

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
February 17, 2015, 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. 15-02 ... A request by Allied Signs, Inc., at 3652 E. Grand River, for a variance to allow a wall sign which exceeds the maximum allowable size for a wall sign.

Administrative Business:

1. Approval of minutes for the January 13, 2015 Zoning Board of Appeals meeting.
2. 2014 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
February 17, 2015
6:30 P.M.**

The Genoa Township Zoning Board of Appeals will hold a public hearing at Genoa Township Hall, 2911 Dorr Road, Brighton, MI, 48116 for the following variance request at the February 17, 2015 regular meeting:

1. 15-02 ... A request by Allied Signs, Inc., at 3652 E. Grand River, for a variance to allow a wall sign which exceeds the maximum allowable size for a wall sign.

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 2-1-15

GENOA TOWNSHIP APPLICATION FOR VARIANCE

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

Case # _____ Meeting Date: _____

- 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: Allied Signs, Inc. for Harbor Freight

Property Address: 3652 E. Grand River Phone: _____

Present Zoning: RCD Tax Code: _____

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: A larger wall sign that exceed what the ordinance allows. 100 square feet is allowed and 219 square feet is proposed.

2. Intended property modifications: New wall sign.

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) Lack of identification due to the building sits back 200' from the road.
Lack of identification due to the building sits back 200' from the road.

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: 1/21/15

Signature: 

ALLIED SIGNS INC.
33650 Giftos Drive
Clinton Township, MI 48035
(586) 791-7900 Fax (586) 791-7788

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: February 12, 2015
RE: ZBA 15-02

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

STAFF REPORT

File Number: ZBA#15-02

Site Address: 3652 E. Grand River Ave.

Parcel Number: 4711-05-400-033

Parcel Size: 2.689 Acres

Applicant: Allied Signs, Inc.

Property Owner: Rand Associates, 1270 Rickett Rd, Brighton, MI 48116

Information Submitted: Application, site plan, sign drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to allow a wall sign which exceeds the maximum allowable size for a wall sign.

Zoning and Existing Use: RCD (Regional Commercial), Vacant Commercial Building (Formerly ACO Hardware Store)

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday February 1, 2015 and 300 foot mailings were sent to any real property within 300 feet of the property 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 19,075 square foot commercial building that was constructed in 1992.
- The building is setback approximately 200' from the curb of E. Grand River.
- The previous tenant ACO Hardware had a wall sign which was 78.43 square feet and had 34 ½" Letters.
- 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

Harbor Freight is interested in occupying the existing vacant building on the parcel and in order to do so is requesting a variance to exceed the maximum allowable wall sign size. The proposed sign would exceed the maximum allowable square footage by 119.25 square feet. The reason why the applicant has requested this is due to the building's substantial setback from E. Grand River.

Variance Requests

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

Table 16.1 Sign Dimensional Standards and Regulations

DISTRICT (7)	WALL OR CANOPY SIGN		MONUMENT SIGN		
	MAX. NO. OF SIGNS ⁽¹⁾	MAX SIZE	MAX. NO. OF SIGNS ⁽²⁾	MAX. SIZE ^(3,4,5)	MAX. HEIGHT
Agricultural Districts	1	10 sq. ft.	1	10 sq. ft.	6 ft.
Single Family Residential (6)	N/A	N/A	(See Exempt Signs)		
Multiple Family Residential	N/A	N/A	(See Exempt Signs)		
Mobile/Manufactured Home District	N/A	N/A	(See Exempt Signs)		
Neighborhood Service District	1 per business	10% of front facade ⁽²⁾	1 ⁽⁴⁾	72 sq. ft.	6 ft.
General Commercial District Regional Commercial District	1 per business	10% of front facade ⁽²⁾	1 ⁽⁴⁾	72 sq. ft.	6 ft.
Office-Service District	1 per business	10% of front facade ⁽²⁾	1	72 sq. ft.	6 ft.
Recreational Facilities District	1	10% of front ⁽²⁾ facade	1 ⁽⁴⁾	72 sq. ft.	6 ft.
Industrial District	1	10% of front ⁽²⁾ facade	1	60 sq. ft.	6 ft.
Planned Industrial and PUD Districts (7)	1	10% of front ⁽²⁾ facade	1	60 sq. ft.	6 ft.

(2) The maximum wall sign shall not exceed ten percent (10%) of the facade of the building that the sign is attached to and is occupied by the business or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner...

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. While it may be true that smaller letters may limit the readability of the wall sign from drivers on E. Grand River due to it being parallel to the road, the Zoning Ordinance also allows for a monument sign which faces drivers directly alerting them that the business is in that location. Due to this the need to install a wall sign with lettering which is at the size for maximum impact (see letter visibility chart) should be reduced if not eliminated. The building is setback a substantial distance from Grand River when compared to the adjacent parcels which limits the window of visibility, but since the building is not visible from greater distances the letter height of the wall sign should be adjusted to reflect this. As demonstrated in the provided letter visibility chart 12" letters are visible from 525 feet, but 48" letters are most effective at 480', which according to the provided map is approximately the maximum distance from which the building is visible from the west and east.

In order to determine an adequate standard for determining appropriate size I have calculated the following. The ratio in letter size between the smaller letters and the larger letters on the proposed sign is 2.2326 ($48''/21.5'' = 2.2326$). If we use 15" letters (minimum visible at 630') as the standard for visibility on the smaller letters (using the larger letter size on the chart due to potential margins of error in distance calculations in ArcGIS, ie 525'-12" letters

vs 630'-15" letters), the ratio size of the larger letters would be 33.49" (15" X 2.2326 = 33.49") which can be rounded up to the standard on the chart of 36" letters. This would allow the applicant to maintain their design and would provide for a minimum allowable wall sign size that is safely readable to drivers. I am unsure how the difference in letter size would impact the length of the sign and thus I am unsure what the proposed size could be. If a variance is still required this would likely be a more adequate number as it balances the goals of the Zoning Ordinance and safe readability.

- **Extraordinary Circumstances** – The property is different from several properties in the same zoning district as it is setback further than most properties in the RCD district. The required front yard setback for the district is 70 feet. The existing building is setback 200 feet from E. Grand River. The variance would not make the property more consistent with the majority of properties in the vicinity. There are a few large retail stores in the vicinity (Walmart, Meijer, Lowes) which have larger signs than what is allowed by the Zoning Ordinance, but the buildings are substantially larger than the building at 3652 E. Grand River. The applicant has stated that the need for the requested variance is due to the large setback of the existing building.
- **Public Safety and Welfare** – The granting of the variance would 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** – The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. There is potential that if a wall sign this large is allowed it could have the potential to set a precedent where we allow larger wall signs for buildings in this area.

Staff Findings of Fact

1. Strict compliance with table 16.1 would not unreasonably prevent the use of the property, but may limit the effectiveness and safe viewing of the sign from E. Grand River.
2. The property is unique due to the existing building having a larger than normal setback from E. Grand River.
3. The need for a potential variance in wall sign size would be due to the large setback of the adjacent building.
4. According to the letter visibility chart 15" letters would be visible at 630' which is close to the maximum distance at which the area where the wall sign will be placed is visible.
5. The granting of the variance would 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. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.



FRONT ELEVATION - Sign Type (A.3)(QTY:1)
 Channel Letters - Raceway Mount
 Scale: 3/32" = 1' (219 SQFT)



EXISTING CONDITIONS
 Scale: NTS'

URBAN NEON
 Sign, Lighting & Graphics Company

Quality Craftsmanship Since 1993

500 Pine St. - Suite 3B
 Holmes, Pa. 19043

610-583-6366
 (fax) 610-461-5566
 www.urbanneon.com

HARBOR FREIGHT

3652 E. GRANDE RIVER AVE.
 HOWELL, MI.

DATE:	01-08-15
DRAWN BY:	MCM
SALES:	JM
P.M.:	SL

REVISIONS

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RED LINE NOTES

--

Customer Approval

SIGNATURE	
DATE	

Landlord Approval

SIGNATURE	
DATE	

Customers Signature Authorizes
 Urban Neon To Produce Design
 As Specified.

All Spelling, Punctuation And Colors
 Have Been Reviewed And Approved.

All Designs Property Of
 Urban Neon.
 Unauthorized Use
 Not Permitted.

