrounding neighborhood. The proposed home will be in line with the adjacent homes on the property.

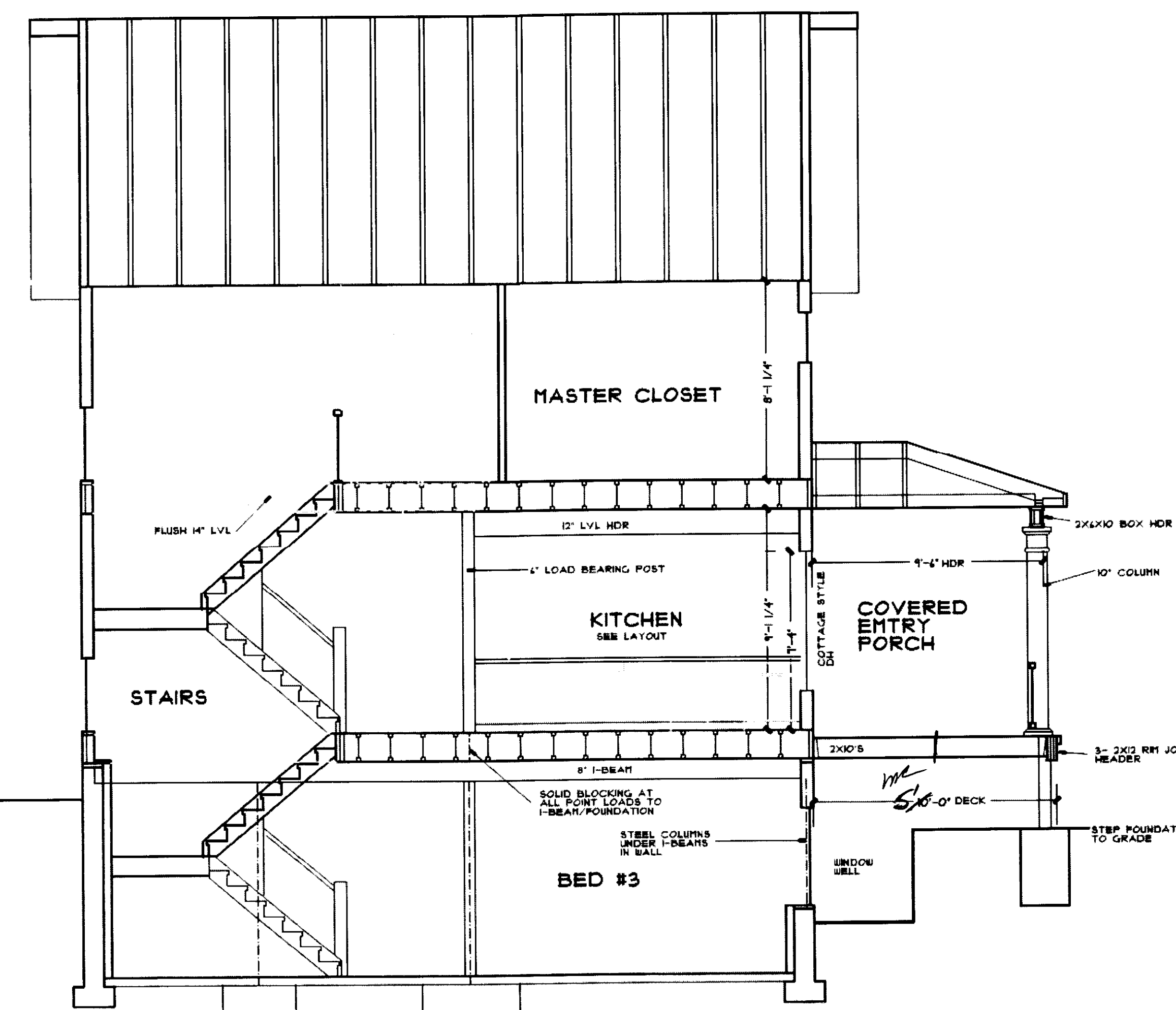
Staff Findings of Fact

1. Strict compliance with the shoreline and front yard setback would unreasonably prevent the applicant from constructing a house on the property which is of similar size to other homes in the general vicinity. This is due to the shoreline setback requirements limiting the available building envelope.
2. Granting the requested variance would make the property consistent with the majority of the properties in the vicinity of the parcel. Many of the properties in the general vicinity do not meet the front yard and shoreline setback requirements. The conditions applicable to the property are the shoreline setback limiting the building envelope.

3. The need for the variance is due to the small building envelope on the property created by the location of the existing adjacent principal buildings which influences the shoreline setback.
4. The granting of the setback 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.
5. Granting the setbacks variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. According to the site plan the location of the house would be consistent with the site lines of the adjacent principal buildings.



SECTION A SCALE 1/4" = 1'-0"



SECTION B SCALE 1/4" = 1'-0"

CONSTRUCTION NOTES

FOUNDATION
 #3000 PSI CONCRETE FOR ALL FOOTINGS
 MIN. DEPTH BELOW GRADE 3'-0" CHECK LOCAL CODES

FLATWORK
 ALL FLATWORK TO BE 4000 PSI WITH AIR ENTRAINMENT CONCRETE
 1" THICK, PROVIDE 6 MIL VISQUEEN VAPOR BARRIER ON 4" COMPACTABLE SAND MIN.
 1% SLOPE TO DRAIN
 ONLY NON-CORROSIVE ADMIXTURES PERMITTED-ADMIXTURES CONTAINING CHLORIDE IONS ARE NOT PERMITTED
 EXPANSION JOINT MAT AT ALL CONC. SLABS ABUTTING CONCRETE OR MASONRY WALLS
 EXPANSION JOINTS AS PER LOCAL CODES

SCAFFOLDING
 ALL LOADS BASED ON 2500 PSI SOIL
 #1 TRENCH FOOTINGS TO VIRGIN SOIL

MASONRY
 USE TYPE N MORTAR
 #1 WALL ANCHORS STRAPS 1 FOOT FROM CORNERS, 4 FOOT O/C
 USE LOAD BEARING MASONRY BLOCK ONLY

WOOD FRAMING
 #1 SILL FOAM SEALER
 #1 TREATED SILL PLATES WITH CONTACT WITH MASONRY OR CONCRETE
 #2 2X4 STUD GRADE W/ O/C UNLESS NOTED 2X4 OUTSIDE WALLS W/ O/C
 #2 TOP PLATES
 #1 ALL FLOOR JOISTS SIZED AS PER PLAN
 #1 LADDERS OR DOUBLERS UNDER ALL PARALLEL LOAD BEARING PARTITIONS
 #1 1/4" OSB SHEATHING EXTERIOR WALLS
 #1 ALL MANUFACTURED JOISTS TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
 #1 MANUFACTURED PRODUCTS, JOISTS OR TRUSSES, TO BE SIZED & VERIFIED BY MANUFACTURER
 #1 MANUFACTURER TO PROVIDE COMPLETE INSTALLATION INSTRUCTIONS TO INSTALLER, AS REQUIRED
 #1 USE APPROVED HANGERS, ANGLES AND NAILS AS REQUIRED
 #1 BRIDGING METAL OR WOOD 8' O/C
 #1 ALL TRUSSES INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
 #1 1/2" OSB ROOF SHEATHING WITH CLIPS
 #2 2X4 HEADERS ON ALL NON LOAD BEARING INTERIOR WALLS
 #2 2X10 HEADERS 3' OR LESS 1/2" SOLID PLY BETWEEN UNLESS NOTED
 #1 INTERIOR WALLS ARE DIMENSIONED STUD TO STUD
 #1 CHECK LOCAL CODES FOR SPECIAL STRAPS, HURRICANE CLIPS, ETC.

