

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 19, 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. 15-06 ... A request by Neal D. Nielsen, 5227 Milroy, for a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to the existing single family home.
2. 15-07 ... A request by Scott Gibaratz, 631 Sunrise Park, for a front yard setback variance to construct an addition over the existing home and garage.
3. 15-08 ... A request by Sonia Wallace, 3040 Brighton Road, for a variance to construct a detached accessory building in the front yard.

Administrative Business:

1. Approval of minutes for the April 21, 2015 Zoning Board of Appeals meeting.
2. Review of Rules of Procedure
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
May 19, 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 requests at the May 19, 2015 regular meeting:

1. 15-06 ... A request by Neal D. Nielsen, 5227 Milroy, for a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to the existing single family home.
2. 15-07 ... A request by Scott Gibaratz, 631 Sunrise Park, for a front yard setback variance to construct an addition over the existing home and garage.
3. 15-08 ... A request by Sonia Wallace, 3040 Brighton Road, for a variance to construct a detached accessory building in the front yard.

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 5-3-15

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-06 Meeting Date: May 19, 2015

- 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: NEAL D. NIELSEN

Property Address: 5227 MILROY BRIGHTON Phone: 810 227 7777

Present Zoning: RESIDENTIAL Tax Code: 4711 34 103 004

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: REAR YARD SETBACK SECTION 2305.03

2. Intended property modifications: CLOSEING OF POOL STRUCTURE/ AND ATTACHMENT OF STRUCTURE TO

This variance is requested because RESIDENCE AS ATTACHED GARAGE of the following reasons.

a. Unusual topography/shape of land
(explain) SAME SETBACK VARIANCE FOR POOL STRUCTURE WAS GRANTED IN 1988

AND THIS REQUEST IS TO USE THE SAME FOUNDATION STRUCTURE TO ATTACH AS A

b. Other GARAGE TO THE RESIDENCE
(explain) _____

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: will need 8 copies of any drawings larger than 11 x 17.**
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 5-26-15

Signature: 

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Ron Akers at the township office to discuss what your next step is.

Charter Township of Genoa
ZONING BOARD OF APPEALS
May 19, 2015
CASE #15-06

PROPERTY LOCATION: 5227 Milroy Ln. Brighton, MI 48116

PETITIONER: Neal D. Nielsen

ZONING: LDR (Low Density Residential)

WELL AND SEPTIC INFO: Septic System, Well

PETITIONERS REQUEST: Request for a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to an existing single family home.

CODE REFERENCE: Section 3.04.01 (Rear yard setback)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	-
Required Setbacks	50'	30'	30'	60'	N/A	-
Setbacks Requested	N/A	54'	66'	23'	N/A	-
Variance Amount	N/A	N/A	N/A	37'	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: May 13, 2015

RE: ZBA 15-06

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

STAFF REPORT

File Number: ZBA#15-06

Site Address: 5227 Milroy Ln, Brighton, MI 48116

Parcel Number: 4711-34-103-004

Parcel Size: ~0.93 Acres

Applicant: Neal D. Nielsen, 5227 Milroy Ln, Brighton, MI 48116

Property Owner: Same as applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: Applicant is requesting a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to the existing single family home.

Zoning and Existing Use: LDR (Low Density Residential), Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 3, 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 existing home on the parcel was constructed in 1979.
- There have been previous variances granted on the property. These have included a rear yard and side yard setback variance to construct a detached accessory building, and a rear yard setback variance to construct the existing pool.
- There was a variance request to enclose the existing pool in 1993 which was denied.
- 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 proposed project is to construct an enclosure over the existing pool and attach it to the house. In order to do this the applicant would be required to obtain a rear yard setback variance because covering the pool would increase its height within the required setback. A variance granted in 1988, allowed the pool structure to be 26' from the required rear lot line. In the current variance request the pool would not extend closer to the rear property line than its current position, but it would increase in height within the required setback.



Variance Requests

The following is the section of the Zoning Ordinance that the variances are being requested from:

Table 3.04.01 (LDR District):	Required Rear Yard Setback:	60'
	Proposed Rear Yard Setback:	23'
	Proposed Variance Amount:	37'

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.

(a) Practical Difficulty/Substantial Justice –Strict compliance with the rear yard setback would prevent the applicant from covering their existing pool. The southern portion of the property in the rear yard slopes substantially toward the southern property line. This was the justification used in the original rear yard setback variance request for the pool. As the owner has not requested a height variance request any addition to the existing home would be required to maintain the 35’ maximum height allowance as specified in section 3.04.01.

(b) Extraordinary Circumstances – The exceptional or extraordinary condition of the property as indicated in the previous 1988 approval is the topography of the lot which would prevent the applicant from constructing the pool in the side yard. The need for the variance is due to the difference in topography on the lot.

(c) Public Safety and Welfare – The granting of these 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. The proposed pool structure is of sufficient distance from adjacent structures to not create any fire or other safety hazards.

(d) Impact on Surrounding Neighborhood – The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. While the addition to the structure is fairly large, the roof pitch is consistent with the neighboring properties and the height would be consistent with the requirements of the zoning ordinance.

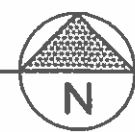
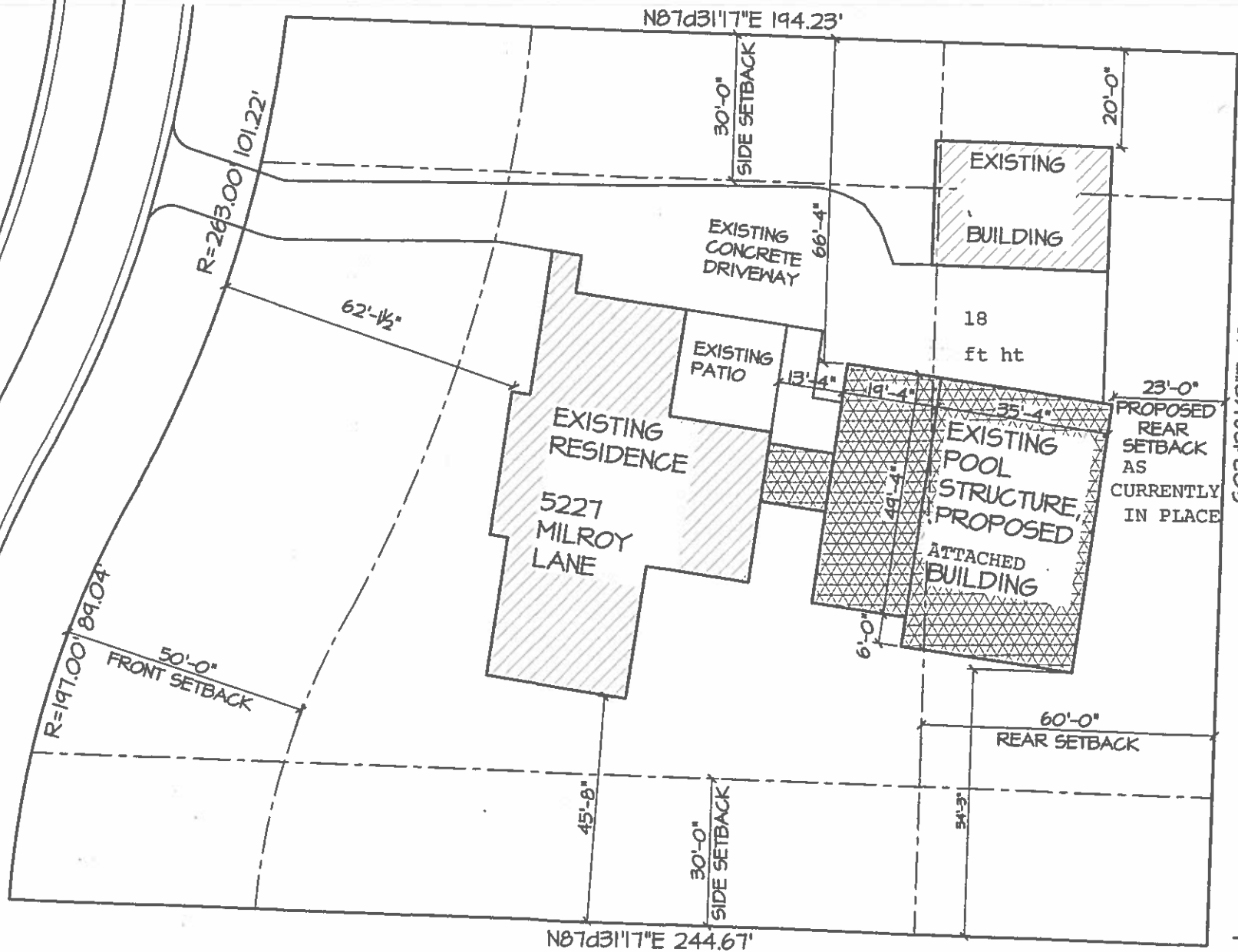
Staff Findings of Fact

1. Strict application of the side yard setback variance would prevent the applicant from covering their existing pool.
2. There is a large variance in topography on the southern portion of the parcel, which would make the construction of a building on that portion of the property difficult.
3. The need for this variance is due to the topography on the lot.
4. Granting of the requested 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.
5. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The proposed addition is of a height and has a roof pitch that is consistent with the properties in the area and consistent with the requirements of the LDR district.

Recommended Conditions

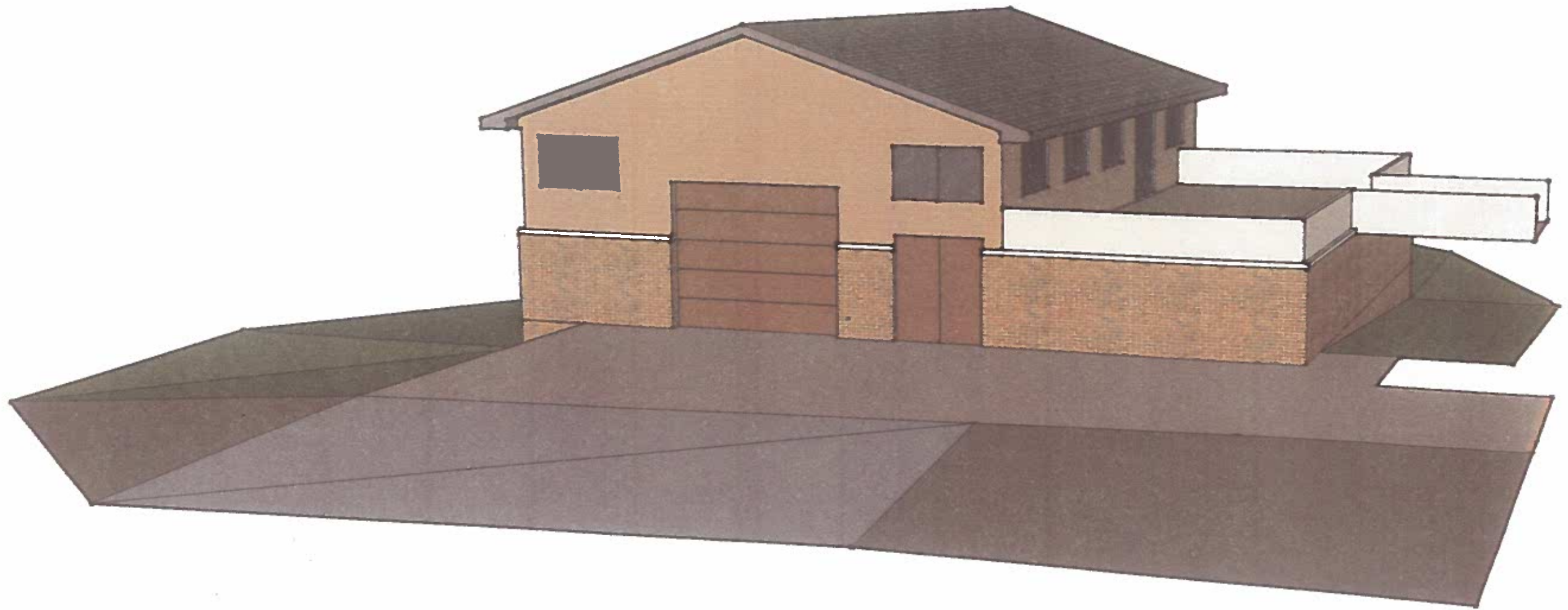
If the Zoning Board of Appeals grants the variance request staff recommends the following conditions be placed on the approval.