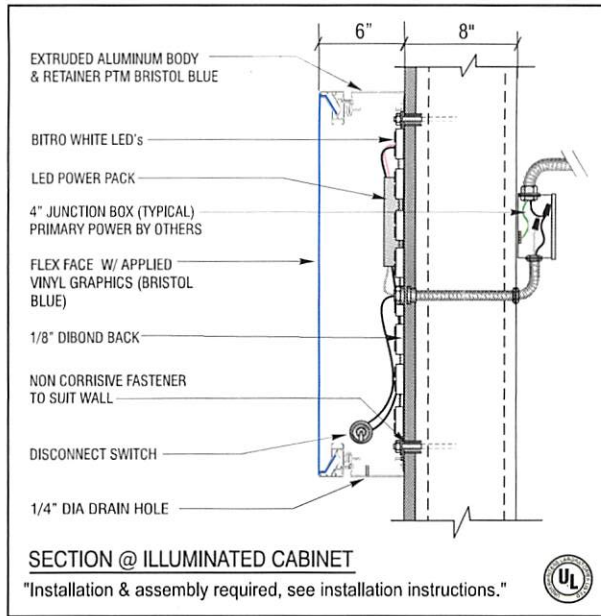
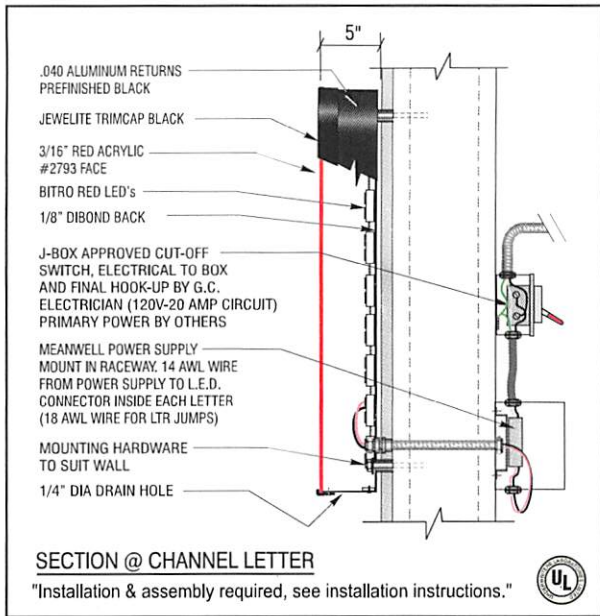
LOTT
 003.5

DRAWING #
 0327Cmcm

PAGE# 1 of 4



FRONT ELEVATION - Sign Type (A.3)(QTY:1)
 Channel Letters with Sub Cabinet - Remote Mount
 Scale: Proportional (219 SQFT)



URBANNEON
 Sign, Lighting & Graphics Company

Quality Craftsmanship Since 1993

500 Pine St. - Suite 3B
 Holmes, Pa. 19043

610-583-6366
 (fax) 610-461-5566
 www.urbanneon.com

**HARBOR
 FREIGHT**
 3652 E. GRANDE RIVER AVE.
 HOWELL, MI.

DATE:	01-08-15
DRAWN BY:	MCM
SALES:	JM
P.M.	SL

REVISIONS

RED LINE NOTES

Customer Approval

 SIGNATURE

 DATE

Landlord Approval

 SIGNATURE

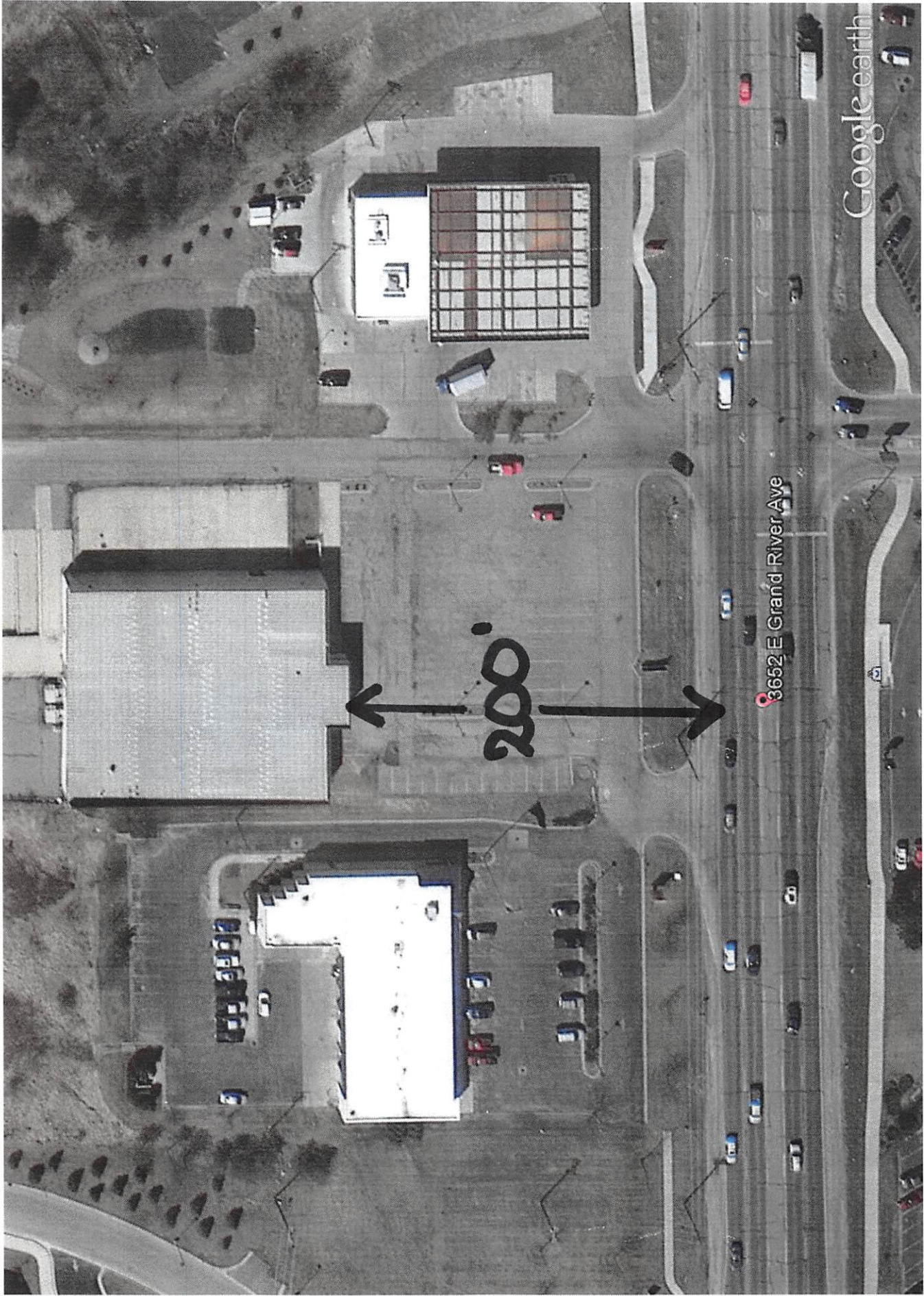
 DATE

Customers Signature Authorizes
 Urban Neon To Produce Design
 As Specified.
All Spelling, Punctuation And Colors
 Have Been Reviewed And Approved.

All Designs Property Of
 Urban Neon.
 Unauthorized Use
 Not Permitted.

LOTT

DRAWING #
0327Cmcm



200'