ROOFING
 #1 3" OF ICE GUARD AT START OF OVERHANG AND VALLEYS
 #1 15# FELT PAPER IF REQUIRED
 #2 40# ASPHALT SHINGLES
 #1 RIDGE VENT
 #1 VENT ROOF AS MARKED AS PER SECTIONS

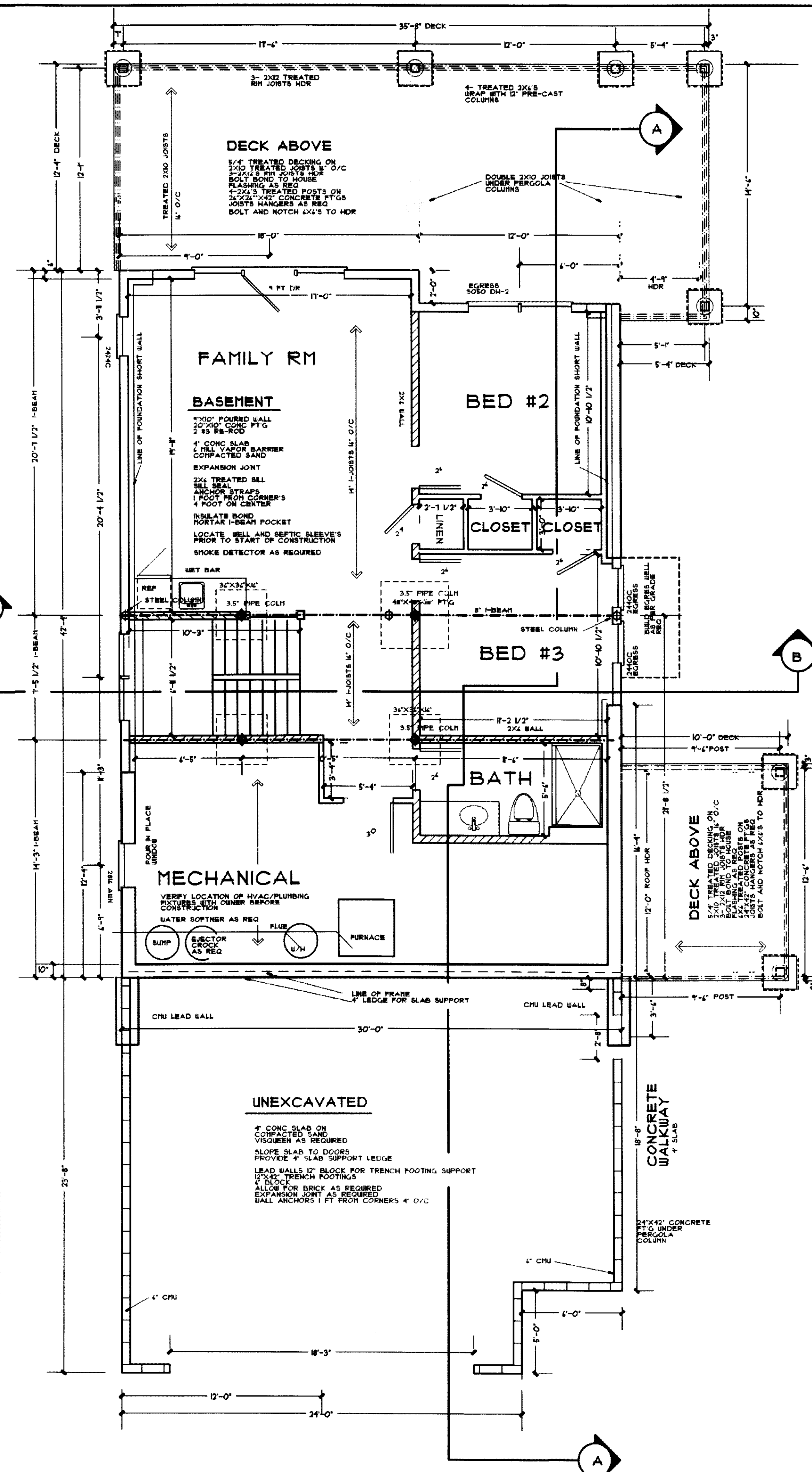
INSULATION
 #1 1/2" BATT W/VAPOR BARRIER WALLS
 #1 R-36 BLOWN IN CEILING
 #1 USE BAFFLES AS REQUIRED
 #1 8" BATT IN FLOORS EXPOSED TO OUTSIDE
 #1 PROVIDE SCUTTLE HOLE AS REQUIRED

DRYWALL
 #1 1/2" WALLS
 #1 5/8" WATER RESISTANT IN BATHS
 #1 5/8" FIRE CODE IN UTILITY AND AS REQUIRED IN CARPORT/FIREWALLS

WINDOWS AND DOORS
 #1 15.0 O.P. DOORS AND WINDOWS AT 4'-10" UNLESS NOTED
 #1 ALL BEDROOMS TO HAVE EGRESS WINDOWS-CHECK PLAN WITH LOCAL CODES
 #1 EXHIBIT # 850 CASERENT # 2'-0"X5'-0"
 #1 FIRE CODE DOORS AS REQUIRED
 #1 CHECK LOCAL CODES FOR MINIMUM DOOR SIZE