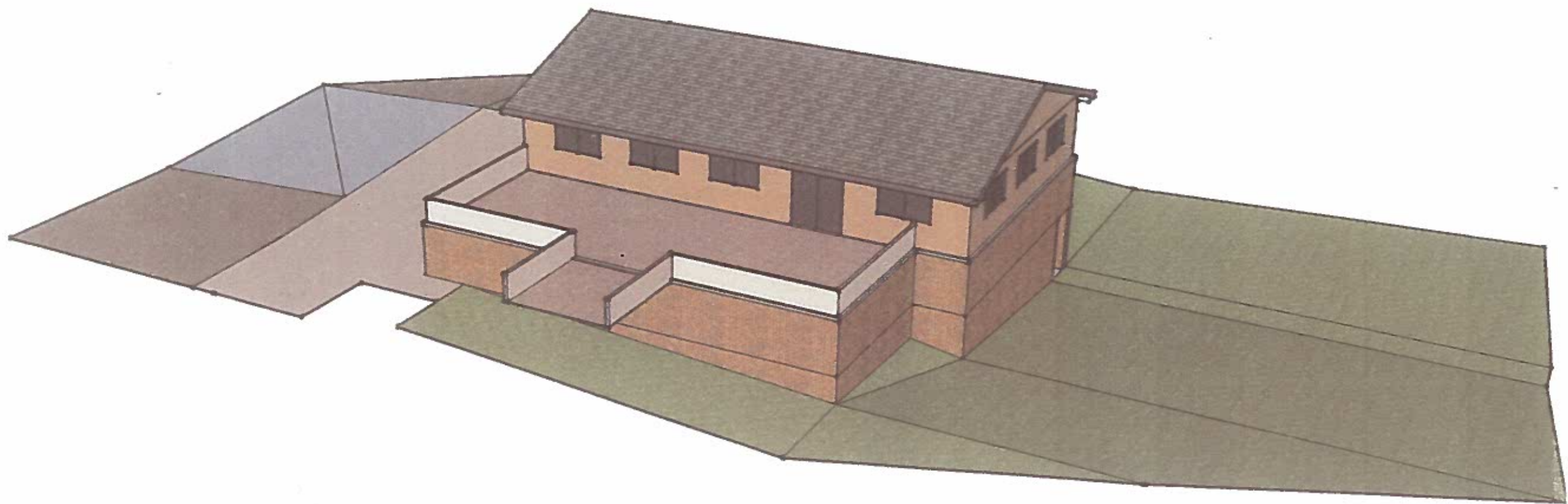
1. The plans submitted shall not exceed the maximum height requirements for the LDR zoning district.
2. The building plans shall reflect the same design that has been proposed in the conceptual drawings.



SITE PLAN

SCALE: 1" = 30'-0"





Case # 15-07 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

PERTAINING TO THE SIZE OF FREE STANDING SIGNS.

Voice vote: Motion carried unanimously.

6. A Request by Mr. Neal D. Nielsen, 5227 Milroy Lane, Section 34, Lot 4 Mystic Creek Subdivision, Brighton, for a Variance from the Rear Yard Setback Requirement for Construction of a Swimming Pool. Case #88-39.

Mr. Nielsen stated that due to the topography of the lot he would need a variance to the rear setback in order to construct an equipment room to the rear of the swimming pool.

Mr. Staley suggested that perhaps the equipment room could be placed behind the retaining wall. Also there were letters received from Mr. Perry L. Jones and Mr. and Mrs. Bequette stating their opposition to the proposal.

Mr. Nielsen responded that the proposed equipment room would be approximately four and a half feet high and he presented pictures showing the view toward the Bequette property. He does propose a chain link fence with black vinyl covering.

Ms. Skolarus asked why there is a storage tank on the property.

Mr. Nielsen responded that he plans to heat his garage with propane gas and he has checked with the DNR, the state fire marshal and Jim Stornant pertaining to the storage tank for the propane.

Mr. Staley stated he would really prefer to see the structure more than 18 feet from the rear property line.

MOTION BY SKOLARUS, SUPPORTED BY FIGURSKI, TO GRANT A 54 FOOT VARIANCE TO THE REAR SETBACK REQUIREMENT FOR CONSTRUCTION OF A SWIMMING POOL AND A MECHANICAL EQUIPMENT ROOM DUE TO THE TOPOGRAPHY OF THE PARCEL, CASE #88-39.

Voice vote: Motion carried unanimously.

7. A Request by Ernest J. Jermo, 5181 Milroy Lane, Section 34, Lot 5 Mystic Creek Subdivision, Brighton, for a Variance to the Rear Yard Setback and 6 Foot Fence Requirement for Construction of a Swimming Pool. Case #88-41.

Mr. Jermo stated he is requesting the variance to the 6 foot fence requirement in order to tie into the existing fence to the rear of his property which is 6 to 8 feet onto the neighboring property and is a 5 foot wrought iron fence. He has spoken with the neighbor and he does agree to the tie-in. Also there are mature

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 9, 1993

MINUTES

A regular meeting of the Zoning Board of Appeals was called to order by Chairman Staley at 7:00 p.m. at the Genoa Township Hall. The following board members were present constituting a quorum for the transaction of business: Rick Staley, Paulette Skolarus, Robert Murray and Chris Hensick. Also present: Jim Stornant, Township Zoning Administrator; and approximately 40 persons in the audience.

Moved by Murray, supported by Hensick, to approve the Agenda with the correcting of the numbering sequence of petitions. The motion carried.

A Call to the Public was made with no response.

1. Case 93-45...A request by Judy McCusker, 4122 Highcrest, near Filbert, Section 22, for a variance to the front yard setback to do an addition to existing house with an attached garage. Tabled 10-12-93.

Moved by Hensick, supported by Murray, to dismiss the petition. The motion carried.

2. Case 93-52...A request by David Ledgerwood, reference to parcel #1 on Clifford Road, Brighton, near Anchor Ln., for a variance to the side yard setback to construct a new home.

A call to the public was made with the following response: Russ Davies - The house is too big for the lot. Frank Buckler - I would like to see the variance granted on the other side of the home.

Moved by Skolarus, supported by Murray, to grant a 3' variance to the north side yard setback. The motion carried unanimously.

3. Case 93-53...A request by Neal Nielsen, 5227 Milroy, Brighton, for a variance to the rear yard setback to enclose the existing inground pool.

A call to the public was made with the following response: Mary Cady - Additional nonconforming structures will only cause additional flooding on my property. Ernie Jermo - Referencing case 86-23 for Nielsen, the bath house was supposed to be landscaped and offer a pleasing facade to all neighbors. This was not done. Pictures were provided to the board substantiating Jermo's claim. Further, this petition is prohibited by subdivision ordinance. Please reject this request. Nielsen - The topography of the property forces water to the bottom of the hill which is the Cady property. My

property is buffered naturally from Jermo's. Nielsen provided a conceptual plan of the pool enclosure but a final decision had not as yet been made.

Staley - During your request for a variance for your pool, I never understood that the pool structure would be raised. Water runoff from your pool is flooding your neighbor's property. Nielsen - The rainwater collected by roofing the pool, will be collected and directed back into the pool. At present water that collects on the 4' and 10' decking is directed away from the pool structure.

Stornant - Should the board allow the enclosure of a pool, an accessory building would be created. This too would need to be addressed and would require a variance of the ZBA. Hensick - The proposed structure is too large for the neighborhood. The accessory building would be incompatible with the neighborhood. Staley - I see no hardship in this request. Skolarus - As a member of the ZBA, I approved the pool structure. I feel that irreparable damage was done to the neighboring property. I do not want to compound that problem. Nielsen's request would be more appropriate in an agricultural district.

Moved by Hensick, supported by Skolarus, to deny the petitioner's request in that no hardship or practical difficulty exists that would warrant a variance. Further, the request is not in character with the neighborhood. The motion carried as follows: Ayes - Hensick, Skolarus and Staley. Nays - Murray.

4. Case 93-57...A request by Suzanne Purdy, 4580 Bauer Road, Brighton, Section 26, for a variance to create a lot with less front footage that is required for the Low Density Residential zone, and a variance to the side yard setback to build a home on parcel "A".

A call to the public was made with the following response: Alan Buntin - I am concerned with the out building and the proximity to my lot. Mary Buntin - The existing building is an eyesore, and it does not meet the zoning ordinance. Suzy Bayes - This property does not support three residential structures. Stornant - The out building is an accessory building. It was never used as a residence. Skolarus - I am not opposed to the request, however, I am concerned with two additional driveways being allowed on Bauer Road next to the schools.

Moved by Murray, supported by Skolarus, to approve an 18' variance for parcel "A", allowing 132' of frontage. Further, that one access driveway from Bauer Road will access all three parcels, and that the petitioner will submit a revised drawing to the Zoning Administrator before land use permits are granted. This action is based upon no additional requests for variance being required or granted for this property. The motion carried unanimously.

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

05/12/2015 12:34 PM

Parcel:	4711-34-103-004	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	NIELSON, NEAL D.	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	5227 MILROY LANE Brighton, MI 48116	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-06
		School:	47010 BRIGHTON
		Neighborhood:	4018 4018 MYSTIC
Liber/Page:	3159-0675	Created:	//
Split:	//	Active:	Active
Public Impr.:	None		
Topography:	REFUSE		

Mailing Address:

NIELSON, NEAL D.
5227 MILROY LANE
Brighton MI 48116

Most Recent Sale Information

Sold on 07/03/2000 for 0 by NIELSON, PAULA A..

Terms of Sale: QUIT CLAIM

Liber/Page: 3159-0675

Most Recent Permit Information

None Found

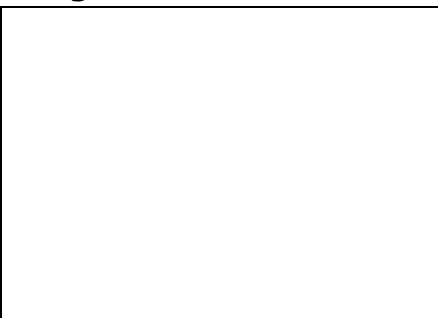
Physical Property Characteristics

2016 S.E.V.:	Tentative	2016 Taxable:	Tentative	Lot Dimensions:	
2015 S.E.V.:	149,100	2015 Taxable:	139,870	Acreage:	0.00
Zoning:	LDR	Land Value:	70,000	Frontage:	0.0
PRE:	100.000	Land Impr. Value:	2,223	Average Depth:	0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1979
Occupancy: Single Family
Class: BC
Style: BC
Exterior: Wood Siding
% Good (Physical): 64
Heating System: Forced Heat & Cool
Electric - Amps Service: 0
of Bedrooms: 0
Full Baths: 2 Half Baths: 1
Floor Area: 2,283
Ground Area: 2,283
Garage Area: 662
Basement Area: 2,283
Basement Walls:
Estimated TCV: 222,417

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
NIELSON, PAULA A.	NIELSON, NEAL D.	0	07/03/2000	QC	QUIT CLAIM	3159-0675	BUYER	0.0		
		0	02/09/1993	IV	QUIT CLAIM		BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status		
5227 MILROY LANE		School: BRIGHTON								
Owner's Name/Address		P.R.E. 100% / /								
NIELSON, NEAL D. 5227 MILROY LANE Brighton MI 48116		MAP #: V15-06								
Tax Description		2016 Est TCV Tentative		Land Value Estimates for Land Table 00037.MYSTIC						
SEC 34 T2N R5E MYSTIC CREEK SUB, LOT 4 SEC 211.27 MCL, L-4293 SEV 12,000 REDUCTION TO NONCONSIDERATION Comments/Influences		X	Improved	Vacant	* Factors *					
		Public Improvements		Description Frontage Depth Front Depth Rate %Adj. Reason Value						
		Dirt Road		<Site Value A> < Site Value 70000 100 70,000						
		Gravel Road		0.00 Total Acres Total Est. Land Value = 70,000						
		Paved Road		Land Improvement Cost Estimates						
		Storm Sewer		Description Rate CountyMult. Size %Good Cash Value						
		Sidewalk		D/W/P: Patio Blocks 9.80 1.00 504 45 2,223						
		Water		Total Estimated Land Improvements True Cash Value = 2,223						
		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	2016	Tentative	Tentative	Tentative		Tentative
				2015	35,000	114,100	149,100			139,870C
				2014	32,500	106,700	139,200			137,668C
				2013	30,000	105,500	135,500			135,500S

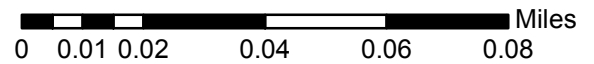
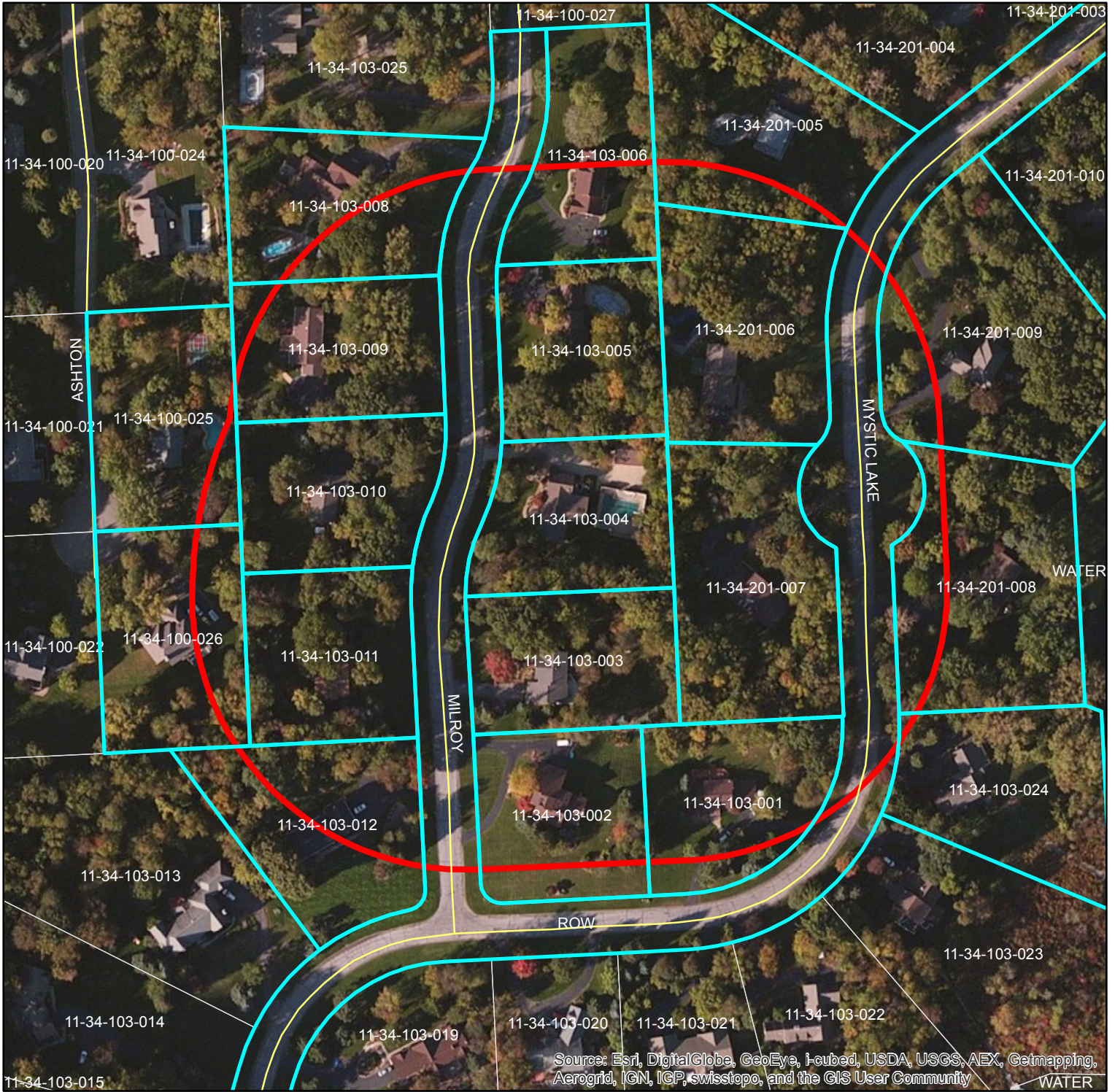
The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