3652 E Grand River Ave

Google earth

Google earth

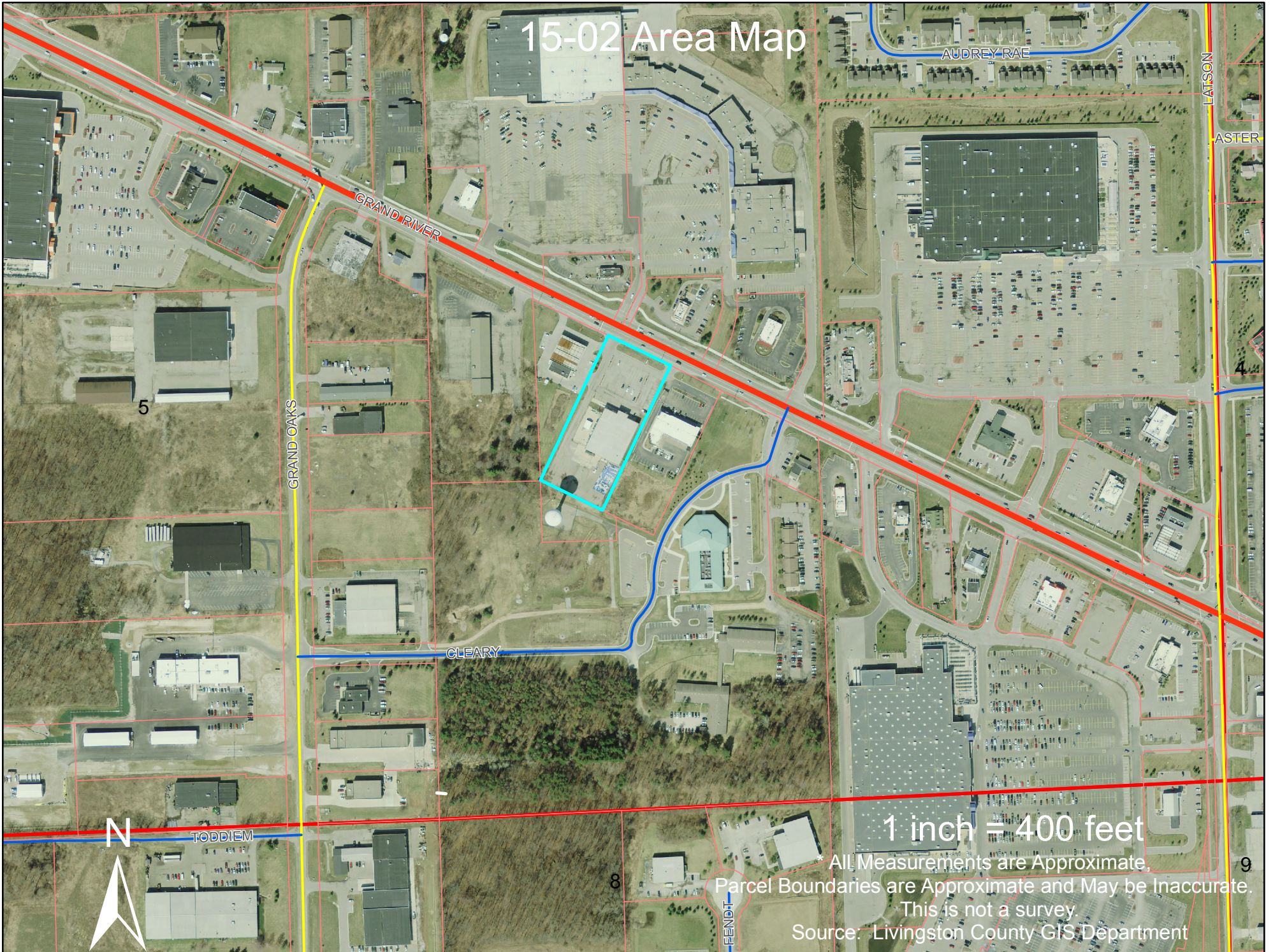
feet
meters

400

100



15-02 Area Map



1 inch = 400 feet

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



E. Grand River facing
East



E. Grand River facing
West.

Maximum Extents of Wall Sign Area Visibility



AUDREY RAE

GRAND RIVER

GRAND OAKS

CLEARY

N

475'

500'

1 inch = 300 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.

Source: Livingston County GIS Department

Letter Visibility Chart

How to choose your letter height

Signs are used to attract new business, identify you to your customers and in some cases provide a landmark for visibility. Whenever designing a sign, you always want to make sure your target can actually read your message. The size of your letters, logos, and the colors you choose are crucial in creating a visible and easily read sign.

The Letter Visibility Chart shows the maximum reading, and the best impact distance. A good rule of thumb is every 1 inch of letter height equals 10 feet of readability for maximum impact. For example, 3 inch tall letters have their best impact within 30 ft.; however, it can still be seen and read at up to 100 ft.

When designing your sign, consider what you will be using it for, and how far away the readers will be when viewing it. For example, if you are placing a sales ad inside of your retail store, your text only needs to be visible to the people in the store, so 1-2" or less would work just fine. However, if you are hanging a banner and want drivers on a nearby highway to be able to see it, you would design your letters at 4" or larger so that can more easily be read by a fast moving vehicle.

Another important factor is to use contrasting colors when designing your sign. Text color with a contrasting background can increase the impact and visibility of your sign by making your text stand out more. On the other hand, using a background color that is similar to your text color can make your text almost impossible to see at any distance. Some of the most visible text colors include black, red, and white, each most visible with a contrasting background color. Readable distance can vary 10% depending on various color combinations.

The font type that you choose can also impact the visibility of your text. Very thin fonts and script fonts can potentially decrease visibility. When choosing fonts, you want a bold style font that is easy to read with sufficient spacing between letters. You can test this by typing in a few words in a computer program at different font styles, colors, and sizes, and printing them out and posting them on a wall. Stand back and view them at different distances to see how all these aspects come into play in choosing the proper lettering for your sign.

When choosing a sign, there is a lot to consider. You'll want to make the best impact on those you are trying reach. The size, colors, and styles you choose should all depend on what you want your sign to accomplish. You must decide where you want the balance between design and functional to fall. Always consider how your sign will be viewed and who you are trying to reach. Saving a few dollars by purchasing smaller letters may defeat the purpose for what your sign was intended; you may be wasting your money if the sign cannot be read by the customers you are trying to attract.

chesapeake
SIGN
companyINC

10540 York Road
Suite E
Cockeysville, Md 21030
410-66-SIGNS (410-667-4467)
Fax: 410-667-4469
www.ChesapeakeSign.com
info@ChesapeakeSign.com

Letter Visibility Chart

LETTER HEIGHT	2"	3"	4"	6"	8"	10"	12"	15"
MAXIMUM IMPACT	20'	30'	40'	60'	80'	100'	120'	150'
READABLE DISTANCE	70'	100'	150'	200'	350'	450'	525'	630'

LETTER HEIGHT	18"	24"	30"	36"	42"	48"	54"	60"
MAXIMUM IMPACT	180'	240'	300'	360'	420'	480'	540'	600'
READABLE DISTANCE	750'	1000'	1250'	1500'	1750'	2000'	2250'	2500'

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

02/12/2015 12:06 PM

Parcel:	4711-05-400-033	Current Class:	201.201 COMMERCIAL- IMPROVED
Owner's Name:	RAND ASSOC.	Previous Class:	201.201 COMMERCIAL- IMPROVED
Property Address:	3652 E GRAND RIVER HOWELL, MI 48843-8553	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-02
		School:	47070 HOWELL
		Neighborhood:	2014 2014 MAIN COMMERCIAL
Liber/Page:	15900369	Created:	//
Split:	//	Active:	Active
Public Impr.:	None		
Topography:	None		

Mailing Address:

RAND ASSOC.
HERBERT RICKERT
1270 RICKETT RD
BRIGHTON MI 48116

Most Recent Sale Information

Sold on 06/30/1992 for 275,000 by .

Terms of Sale: INVALID SALE

Liber/Page: 15900369

Most Recent Permit Information

Permit 07-125 on 08/15/2007 for \$150 category TENT.

Physical Property Characteristics


2015 S.E.V.:	Tentative	2015 Taxable:	Tentative	Lot Dimensions:	
2014 S.E.V.:	534,700	2014 Taxable:	484,505	Acreage:	2.69
Zoning:	RCD	Land Value:	543,344	Frontage:	224.0
PRE:	0.000	Land Impr. Value:	51,196	Average Depth:	523.0

Improvement Data

of Commercial Buildings: 1
Type: Store, Discount
Desc:
Class: C
Quality: Low Cost
Built: 1992 Remodeled: 0
Overall Building Height: 0
Floor Area: 19,075
Sale Price/Floor Area: 14.42
Estimated TCV: 469,222
Cmts:

Image



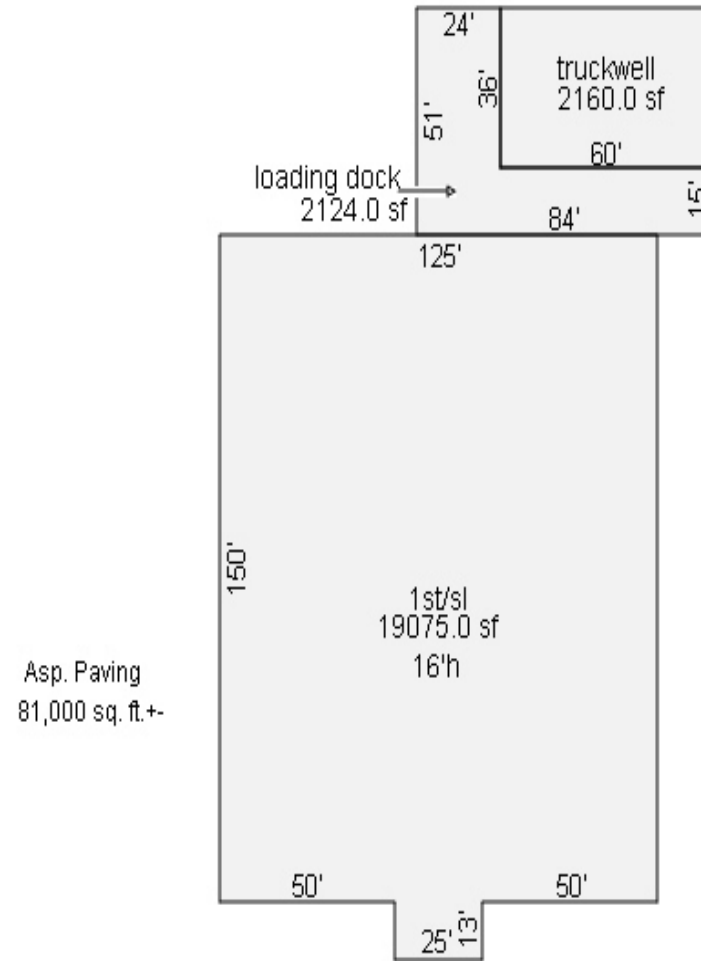
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
		275,000	06/30/1992	WD	INVALID SALE	15900369	BUYER	0.0			
Property Address		Class: 201 COMMERCIAL- IM		Zoning: RCD		Building Permit(s)		Date	Number	Status	
3652 E GRAND RIVER		School: HOWELL		SIGN		05/16/2013		S13-051	NO START		
Owner's Name/Address		P.R.E. 0%		COMM MISCEL		05/13/2013		P13-042	NO START		
RAND ASSOC. HERBERT RICKERT 1270 RICKETT RD BRIGHTON MI 48116		MAP #: V15-02		TENT		08/15/2007		07-125	NO START		
Tax Description		2015 Est TCV Tentative		TENANT BUILD-OUT		02/26/2007		07-016	NO START		
SEC 5 T2N R5E COMM SE COR SEC, TH N01*58'49"E 583.87 FT TH N64*04'39"W 1422.26 FT TH N60*51'00"W 530.18 FT TO POB TH S29*25'03"W 523.23 FT TH N60*51'00"W 226.52 FT TH N29*37'59"E 523.25 FT TH S60*51'00"E 224.56 FT TO POB CONT 2.71 AC M/L SPLIT 6/92 FR 023 (14) CORR LEGAL 2/15 PARCEL B		X Improved		Vacant		Land Value Estimates for Land Table GRIVE.GRAND RIVER FRONTAGE					
Dirt Road		Public Improvements		* Factors *							
Gravel Road		Description		Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
Paved Road		GRD RIVR 1500		224.00	523.00	1.0000	1.6171	1500	100		543,344
Storm Sewer		224 Actual Front Feet, 2.69 Total Acres		Total Est. Land Value = 543,344							
Sidewalk		Land Improvement Cost Estimates									
Water		Description		Rate	CountyMult.	Size	%Good	Cash Value			
Electric		Commercial/Industrial Local Cost Land Improvements									
Gas		Description		Rate	CountyMult.	Size	%Good	%Arch.Mult	Cash Value		
Curb		PAVING LC		1.50	1.00	81000.0	39	100	47,385		
Street Lights		6'TO 8' CHAIN LINK		15.00	1.00	580.0	39	100	3,393		
Standard Utilities		3 STRAND BARB WIRE		1.85	1.00	580.0	39	100	418		
Underground Utils.		Total Estimated Land Improvements True Cash Value =		51,196							
Comments/Influences		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value			
Who		When	What	2015	Tentative	Tentative	Tentative			Tentative	
				2014	271,700	263,000	534,700			484,505C	
				2013	271,700	363,100	634,800		476,875T	476,875C	
				2012	271,700	385,600	657,300	657,300J	476,875T	476,875C	

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

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

Desc. of Bldg/Section: Calculator Occupancy: Store, Discount				<<<<< Calculator Cost Computations >>>>>				
Class: C Floor Area: 19,075 Gross Bldg Area: 19,075 Stories Above Grd: 1 Average Sty Hght : 16 Bsmnt Wall Hght				Class: C Quality: Low Cost Percent Adj: +0				
				Base Rate for Upper Floors = 37.40				
Depr. Table : 3% Effective Age : 24 Physical %Good: 48 Func. %Good : 100 Economic %Good: 100				** ** Calculator Cost Data ** **				
				(10) Heating system: Package Heating & Cooling Cost/SqFt: 3.30 100% Adjusted Square Foot Cost for Upper Floors = 40.70				
1992 Year Built Remodeled				1 Stories Number of Stories Multiplier: 1.000 Average Height per Story: 16 Height per Story Multiplier: 1.000 Ave. Floor Area: 19,075 Perimeter: 576 Perim. Multiplier: 0.882 Refined Square Foot Cost for Upper Floors: 35.90				
				County Multiplier: 1.49, Final Square Foot Cost for Upper Floors = 53.487				
Overall Bldg Height				Total Floor Area: 19,075 Base Cost New of Upper Floors = 1,020,267				
				100 Sq.Ft. of Sprinklers @ 2.20, County Mult.:1.49 Cost New = 328				
Comments:				Reproduction/Replacement Cost = 1,020,595 Eff.Age:24 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 48 /100/100/100/48.0 Total Depreciated Cost = 489,885				
				Local Cost Items Rate Quantity/Area %Good Depr.Cost TRUCK WELL 9.00 2160 64 12,442 LOADING DOCK 14.00 2124 64 19,031				
*** Basement Info ***				<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>				
				*** Mezzanine Info *				
Area: 100 Type: Low				* Sprinkler Info *				
				Area #1: Type #1: Area #2: Type #2:				
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:		
(2) Foundation:		(8) Plumbing:		Outlets: Fixtures:		(40) Exterior Wall:		
X Poured Conc. Brick/Stone Block		Many Above Ave. Average Typical Few None		Few Average Few Average Many Unfinished Many Unfinished Typical Typical				
(3) Frame:		Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners		Flex Conduit Incandescent Rigid Conduit Fluorescent Armored Cable Mercury Non-Metalic Sodium Vapor Bus Duct Transformer		Thickness Bsmnt Insul.		
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(14) Roof Cover:		
(5) Floor Cover:		(10) Heating and Cooling:		Gas Coal Oil Stoker Hand Fired Boiler				
(6) Ceiling:								

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



Sketch by Apex Medina™

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 13, 2015
6:30 P.M.**

MINUTES

Chairperson 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 were as follows: Jerry Poissant, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens. Also present was Township staff member Ron Akers. There were 15 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: **Moved** by Figurski, seconded by Ledford to approve the agenda as presented. **Motion passed.**

Call to the Public: was made with no response. (*Please Note: The Board will not begin any new business after 10:00 p.m.*)

14-30 ... A request James Harmon, 4289 Sweet Road, for a variance from the maximum allowable size of a detached accessory building.

Mr. James Harmon was present for the petitioner. He stated that he moved to the house in 2007 and it already had a 30 x 40 storage barn. He owns a business and would like to extend the building to 24 x 50 for storage of his equipment.

Dhaenens questioned if the equipment could be stored in the existing structure. Mr. Harmon stated that some of the construction equipment is too tall and cannot fit into the existing structure. The builder that Mr. Harmon is using is TJ Lockwood out of Fowlerville.

Mr. Poissant stated that Mr. Harmon's neighbor was present at the last meeting and was very supportive of this variance. The Board stated that they are concerned about no hardship due to the land being presented by the petitioner. Mr. Harmon stated that he cannot build an attached garage due to the placement of his well, septic and power lines.

A call to the public was made with no response.

Moved by Ledford, supported by Figurski to deny case# 14-30 for 4289 Sweet Road petitioned by Mr. James Harmon for a 1200 sq. ft. variance from the maximum size to construct a 1200 sq. ft. addition to an existing structure of 1200 sq. ft.

There is no practical difficulty, no extraordinary circumstances and the hardship is self-created. This would not make the property consistent with majority of the properties in the area. Since construction has begun the petitioner is instructed to remove all materials and return the property to its original state. **Motion carried.**

15-01 ... A request by Phil Poma III, 2092 Webster Park Drive, for a variance to allow an easement over a residential riparian lot which will provide access to the water for an individual who is not a resident of such residential riparian lot.

Mr. Phil Poma III and Lori Sider, petitioner's realtor, were present for the petitioner.

The Trudel's own a 10 foot wide piece property that is 2 feet from the accessory building. To access the house, the owner would have to cross over the 10 foot piece of property. The Trudel's would like to sell the 10 foot piece of property only if a 20 foot easement was granted for the Trudel's to access the lake. The Trudel's feel this would decrease the value of their property if they just sold the 10 foot piece of property without securing access to the lake. The 10 foot piece of property is deeded property and not an easement. The 20 foot easement would be exclusive to the Trudel's.

Ledford stated that the Board has a copy of the Pardee Lake Property Owners Association by-laws. McCreary stated that according to the by-laws it states that a non-riparian owner is supposed to have 50 feet of access.

Dhaenens stated the issues before the Board is the by-laws saying that the petitioner would need 50 feet and the neighbors are against this.