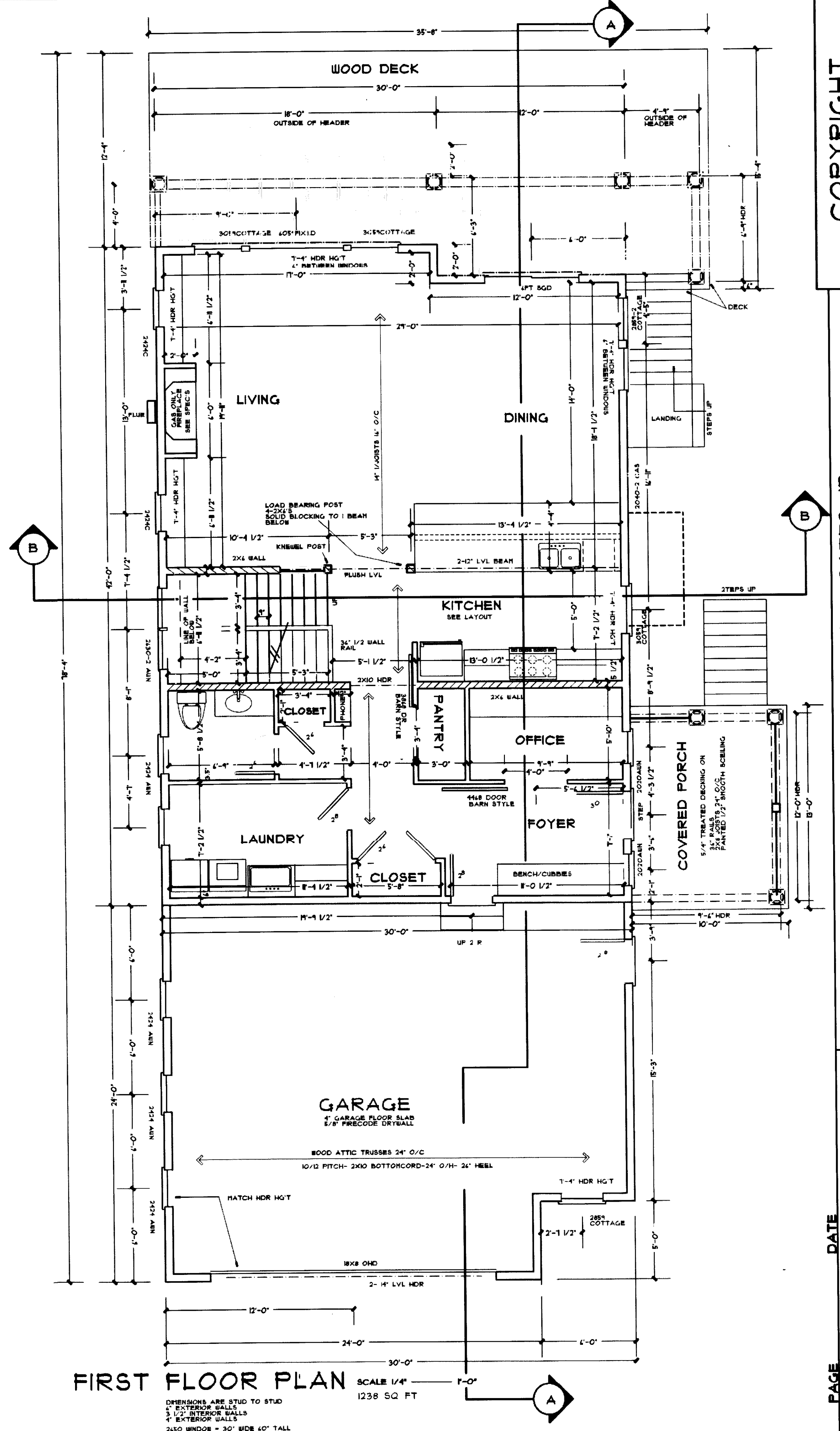
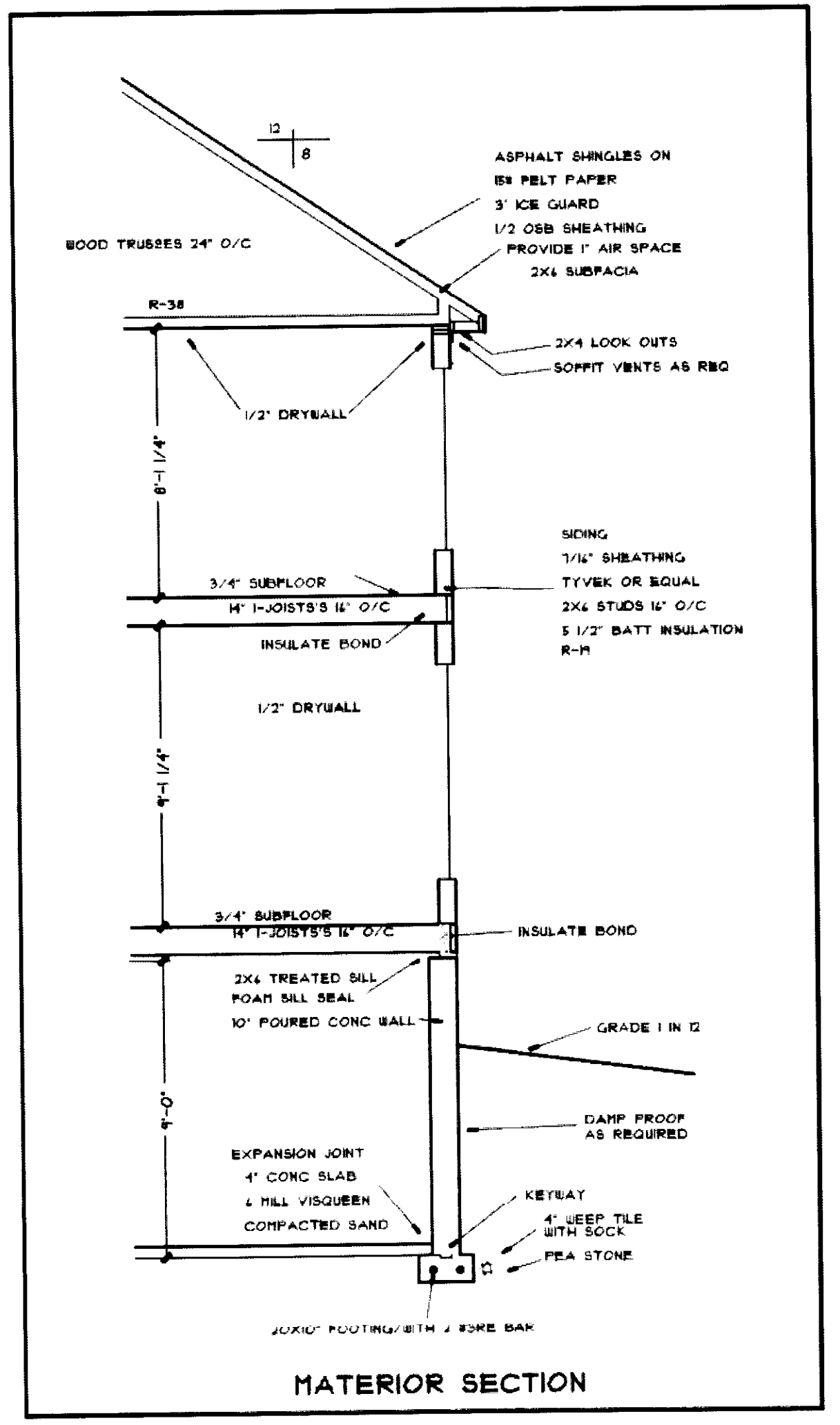
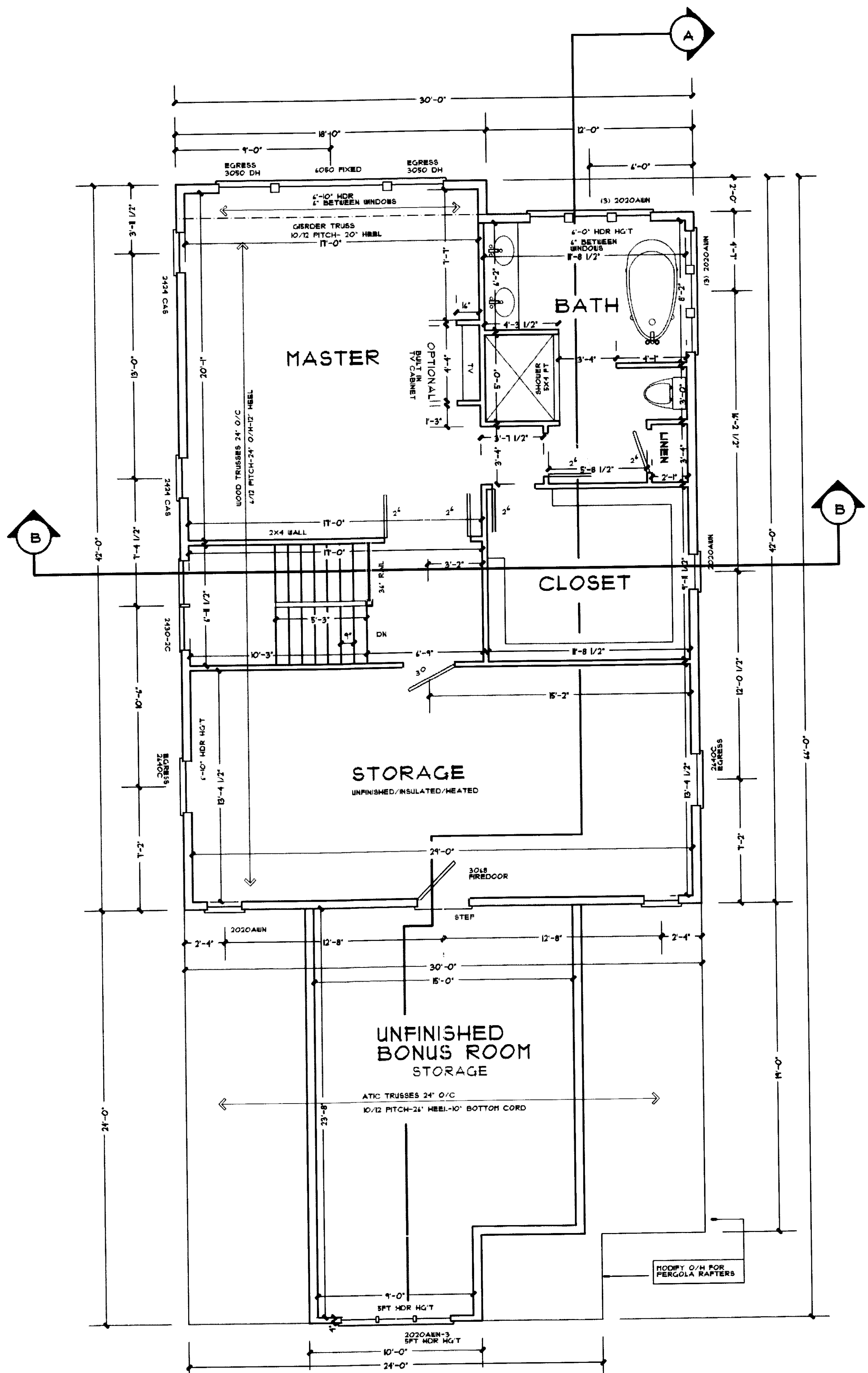
MISC.
 #1 SLOPE GRADE 1 IN 10 AWAY FROM STRUCTURE
 #1 ALL WOOD FRAMING 8' ABOVE GRADE
 #1 SMOKE DETECTORS AS REQUIRED BY CODE
 #1 PRE-FABRICATED FIREPLACES SHALL BE ILL APPROVED
 #1 FLUES, CHIMNEY CHASE SHALL BE APPROVED BY AND INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS

#1 DESIGN IS BASED ON COMMON CONSTRUCTION PRACTICES AND SUBJECT TO LOCAL CODES
 ANY SPECIAL ENGINEERING REQUIRED WILL BE THE RESPONSIBILITY OF OWNER/BUILDER



FOUNDATION PLAN SCALE 1/4" = 1'-0"

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 NOT TO BE REPRODUCED WITHOUT PERMISSION
 DESIGN BY THOMAS B. COATES JR.
 213 W. MAIN ST.
 BRIGHTON, MICH 48104
 1-810-229-8916
 346-2
 FOR ROD AND TAMMY EVANS
 LITTLE CROOKED LK
 BRIGHTON, MI
 MIKE CAVERLY BUILDING