*** 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 120 44	Type CCP (1 Story) Pine			Year Built: Car Capacity: Class: BC Exterior: Brick Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 662 % Good: 0 Storage Area: 0 No Conc. Floor: 0											
X	Wood Frame		Drywall Paneled		Plaster Wood T&G																						
Building Style: BC		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: BC Effec. Age: 36 Floor Area: 2283 Total Base Cost: 249,661 Total Base New : 399,456 Total Depr Cost: 255,652 Estimated T.C.V: 222,417			CntyMult X 1.470 E.C.F. X 0.870			Bsmnt Garage:											
Yr Built 1979	Remodeled 0	Ex	X	Ord		Min	Size of Closets			Lg			X	Ord		Small	Doors:	Solid	X	H.C.							
Condition for Age: Good		(5) Floors		Kitchen: Other: Other:			(12) Electric 0 Amps Service			Stories Exterior 1 Story Brick			Foundation Basement			Rate	Bsmnt-Adj	Heat-Adj	Size	Cost							
Room List		Basement 1st Floor 2nd Floor Bedrooms		(6) Ceilings			No./Qual. of Fixtures Ex. X Ord. Min			Other Additions/Adjustments (9) Basement Finish Basement Living Finish			Rate			Bsmnt-Adj			Heat-Adj			Size	Cost				
(1) Exterior		Wood/Shingle Aluminum/Vinyl Brick		(7) Excavation			No. of Elec. Outlets Many X Ave. Few			(13) Plumbing			Rate			Bsmnt-Adj			Heat-Adj			Size	Cost				
Insulation		Basement: 2283 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(8) Basement			Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(14) Water/Sewer			Phy/Ab.Phy/Func/Econ/Comb.%Good= 64/100/100/100/64.0, ECF (4018 MYSTIC)			Depr.Cost =			255,652			0.870 => TCV of Bldg: 1 =			222,417		
(2) Windows		Many Avg. Few	X	Large Avg. Small	(9) Basement Finish			Lump Sum Item(s):			1.00			32455.0			32,455										
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		(10) Floor Support			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Lump Sum Items: 32,455,																	
(3) Roof		Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Recreation SF Living SF Walkout Doors No Floor SF																							
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:																							
X	Asphalt Shingle	Chimney: Brick																									

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

300 ft Buffer for Noticing



Variance Case # 15-06

Applicant: Neal D. Nielsen

Parcel: 4711-34-103-004

Meeting Date: May 19, 2015



April 23, 2015



GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-07 Meeting Date: 5/19/15

- 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: Scott Gibaratz

Property Address: 631 Sunrise Park Dr Phone: 202-997-5508

Present Zoning: LRR Tax Code: 11-09-201-089

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: Variance of Road side setback to allow construction of 2nd Floor addition over existing Garage
2. Intended property modifications: Addition over garage and home

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) our home is one of many on Sunrise Park Dr that was originally built close to road before current zoning restrictions apply
- b. Other (explain) We are interested in adding two bedrooms and one bath to our home to accommodate our family size.

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. NOTE: One paper copy of all drawings is required.**
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 4/22/2015

Signature: 

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Ron Akers at the township office to discuss what your next step is.

Charter Township of Genoa
ZONING BOARD OF APPEALS
May 19, 2015
CASE #15-07

PROPERTY LOCATION: 631 Sunrise Park Dr. Howell, MI 48843

PETITIONER: Scott Gibaratz

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Public Sewer, Well

PETITIONERS REQUEST: Request for a front yard setback variance in order to construct an addition over the existing home and garage.

CODE REFERENCE: Section 3.04.01 (front yard setback)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Shoreline	Height	-
Required Setbacks	35'	5'	10'	62.5'	25'	-
Setbacks Requested	1'	5.5'	35'	+75'	N/A	-
Variance Amount	34'	N/A	N/A	N/A	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: May 13, 2015
RE: ZBA 15-07

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

STAFF REPORT

File Number: ZBA#15-07

Site Address: 631 Sunrise Park, Howell, MI 48843

Parcel Number: 4711-09-201-089

Parcel Size: 0.179 Acres

Applicant: Scott Gibaratz, 631 Sunrise Park Dr., Howell, MI 48843

Property Owner: Same as applicant

Information Submitted: Application, site plan, floor plans, elevations.

Request: Dimensional Variance

Project Description: Applicant is requesting a front yard setback variance in order to construct a second story addition on the existing single family dwelling.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 3, 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 it is estimated that the existing home on the parcel was constructed in 1929 and remodeled in 2000.
- The existing home's floor area is 1,365 square feet.
- 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 proposed project is to construct a second story addition above the existing attached garage. This second story addition would be a vertical expansion within the required front yard setback and due to this a variance is required.



Variance Requests

The following is the section of the Zoning Ordinance that the variances are being requested from:

Table 3.04.01 (LDR District):	Required Front Yard Setback:	35'
	Proposed Front Yard Setback:	1'
	Proposed Variance Amount:	34'

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.

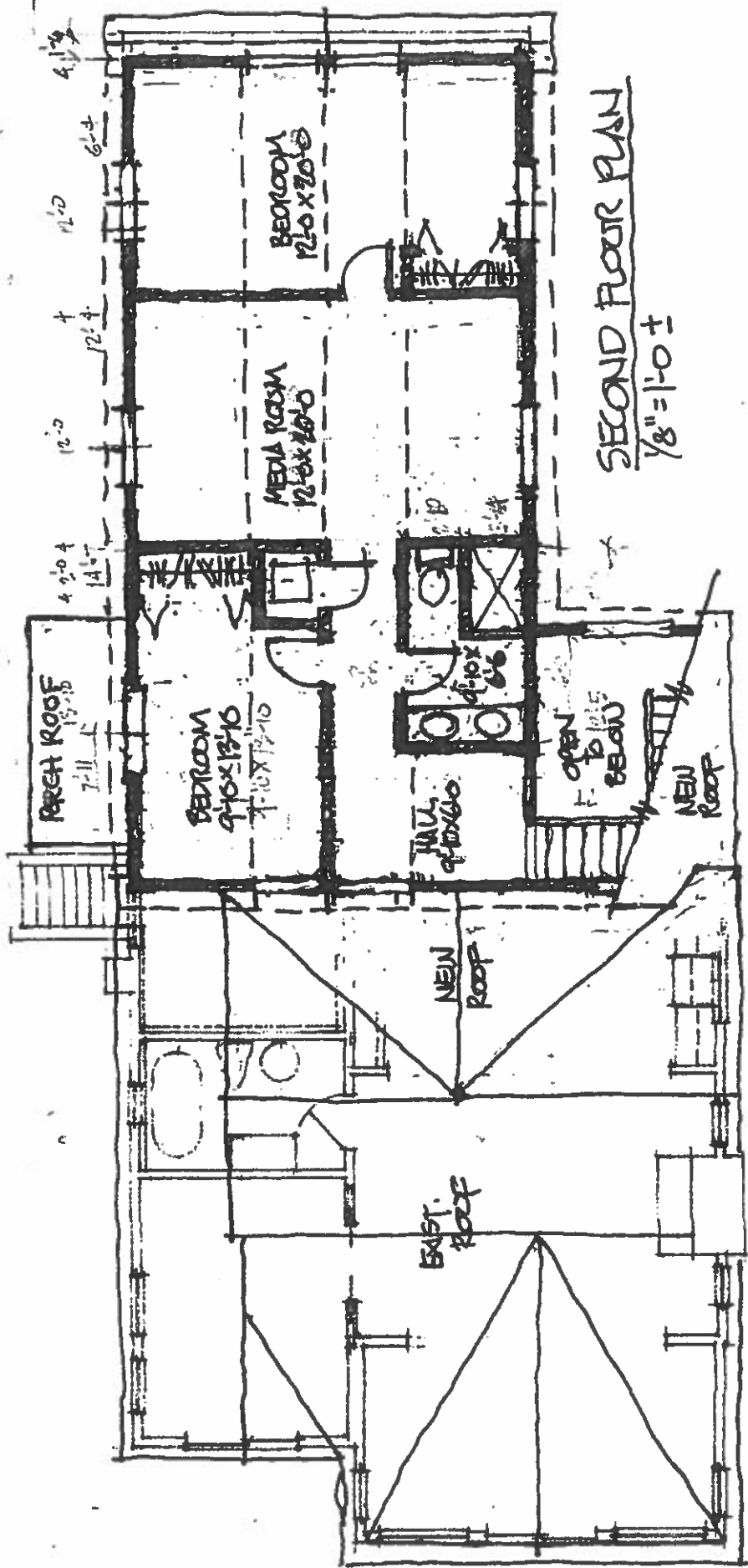
The following are findings based upon the presented materials.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front yard setback would prevent the applicant from constructing an addition on the property above the garage. The proposed variance would not permit the existing structure to move closer to the property line than it already is and the vertical addition would be within the maximum height requirements for the LRR zoning district. Alternatively several properties in this area are unusually close to the front property line.
- (b) Extraordinary Circumstances** – Several homes in the vicinity are very close to the front property line and have two stories. This close proximity is due to several homes being built prior to the enactment of the zoning ordinance. Granting the proposed variance would make the home consistent with these properties. The need for the variance is due to the location of the existing home on the property, short lot length and the required shoreline setback.
- (c) Public Safety and Welfare** – The granting of these 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. The second story addition will maintain the 10’ required setback between buildings and there is sufficient space on the north and south portions of the parcel for off-street parking.

(d) Impact on Surrounding Neighborhood – The proposed variance would have no negative impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Staff Findings of Fact

1. Strict application of the front yard setback variance would prevent the applicant from constructing a second story addition.
2. The addition would not expand the footprint of the structure closer to the front property line than it already is.
3. There are several homes in the vicinity of this property which do not comply with the front yard setback requirements and are of a similar distance to the front property line.
4. The need for the variance is due to the short length of the lot, required shoreline setback and existing location of the home.
5. Granting of the requested 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.
6. There is room for sufficient off-street parking on the property.
7. The addition maintains the required 10' separation as required in article 3 of the Zoning Ordinance.
8. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
9. The proposed addition is of a height and has a roof pitch that is consistent with the properties in the area and consistent with the requirements of the LRR district.