A call to the public was made with the following: An email from Charles and Christina Manuel, 4375 Irene Drive, stated the following: "As owners of Lots 3, 64, and 66 located within 300 feet of said easement request do hereby express objection to the request for the 20 feet easement to obtain access to Pardee Lake. It is our opinion that any easement for the purpose of obtaining or maintaining access to lake usage is inappropriate and such request(s) should be categorically denied by the Township Board of Appeals. Furthermore, this position is unquestionably maintained by the By Laws/Constitution of the Pardee Lake Homeowner's Association."

Jim French- 2191 Webster Park Drive stated that he is also President of the Pardee Lake Homeowner's Association and he supplied the Board with the by-laws and made reference to the anti-keyhole ordinance that was approved in 1989 and to the Court of Appeals case Genoa vs Jones. It was a similar case with Mr. Robert Jones wanted access to the lake with an easement for a non-riparian owner. It was settled in the Pardee Lake Associations favor. Mr. French stated some of the negative impacts of key holing would do to the lake such as the wellbeing of the lake. He would like the Board to deny this variance and not set a precedence. He would hope that the Board would prohibit the easement.

John Reynolds, 1922 Olympia Drive he stated that he received notice of this meeting because he lives within 300 feet of the petitioner. My property is on the lake. He is strongly opposed to anyone having access to the lake. There is an issue with people living

on the lake and paying for weed control and the Trudel's would not have to pay for the special assessment. He requests that the Board not give approval of this variance. He does have sympathy for the Poma's however he would like to see the lake owner's rights protected. Mr. Reynold's stated concern if this variance was granted what would precedence would be set.

Jamie Keller- Keller Williams Realty stated that she has worked with Lori on this item for a while. She stated that both property owners received the property by deaths on both sides. They tried to come up with an amicable agreement to correct something that happened a long time ago. Both owners have hardship to try and keep up the property. She would like to see this approved.

Leanna Martin- potential buyer of the Poma's property- she stated that she is looking at purchasing the property. She has talked to the Trudel's about their concerns of someone coming in the trying to take property from them. The person that owned the 10 foot before did put a fence up and blocked that person from reaching their house. There is a potential if someone come in and purchased the Trudel's property could block the Poma's from accessing their house.

Scott Sell- Manistee County- He stated that he has been the Poma's numerous times and the 10 foot piece of property is only 6 feet from the Poma's front door. It is taking a 10 foot easement and moving it to the other side.

Mr. Noble- 2187 Webster Park Drive- stated that it seems to him that it would be a trade for one piece of property and moving it to the other side.

Akers stated that the Township does not enforce Deed restrictions and the current zoning of the property prohibits the parcel from being split.

Moved by Poissant, supported by Figurski to deny case#15-01 for 2092 Webster Park Drive for a variance to allow an easement of 20 feet over a residential riparian lot which will provide access to the water for an individual who is not a resident of such residential riparian lot. **Motion carried.**

Administrative Business:

1. **Approval of minutes: moved** by Poissant, supported by McCreary to approve the December 9th, 2014 Zoning Board of Appeals meeting minutes with typographical corrections. **Motion carried.**
2. **Election of Officers:** Moved by McCreary, supported by Figurski, to appoint Dhaenens for Chairman and McCreary for Vice Chairperson. **Motion carried.**
3. **2014 Year End Report:** Akers stated the report showed the same concerns as the previous year in regards to non-conforming lots in zoning districts. He stated that the update to the Zoning Ordinance is slated to happen this year and that the feedback that the Planning Commission receives from the Zoning Board of Appeals is crucial. He would like the Board members to review the report and give any concerns to him before the next Zoning Board of Appeals meeting.

4. **Correspondence:** Akers stated that he included training information for the members to attain if possible. There are training sessions in Hamburg Township, Pittsfield Township and the City of Okemos. Akers showed the Board the new postcard notices that will be sent out the residence within 300 feet.
5. **Township Board Representative Report:** Ledford stated that the January 5th, 2015 meeting was canceled to due lack of agenda items.
6. **Planning Commission Representative Report:** Figurski stated that at the December meeting Mr. Gronow's overhang was approved on his detached accessory structure, Red Olive was tabled until the January meeting and the Well Church was approved. The January meeting included the demolition of the Bennigans building to allow for construction of a 5 unit center which would include a Panera restaurant. Red Olive was approved for construction at the existing Prairie House location. Battery Solutions requested to be postponed.
7. **Zoning Official Report:** Akers stated the new part-time Ordinance Officer started on January 5th, 2015 and he is going to be working on the Capital Improvement Plan to be presented to the Planning Commission and Township Board.
8. **Member Discussion:** Akers recommended to the Board that when making a denial motion that there should be a reference to the standards of approval for variance requests.
9. **Adjournment: moved** by Ledford, supported by Figurski to adjourn the January 13th, 2015 Zoning Board of Appeals meeting at 8:50 p.m. **Motion carried.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 12-22-2014
RE: 2014 Zoning Board of Appeals Year End Report

Please find information for the 2014 ZBA year-end report. Please consider recommendations that could be submitted in the executive summary and I will ensure it is prepared for the February meeting. Thank you and I look forward to our discussion on this topic.

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



2014 Zoning Board of Appeals Annual Report

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 2014 were hearing variance requests, the election of officers, and the creation of the 2013 Annual Report and Executive Summary.

Variations

During 2014 the Zoning Board of Appeals heard thirty-one (31) variance cases. They are broken down as follows:

- **31 Total Cases**
 - 20 Approved, 6 Denied, 3 Removed from Agenda at Applicants Request, 2 Pending Decision in 2015
- **16 Variance Cases on Properties with Lake Frontage**
 - 13 Approved, 1 Denied, 2 Removed from Agenda at Applicants Request
- **Breakdown by Project Type**
 - 8: New Single Family Homes
 - 7 Approved, 1 Denied
 - 6 Lake Front
 - 11: Residential Additions
 - 9 Approved. 0 Denied, 1 Removed from Agenda at Applicants Request, 1 Pending Decision in 2015
 - 9 Lake Front
 - 8: Detached Accessory Buildings
 - 3 Approved, 2 Denied, 2 Removed from Agenda at Applicants Request, 1 Pending Decision in 2015
 - 1 Lake Front
 - 2: Sign
 - 1 Approved, 1 Denied
 - 1: Use of a non-conforming duplex which was vacant for more than twelve (12) months.
 - 0 Approved, 1 Denied
 - 1: Patio installation in the required wetland buffer.
 - 0 Approved, 1 Denied
- **Breakdown by Zoning District & Variance Type**
 - Lake Resort Residential (LRR): (18 Cases)
 - Building Height (2 Requests)
 - 1 Approved, 1 Removed at Applicants Request
 - Use Variance (1 Request)
 - 1 Denied
 - Separation Between Principal and Accessory Building (1 Request)
 - 1 Approved
 - Front Yard Setback (11 Requests)
 - 10 Approved, 1 Removed at Applicants Request
 - Shoreline Setback (6 Requests)
 - 6 Approved

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- Side Yard Setback (9 Requests)
 - 6 Approved, 3 Removed at Applicants Request
 - Rear Yard Setback (1 Request)
 - 1 Approved
- Country Estate (CE): (5 Cases)
 - Detached Accessory Building Size (2 Requests)
 - 1 Denied, 1 Pending Decision in 2015
 - Detached Accessory Building Without a Principal Building (1 Request)
 - 1 Approved
 - Front Yard Setback (1 Request)
 - 1 Approved
 - Side Yard Setback (3 Requests)
 - 3 Approved
- Suburban Residential (SR): (3 Cases)
 - Building Height (1 Request)
 - 1 Denied
 - Wall Sign (1 Request)
 - 1 Denied
 - Side Yard Setback (1 Request)
 - 1 Denied
- Low Density Residential (LDR): (1 Case)
 - Detached Accessory Building Size (1 Request)
 - 1 Pending Decision in 2015
 - Rear Yard Setback (1 Request)
 - 1 Pending Decision in 2015
- Rural Residential (RR): (1 Case)
 - Detached Accessory Building Size (1 Request)
 - 1 Denied
- Office Service (OSD): (1 Case)
 - Wetland Buffer Setback (1 Request)
 - 1 Denied
- General Commercial (GC): (1 Case)
 - Temporary Sign (1 Request)
 - 1 Approved
- Mixed Use Planned Unit Development (MUPUD): (1 Case)
 - Rear Yard Setback (1 Request)
 - 1 Approved

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

2014 ZBA Case Summaries

JANUARY

Variance: 1

Case: 14-01

Applicant Name: Ben Marhofer

Address: 4179 Sweet Road

Type of Variance: Side yard setback variance of 31.5 feet to build an attached garage.

Lakefront: No

Decision: Approved

Why? Conditions? Approval conditioned upon the garage being guttered with downspouts.

FEBRUARY

Variance: 2

Case: 14-02

Applicant Name: Larry and Christa White

Address: 4489 Oak Pointe Drive

Type of Variance: Height variance of 5 feet to build a new single family residence.