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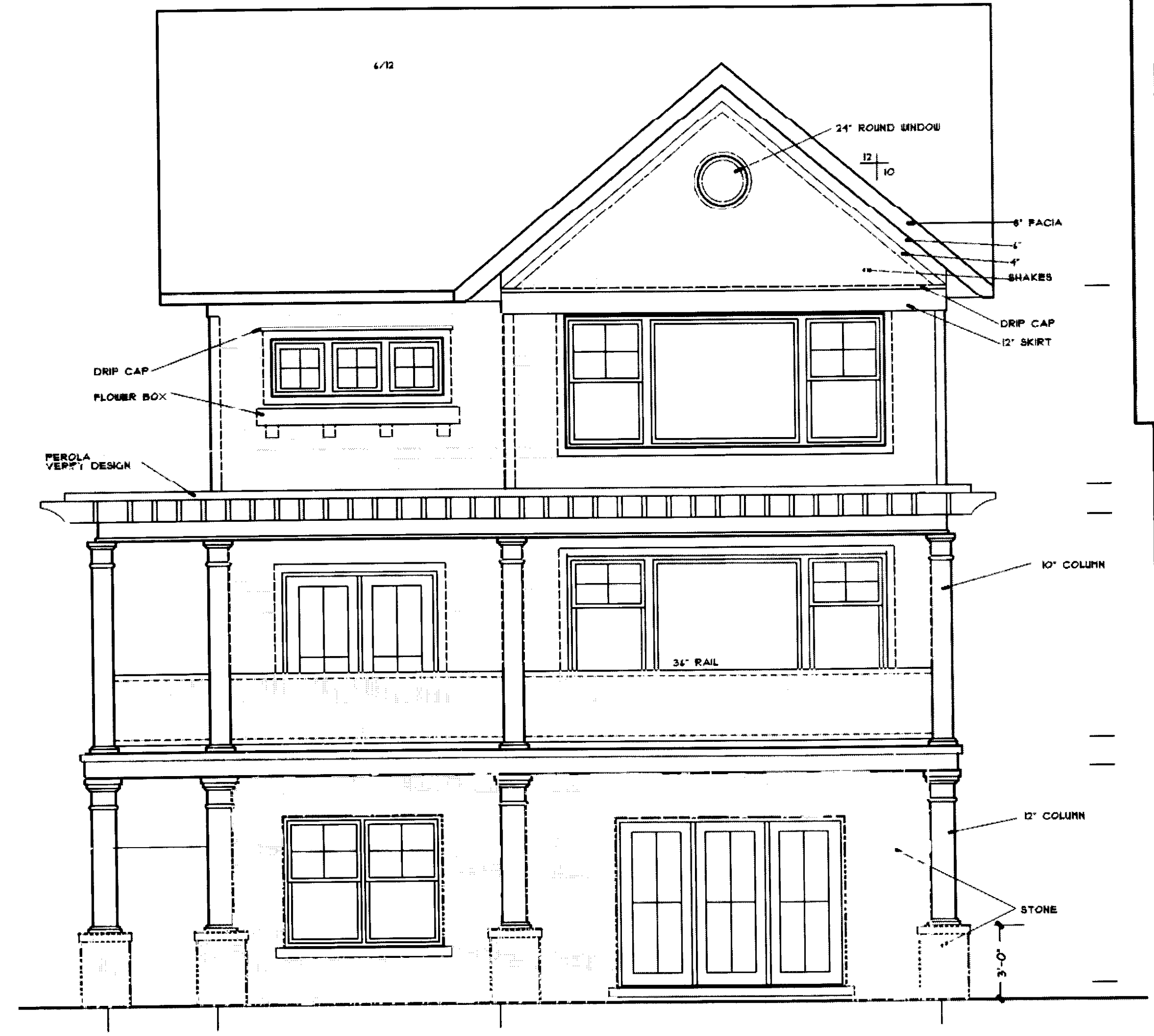
DESIGN BY THOMAS B. COATES JR
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DATE 346-2

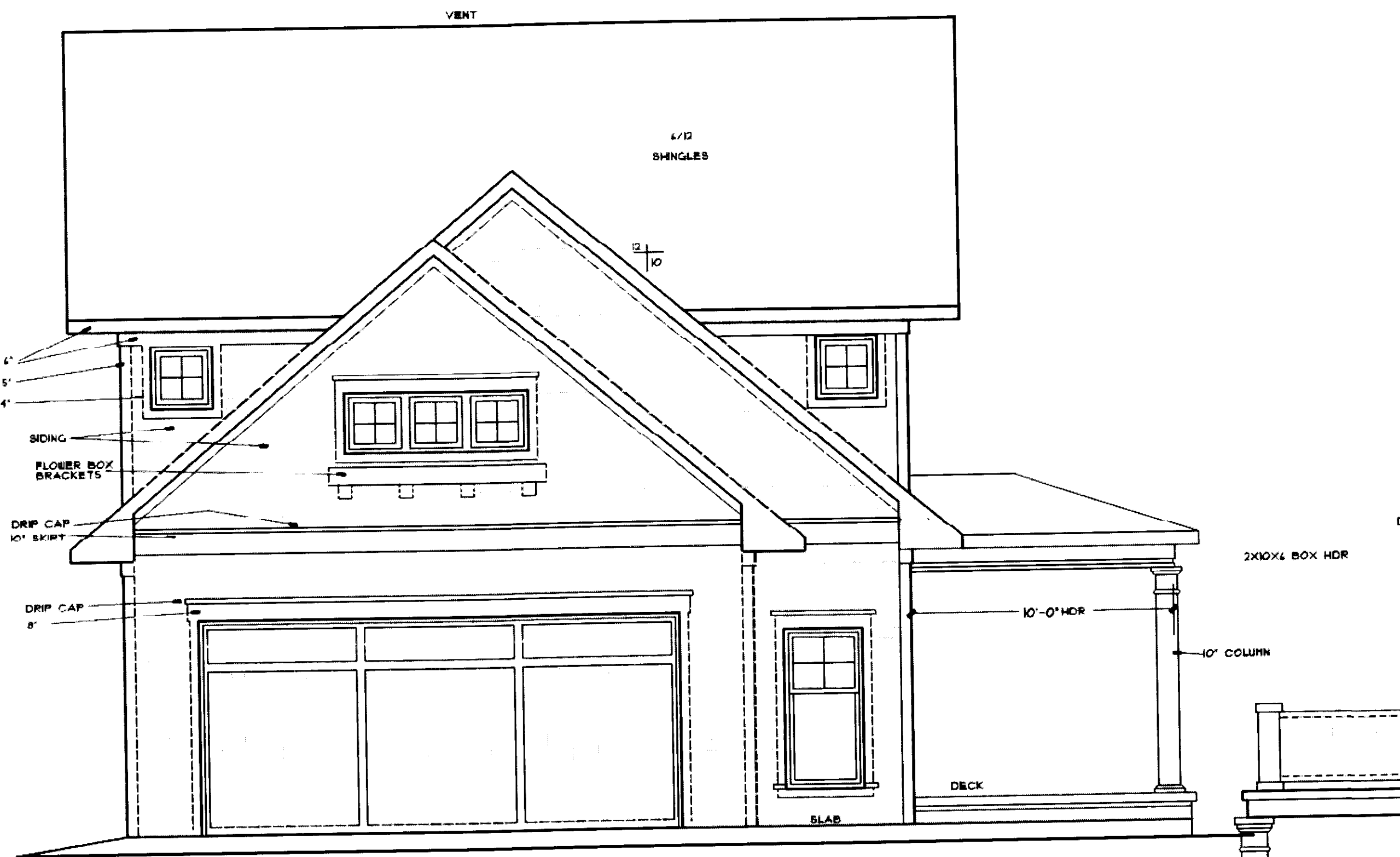
FOR ROD AND TAMMY EVANS
 LITTLE CROOKED LK
 BRIGHTON, MI
 MIKE CAVERLY BUILDING



NORTH ELEVATION SCALE 1/4" = 1'-0"



LAKE ELEVATION SCALE 1/4" = 1'-0"



EAST ELEVATION SCALE 1/4" = 1'-0"



SOUTH ELEVATION SCALE 1/4" = 1'-0"

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PAGE 346-2

DATE
 FOR ROD AND TAMMY EVANS
 LITTLE CROOKED LK
 BRIGHTON, MI
 MIKE CAVERLY BUILDING

4174 Highcrest Area Map



4070

4174

1 inch = 100 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.
Source: Livingston County GIS Department



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

09/11/2014 3:52 PM

Parcel: 4711-22-302-172
Owner's Name: EVANS ROD & TAMARA
Property Address: 4174 HIGHCREST
BRIGHTON, MI 48116
Current Class: 401.401 RESIDENTIAL-IMPROVED
Previous Class: 401.401 RESIDENTIAL-IMPROVED
Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
MAP #: V14-24
School: 47010 BRIGHTON
Neighborhood: 4306 4306 TRI LAKES LAKE FRONT

Liber/Page: / / **Created:** / /
Split: / / **Active:** Active

Public Impr.: None
Topography: REFUSE

Mailing Address:

EVANS ROD & TAMARA
6934 WESTRIDGE DR
BRIGHTON MI 48116

Most Recent Sale Information

Sold on 06/18/2014 for 200,000 by KELLER, EDWARD A TRUST.

Terms of Sale: ARMS-LENGTH

Liber/Page:

Most Recent Permit Information

Permit W14-198 on 08/21/2014 for \$600 category DEMO.