SECOND FLOOR PLAN
 1/8" = 1'-0" ±

EXIST. ROOF

BEDROOM
 9'0" x 12'0"

MEDIA ROOM
 12'0" x 10'0"

BEDROOM
 12'0" x 12'0"

HALL
 9'0" x 6'0"

NEW ROOF

OPEN TO BELOW

NEW ROOF

EXIST. ROOF

4'1"9"

6'0"

12'0"

12'0"

12'0"

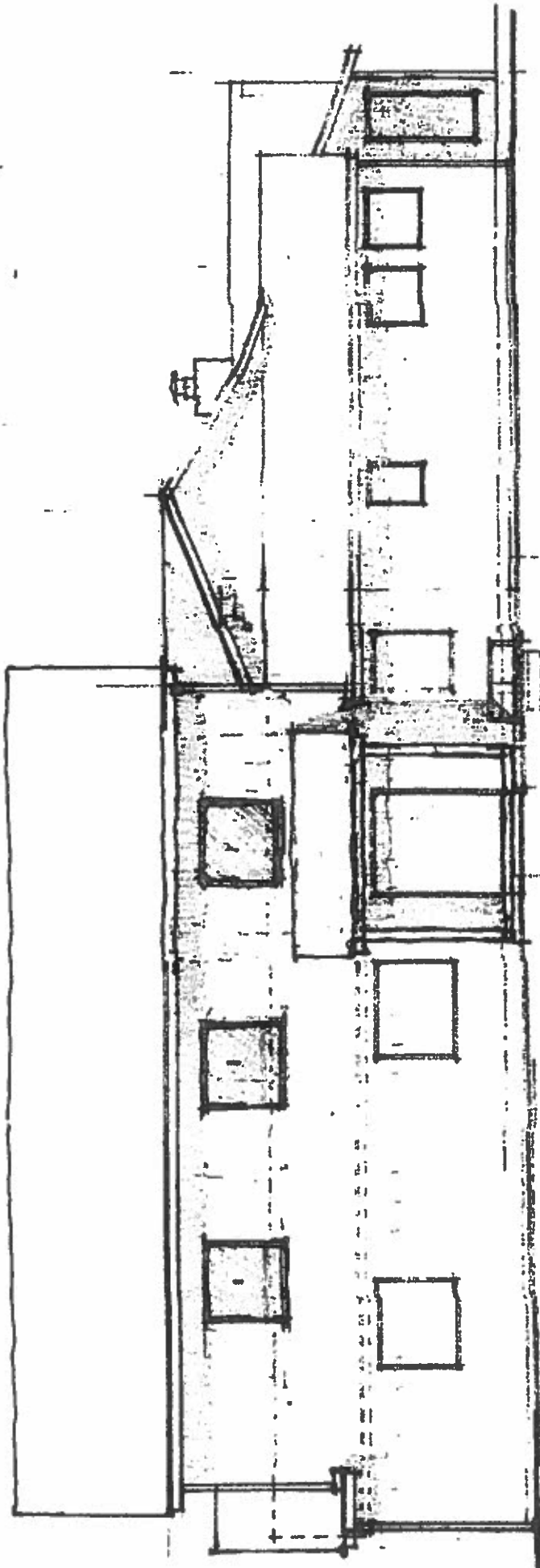
12'0"

4'2"4"

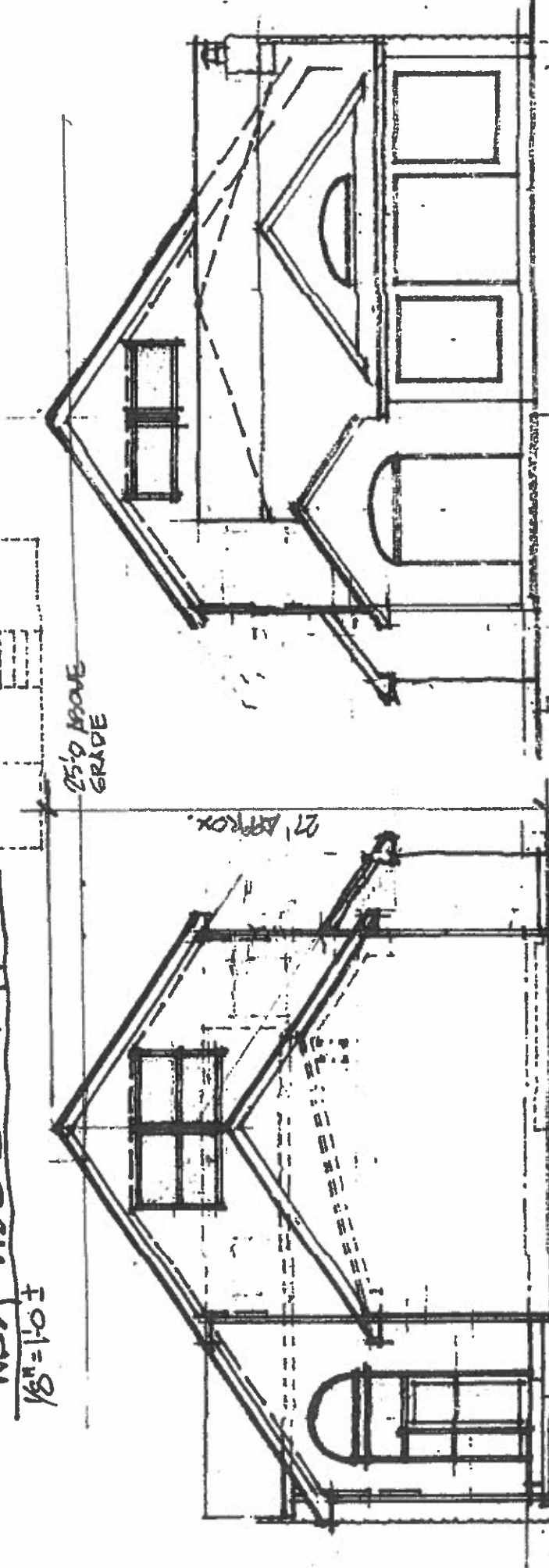
14'0"

7'11"

15'3"5"



WEST SIDE ELEVATION
 $\frac{1}{8"} = 1'-0" \pm$



NORTH SIDE ELEVATION
 $\frac{1}{8"} = 1'-0" \pm$

SOUTH SIDE ELEVATION
 $\frac{1}{8"} = 1'-0" \pm$

Case # 15-07 Area Map



SUNRISE PARK



1 inch = 150 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

05/12/2015 12:36 PM

Parcel: 4711-09-201-089
Owner's Name: GIBARATZ SCOTT & MELISSA
Property Address: 631 SUNRISE PARK
HOWELL, MI 48843
Liber/Page: 2014R-013148
Split: / /
Public Impr.: None
Topography: REFUSE

Current Class: 401.401 RESIDENTIAL-IMPROVED
Previous Class: 401.401 RESIDENTIAL-IMPROVED
Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
MAP # V15-07
School: 47070 HOWELL
Neighborhood: 4302 4302 SUNRISE PARK LAKEFRONT

Created: / /
Active: Active

Mailing Address:

GIBARATZ SCOTT & MELISSA
17603 CRANBROOK DR
NORTHVILLE MI 48168

Most Recent Sale Information

Sold on 04/29/2014 for 380,000 by CHAPMAN, ROBERT J. & LISA K..

Terms of Sale: ARMS-LENGTH

Liber/Page: 2014R-013148

Most Recent Permit Information

None Found

Physical Property Characteristics

2016 S.E.V.: Tentative	2016 Taxable: Tentative	Lot Dimensions:
2015 S.E.V.: 197,400	2015 Taxable: 197,400	Acres: 0.18
Zoning: LRR	Land Value: 144,900	Frontage: 63.0
PRE: 0.000	Land Impr. Value: 1,123	Average Depth: 124.0

Improvement Data

of Residential Buildings: 1
Year Built: 1929
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 85
Heating System: Forced Heat & Cool
Electric - Amps Service: 0
of Bedrooms: 2
Full Baths: 1 Half Baths: 1
Floor Area: 1,365
Ground Area: 1,365
Garage Area: 400
Basement Area: 1,365
Basement Walls:
Estimated TCV: 245,800

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
CHAPMAN, ROBERT J. & LISA	GIBARATZ SCOTT & MELISSA	380,000	04/29/2014	WD	ARMS-LENGTH	2014R-013148	BUYER	100.0
RUSHLOW FAMILY TRUST	CHAPMAN, ROBERT J. & LISA	286,000	07/13/2001	WD	ARMS-LENGTH	3076-0392	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
631 SUNRISE PARK	School: HOWELL					
Owner's Name/Address	P.R.E. 0%					
GIBARATZ SCOTT & MELISSA 17603 CRANBROOK DR NORTHVILLE MI 48168	MAP #: V15-07					
	2016 Est TCV Tentative					

Tax Description	X	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK								
				Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
SEC 9 T2N R5E SUNRISE PARK, LOT 88 & N 1/2 OF LOT 87				'A' FRONTAGE	63.00	124.00	1.0000	1.0000	2300	100		144,900
Comments/Influences				63 Actual Front Feet, 0.18 Total Acres Total Est. Land Value = 144,900								

Comments/Influences	X	Improved	Vacant	Land Improvement Cost Estimates						
				Description	Rate	CountyMult.	Size	%Good	Cash Value	
				Dirt Road	9.39	1.00	139	49		640
				Gravel Road	9.39	1.00	105	49		483
				Paved Road	Total Estimated Land Improvements True Cash Value =					1,123
				Storm Sewer						
				Sidewalk						
				Water						
				Sewer						
				Electric						
				Gas						
				Curb						
				Street Lights						
				Standard Utilities						
				Underground Utils.						



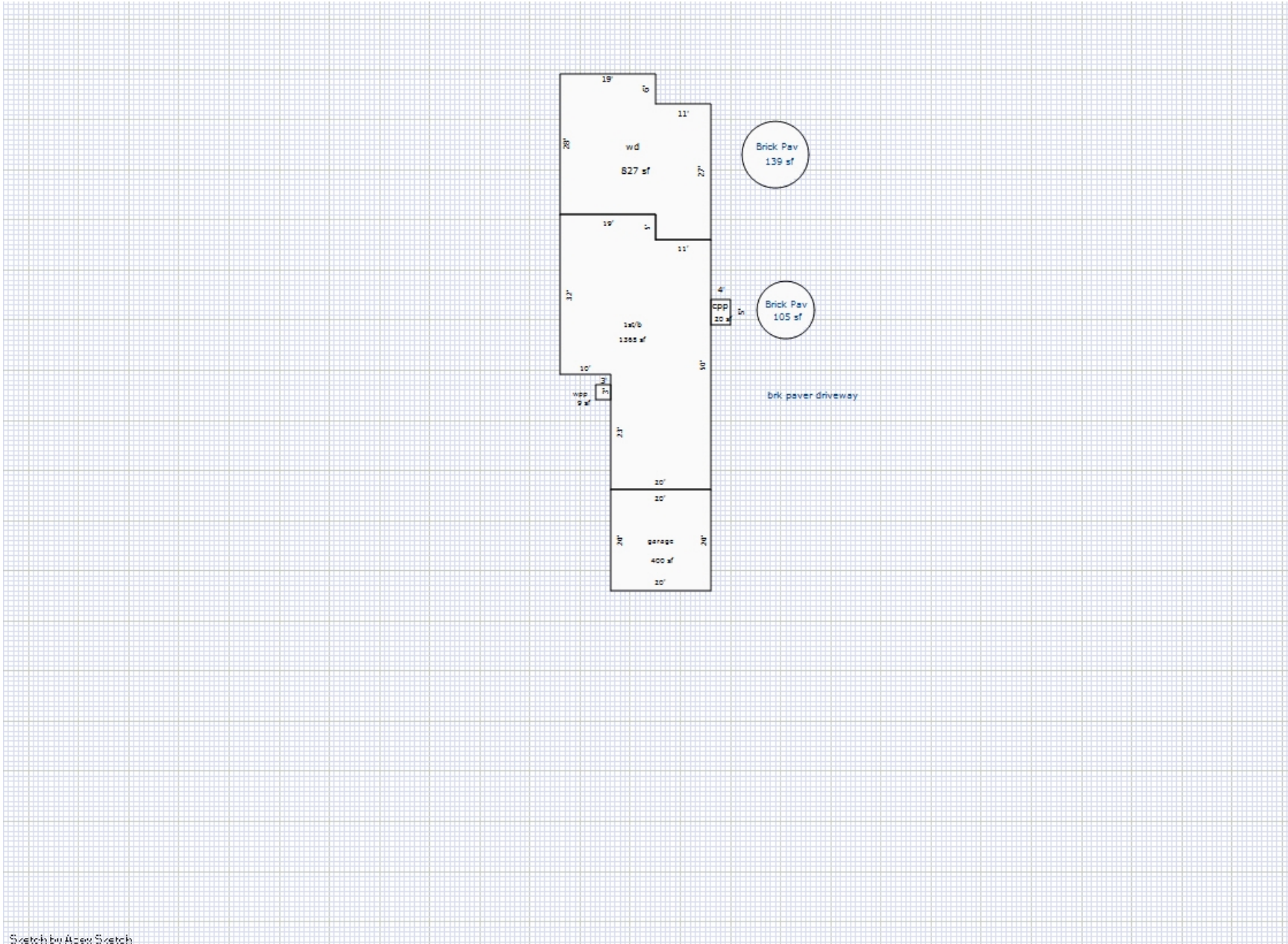
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

Topography of Site				Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
X	Level	Rolling	Low	2016	Tentative	Tentative	Tentative			Tentative
	High	Landscaped	Swamp	2015	72,500	124,900	197,400			197,400S
	Wooded	Pond	Waterfront	2014	72,500	102,100	174,600			139,090C
	Ravine	Wetland	Flood Plain	2013	44,100	92,800	136,900			136,900S
	REFUSE									

*** 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 20 9 827	Type CPP WPP Pine	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 400 % Good: 0 Storage Area: 0 No Conc. Floor: 0	
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: C Effec. Age: 15 Floor Area: 1365 Total Base Cost: 113,974 Total Base New : 167,542 Total Depr Cost: 142,410 Estimated T.C.V: 245,800		CntyMult X 1.470 E.C.F. X 1.726	Bsmnt Garage: Carport Area: Roof:	
Building Style: C		Trim & Decoration		No./Qual. of Fixtures			Stories Exterior Foundation			Rate Bsmnt-Adj Heat-Adj			Size Cost				
Yr Built Remodeled 1929 2000		Ex X Ord Min		Ex. X Ord. Min			1 Story Siding Basement			63.70 0.00 1.92			1365 89,571				
Condition for Age: Good		Size of Closets		No. of Elec. Outlets			Other Additions/Adjustments			Rate			Size Cost				
Room List		Lg X Ord Small		Many X Ave. Few			(13) Plumbing			1600.00			1 1,600				
Basement 1st Floor 2nd Floor 2 Bedrooms		Doors: Solid X H.C.		(7) Excavation			(13) Plumbing			1162.00 4975.00			1 1,162 1 4,975				
(1) Exterior		Basement: 1365 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(8) Basement			(15) Built-Ins & Fireplaces			3875.00			1 3,875				
X	Wood/Shingle Aluminum/Vinyl Brick	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(9) Basement Finish			(16) Porches			31.49 36.65			20 630 9 330				
(2) Windows		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			(16) Deck/Balcony			4.85			827 4,011				
X	Many Avg. Few X Large Avg. Small	Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan		Joists: Unsupported Len: Cntr.Sup:			(17) Garages			22.80 -1300.00			400 9,120 1 -1,300				
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic		Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 85/100/100/100/85.0, ECF (4302 SUNRISE PARK LAKEFRONT)			1.726 => TCV of Bldg: 1 =			142,410 245,800				
(3) Roof		Gable Hip Flat		Gambrel Mansard Shed			Chimney: Brick										
X	Asphalt Shingle																