Lakefront: Yes

Decision: Approved

Why? Conditions? The Board approved a 5-foot roof height variance with 30 feet of allowed height. They said the owners must get an easement with the golf course to cross that property for installation of sewer line. House must have gutters and downspouts.

Variance: 3

Case: 14-03

Applicant Name: Michael and Gail McLean

Address: Homestead Drive (no address)

Type of Variance: Front yard setback of 8 feet and 5-foot side yard setback variance to build a new single family home.

Lakefront: Yes

Decision: Approved

Why? Conditions? Board allowed an 8-foot variance with resulting setback of 27 feet. They must remove a landscaping trellis before land use permit will be issued and the new structure must have gutters and downspouts.

MARCH

Meeting Cancelled

April

Variance: 4

Case: 14-04

Applicant Name: Patricia Crane and Ronald Cyr

Address: 4283 Clifford Road

Type of Variance: 5-foot shoreline setback variance

Lakefront: Yes

Decision: Approved

Why? Conditions? Board approved a 5-foot shoreline setback due to practical difficulty. No conditions.

Variance: 5

Case: 14-05

Applicant Name: Joseph Andrews

Address: 1115 Norfolk

Type of Variance: Use variance to use existing building as a duplex

Lakefront: No

Decision: Denied

Why? Board denied request because home was vacant for 12 months and reverted to single family residential. All neighboring properties are single family.

Variance: 6

Case: 14-06

Applicant Name: Ronald Stotler

Address: 4337 Richardson Road

Type of Variance: 65-foot front yard setback, 15-foot side yard setback, 60-square-foot variance from the maximum allowable size of a detached accessory building, and a variance to allow a detached accessory building in the front yard.

Lakefront: No

Decision: Approved (Front and Side Yard Setback), Denied (Accessory Building Size)

Why? Conditions? Board approved the 65-foot front yard setback, the side yard setback and the detached accessory building in the front yard due to practical difficulty. They denied the variance from the maximum allowable size of a detached accessory building.

Variance: 7

Case: 14-07

Applicant Name: PB Development LLC

Address: 4252, 4260 Highcrest

Type of Variance: 2-foot shoreline setback, 10-foot front yard setback (was granted in January 2013)

Lakefront: Yes

Decision: Approved

Why? Conditions? Board approved a 10-foot front yard and 2-foot shoreline setback for the construction of a new home. The house must be guttered. Also, a variance granted at the Jan. 15, 2013 meeting, Case 13-04, is null and void.

MAY

Variance: 8

Case: 14-08

Applicant Name: EBI Inc.

Address: 5411 Ridgemont St.

Type of Variance: 30-foot rear yard setback, 5-foot variance from the minimum separation distance between the principal and accessory building.

Lakefront: No

Decision: Approved

Why? Conditions? Board granted variances for 30 feet in rear yard and 5 feet for separation between the principal structure and the accessory structure. Conditions placed were gutters and downspouts on the new home, and homeowner obtaining a staked survey.

Variance: 9

Case: 14-09

Applicant Name: Kelly Cadegan

Address: 652 S. Hughes

Type of Variance: 2-foot side yard setback

Lakefront: No

Decision: Tabled in May at the request of the petitioner. Case removed from June agenda.

Why? Cadegan met the terms of the ordinance.

Variance: 10

Case: 14-10

Applicant Name: Jan and Anne Pitzer

Address: 3680 Dorr Road

Type of Variance: 10-foot side yard setback to construct a new single family home

Lakefront: Yes

Decision: Denied

Why? Conditions? Request was denied due to no existing hardship with the land.

Variance: 11

Case: 14-11

Applicant Name: Charles E. Horan

Address: 1828 S. Hughes

Type of Variance: 11-foot front yard setback, 6.6-foot side yard setback, 1-foot maximum building height, 12-foot shoreline setback

Lakefront: Yes

Decision: Approved(Front, Side Yard & Shoreline Setbacks); Applicant requested height request be removed.

Why? Conditions? Approval was given for an addition which maintains the current setbacks of the existing footprint because the property is nonconforming and there are not safety or welfare issues for the neighborhood. The board said the new home must have gutters and downspouts.

Variance: 12

Case: 14-12

Applicant Name: Todd Hurley

Address: 3292 Beck

Type of Variance: 1,200-square-foot variance from the maximum accessory building size of 1,200 square feet

Lakefront: No

Decision: Denied

Why? Conditions? Board members denied the request because there was no practical difficulty.

Variance: 13

Case: 14-14

Applicant Name: Tom Secrest

Address: 4089 Homestead

Type of Variance: 9-foot side yard setback variance and 24-foot front yard setback variance

Lakefront: Yes

Decision: Tabled in May to allow Secrest to stake the property so the board can see if drivers can safely back out of the garage. Secrest came back to the ZBA in June and received approval.

Why? Conditions? He received approval for a 9-foot side yard setback and a 22-foot front yard setback to build an attached garage and second story to an existing home. The conditions are that he put in gutters and downspouts.

JUNE

Variance: 14

Case: 14-15

Applicant Name: Kristinne Horvath

Address: 3682 Beattie Road

Type of Variance: 4.5 feet from the maximum allowable height for a detached accessory building

Lakefront: No

Decision: Tabled in June for further discussion at July meeting; petitioner then asked for a delay until August. Request was denied at August meeting.

Why? Conditions? Board denied case because there was a lack of hardship, extraordinary circumstances or practical difficulty.

Variance: 15

Case: 14-16

Applicant Name: NorthRidge Church

Address: 7555 Brighton Road

Type of Variance: 54.67 square feet to place a wall sign on the church building

Lakefront: No

Decision: Tabled in June at petitioner's request; denied at July meeting.

Why? Conditions? The request was denied because it was based on the philosophy of the church, not on extraordinary circumstances applicable to the property or use. Zoning prohibits use of more than one sign.

Variance: 16

Case: 14-17

Applicant Name: Tim Chouinard

Address: 824 Pathway

Type of Variance: Shoreline, front yard and side yard setbacks to build an addition onto a single family home.

Lakefront: Yes

Decision: Tabled in June; approved at July meeting.

Why? Conditions? The Board granted a 27.5-foot variance from the front yard setback, 1.34 feet from the side yard and 6 feet from the shoreline setback. The Board cited the practical difficulty of the lakefront lot and the topography. Gutters and downspouts are required.

Variance: 17

Case: 14-18

Applicant Name: Brad Rondeau

Address: 6919 W. Grand River

Type of Variance: 14 feet from the required wetland setback to build a patio.

Lakefront: No

Decision: Denied

Why? Conditions? The request was denied because of the adjacent wetlands and the practical difficulty was self-created.

JULY

Variance: 18

Case: 14-19

Applicant Name: John Smarch

Address: 715 Pathway

Type of Variance: Side yard setback to build an addition above the attached garage.

Lakefront: Yes

Decision: Approved

Why? Conditions? Smarch was granted a side yard setback variance of 10 feet to build an addition to the attached garage and resolve a drainage issue on the property. Because of proximity to the neighboring house, he must construct a firewall. He must also install gutters and downspouts.

Variance: 19

Case: 14-20

Applicant Name: Poloski Construction Inc.

Address: 3758 Noble St.

Type of Variance: Shoreline and front yard setbacks to build a new single family home.

Lakefront: Yes

Decision: Approved

Why? Conditions? Poloski was given a 32-foot front yard variance and a 4-foot shoreline variance as the Board cited the narrowness of the land and the topography. Gutters and downspouts required.

Variance: 20

Case: 14-21

Applicant Name: Dolores Malysz

Address: 1330 Clark Lake Road

Type of Variance: Front yard setback to build an addition and raise the foundation.

Lakefront: Yes

Decision: Approved

Why? Conditions? Front yard setback approved based on the topography of the lot. The approval was conditioned upon certified drawings stamped and signed by an engineer, necessary approvals from the

Health and Building departments being supplied to the Township. Applicant will also agree to have Akers review little ordinance with him.

AUGUST

Variance: 21

Case: 14-22

Applicant Name: Paul and Joy Corneliussen

Address: 3880 Highcrest Drive

Type of Variance: Side yard setback to build a detached accessory building

Lakefront: Yes

Decision: Tabled in August at request of petitioners. Case removed from the September agenda at request of the applicant. It has not come back to Board.

Variance: 22

Case: 14-23

Applicant Name: Scott and Maureen Kiefer

Address: 3695 Highcrest Drive

Type of Variance: Front and side yard setbacks to build an addition to the existing single family home.

Lakefront: Yes

Decision: Tabled in August. Request then dropped at request of petitioner.

Why? Conditions? Applicant wanted time to revisit both 3-foot setbacks and address the drainage. They then dropped the request and came back with different plans as Case #14-28.