Physical Property Characteristics

2015 S.E.V.: Tentative	2015 Taxable: Tentative	Lot Dimensions:
2014 S.E.V.: 83,600	2014 Taxable: 52,698	Acres: 0.20
Zoning: LRR	Land Value: 123,335	Frontage: 50.0
PRE: 0.000	Land Impr. Value: 0	Average Depth: 176.0

Improvement Data

of Residential Buildings: 1
Year Built: 1940
Occupancy: Single Family
Class: D+10
Style: D
Exterior: Wood Siding
% Good (Physical): 45
Heating System: Wall/Floor Furnace
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 0 Half Baths: 1
Floor Area: 765
Ground Area: 510
Garage Area: 160
Basement Area: 510
Basement Walls:
Estimated TCV: 58,497

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
KELLER, EDWARD A TRUST	EVANS ROD & TAMARA	200,000	06/18/2014	TA	ARMS-LENGTH		BUYER	100.0		
KELLER, EDWARD A	KELLER, EDWARD A TRUST	0	05/11/2012	QC	INVALID SALE	2012R-017503	BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status	
4174 HIGHCREST		School: BRIGHTON			DEMO		08/21/2014	W14-198	NO START	
Owner's Name/Address		P.R.E. 0%								
EVANS ROD & TAMARA 6934 WESTRIDGE DR BRIGHTON MI 48116		MAP #: V14-24		2015 Est TCV Tentative						
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT					
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 92		Public Improvements		* Factors *						
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		LAKE FRONT	50.00	176.00	1.0000	1.1212	2200 100	123,335
		Paved Road		50 Actual Front Feet, 0.20 Total Acres					Total Est. Land Value =	123,335
		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	2015	Tentative	Tentative	Tentative		Tentative
		LM	07/31/2014	REVIEWED R	2014	61,700	21,900	83,600		52,698C
		TJL	05/22/2012	DATA ENTER	2013	56,100	21,000	77,100		51,869C
					2012	56,100	18,200	74,300		48,603C



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 126 48	Type CGEP (1 Story) CGEP (1 Story)	Year Built: Car Capacity: Class: D Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 160 % Good: 0 Storage Area: 0 No Conc. Floor: 0			
X	Wood Frame		Drywall Paneled		Plaster Wood T&G												
Building Style: D		Trim & Decoration		X			Central Air Wood Furnace			Class: D +10 Effec. Age: 58 Floor Area: 765 Total Base Cost: 54,419 Total Base New : 79,996 Total Depr Cost: 35,998 Estimated T.C.V: 58,497			CntyMult X 1.470 E.C.F. X 1.625		Bsmnt Garage: Carport Area: Roof:		
Yr Built 1940	Remodeled 0	Size of Closets		Lg X Ord Min			No./Qual. of Fixtures			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			Size Cost				
Condition for Age: Good		Doors: Solid X H.C.		Ex. X Ord Min			No. of Elec. Outlets			Other Additions/Adjustments			Rate		Size Cost		
Room List		(5) Floors		Many X Ave. Few			(13) Plumbing			(14) Water/Sewer			Rate		Size Cost		
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		Average Fixture(s)			1			Public Sewer Well, 200 Feet			912.00 4400.00		1 912 1 4,400		
(1) Exterior		(6) Ceilings		2			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			(16) Porches			36.44 55.57		126 4,591 48 2,667		
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 510 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		3			Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(17) Garages			26.85		160 4,296		
(2) Windows		(8) Basement		3			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			Class:D Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost			1.625 => TCV of Bldg: 1 =		35,998 58,497		
X	Many Avg. Few	X	Large Avg. Small	(9) Basement Finish			(14) Water/Sewer			CGEP (1 Story), Standard CGEP (1 Story), Standard			36.44 55.57		126 4,591 48 2,667		
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			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			1.625 => TCV of Bldg: 1 =			35,998 58,497	
(3) Roof		(10) Floor Support		1			Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			1.625 => TCV of Bldg: 1 =			35,998 58,497	
X	Gable Hip Flat		Gambrel Mansard Shed	1			Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			1.625 => TCV of Bldg: 1 =			35,998 58,497	
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		1			Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			1.625 => TCV of Bldg: 1 =			35,998 58,497	
Chimney: Brick		No Floor SF		1			Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, ECF (4306 TRI LAKES LAKE FRONT)			1.625 => TCV of Bldg: 1 =			35,998 58,497	

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

GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 14-25 Meeting Date: 9/16/14
 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: CHILSON POINTE LLC
Property Address: 4666 BRIGHTON Phone: 810-844-2339
Present Zoning: LDR Tax Code: 4711-33-200-027

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: CONSTRUCTION OF POLE BARN
40' x 50'

2. Intended property modifications: _____

This variance is requested because of the following reasons:

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

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: 8-22-14

Signature: Carl A. Vagitt

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.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: August 29, 2014
RE: ZBA 14-25

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

STAFF REPORT

File Number: ZBA#14-25

Site Address: 4666 Brighton Rd

Parcel Number: 4711-33-200-027

Parcel Size: 2.358 Acres

Applicant: Chilson Pointe LLC, 6870 Grand River, Brighton, MI 48114

Property Owner: Same as Applicant

Information Submitted: Application, site plan

Request: Dimensional Variance

Project Description: Applicant is requesting a variance from the maximum allowable size of a detached accessory building.

Zoning and Existing Use: LDR (Low Density Residential), Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 31, 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:

- Per assessing records the parcel has a 1,566 square foot single family residential home on it with a 720 square foot detached accessory building.
- The property is on septic and well.
- See Real Estate Summary and Record Card.

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 2,000 square foot detached accessory building on the property at 4666 Brighton Rd. Section 11.04.01(h) of the Zoning Ordinance requires that the combined total of all accessory buildings in any residential district shall be a maximum of 1,200 for lots equal to or greater than 2 acres. There is an existing detached accessory building located on the property that is 720 square feet per assessing records. The proposed 2,000 square foot detached accessory building combined with the 720 square foot detached accessory building would result in a combined total square footage of 2,720 square feet which is 1,520 square feet larger than the maximum allowable combined total square footage for detached accessory buildings on that parcel.

Variance Requests

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

Article 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 (1,200) 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.

Maximum Allowed: 1,200 square feet

Proposed: 2,720 square feet

Standards for Approval

The following are 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.

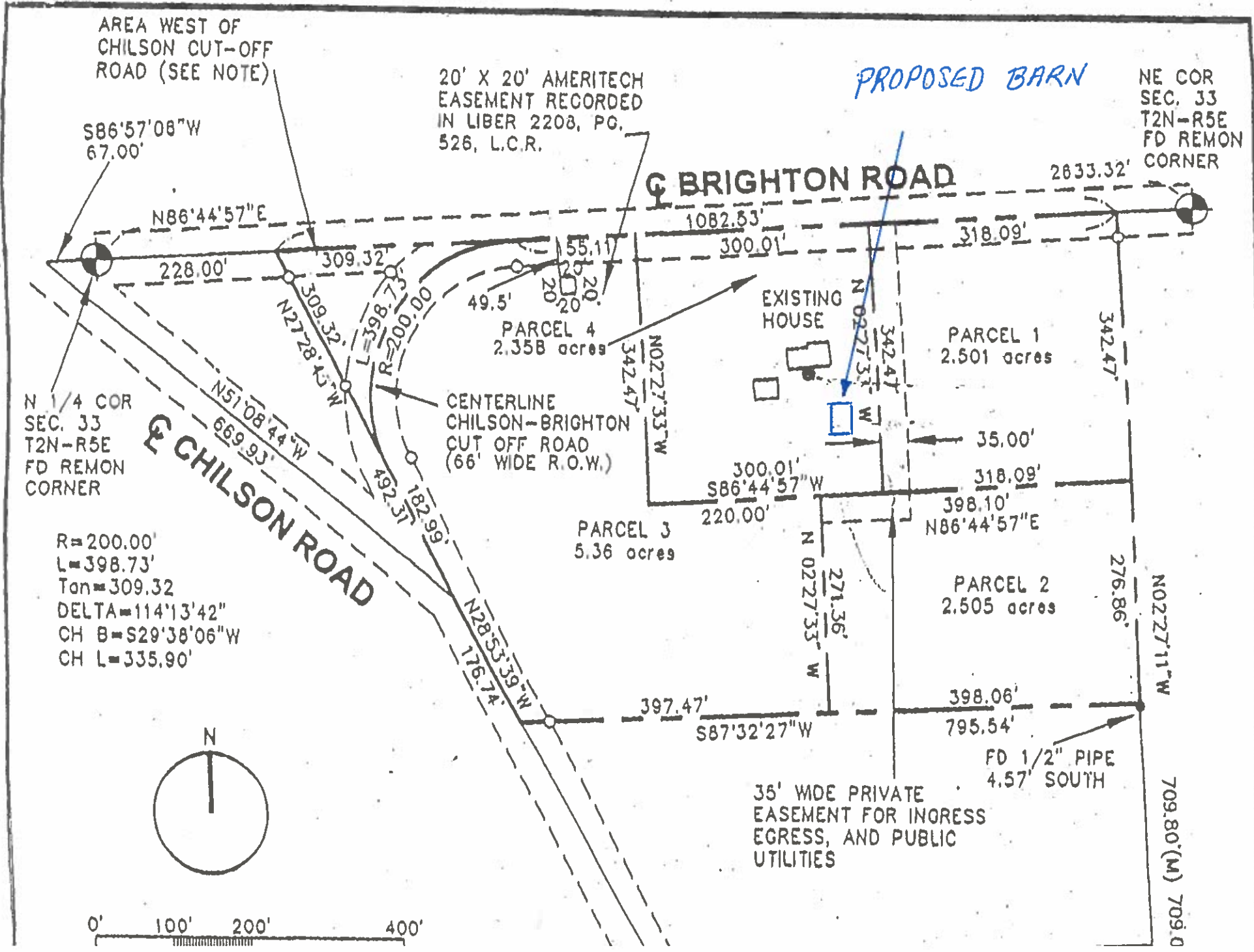
The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with this provision would not unreasonably prevent the use of the property as the applicant has the ability to place detached accessory buildings which comply with the maximum size requirements of the zoning ordinance. This is the same right that is possessed by other properties outside of the Agricultural and Country Estate District.
- **Extraordinary Circumstances** – There are no 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. The property at 4666 Chilson Rd has no physical constraints which would prohibit the placement of an accessory building which complies with the requirements of the Zoning Ordinance. The majority of the properties in the vicinity of the parcel do not have accessory buildings which exceed the maximum allowable size. The need for the variance is not due to any physical constraint of the property, and thus the need for the variance is likely to be self-created.
- **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.
- **Impact on Surrounding Neighborhood** – I do not believe that the variance will have a substantial negative impact on the surrounding neighborhood. The accessory building will be shielded on three sides by trees limiting any visual impacts.