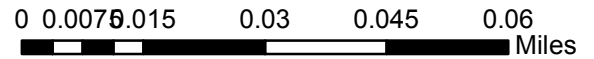
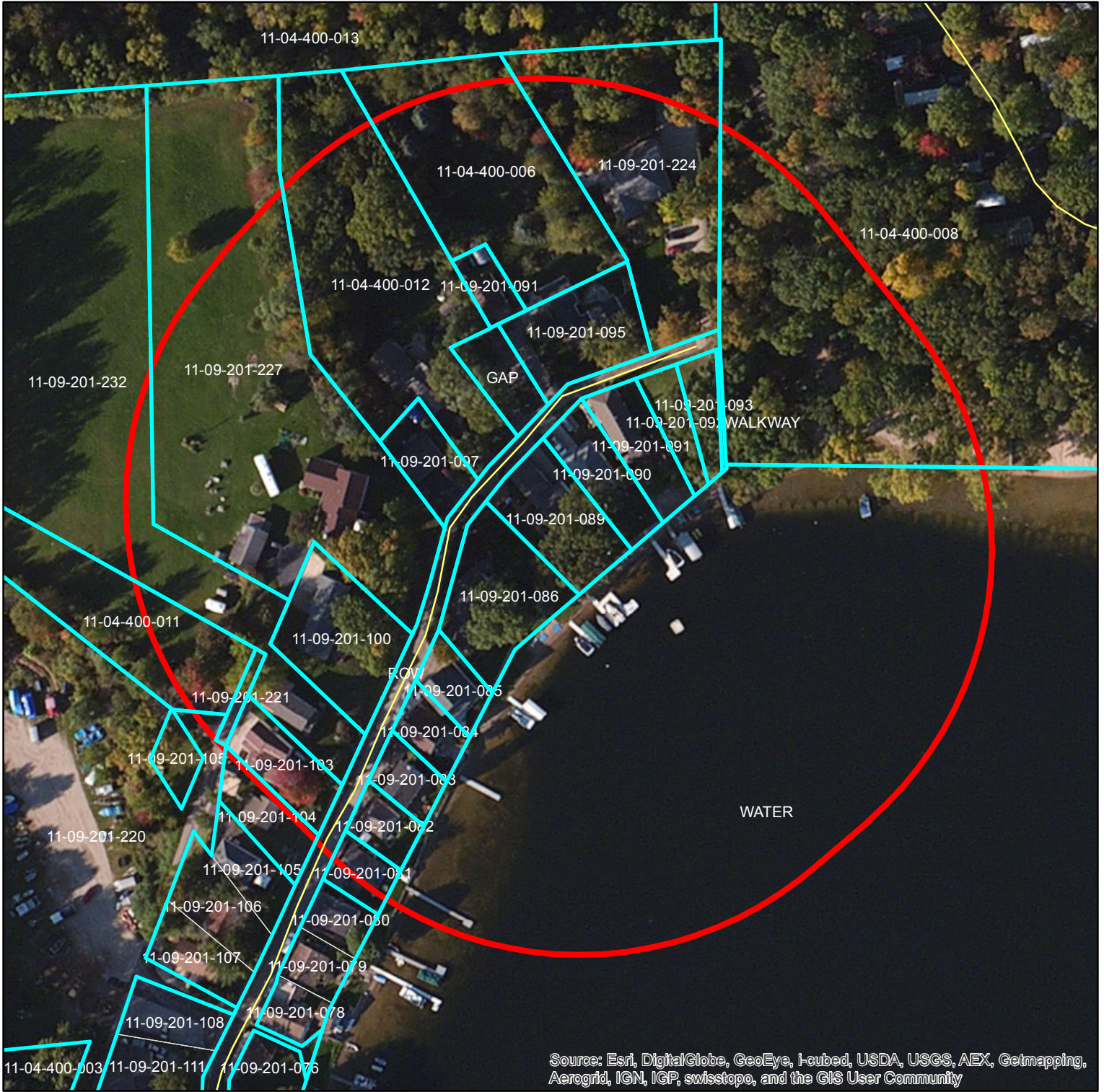
*** Information herein deemed reliable but not guaranteed***



Sketch by Alzeu Sketch

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

300 ft Buffer for Noticing



Variance Case #15-07

Applicant: Scott Gibaratz

Parcel: 4711-09-201-089

Meeting Date: May 19, 2015



April 23, 2015

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-08 Meeting Date: May 19, 2015

- 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: Sonia Wallace

Property Address: 3040 Brighton Rd Phone: 734 648 8008

Present Zoning: _____ Tax Code: 11-32-100-030

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: Build pole barn in front of property, where land is flat.
2. Intended property modifications: Erection of a pole barn.

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) Back of the property has hills both sides with valley in the middle. No access to back of land from driveway.
- b. Other (explain) _____

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. NOTE: One paper copy of all drawings is required.**
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 04/10/15

Signature: S. Wallace

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

Charter Township of Genoa
ZONING BOARD OF APPEALS
May 19, 2015
CASE #15-08

PROPERTY LOCATION: 3040 Brighton Rd. Howell, MI 48843

PETITIONER: Sonia Wallace

ZONING: CE (Country Estate District)

WELL AND SEPTIC INFO: Septic System, Well

PETITIONERS REQUEST: Request for a variance to construct a detached accessory building in the front yard.

CODE REFERENCE: Section 11.04.01(c)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	-
Required Setbacks	75'	40'	40'	60'	N/A	-
Setbacks Requested	150'	80'	+140'	+400'	N/A	-
Variance Amount	N/A	N/A	N/A	N/A	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: May 13, 2015
RE: ZBA 15-08

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

STAFF REPORT

File Number: ZBA#15-08

Site Address: 3040 Brighton Rd, Howell, MI 48843

Parcel Number: 4711-32-100-030

Parcel Size: 5.06 Acres

Applicant: Sonia Wallace, 3040 Brighton Rd, Howell, MI 48843

Property Owner: Same as applicant

Information Submitted: Application, site plan.

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to construct a detached accessory building in the front yard.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 3, 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 it is estimated that the existing home on the parcel was constructed in 1987.
- There is a natural gas pipeline which runs through the property which has a 60' wide easement. (30' on either side of the pipeline)
- 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 proposed project is to construct a detached accessory building. The reason why this project requires a variance is because the property owners intend to construct the accessory building in the front yard of the property.



Variance Requests

The following is the section of the Zoning Ordinance that the variances are being requested from:

Article 11.04.01(c): Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except accessory buildings are permitted in the front yards as follows:

- (1) Waterfront lots in the Lakeshore Resort Residential District.
- (2) Lots of at least five (5) acres when the front setback is equal to or greater than the average setback of established buildings on adjoining lots, as determined by the Zoning Administrator. If the adjacent lots are undeveloped, then front yard accessory buildings are permitted with a minimum front yard setback of two hundred (200) feet.
- (3) In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided that Planning Commission approves the site plan, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.

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.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the regulations that prohibit the placement of a detached accessory building in the front yard would prohibit the applicant from being able to place a detached accessory building on an accessible area of the property. This is due to the difficulty created by the topography behind the house. The proposed location of the detached accessory building is closer to the road due to the presence of a natural gas transmission pipeline easement which runs through the front yard of the property.
- (b) Extraordinary Circumstances** – The extraordinary or exceptional circumstances applicable to the property are the topography in the rear yard of the lot, the existing location of the house on the parcel and the presence of the gas transmission pipeline easement. The need for the variance was created due to the existing location of the house and the topography in the rear yard of the parcel.
- (c) Public Safety and Welfare** – The granting of these 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. The presence of the building in the front yard will have no adverse risk which impacts public safety and welfare.

(d) Impact on Surrounding Neighborhood – The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The building would be visible from Brighton Road during the winter months and would be closer than other structures in the immediate vicinity. If approval is granted, the Zoning Board of Appeals may wish to add conditions for some screening on the Brighton Road side of the building.

Staff Findings of Fact

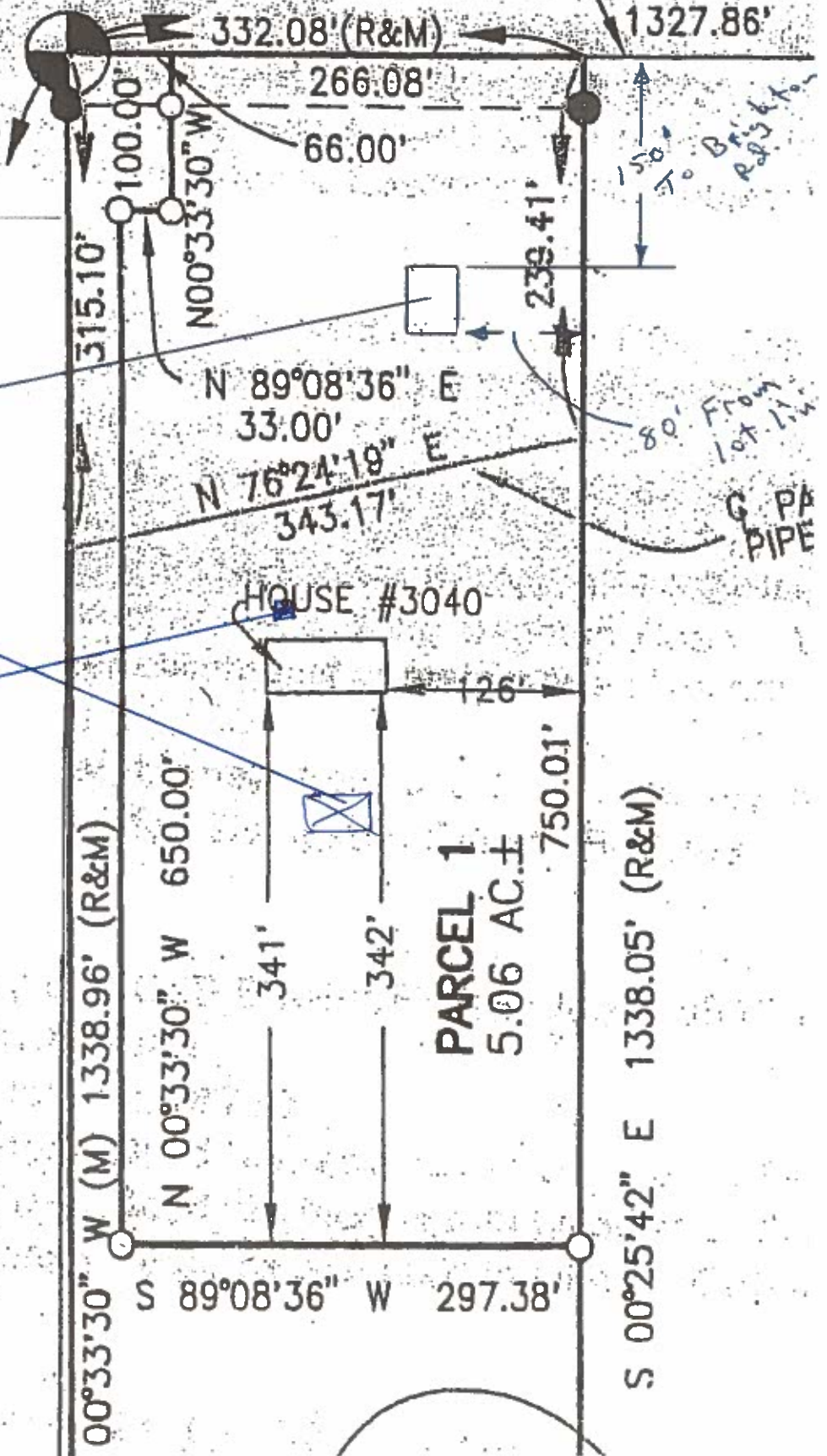
1. Strict application of the front yard setback variance would prevent the applicant from constructing a detached accessory building.
2. There is a large difference in topography in the rear yard of the parcel which would make the placement of a detached accessory building difficult.
3. The exceptional or extraordinary circumstances on the property are the topography of the parcel, the existing location of the home and the location of a natural gas transmission pipeline in the front yard.
4. The need for the variance is due to the difference in topography on the parcel and the existing location of the house on the parcel.
5. Granting of the requested 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.
6. The proposed detached accessory building will be located outside of the natural gas transmission line easement.
7. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
8. The detached accessory building will be located closer to Brighton Road than any structures in the vicinity.