SEPTEMBER

Variance: 23

Case: 14-24

Applicant Name: Rod and Tamara Evans

Address: 4147 Highcrest Drive

Type of Variance: 7.25-shoreline setback and 16.25-front yard setback to build a new single family home.

Lakefront: Yes

Decision: Approved

Why? Conditions? Board cited the practical difficulty and extraordinary circumstances with limited building envelope due to shoreline setback, topography and narrowness of lot, and placement of well and sewer. House must be guttered with downspouts and water runoff toward the lake.

Variance: 24

Case: 14-01

Applicant Name: Chilson Pointe LLC

Address: 4666 Brighton Road

Type of Variance: 1,520-square-foot variance from the maximum accessory building size of 1,200 feet to build a 40-foot-by-50-foot accessory building, Rear Yard Setback Variance.

Lakefront: No

Decision: Tabled in September and October at request of petitioner. Tabled again in December until March 17, 2015 meeting at the request of the petitioner

OCTOBER

Variance: 25

Case: 14-26

Applicant Name: Donald Davis

Address: 3907 Homestead

Type of Variance: 10.2-foot front yard setback to build a second floor addition on a single family home.

Lakefront: Yes

Decision: Approved

Why? Conditions? The board cited the practical difficulty of the small building envelope created by the existing placement of the home, it is legally non-conforming and the need is not self-created. Variance will make it consistent with the neighboring properties.

Variance: 26

Case: 14-27

Applicant Name: Todd Hutchins

Address: 3350 S. Latson

Type of Variance: Variance to allow and accessory building on a parcel without a principal building.

Lakefront: No.

Decision: Approved

Why? Conditions? Condition placed to allow the accessory building as long as the 4.42 acres are rezoned from Country Estates to Rural Residential. Also, if the home is not built within a year of the property being split, the owner must demolish the accessory structures at their expense.

Variance: 27

Case: 14-28

Applicant Name: Scott and Maureen Kiefer

Address: 3695 Highcrest

Type of Variance: Front and side yard variances to build an addition to an existing single family home.

Lakefront: Yes

Decision: **Approved**

Why? Conditions? Board approved 5-foot front yard variances with a 30-foot setback and a 11-foot side yard variance with a 9.1-foot setback to build an addition. Board cited practical difficulty of the current home location and grade. Home must be guttered with downspouts. (See case #14-23)

Variance: 28

Case: 14-29

Applicant Name: Steven C. Liedel and Janine K. Fogg

Address: Lot 23, Oak Tree Court, 4711-28-401-023

Type of Variance: Rear yard setback of 9.9 feet to build a new single family home.

Lakefront: No

Decision: Approved

Why? Conditions? Board cited the practical difficulty of the tree location to the east and the utility easement to the north.

NOVEMBER

Meeting Cancelled

DECEMBER

Variance: 29

Case: 14-30

Applicant Name: James Harmon

Address: 4289 Sweet Road

Type of Variance: 1,200-square-foot variance from the maximum accessory building size (1,200 square feet) to build a 1,200-square-foot addition to an existing detached accessory building

Lakefront: No

Decision: Tabled until Jan. 13, 2014 meeting at the petitioner's request.

Variance: 30

Case: 14-31

Applicant Name: Steve Schenck (Liberty Tax Service)

Address: 4072 E. Grand River

Type of Variance: Relief from zoning ordinance that prohibits temporary signs to 14 days or once during the stay of the business at same location or if the business has new owners.

Lakefront: No

Decision: Approved

Why? Conditions? Board said approval was given because of seasonal nature of the business and the need for it to be more visible: Jan. 16 through Feb. 8, 2015 and again April 6-15, 2015.

Variance: 31

Case: 14-32

Applicant Name: Christian and Damian Karch

Address: 5400 Brady Road

Type of Variance: 26.5-foot side yard variance for a 2,100-square-foot addition onto an existing detached accessory building.

Lakefront: No

Decision: Approved

Why? Conditions? Board cited the limitations on the property when approving the request.

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Thursday, January 29, 2015 10:35 AM
To: Schindler, Kurt
Subject: IncompatibleOffice, SitePlanEnforcement, ConditionalRezoning, WindTurbinesGreatLakes

Dear everyone:

There are four items in this (January 29, 2015) email:

1. Legislation: Municipal employee/officer may also be police or fire persons in municipality under 50,000.
2. Court: Can enforce a site plan as part of zoning variance adopted by reference in motion granting variance.
3. Court: Conditional rezoning automatically reverts back upon abandonment of development.
4. Legislation: Prohibit wind turbines in the Great Lakes.

Follow this link for news articles on various land use/planning topics, with new postings every week:
<http://msue.anr.msu.edu/topic/info/planning>.

I asked a librarian if she was free this afternoon, she said she was all booked up.

-----kurt

=====

1. SB 0043 (2015): A bill to amend the act concerning incompatible offices for public employees and officers. The proposal is to create an exception so that a public employee and public officer a in a municipality with fewer than 50,000 population can also serve as police chief, fire chief, police officer, or public safety officer so long as they are not the one negotiating a collective bargaining agreement with the municipality. The bill would amend the incompatible offices act, sec. 3 of 1978 PA 566 (MCL 15.183). The bill was referred to the Senate Committee on Local Government.

Copy of the introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/Senate/pdf/2015-SIB-0043.pdf>

=====

2. Court: Michigan Court of Appeals (Unpublished No. 317908, December 18, 2014)

Case Name: *Pleasanton Twp. v. Parramore*

The appeals court held that the plaintiff-Pleasanton Township was improperly denied summary disposition on its claim that the defendant-property owner's (Parramore) building constituted a nuisance *per se* because the building violated a zoning ordinance - it did not satisfy the height restriction imposed as a condition for the variance from the side-yard setback requirement.

The appeals court first determined that the circuit court had jurisdiction because Parramore did not collaterally challenge the Zoning Board's decision - the Township sued him, alleging claims of nuisance *per se* and fraud, and asking for injunctive relief. The circuit court has jurisdiction to hear nuisance and fraud claims and to grant injunctive relief.

The variance at issue was granted during a Zoning Board of Appeals (ZBA) public meeting and was included in the meeting's minutes. This reference reflected that the ZBA "voted to grant the variance 'based on' Parramore's application[,]" which contained representations that the building would be eight feet tall. The land use permit was also based on the application. Therefore, his claim that the Zoning Board did not impose a height restriction in its variance was without merit, and the Township should have been granted summary

disposition. The Township could not be “estopped” from enforcing the zoning ordinance or its condition based on “the Zoning Administrator’s alleged verbal statements or the land use permit issued by the Zoning Administrator” A “municipality cannot be estopped from enforcing its zoning ordinances by ‘the ultra vires acts of its zoning officials.’”

The appeals court instead concluded that because Parramore “accepted the advantages of the variance by building his structure, but did not comply with the condition on the grant of the variance,” he was “estopped from challenging the propriety of the condition” and it was binding on him.

However, the Township failed to establish its claim that he was also estopped under a fraud theory because it failed to cite any evidence that he “made the representations regarding his building plans in bad faith without the present intention to perform.” It also failed to successfully state its claim based on judicial estoppel.

Parramore did not prevail on his counterclaim based on a violation of his equal protection rights because he did not show that “he was treated differently from another similarly situated applicant.” Additionally, “the right to build according to a preferred design is not a substantial property right.”

Affirmed in part, reversed in part, and remanded for entry of summary disposition for the Township on its nuisance *per se* claim and on Parramore’s equal protection counterclaim. (Source: State Bar of Michigan *e-Journal* Number:58931, January 27, 2015.)

Full Text Opinion: <http://www.michbar.org/opinions/appeals/2014/121814/58931.pdf>

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3. Court: Michigan Court of Appeals (Unpublished No. 317199, December 18, 2014)

Case Name: *Chestnut Dev. LLC v. Township of Genoa*

The court held that the trial court abused its discretion by granting the plaintiff-developer a writ of mandamus compelling the defendants-township and zoning administrator to issue a land use permit. While the court rejected defendants’ claim that the zoning classification matter was not ripe, the issue whether plaintiff was entitled to a land use permit to construct a single family home and to enlarge an existing pond on its property was not ripe for adjudication. Thus, it affirmed in part, vacated in part, and remanded. Plaintiff sought a writ of mandamus compelling defendants to issue a land use permit allowing it to construct a single family home.

Defendants claimed the matter was not ripe for adjudication and that plaintiff had to comply with its zoning ordinance as a consequence of the property’s prior Planned Unit Development (PUD) zoning. They also claimed plaintiff actually sought to mine sand from its property to sell, which is only permitted in industrial districts with special land use approval. After several hearings, the trial court eventually granted plaintiff’s request for a writ of mandamus and ordered defendants to issue the land use permit.