Staff Findings of Fact

1. Strict compliance with the maximum allowable square footage for detached accessory buildings would not unreasonably prevent the use of the property. The applicant has the ability to place detached accessory buildings on the property which comply with the requirements of the Zoning Ordinance.
2. Granting the requested variance would not make the property consistent with the majority of the properties in the vicinity of the parcel. In the prepared study looking at accessory building size in the vicinity only three properties out of eleven had detached accessory buildings which exceeded the maximum allowable square footage. The applicant is requesting accessory building square footage which is 816 sf more than the property with the largest amount of square footage (5209 Chilson -1,904 sf).
3. There are no exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which would prevent the applicant from complying with the Zoning Ordinance.
4. The need for the variance is not based on any physical conditions of the property.
5. The granting of the setback 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.
6. Granting the variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

CERTIFICATE OF SURVEY



Accessory Building Comparison

List of Properties with Detached Accessory Buildings and Their Size in the Vicinity of 4666 Brighton Rd. The information used in this comparison was acquired from the individual parcels assessing data. Please note the parcels that were not used in the evaluation did not have accessory buildings, or were located in Oak Pointe. The specific parcels used are highlighted on the area map.

5191 Chilson – 576 sf

5209 Chilson – 1200 sf + 704 sf = 1904 sf

5267 Chilson - 744 sf + 500 sf = 1244 sf

5339 Chilson – 360 sf

5281 Chilson – 520 sf

5366 Chilson – 1160 sf

5346 Chilson – 720 sf

5324 Chilson – 1200 sf + 625 sf = 1825 sf

5290 Chilson – 1200 sf

5202 Chilson – 768 sf

5166 Chilson – 576 sf

4666 Brighton Rd – 720 sf (Existing), 2000 sf (Proposed) = 2720 sf

4666 Brighton Rd Area Map



1 inch = 200 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.
Source: Livingston County GIS Department
Selected Parcels Denote Parcels Used in
Accessory Building Comparison

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

09/11/2014 3:50 PM

Parcel:	4711-33-200-027	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	CHILSON POINTE LLC	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	4666 BRIGHTON RD BRIGHTON, MI 48116	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V14-25
		School:	47010 BRIGHTON
		Neighborhood:	47010 47010 BRIGHTON M & B
Liber/Page:	2012R-038119	Created:	//
Split:	//	Active:	Active
Public Impr.:	None		
Topography:	REFUSE		

Mailing Address:

CHILSON POINTE LLC
6870 GRAND RIVER
BRIGHTON MI 48114

Most Recent Sale Information

Sold on 10/23/2012 for 0 by VAGNETTI CARL.

Terms of Sale: INVALID SALE

Liber/Page: 2012R-038119

Most Recent Permit Information

None Found

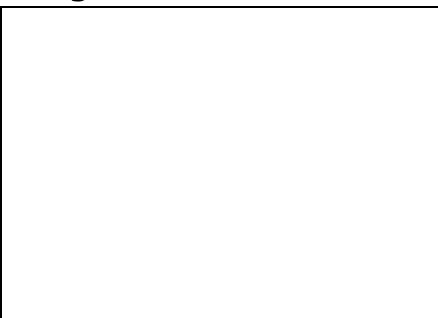
Physical Property Characteristics

2015 S.E.V.:	Tentative	2015 Taxable:	Tentative	Lot Dimensions:	
2014 S.E.V.:	69,700	2014 Taxable:	66,649	Acres:	2.36
Zoning:	LDR	Land Value:	62,160	Frontage:	0.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1955
Occupancy: Single Family
Class: C+15
Style: C
Exterior: Wood Siding
% Good (Physical): 45
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: -15
Full Baths: 1 Half Baths: 0
Floor Area: 1,566
Ground Area: 1,566
Garage Area: 720
Basement Area: 1,566
Basement Walls:
Estimated TCV: 83,487

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
VAGNETTI CARL	CHILSON POINTE LLC	0	10/23/2012	QC	INVALID SALE	2012R-038119	BUYER	100.0		
FIRST NATIONAL BANK OF HOW	VAGNETTI CARL	110,000	12/16/2011	WD	FORECLOSURE	2011R-036315	BUYER	100.0		
PERRI, JOE JR.	FIRST NATIONAL BANK OF HOW	0	10/03/2011	QC	FORECLOSURE	2011R-028402	BUYER	0.0		
NATIONAL DEVELOPMENT CORP.	PERRI, JOE JR.	0	04/10/2000	WD	MEMO L/C	27500613	BUYER	100.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status		
4666 BRIGHTON RD		School: BRIGHTON								
		P.R.E. 0%								
Owner's Name/Address		MAP #: V14-25								
CHILSON POINTE LLC 6870 GRAND RIVER BRIGHTON MI 48114		2015 Est TCV Tentative								
		X	Improved	Vacant	Land Value Estimates for Land Table 122.BRIGHTON M & B					
Tax Description		Public Improvements		* Factors *				Value		
SEC 33 T2N R5E COMM AT N 1/4 COR TH N86*E 692.43 FT TO POB TH N86*E 300.01 FT TH S02*E 342.47 FT TH S86*W 300.01 FT TH N02*W 342.47 FT TO POB CONT. 2.358 AC M/L SPLIT FR 004 8/99 PARCEL # 4		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		TABLE A	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
Comments/Influences		Topography of Site		2.36 Total Acres				Total Est. Land Value =	62,160	
		Level		26361 100				62,160		
		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	2015	Tentative	Tentative	Tentative		Tentative
				2014	31,100	38,600	69,700			66,649C
				2013	31,100	34,500	65,600			65,600S
				2012	31,100	33,000	64,100			64,100S

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 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 720 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			CnlyMult		Bsmnt Garage:	
Yr Built 1955	Remodeled 0	Ex	X	Ord		Min	0 Amps Service			Total Base Cost: 136,737			X	1.470		
Condition for Age: Good		Lg	X	Ord		Small	No Heating/Cooling			Total Base New : 201,004				E.C.F.		
Room List		(5) Floors		Kitchen: Other: Other:			No./Qual. of Fixtures			Total Depr Cost: 90,452			X	0.923	Carport Area: Roof:	
	Basement 1st Floor 2nd Floor -16 Bedrooms	Kitchen: Other: Other:		(6) Ceilings			No./Qual. of Fixtures			Estimated T.C.V: 83,487						
(1) Exterior				Ex. X Ord. Min			1 Story Siding			Rate 71.75			0.00		0.00	
X	Wood/Shingle Aluminum/Vinyl Brick			No. of Elec. Outlets			Other Additions/Adjustments			Rate					Size Cost	
	Insulation	(7) Excavation		Many X Ave. Few			(14) Water/Sewer			Well, 200 Feet			4975.00		1 4,975	
(2) Windows		Basement: 1566 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing			(15) Built-Ins & Fireplaces			Fireplace: Exterior 1 Story			3875.00		1 3,875	
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			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			Class:C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 17.28			720		12,442	
	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		(9) Basement Finish			(14) Water/Sewer			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0,			Depr.Cost =		90,452	
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			ECF (47010 BRIGHTON M & B)			0.923 => TCV of Bldg: 1 =		83,487	
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
ZONING BOARD OF APPEALS
August 19, 2014, 6:30 P.M.
AGENDA

Call to Order: Chairman 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 members and staff of the Zoning Board of Appeals present were as follows: Marianne McCreary, Barbara Figurski, Jean Ledford, and Chairman Dhaenens. Also present was Township staff member, Ron Akers. There were 8 members of the public present.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: Moved by Jean Ledford to approve the agenda. Support by Barb Figurski. **Motion passed unanimously.**

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

- 1. 14-15 ... A request by Kristinne Horvath, 3682 Beattie Road, for a variance from the maximum allowable building height of an accessory building to construct a detached accessory building.**

Kristinne Horvath present. Requesting height variance because her RV is over 14 feet high. Requesting current placement of the garage at site of existing shed. Top of garage would be 16 feet high. There is Country Estate zoning on both sides and Suburban Residential on and around her property. Horvath said the majority of houses in neighborhood have oversized accessory structures. Consumers Energy said she has to stay five feet away from gas line and the electrical line is also an issue. Horvath said she feels she is being punished because she is coming forward and asking permission.