Conditions of Approval

1. One (1) 2.5" caliper evergreen tree shall be planted for each 15' of building along Brighton Road.

NW COR.
SEC. 32
T2N-R5E

BRICK
& NORTH
DUE EAST



- 1) Septic field back of house
- 2) Well front of house

32 (AS MONUMENTED)
71'(R-REF #1&M)
E (R)

1326.36'

PARCEL 1
5.06 AC.±

Case # 15-08 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

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

05/12/2015 12:39 PM

Parcel:	4711-32-100-030	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	WALLACE SONIA	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	3040 BRIGHTON RD HOWELL, MI 48843	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-08
		School:	47070 HOWELL
		Neighborhood:	47070 47070 HOWELL M & B
Liber/Page:	2015R-000625	Created:	//
Split:	//	Active:	Active
Public Impr.:	None		
Topography:	REFUSE		

Mailing Address:

WALLACE SONIA
3040 BRIGHTON RD
HOWELL MI 48843

Most Recent Sale Information

Sold on 06/27/2014 for 262,500 by MARTIN, JOHN S. & SHARON.

Terms of Sale: ARMS-LENGTH

Liber/Page: 2015R-000625

Most Recent Permit Information

Permit 05-086 on 03/15/2005 for \$0 category FENCE.

Physical Property Characteristics


2016 S.E.V.:	Tentative	2016 Taxable:	Tentative	Lot Dimensions:	
2015 S.E.V.:	136,600	2015 Taxable:	136,600	Acres:	5.06
Zoning:	CE	Land Value:	90,150	Frontage:	0.0
PRE:	100.000	Land Impr. Value:	7,191	Average Depth:	0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1987
Occupancy: Single Family
Class: C-5
Style: C
Exterior: Wood Siding
% Good (Physical): 73
Heating System: Forced Heat & Cool
Electric - Amps Service: 0
of Bedrooms: 4
Full Baths: 3 Half Baths: 1
Floor Area: 2,448
Ground Area: 2,448
Garage Area: 864
Basement Area: 1,656
Basement Walls:
Estimated TCV: 173,368

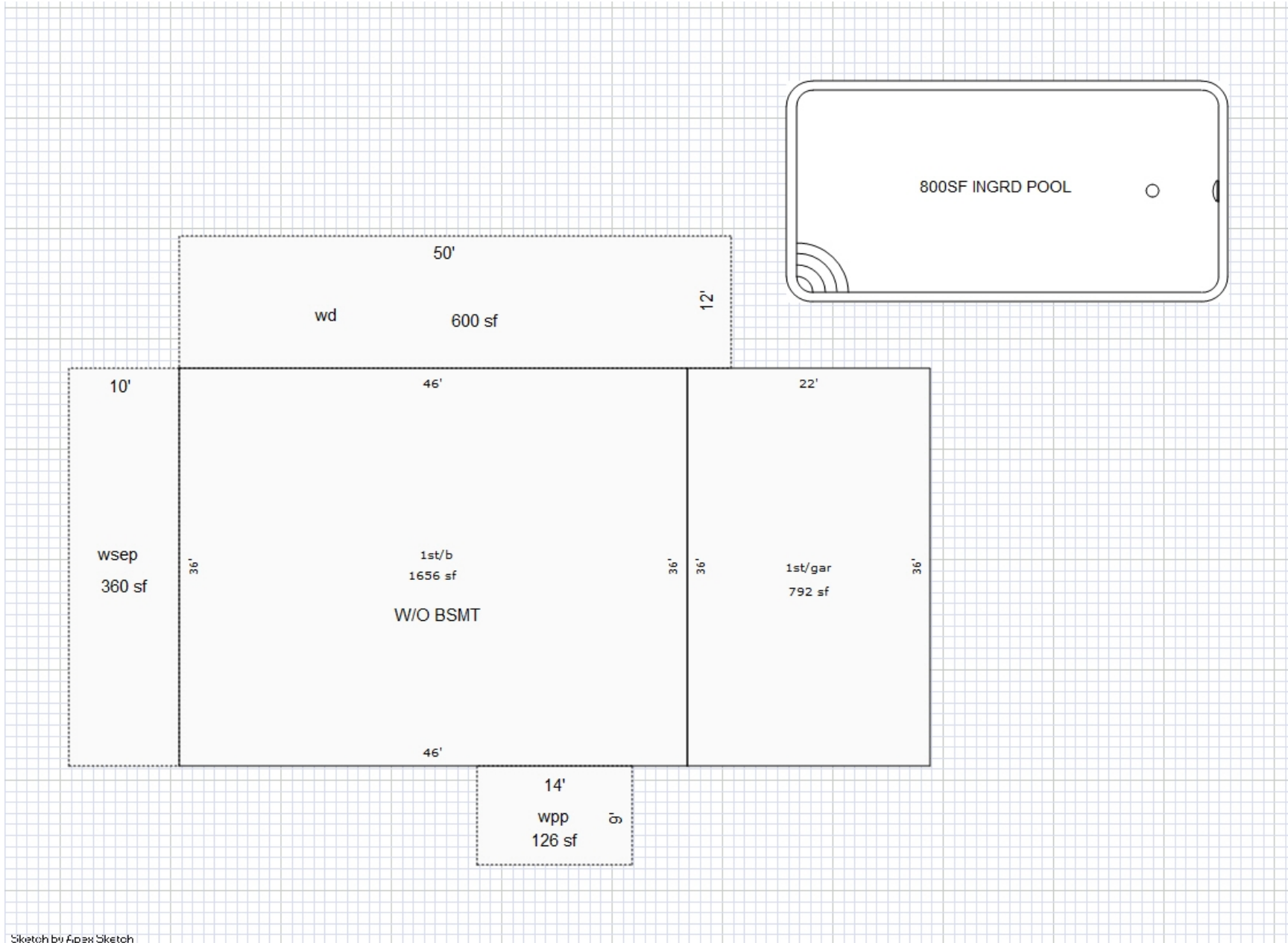
Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
MARTIN, JOHN S. & SHARON	WALLACE SONIA	262,500	06/27/2014	WD	ARMS-LENGTH	2015R-000625	BUYER	100.0			
MARTIN, JOHN S. & COLE, SU	MARTIN, JOHN S.	20,000	08/06/2003	QC	QUIT CLAIM	4111-0774	BUYER	0.0			
O'BRIEN	MARTIN	335,000	06/25/2001	WD	ARMS-LENGTH	3055-0499	BUYER	100.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: CE	Building Permit(s)	Date	Number	Status			
3040 BRIGHTON RD		School: HOWELL		FENCE		03/15/2005	05-086	NO START			
Owner's Name/Address		P.R.E. 100% 06/27/2014		MAP #: V15-08							
WALLACE SONIA 3040 BRIGHTON RD HOWELL MI 48843		2016 Est TCV Tentative									
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 124.HOWELL M& B						
SEC 32 T2N R5E COMM AT NW COR TH N89*08'36"E 66 FT TO POB TH N89*08'36"E 266.08 FT TH S00*25'42"E 750.01 FT TH S89*08'36"W 297.38 FT TH N00*33'30"W 650 FT TH N89*08'36"E 33 FT TH N00*33'30"W 100 FT TO POB CONT 5.06 AC M/L SPLIT FR 006 7/00 PARCEL # 1		Public Improvements		* Factors *							
Comments/Influences		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Topography of Site		LAND TABLE A			5.060	Acres	17816	100	90,150
		Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain X REFUSE		Land Improvement Cost Estimates		5.06 Total Acres		Total Est. Land Value =		90,150	
				Description	Rate	County	Mult.	Size	%Good	Cash Value	
				Pool: Plastic	21.40	1.00		800	42	7,191	
				Total Estimated Land Improvements True Cash Value =						7,191	
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value			
		2016	Tentative	Tentative	Tentative			Tentative			
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		LM	08/05/2014	REVIEWED R	2015	45,100	91,500	136,600	136,600S		
					2014	45,100	89,100	134,200	128,219C		
					2013	45,100	81,100	126,200	126,200S		

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 360 126 600	Type WSEP (1 Story) WPP Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:				
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: C -5 Effec. Age: 27 Floor Area: 2448 Total Base Cost: 175,225 Total Base New : 257,581 Total Depr Cost: 188,034 Estimated T.C.V: 173,368		CntyMult X 1.470 E.C.F. X 0.922	Bsmnt Garage: 3 Car Carport Area: Roof:				
Building Style: C		Trim & Decoration		Ex X Ord Min			Size of Closets			Lg X Ord Small			Doors: Solid X H.C.							
Yr Built 1987	Remodeled 0																			
Condition for Age: Good																				
Room List		(5) Floors		Kitchen: Other: Other:			(6) Ceilings			No./Qual. of Fixtures			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			Size Cost				
	Basement 1st Floor 2nd Floor 4 Bedrooms									Ex. X Ord. Min			1 Story Siding Basement 55.96 0.00 1.82			1656 95,684				
(1) Exterior										No. of Elec. Outlets			1 Story Siding Blt-in Gar. 32.60 0.00 1.82			792 27,261				
X	Wood/Shingle Aluminum/Vinyl Brick									Many X Ave. Few			Other Additions/Adjustments Rate			Size Cost				
	Insulation												(9) Basement Finish							
(2) Windows													Basement Living Finish 17.25			1200 20,700				
X	Many Avg. Few	X	Large Avg. Small	Basement: 1656 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			(13) Plumbing			Average Fixture(s)			Walk out Basement Door(s) 775.00			1 775				
	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						3 3 Fixture Bath			(13) Plumbing							
(3) Roof										1 2 Fixture Bath			3 Fixture Bath 2400.00			2 4,800				
X	Gable Hip Flat		Gambrel Mansard Shed	(8) Basement						Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower			(14) Water/Sewer			2 Fixture Bath 1600.00			1 1,600	
	Asphalt Shingle									Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(14) Water/Sewer			Well, 200 Feet 4975.00			1 4,975	
	Chimney: Brick									Ceramic Tub Alcove Vent Fan			(16) Porches			1000 Gal Septic 3085.00			1 3,085	
										Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			(16) Deck/Balcony			Treated Wood,Standard 6.15			600 3,690	
										Lump Sum Items:			(17) Basement Garages			Basement Garage: 3 Car 3375.00			1 3,375	
													Phy/Ab.Phy/Func/Econ/Comb.%Good= 73/100/100/100/73.0, Depr.Cost = 188,034			ECF (47070 HOWELL M & B) 0.922 => TCV of Bldg: 1 = 173,368				

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



Sketch by Apex Sketch

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

RECORDED

MAY 15 8 40 AM '79

AMENDMENT OF RIGHT-OF-WAY GRANT

THIS AGREEMENT, made as of the 15th day of APRIL 1979 by and between Frank G. and Verna M. Burnett, husband and wife, 3160 Brighton Road - Howell, Michigan 48843; Helmut A. and Wanda I. Kaltenbacher, husband and wife, 3161 Brighton Road - Howell, Michigan 48843; and Thomas M. and Diane R. Johnson, husband and wife, 3230 Brighton Road - Howell, Michigan 48843; hereinafter collectively referred to as "Grantors", and Panhandle Eastern Pipe Line Company, 3444 Broadway - Kansas City, MO 64111, a Delaware Corporation, hereinafter referred to as "Grantee".

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICHIGAN

WITNESSETH:

THAT WHEREAS, Grantors represent that they are the present owners of the following described tract of land, hereinafter referred to as "TRACT A", in the County of Livingston, in the State of Michigan, described as follows, to-wit:

TRACT A The Southwest Quarter of the Southwest Quarter of Section 29 and the Northwest Quarter of the Northwest Quarter of Section 32, Township 2 North, Range 5 East, being eighty (80) acres in all, located in the Township of Genoa,

which said TRACT A is subject to a certain Right-of-Way Grant dated February 8, 1962, made by Anthony O. Dombrowski and Victoria Dombrowski, husband and wife, as grantors, in favor of Panhandle Eastern Pipe Line Company, its successors and assigns, as grantee, recorded in the office of the Register of Deeds in and for Livingston County, Michigan, in Liber 407, pages 232-233, and an Amendment of Right-of-Way Grant dated August 18, 1975, made by Roger J. Sackett, as an individual, as grantor, in favor of Panhandle Eastern Pipe Line Company, its successors and assigns, as grantee, recorded in the office of the Register of Deeds in and for Livingston County, Michigan, in Liber 722, pages 610-612; and

WHEREAS, under and pursuant to the above-described Right-of-Way Grant, there has heretofore been constructed on, over and across TRACT A a high pressure, natural gas transmission pipeline, Line No. 36-08-050-10-20", owned, operated and maintained by Grantee and hereinafter sometimes referred to as Grantee's said line; and

WHEREAS, the above-described Right-of-Way Grant also authorizes Grantee to construct, maintain, and operate additional pipelines on, over and across TRACT A; and

WHEREAS, Grantors have requested Grantee to release, surrender and relinquish the above-described Right-of-Way Grant INSOFAR and INSOFAR ONLY as it covers that portion of the aforesaid TRACT A which lies outside of a certain strip of land hereinafter described.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, it is agreed by and between the parties hereto as follows:

(1) The parties hereby convey, surrender, release and relinquish unto each other any and all interest they may have by virtue of the above-described Amendment of Right-of-Way Grant dated August 18, 1975, and recorded in the office of the Register of Deeds in and for Livingston County, Michigan, in Liber 722, pages 610-612, to the end that said instrument is of no further force and effect.