As to defendants’ argument that the matter of zoning classification was not ripe, the Appeals Court found that the conditional zoning agreement entered into between defendants and the prior property owner became void when the prior owner abandoned the development project and the property. “Therefore, the conditional rezoning of the property from [Agricultural zoning] AG to PUD was automatically revoked and, at some time before plaintiff purchased the property, the property reverted back to its original zoning classification, AG, by operation of” defendants’ ordinance and MCL 125.3405(2) (statute providing that when conditions for rezoning are not satisfied “the land shall revert to its former zoning classification”). Further, “[a]ll of the information necessary to resolve the issue of zoning classification was available and its resolution was not dependent on any determination by the [zoning board of appeals] ZBA.”

However, the issue of whether plaintiff was entitled to a land use permit to construct a home and to enlarge the pond on its property that is zoned AG was not ripe “because the municipality did not render a final determination regarding the requested use considering the property’s AG zoning classification” Thus, the claim “rests upon contingent future events that may not occur as anticipated, or may not occur at all.” (Source: State Bar of Michigan *e-Journal* Number:58918 January 26, 2015.)

Full Text Opinion: <http://www.michbar.org/opinions/appeals/2014/121814/58918.pdf>

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4. HB 4066 (2015): A bill to amend the Natural Resources and Environmental Protection Act to prohibit wind turbines in the Great Lakes (prohibit DNR deeds, leases, or permits for). Amends secs. 32503 & 32512 of 1994 PA 451 (MCL 324.32503 & 324.32512).

Copy of the introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-4066.pdf>

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Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Wednesday, February 11, 2015 11:39 AM
To: Schindler, Kurt
Subject: Placemaking, Urban Livestock, Commercial Use in Agriculture

Dear everyone:

There are three items in this (February 11, 2015) email:

1. Training: Placemaking training in many places state-wide
2. Training: Community considerations for allowing livestock in populated areas
3. Court: Commercial use in Agr district not allowed: was not a nonconforming use

Follow this link for news articles on various land use/planning topics, with new postings every week:
<http://msue.anr.msu.edu/topic/info/planning>.

A horse is a very stable animal.

-----kurt

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1. Placemaking training, and strategic action plan. The MIplace Partnership Initiative, in cooperation with the Michigan State Housing Development Authority, the Michigan Municipal League, the MSU Land Policy Institute(LPI), and MSU Extension (MSUS), prepared a six-module Placemaking Training Curriculum two years ago. Hundreds of training programs have been offered throughout Michigan since then to more than 11,000 people.

This year, from March-May, the LPI and MSUE are co-hosting more than 30 training workshops to be offered in communities across Michigan on Placemaking Strategy Development. There are two sets of workshops:

Option 1 (I) three hours of instruction or

Option 2 (II) three hours of instruction and an additional three hours of facilitated development of a draft placemaking strategy for each community in attendance.

Locations and dates are:

- Region 1:
 - March 23, 2015, 1:30-8:30 p.m., Sault Ste. Marie (II)
 - May 26, 2015, 1:30-8:30 p.m., Iron Mountain (II)
 - May 27, 2015, 1:30-8:30 p.m., Ishpeming (II)
 - May 28, 2015, 1:30-8:30pm, Hancock (II)
 - May 29, 2015, 9 a.m.-3 p.m., Escanaba (II)
- Region 2:
 - April 17, 9 a.m.-4 p.m., Manistee (II)
 - May 5, 9 a.m.-4:30 p.m., Frankfort (II)
 - May 6, 6 p.m.-9 p.m., Traverse City (I)
- Region 3:
 - March 25, 8:30 a.m.-3:30 p.m., Grayling (II)

- April 13, 1:30-8:30 p.m., Standish (II)
- April 20, 1:30-8:30 p.m., Rogers City (II)
- Region 4:
 - April 23, 9 a.m.-4 p.m., Reed City (II)
 - April 29, 1:30-8:30 p.m., Muskegon (II)
 - April 30, 1:30-8:30 p.m., Hart (II)
 - May 13, 6-9 p.m., Grand Rapids (I)
- Region 5:
 - April 14, 1:30-8:30 p.m., Mt. Pleasant (II)
 - May 12, 6:00-9:00 p.m., Saginaw (I)
- Region 6:
 - April 9, 1:30-8:30 p.m., Caro (II)
 - April 21, 1:30-8:30 p.m., Lapeer (II)
- Region 7:
 - April 15, 1:30-8:30 p.m., Mason (II)
 - April 21, 6-9 p.m., Lansing (I)
 - May 20, 1:30-8:30 p.m., St. Johns (II)
- Region 8:
 - April 16, 2:30-8:30 p.m. Lawrence (II)
 - May 6, 1:30-8:30 p.m., Marshall (II)
 - May 14, 5:30-8:30 p.m., Kalamazoo (I)
- Region 9:
 - April 16, 1:30-8:30 p.m., Hillsdale (II)
 - April 23, 1:30-8:30 p.m., Adrian (II)
 - May 20, 1:30-8:30 p.m., Howell (II)
- Region 10:
 - April 1, 6:00-9:00 p.m., Detroit (I)
 - May 7, 1:30-8:30 p.m., Clinton Twp (II)
 - May 18, 1:30-8:30 p.m., Waterford (II)
 - May 27, 1:30-8:30 p.m., Taylor (II)

The intended audience for these workshops are city council and township boards; local, county, regional and county staff, all planning commissioners; key developers; and community members. Communities will need multiple participants to maximize synergy and benefit for the community, especially for Option 2 Workshops.

These workshops are free and open to the public with meals on your own.

Pre-registration is required and registration is available online. Space is limited to first come, first served so register today! Michigan Citizen Planner is offering continuing education hours for each: three for Option 1 (I) workshops, six Option 2 (II) Workshops).

For general information, contact Holly Madill at madill@landpolicy.msu.edu or call 517.432.8800.

More information and to register: <http://events.anr.msu.edu/placemakingstrategy/>.

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2. Community considerations for allowing livestock in populated areas. April 10, 2015, 9am - 4pm, MSU Detroit Center, 3408 Woodward Ave., Detroit, MI 48201.

A day-long forum to engage community decision makers and residents in discussions about raising livestock in urban or residential settings.

The goal of this conference is discuss the considerations, concerns, and the process for determining policy at the local level.

Owners of livestock facilities in populated areas are encouraged to attend and add their viewpoint to these discussions.

Topics to be discussed include:

- The Michigan Department of Agriculture and Rural Development’s perspective on urban ag
- How to have a productive discussion with all interested stakeholders
- Environmental considerations
- Evaluating animal care
- Addressing other nuisances at the local level
- Disease risk potential to commercial livestock farms
- Public health considerations
- Processing and food safety of products

Keynote speaker will be Steve Cohen, Manager of Food Policy and Programs at the City of Portland, Oregon Bureau of Planning and Sustainability. In 2004 Portland, Oregon became the first U.S. city to establish a Food Policy and Program Manager position and Steve Cohen was selected to create the City’s innovative program. Cohen’s work focuses on all aspects of a sustainable food system including planning, food security, education, economic development, urban agriculture, purchasing, waste reduction, and climate change.

Cohen has extensive food sector experience in the direct-market economy, as well as purchasing, distribution, and marketing for major regional, national, and international food and beverage companies.

Registration fee: \$35.00 per attendee which includes lunch and refreshments.

For Information: http://msue.anr.msu.edu/events/considerations_for_raising_livestock_in_urban_settings

To register: <http://events.anr.msu.edu/register.cfm?eventID=8CBD41D076804C61®isProcessID=CD61C9AF5B0562F2>

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3. Court: Michigan Court of Appeals (Unpublished No. 318064, December 18, 2014)

Case Name: *Township of Macomb v. Svinte*

The court held that the trial court did not err by granting summary disposition for the plaintiff-township and enjoining the defendants-land owners from using their property for commercial purposes or for storing commercial property.

Plaintiff sought to enjoin defendants from using their property in this manner, claiming it violated a zoning ordinance, was not a prior nonconforming use because the commercial use of the property was never legal, and, even if there was a prior nonconforming use, they had inappropriately expanded that use. The trial court granted summary disposition for plaintiff.

On appeal, the court rejected defendants’ argument that summary disposition was inappropriate because there was a prior nonconforming use. It noted that the only evidence they presented in support of this argument was that the prior owners of the land had used the property for commercial purposes before they purchased it. “However, defendants are required to show a legal use occurring before the 1973 agricultural zoning ordinance took place. Defendants provide absolutely no evidence of this, which they were required to do to survive summary disposition.” As to their remaining arguments, the court noted that they were either unpreserved, undeveloped, or meritless. Affirmed. (Source: State Bar of Michigan *e-Journal* Number:58933, February 2, 2015.)

Full Text Opinion:

<http://www.michbar.org/opinions/appeals/2014/121814/58933.pdf>

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