Discussion centered around whether or not the hardship was self-created. Dhaenens said Horvath's hardship is that she bought an RV that is too big. McCreary agreed with Dhaenens. She said this was not punishment but accountability. She said Horvath's property is in a zoning area where a 16-foot-high building is not allowed. Ledford said the issue was not the building, but the height.

No one from public spoke up.

Motion by Jean Ledford to deny case 14-15 for the lack of a hardship and there is not practical difficulty or extraordinary circumstances. Support by Figurski. **Motion passed unanimously.**

- 14-22 ... A request by Paul and Joy Corneliusen, 3880 Highcrest Drive, for a side yard setback variance for the construction of a detached garage.**

Paul Corneliusen was present. The couple bought the home in September 2013 and finished interior-exterior remodel in April. There is an easement separating lakefront from the Highcrest parcel and it is landlocked, making an attached garage impossible. They

want to build a two-car garage east of the easement. The structure would be 12 feet by 54 feet for two cars and a storage bay. They need the sideyard variance to go one foot, noting the hardship is the existing topography. Corneliusen said both southern neighbors have no problem with the request.

Discussion centered on the concrete walkway around the proposed garage, the retaining wall and the number of trees that would have to be removed. Corneliusen said with the one-foot setback, only four trees will be removed, while abiding by the full setback may result in three more large trees removed to construct the appropriate retaining wall. Figurski asked about fire trucks gaining access and erosion. McCreary also expressed concerns about emergency vehicles. Dhaenens suggested postponing a decision to the next meeting so Corneliusen can address the following issues: property lines, drainage and length of the building taking up all of usable spot for emergency vehicles.

Motion made by Figurski seconded by McCreary to table at the request of the petitioner and come back at next regularly scheduled meeting on Sept. 16, 2014.. **Motion passed unanimously.**

14-23 ... A request by Scott and Maureen Kiefer, 3695 Highcrest Drive, for front and side yard setback variances for the construction of an addition to an existing single family home.

Dennis Dinser of Acadia Design, and Scott and Maureen Kieffer were present. Dinser said the hardship is being induced by the severity of 32 foot drop from the highest point to the water. He said the previous owners sold the home and moved next door because they could not have an attaching garage. If approved, Dinser said the wood retaining walls would be replaced by concrete and the driveway would be concrete.

Discussion centered on the drainage and the small size of the property. McCreary and Figurski both expressed concern about runoff. Dinser said the retaining walls would be built so no more runoff will go to the neighbors and they are not changing drainage pattern.

John Edwards 3683 Highcrest is the previous owner of the home. He gave the Kieffers a lot of credit for buying house and trying to make it their own. He said he would have liked to have done what they are trying to do with the property

Brian Carlowski 3623 Highcrest said parking is an issue and the hill is challenging. He said he loves that the Kieffers are doing something with the house.

Mel Sharpe 3665 Highcrest is at the end of the road. He thinks the Kieffer's proposal is beautiful and said 10 feet of the parking structure has been in road right of way. Parking is tight.

Motion by Ledford to table at the request of the petitioner until our next regularly scheduled meeting Sept. 16, 2014 to give the applicant time to revisit both three foot setbacks and absolutely address the drainage. Support by McCreary. **Motion passed unanimously.**

Administrative Business:

1. Approval of minutes for the July 15, 2014 Zoning Board of Appeals meeting. Approved with changes. Motion by Figurski, seconded by McCreary. Motion passed unanimously.
2. 2013 Annual Report Executive Summary – Discussion regarding accessory building size and front yard setbacks on lakefront properties. ZBA wanted to give new member opportunity for input.
3. Correspondence - None
4. Township Board Representative Report: Heard that the Township Board approved USA2GO, Wellbridge, Uncle Joe's Used Car Lot; the Oak Pointe plant; and changes to the Timber Green PUD. Heard that ZBA member Chris Grajek was appointed to the Planning Commission and Jerry Poissant was appointed to the vacancy on the ZBA.
5. Planning Commission Representative Report: General discussion.
6. Zoning Official Report: Land Use Permits and Waivers are up 30% this year over last year. Blight, Noxious Weeds Ordinances: Noxious Weed Ordinance would allow us to cut lawns and bill property owners with the intended use for vacant property.
7. Member Discussion – There was general discussion.
8. Adjournment -- Meeting adjourned at 8:31 p.m. Motion by Figurski and seconded by McCreary. Motion passed unanimously.

Kathleen Murphy
Recording Secretary



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: September 12, 2014
RE: 2013 Annual Report Executive Summary

As we have previously discussed, please bring some ideas for the 2013 Annual Report Executive Summary. I will compile them and prepare a letter for the October ZBA Meeting.

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

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



2013 Zoning Board of Appeals Annual Report

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

Summary:

The purpose of the Zoning Board of Appeals (ZBA) Annual report is to summarize and identify the activities completed by the ZBA over the calendar year. Identifying the number and types of variances that were granted over the year can provide guidance to the Planning Commission and Township Board of Trustees when making future land use decisions. The primary activities that were handled by the Zoning Board of Appeals in 2013 were hearing variance requests and drafting and adopting Rules of Procedure.

Variations

During 2013 the Zoning Board of Appeals heard twenty-eight (28) requests for variances. These can be broken down as follows:

- 28 Total Variance Requests
 - 21 Approved, 6 Denied, 1 Variance Not Required
- 13 Variance on Properties with Lake Frontage
 - 12 Approved, 1 Denied
- Breakdown by Type
 - 6: New Single Family Homes
 - 6 Approved, 0 Denied
 - 5 Lake Front
 - 4: Residential Addition
 - 4 Approved. 0 Denied
 - 4 Lake Front
 - 5: Detached Accessory Buildings
 - 1 Approved, 4 Denied
 - 1 Lake Front
 - 2: Commercial Additions
 - 2 Approved, 0 Denied
 - 6: Signs
 - 5 Approved, 1 Denied
 - 1: Fence
 - 1 Variance Not Needed
 - 2: Improvements to Non-Conforming Structure in Excess of 10%
 - 1 Approved, 1 Denied (Same property)
 - 2 Lake Front
 - 2: Decks
 - 2 Approved, 0 Denied
 - 1 Lake Front

Please see attached case summaries for more information about specific cases.

Rules of Procedure

The purpose of the rules of procedure is similar to the Planning Commission By-laws. They establish guidelines for the procedural aspects of the ZBA including membership, election of officers, public hearing rules, responsibilities of township staff and members of the ZBA and they establish guidelines for handling conflict of interest. This document was adopted in January of 2014 and is available for review.

SUPERVISOR

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CLERK

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TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

2013 ZBA Case Summaries

JANUARY

Variance: 1

Case: 13-01

Applicant Name: Christian and Damian Karch

Address: 5400 Brady Road

Type of Variance: Construction of a detached accessory building in front yard

Lakefront: No

Decision: Denied

Why? Conditions? Ample room on the lot; no practical difficulty.

Variance: 2

Case: 13-02

Applicant Name: Champion Buick GMC

Address: 7885 W. Grand River

Type of Variance: Front yard variance to construct an addition to a non-conforming building

Lakefront: No

Decision: Approved

Why? Conditions? Variance of 13.7 feet with a Grand River side setback of 56.3 feet granted. The finding of fact is the building was non-conforming after the Zoning Ordinance changed.

Variance: 3

Case: 13-03

Applicant Name: Genoa Charter Township

Address: 2911 Dorr Road

Type of Variance: Sign

Lakefront: No

Decision: Approved

Why? Conditions? An 8-foot variance with a 14 foot height and a 257 foot area variance amount for a sign area of 329 feet. The finding of fact is the configuration of the property and the ability to not be able to place a sign on the exit ramp.

Variance: 4

Case: 13-04

Applicant Name: Blair Bowman

Address: 4252 Highcrest

Type of Variance: Front yard and waterfront

Lakefront: Yes

Decision: Approved

Why? Conditions? Front yard variance of 15 feet with a setback of 20 feet and a waterfront variance of 2 feet with a setback of 73 feet. The finding of fact is the topography and conditions of the lot.

Variance: 5

Case: 12-27

Applicant Name: Joe Aguis

Address: 5311 Brighton Road

Type of Variance: Sign variance

Lakefront: No

Decision: Approved

Why? Conditions? A 1-foot variance for a 7-foot-tall sign. The finding of fact is the sight distance and visibility from the road.

FEBRUARY

Variance: 6

Case: 13-06

Applicant Name: Angela Nieves-Valentine

Address: 3837 E. Coon Lake Road

Type of Variance: Height variance for a fence

Lakefront: No

Decision: Variance not needed

Why? Conditions? The ZBA interprets the fence is built in the side yard.

MARCH

Variance: 7

Case: 13-05

Applicant Name: Brett Gierak

Address: 921 Sunrise Park

Type of Variance: Side and rear yard variance for an addition

Lakefront: Yes

Decision: Approved

Why? Conditions? The finding of fact is the lack of zoning predated the construction of the house. The practical difficulty is due to the location of the utility lines and the sewer line.