(2) That Grantee shall and by these presents does release, surrender and relinquish unto Grantors, their heirs, successors and assigns, all of Grantee's right, title and interest in, to and under the above-described Right-of-Way Grant dated February 8, 1962, and recorded in the office of the Register of Deeds in and for Livingston County, Michigan, in Liber 407, pages 232-233, INSOFAR and INSOFAR ONLY as it covers that portion of TRACT A which lies OUTSIDE of a certain sixty (60) foot wide strip of land, being thirty (30) feet on either side of a surveyed line, corresponding to the

approximate centerline of the aforesaid Line No. 36-08-050-10-20", which said surveyed line is described as follows, to-wit:

A line lying in the Southwest Quarter of the Southwest Quarter of Section 29, and in the Northwest Quarter of the Northwest Quarter of Section 32, all in Township 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as: Beginning at a point on the West line of said Section 32, distant South 0 degrees 17 minutes 57 seconds West, 316.1 feet from the Northwest corner of said Section 32; thence North 77 degrees 07 minutes East, 361.76 feet; thence North 51 degrees 01 minutes East, 254.0 feet; thence North 41 degrees 41 minutes East, 101.0 feet to a point on the line between Section 29 and Section 32; thence continuing North 41 degrees 41 minutes East, 1082.1 feet to a point of ending, said point being due East 1328.32 feet and North 0 degrees 28 minutes 54 seconds East, 808.16 feet from the Southwest corner of Section 29 and the Northwest corner of Section 32,

it being the intention of the parties hereto to free all of the above-described TRACT A from and of the lien, encumbrance and burden of the Right-of-Way Grant hereinabove described, SAVE and EXCEPT as to the above-described strip of land, as to which said strip of land said Right-of-Way Grant, as herein modified and amended, SHALL REMAIN IN FULL FORCE AND EFFECT. No release, surrender or relinquishment of any part of the above-described Right-of-Way Grant covering, affecting or pertaining to any lands lying OUTSIDE of the boundaries of the above-described TRACT A is made or is intended to be made hereunder.

(3) No house, garage, building, mobile home, house trailer, septic tank, drain pipes, trees, lake, reservoir, swimming pool or other structure, facility or tree-like growth shall be hereafter placed, erected or planted anywhere on the above-described strip of land reserved, as aforesaid, by Grantee; provided, however, that Grantors shall have the right to install or authorize the installation of utility installations on said strip of land so long as such utility installations are not placed parallel to and within ten (10) feet of Grantee's aforesaid line and such future pipeline as Grantee may hereafter construct, and so long as such utility installations as may cross Grantee's line and such future pipeline as Grantee may hereafter construct do so under said pipeline and at approximate right angles thereto and in such manner as not to interfere with, endanger or damage Grantee's said pipeline.

(4) No portion of the above-described strip of land shall be utilized for the seating or other accommodation of persons in connection with any gathering of any sort, nor shall any portion of the above-described strip of land lying within ten (10) feet of said line or within ten (10) feet of such future pipeline as Grantee may hereafter construct, be utilized for the parking of vehicles, and no impervious type pavement in connection with the establishment or use of any vehicular parking area shall be placed over or within ten (10) feet of said pipeline or such future pipeline as Grantee may hereafter construct.

(5) Grantors shall not remove any cover or overburden from Grantee's line or hereafter constructed pipeline, nor shall any lateral or subjacent support be removed therefrom except temporarily and as an incident to the installation of utility installations hereinabove authorized to be placed across said above-described reserved strip of land, or as an incident to the construction of any railroad track, street, sidewalk, driveway, road, alley or curbing not constructed parallel to and within ten (10) feet of Grantee's said line or hereafter constructed pipeline of Grantee, and Grantee shall, in no event, except upon the conditions herein-after referred to in (5) below, be required to alter or change the level or position of Grantee's line or hereafter constructed pipeline by reasons of the exercise by Grantors of any of the rights

conferred on them under this agreement with respect to the strip of land reserved, as aforesaid, by Grantee.

(6) No railroad track, street, sidewalk, fence, driveway, road, alley or curbing shall be constructed substantially parallel to and within ten (10) feet of Grantee's said line or hereafter constructed pipeline of Grantee. Nothing herein shall preclude Grantors, their heirs, successors or assigns, from constructing any railroad track, street, sidewalk, driveway, road, fence, alley or curbing ACROSS Grantee's said line or hereafter constructed pipeline of Grantee so long as said railroad track, street, sidewalk, fence, driveway, road, alley or curbing shall cross Grantee's said line or hereafter constructed pipeline of Grantee at approximate right angles thereto; provided, however, that if the proposed construction by Grantors, or their heirs, successors or assigns, of any railroad track, street, sidewalk, fence, driveway, road, alley or curbing across the aforesaid reserved strip of land would, in Grantee's opinion, imperil Grantee's said line or hereafter constructed pipeline of Grantee, then Grantors, and their heirs, successors and assigns, shall not proceed with such proposed construction; provided further however, that Grantors, or their heirs, successors or assigns, may proceed with such proposed construction after (A) Grantors, or their heirs, successors or assigns, have entered into an agreement in form satisfactory to Grantee to pay to and reimburse Grantee for all direct and indirect costs and expenses of every sort and character which would have to be incurred or expended by Grantee in connection with whatever protective work, for example, lowering, encasing, adjusting or otherwise altering Grantee's said line or hereafter constructed pipeline of Grantee, might, in Grantee's opinion, be required to protect its said line or hereafter constructed pipeline of Grantee from the consequences of such proposed construction, and (B) Grantee has had such reasonable period of time as might be required by Grantee to complete such protective work as may be covered by the aforesaid reimbursement agreement.

(7) Grantee shall not construct or place any aboveground facilities except pipeline markers on the above-described strip of land reserved.

As hereby modified, amended and restricted, the above-described Right-of-Way Grant, INSOFAR AS said Right-of-Way Grant covers the reserved strip hereinabove described, is hereby confirmed and ratified.

THIS INSTRUMENT shall be binding upon the parties hereto, their heirs, successors and assigns.

EXECUTED as of the day and year first hereinabove written.

Witnesses:

Douglas H. Williams
Douglas H. Williams

Carol Greer
Carol Greer

Frank G. Burnett
Frank G. Burnett

Douglas H. Williams
Douglas H. Williams
Carol Greer
Carol Greer

Verna M. Burnett
Verna M. Burnett

Douglas H. Williams
Douglas H. Williams
Carol Greer
Carol Greer

Helmut A. Kaltenbacher
Helmut A. Kaltenbacher

Witnesses:

Douglas H. Williams
Douglas H. Williams
Carol Greer
Carol Greer

Wanda I. Kaltenbacher
Wanda I. Kaltenbacher

Douglas H. Williams
Douglas H. Williams
Carol Greer
Carol Greer

Thomas M. Johnson
Thomas M. Johnson

Douglas H. Williams
Douglas H. Williams
Carol Greer
Carol Greer

Barbara S. Johnson
~~Barbara S. Johnson~~
Diane R. Johnson
Diane R. Johnson
PANHANDLE EASTERN PIPE LINE COMPANY

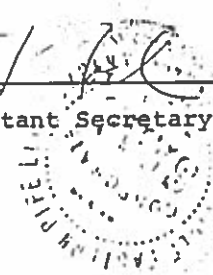
Eugene C. Alf
Eugene C. Alf

By E. O. Nelson
E. O. Nelson, Vice-President

ATTEST:

Vivian R. Cozad
Vivian R. Cozad

J. T. Noel
J. T. Noel
Assistant Secretary



STATE OF Michigan)
) SS.
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me this 1st day of April, 1979, by Frank G. and Verna M. Burnett, husband and wife.

Marjorie Greer
Marjorie Greer Notary Public

My Commission expires:
11-30-80

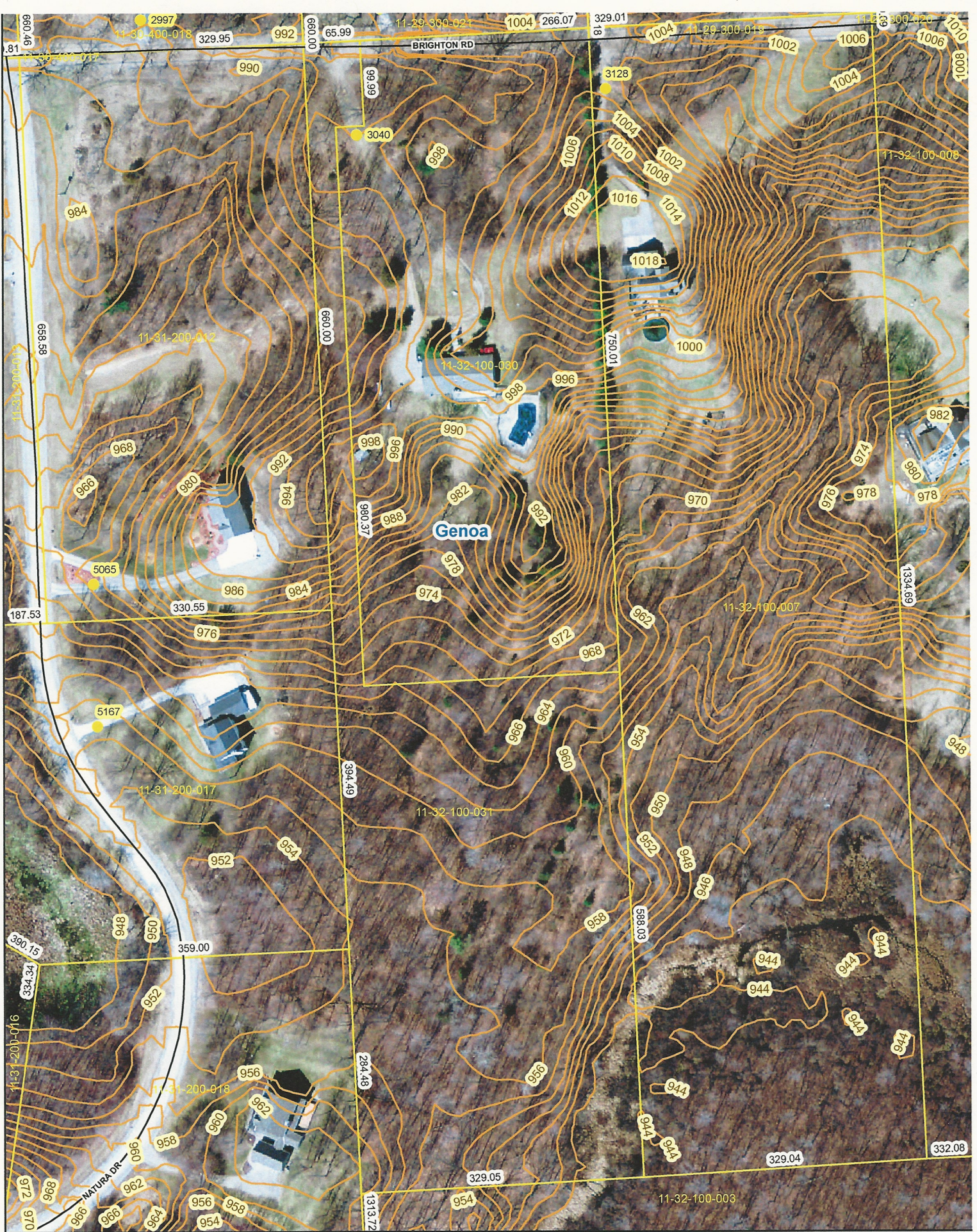
RECORDED
MAY 15 8 40 AM '79
MARCY HANLOND
REGISTERED PROFESSIONAL
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
SERIALS ACQUISITION

STATE OF Mich)
) SS.
COUNTY OF Lapeer)

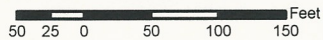
The foregoing instrument was acknowledged before me this 1st day of April, 1979, by Helmut A. and Wanda I. Kaltenbacher, husband and wife.