Variance: 8

Case: 13-07

Applicant Name: Charles Horan

Address: 1828 Hughes Road

Type of Variance: Front, waterfront and side yard variance to construct a garage addition and a second story addition

Lakefront: Yes

Decision: Approved

Why? Conditions? Allowed to construct a second story that will match the existing footprint with a 4-foot-4-inch side yard extension. Conditions: Must remove the garage from the plans and the addition must have gutters and downspouts. The finding of the fact is the narrowness of the lot and pre-existing house where it is built in regards to the current zoning.

April

Variance: 9

Case: 13-08

Applicant Name: Champion Buick

Address: 7885 W. Grand River

Type of Variance: Sign

Lakefront: No

Decision: Approved

Why? Conditions? Additional sign allowed with the square footage being less than two allowed per the Township Ordinance. The practical difficulty is it will improve the visibility and sign distance of the site. Conditioned upon the following:

1. The drawings provided indicate that the "Champion" and "Certified Service" signs will be channel letters and the "Buick GMC" sign will be a unibody sign. The letters themselves will be black or white in color.
2. The plans indicate that the signs require circuits and will be lit.
3. The wall signs will be allowed to project up to 1-foot beyond the face of the wall.

Variance: 10

Case: 13-10

Applicant Name: Jeff Gontarski

Address: 4401 Filbert

Type of Variance: Front yard variance to build a new home

Lakefront: Yes

Decision: Approved

Why? Conditions? Front yard variance of 25 feet with a setback of 10 feet approved. Conditioned upon the home being guttered. The practical difficulty is the topography of the land.

Variance: 11

Case: 13-11

Applicant Name: Art Van Furniture

Address: 4101 E. Grand River

Type of Variance: Sign

Lakefront: No

Decision: Denied

Why? Conditions? No practical difficulty.

MAY

Variance: 12

Case: 13-09

Applicant Name: Leo and Karen Mancini

Address: 4057 Homestead Road

Type of Variance: Two side yard variances to construct an attached garage

Lakefront: Yes

Decision: Approved

Why? Conditions? Given a 5-foot-6-inch variance on both sides with a 4-foot-6-inch setback on both sides. Conditioned upon the garage being guttered. The practical difficulty is the narrowness of the lot.

Variance: 13
Case: 13-12
Applicant Name: Robert Morrison
Address: 3699 Nixon Road
Type of Variance: Pole barn on a vacant lot
Lakefront: No
Decision: Denied
Why? Conditions? No practical difficulty.

JUNE

Variance: 14
Case: 13-13
Applicant Name: Curt Brown
Address: 4010 Homestead
Type of Variance: Front yard variance and a waterfront variances to replace an existing garage
Lakefront: Yes
Decision: Approved
Why? Conditions? Given a 25-foot shoreline variance with a 15-foot setback, front yard variance of 27 feet with an 8-foot setback, an accessory building size variance of 442 feet from the 900 feet allowed and an accessory building height variance of 6-foot-6-inches from the 14 feet allowed. Conditioned upon the structure being guttered and having downspouts and any grading issues should be addressed and satisfactorily dealt with by the petitioner. The practical difficulty is the topography of the lot and the difficulty to construct on the lot.

Variance: 15
Case: 13-15
Applicant Name: Ronald Socia
Address: 3950 Highcrest Drive
Type of Variance: Home improvements/modernization to non-conforming structures in excess of 10% of its replacement value
Lakefront: Yes
Decision: Approved
Why? Conditions? Can make improvements and modifications on the interior and exterior of the home to a nonconforming structure. Conditioned upon the structures including gutters and downspouts, no improvements shall be made to increase the footprint or height of the structures and the structure shall not be used as rentals. The practical difficulty is the uniqueness of the property.

Variance: 16
Case: 13-16
Applicant Name: Janine and James Exline
Address: 4009 Highcrest Drive
Type of Variance: Side yard
Lakefront: Yes
Decision: Approved
Why? Conditions? Given a 2.25-foot side yard setback with a 2.75-foot variance and an 8.15-foot setback on the west side with a 1.85-foot variance. Conditioned upon the structure including gutters and

downspouts. The practical difficulty is the narrowness of the lot and the continuing narrowness toward the road side.

JULY

Variance: 17

Case: 13-17

Applicant Name: Thomas and Diana Fleming

Address: 4049 Homestead

Type of Variance: Side yard

Lakefront: Yes

Decision: Approved

Why? Conditions? Approved a side yard setback variance of 5 feet and a waterfront setback variance of 16.5 feet for the construction of a new home. Conditions placed on the approval are that the structure is to have gutters and downspouts installed and that any grading and drainage issues should be addressed and satisfactorily dealt with by the petitioner. The practical difficulty is the topography and narrowness of the lot.

Variance: 18

Case: 13-18

Applicant Name: Mary Dean and Jeff Barringer

Address: 5359 Wildwood Drive

Type of Variance: Front yard setback variance and a water front setback variance for the construction of a single family home

Lakefront: Yes

Decision: Approved

Why? Conditions? Approved a 19.9 foot front yard setback variance and a 17.7-foot waterfront setback variance for the construction of a new home. Based on the practical difficulty of a small building envelope and the narrowness of the platted subdivision. Conditioned upon the structure having gutters and downspouts, grading or drainage issues should be addressed and satisfactorily dealt with by the petitioner. If there is damage to the fence and arborvitae plants, they are to be replaced by the expense of the petitioner.

AUGUST

Variance: 19

Case: 13-19

Applicant Name: Bob Maxey Ford

Address: 2798 E. Grand River

Type of Variance: Front yard setback and parking lot

Lakefront: No

Decision: Approved

Why? Conditions? Approved a front yard setback variance of 5 feet and parking lot variance of 7 feet 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-foot 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-foot masonry screening wall will mitigate the impacts of the extended parking lot.

Variance: 20

Case: 13-20

Applicant Name: Zion Restoration

Address: 6518 Catalpa

Type of Variance: Side yard for an addition

Lakefront: No

Decision: Approved

Why? Conditions? Approved 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.

Variance: 21

Case: 13-21

Applicant Name: Thomas and Donna Phelps

Address: 4470 Clifford Road

Type of Variance: Side yard setback and deck extension

Lakefront: Yes

Decision: Approved

Why? Conditions? Approved 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.

SEPTEMBER

Variance: 22

Case: 13-23

Applicant Name: Charles Denning

Address: Parcel ID 4711-10-301-029 on East Grand River

Type of Variance: Add a carport to property without a principle building

Lakefront: No

Decision: Denied

Why? Conditions? ZBA based decision on the finding of fact that there is no allowance for additional structures on properties without principle buildings.

Variance: 23

Case: 13-24

Applicant Name: Bob Maxey Ford

Address: 2798 E. Grand River

Type of 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

Lakefront: No

Decision: Approved

Why? Conditions? Approved 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 additional signage to safely guide traffic in and out of the property.

Variance: 24

Case: 13-25

Applicant Name: Jane and Randy Evans

Address: 4444 Glen Eagles Court

Type of Variance: Variance from the deck setback requirement between condominium units to extend an existing deck

Lakefront: No

Decision: Approved

Why? Conditions? Given 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. Granting this variance will make the property consistent with other properties in the area.

OCTOBER

Variance: 25

Case: 13-27

Applicant Name: Robert Socia

Address: 3950 Highcrest

Type of Variance: Wanted modification of 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

Lakefront: Yes

Decision: Denied

Why? Conditions? ZBA denied request due to the existing condition stipulated in prior approval on June 18, 2013 for case #13-15 which limited the applicant's ability to increase the height of the structure.

NOVEMBER

Variance: 26

Case: 13-26

Applicant Name: Oren and Jill Lane

Address: 623 Sunrise Park

Type of Variance: Both side yard setbacks, the front yard setback, the shoreline setback, and the maximum building height

Lakefront: Yes

Decision: Approved

Why? Conditions? Given a front yard variance of 25 feet with a 10-foot setback, 3-foot variance on both sides with 7-foot setback on both sides, 2-foot height variance and a 4-foot waterfront variance.

Conditioned upon the new home having gutters with downspouts. The finding of fact is the narrowness of the lot; the variances are not self-created and the topography of the lot.

DECEMBER

Variance: 27

Case: 13-28

Applicant Name: Steve Gronow

Address: 3800 Chilson Road

Type of Variance: Maximum allowable size of a detached accessory building

Lakefront: No

Decision: Denied

Why? Conditions? No finding of practical difficulty

Variance: 28

Case: 13-29

Applicant Name: Steve Schenck

Address: 4072 E. Grand River; other street addresses at this property include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Type of Variance: Temporary sign and exceed time sign is allowed and number of time sit is used.

Lakefront: No

Decision: Approved

Why? Conditions? 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 is a seasonal business and therefore, very limited. This does not injure or affect the safety or welfare of the public or neighborhood.