Marjorie Greer
Marjorie Greer Notary Public

My Commission expires:
11-30-80



Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230

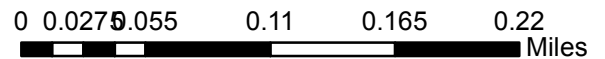
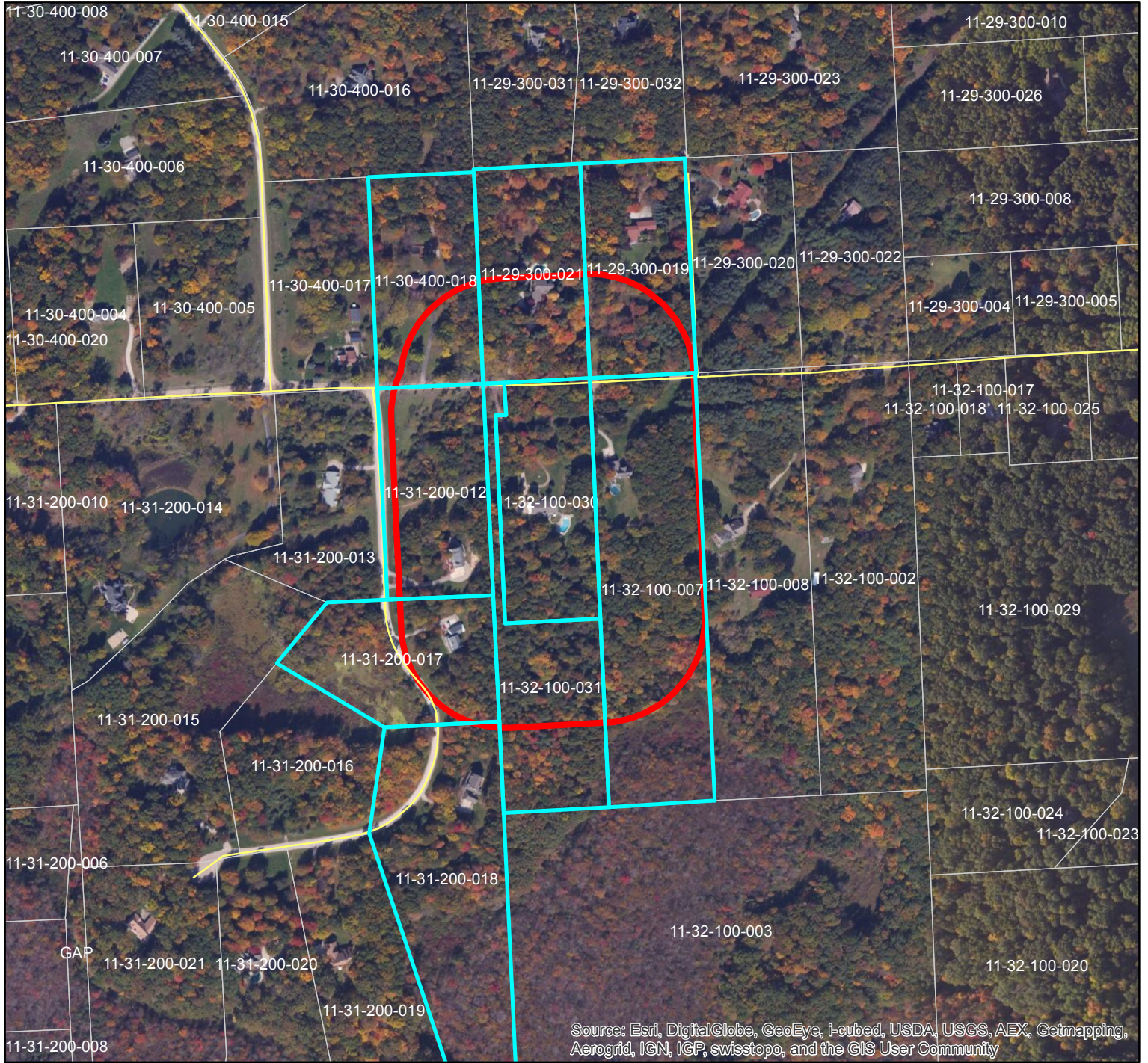


3040 Brighton Rd



Orthophotos Flown Spring 2010
 Printed: April 27, 2015
 Parcel lines are a representation only.
 Not intended for survey purposes.

300 ft Buffer for Noticing



Variance Case #15-08

Applicant: Sonia Wallace

Parcel: 4711-32-100-030

Meeting Date: May 19, 2015



April 24, 2015

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 21, 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: Jean Ledford, Barbara Figurski, Jerry Poissant and Jeff Dhaenens. McCreary was absent. Also present was Township staff member Ron Akers. There were 12 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 Poissant to approve the agenda as submitted. **Motion carried.**

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

14-25 ... A request by Chilson Pointe LLC, 4666 Brighton Road, for a variance from the maximum allowable size of a detached accessory building and a rear yard setback variance to construct a detached accessory structure.

Joe Perri, 3962 Highcrest was present for the petitioner. Mr. Perri stated he has already presented his case and that he is going to change his request and attach the existing garage to the home and would like to seek a variance for 800 sq.ft. for the proposed detached accessory structure. He noted that he has already shown substantial justice by demonstrating that there are already properties in the same zoning district that have larger than allowed detached accessory structures.

Figurski questioned the practical difficulty, extraordinary circumstances and public safety. Perri stated that he is only required to meet just one and he did showed substantial justice. Poissant stated that the structures on Chilson Road which exceeded the allowable size as depicted in the packet looked to predate the Zoning Ordinance. Figurski questioned if he was installing a road at the other 7.5 acre parcel that he owns. Akers clarified that Article 23.05.03 reads as follows “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 articles are met. In order to grant a variance all four standards have to be met.

A call to the public was made with the following response: Don Kroeyer, 4688 Brighton Road, stated he did research with a title company and found that the easement is for the two properties with existing houses and the acreage that Mr. Perri owns. The parcel in question was never in the

easement. Now he wants to construct the detached building on the property line. There is not enough room to build it in the situation. There was never anything that was brought up for the white house. Now that Mr. Perri purchased the other lots, he thinks he can do whatever he wants. If you have seven acres and don't plan on using it for anything then construct it on the other side and do not infringe on their easement rights.

Michele LeFevere, 4700 Brighton Road, stated that she owns Parcel 1 and her biggest concern is why does Mr. Perri need a building of that size. The purpose of this building is going to be used for commercial equipment and there is no reason for him to have that big of a building. Put the building so it is not infringing on their easement. She would appreciate not having to look at a big huge building.

The Board's concern is that Mr. Perri has demonstrated no practical difficulty.

Moved by Figurski, supported by Ledford, to deny the variance request for a 2000 sq.ft. detached accessory building located at 4666 Brighton Road due the hardship being self-created, there are no exceptional or extraordinary circumstances or conditions applicable to the property or extended use which would prevent applicant from complying with the Zoning Ordinance and impact on the surrounding neighborhood by granting the variance would have a negative impact on the surrounding neighborhood due to there is no detached accessory buildings of that size. **Motion carried unanimously.**

The petitioner left the meeting before the call to the public was closed and the motion made.

15-03 ... A request by Carol and Jack Gatewood, 1022 S. Hughes Road, a variance from the maximum allowable building height, a variance from the required side yard setback and a variance from the maximum permitted projection into a required yard for an unroofed porch, in order to construct a single family dwelling.

Moved by Ledford, supported by Figurski to remove case 15-03 from the agenda per petitioner's request confirming the elimination of the need for the 4 requested variances. **Motion carried unanimously.**

15-04 ... A request by Stephen Widdick, 1612 S. Hughes Road, for a side yard setback variance in order to construct a three-season room on an existing deck.

Stephen Widdick was present for the petitioner. Mr. Widdick stated that he is requesting a variance to construct a three season room on the existing deck. That will be glass and vinyl. This is the third addition that he has requested. He has spoken with the Livingston County Building Department to make sure that he could construct it on the existing house.

Dhaenens stated that he is concerned that he keeps adding to the lake side. Mr. Widdick stated that the setback that he is allowed from the water is shorter than the deck. He also stated that the property will be guttered with downspouts directed toward the lake.

A call to the public was made with no response.

Moved by Ledford, to approve case#15-04 for 1612 S. Hughes for Stephen Raymond Widdick, for a 2 foot side setback and 8 foot variance to construct a 77 sq. ft. three season room on an existing deck. The east property line is adjacent to a 10 foot easement which provides sufficient separation between residential buildings, extraordinary circumstances are the narrowness of the lot and existing home on the property which was constructed prior to the enacted of the zoning ordinance. Granting the ordinance will have no impact on the public safety and welfare. **Motion carried unanimously.**

15-05 ... A request by Tim Chouinard, at Lot 20 McNamara's Sub, Parcel ID 4711-10-201-023, for a side yard setback variance to construct a single family dwelling.

Tim Chouinard, Chouinard Building, was present for the petitioner. They would like to construct 2600 sq. ft. building. The owners chose to go one foot over toward lot 18 because there is room. The reason for the variance is narrowness of the lot and typography of the land. Mr. Chouinard stated that the existing garage will be removed and that Boss Engineering contacted him and informed him that he would need a total of 6'3 on the side instead of 6'

Dhaenens asked about the existing trees. Mr. Chouinard stated that some trees will have to be removed. Figurski questioned if the total square footage would be 2600 with the garage.

Moved by Poissant, supported by Ledford, to approve case 15-05, request for a side yard setback variance to construct single family home located on lot 20. The variance request is 6.3 on one side and 1 foot on the other side. Granting the variance would not impair the adjacent properties and not impact the surrounding area. Conditioned upon the existing garage would be demolished and the addition being guttered. The narrowness of the lot is an extraordinary circumstance and granting the variance would not impair the adjacent properties and would not impact the surrounding area, it would not impact public safety and welfare. The lot is 46'7 feet wide and is less than the typical LRR in the neighborhood and it makes it consistent with the other properties in the neighborhood.

Motion carried unanimously.

Administrative Business:

1. **Approval of Minutes:** moved by Poissant, supported by Ledford to approve the March 17th, 2015 Zoning Board of Appeals meeting minutes with typographical errors. **Motion carried unanimously.**
2. **Correspondence:** Akers stated that included in the packet is information from Mr. Schindler that contains content on urban livestock and the Township has addressed this issue before. It is an interesting read of the recommendations that they made to the State of Michigan.
3. **Township Board Representative Report:** Ledford stated that at the April 20, 2015 Board meeting they had two members from Hartland Library in to ask for a millage. The Board approved two firework displays for July 18th, 2015 located at Mt. Brighton sponsored by the Brighton Alumni and for July 4th, 2015 located on Crooked Lake. The

Prairie House restaurant is going to be demolished. A special assessment was started for the Northshore Subdivision Entrance.

4. **Planning Commission Representative Report:** Figurski stated that Panera Bread and Culvers is going to build a drive-thru where the Bennigans' building was located which that building will be demolished. Chestnut Development was approved to rezone property located by Brighton Glass to be able to construct an office building. There was an addition to the Planning Commission By-laws. Champion Chevrolet was approved for an office addition. Chase Bank was seeking approval for an ATM in the Carson's parking lot located near Payless Shoe Source which was tabled due to traffic and design concerns.
5. **Zoning Official Report:** Akers stated that the past week the Township office has seen an increase in activity due to the spring weather. He stated that he going to be presenting the Capital Improvement Plan to the Planning Commission on May 18th, 2015 and he is currently working on a Local Support Plan which the Township has to adopt to receive state assistance of up to \$100,000 in the event of a disaster.
6. **Member Discussion:** Ledford questioned if the Board could address the Chilson Pointe LLC., situation in regards to postponing up to a number of times in the Rule of Procedures. Akers stated that they could add it by amending the Rules of Procedure by discussing it that next meeting. Akers stated that the Board does not have to allow a petitioner to table a case.
7. **Adjournment: Moved** by Ledford, supported by Poissant to adjourn the April 21st, 2015 Zoning Board of Appeals meeting at 7:58 p.m. **Motion carried unanimously.**



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 5/15/15

RE: Rules of Procedure Review

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

At the April Zoning Board of Appeals meeting, the Board instructed me to evaluate alternatives to ensure we do not have a decision on a variance request consistently postponed by an applicant. As part of my review of our options I would like to propose several questions for the Board of Appeals to consider. The purpose of this exercise is to provide direction to staff as to how we should move forward to address this issue.

Question 1: What is the appropriate number of times an applicant can request a postponement of a decision?

Question 2: Should we impose a hard deadline or should we allow for some flexibility in the event of extreme circumstances? For example if someone gets into a car accident on the way to the meeting, or if someone cannot attend due to a death in the family.

Question 3: What steps should we take with regard to notice, in the event of a postponement?

Question 4: Are there any other factors or considerations we should be making with regards to this issue?

My intent is to take the direction of the Board of Appeals and create a bylaw amendment to be considered at the following months meeting. I look forward to the discussion on the matter.

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

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Tuesday, April 28, 2015 4:19 PM
To: Schindler, Kurt
Subject: Urban Agr & Agr-like; Religious Freedom Restoration Act; donation boxes; Advanced Citizen Planner Academy

Follow Up Flag: Follow up
Flag Status: Flagged

Dear everyone:

There are four items in this (April 28, 2015) email:

1. Report: *Land Use Series* “Sample zoning for agriculture-like and urban agriculture” publication released.
2. Legislation: Michigan religious freedom restoration act.
3. Court: Regulation of donation box, like signs, must be content neutral.
4. Training: Citizen Planner Advanced Academy June 11, 2015, 9am-4pm.

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>.

The chicken crossed the playground to get to the other slide.

-----kurt

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1. A new report, *Land Use Series* “Sample zoning for agriculture-like and urban agriculture” has been released today. This MSU Extension publication is intended to be a starting point for local governments which are working on amending zoning to accommodate local food systems with urban agriculture, agriculture in category 4 sites, in communities of over 100,000 population, and agriculture-like land uses.

The document reviews the jurisdiction issues concerning local regulation of agriculture and the Right to Farm Act, substantive due process, suggested local stakeholders to involve in the discussions, a sample zoning amendment text, and a listing of additional resources. It is anticipated for any one community the sample will appear to be overwritten. It is. The intent was to write it for use in large cities and rural townships covering all those bases. Intent is for a local government using the document to edit (mainly deleting) to craft a proposed zoning amendment for its own use.

We anticipate this new topic, for Michigan, will result in this publication to be likely to change and be updated. So it may be best to check back regularly to make sure one is using the most up-to-date version.

Save the date for a webinar training on this on this sample zoning and technical MDARD report (below): 1:30-3pm, Tuesday June 9, 2015.

This publication follows the Michigan Department of Agriculture and Rural Development’s *Urban Livestock Workgroup - Recommendations Report To Director Jamie Clover Adams and State Senator Joe Hune* (covered in the March 16, 2015 edition of this email listserve). That report includes recommendations for handling agricultural activities in urban and urban-like locations (e.g., content of local zoning regulation, if any). The report reflects both majority and minority positions of the workgroup on the topic. Included in “Appendix A” of the report is the *Urban Livestock Technical Group Report; Urban Livestock Technical Workgroup Guidelines* which covers recommendations for practices (and zoning ordinance content) concerning urban agriculture soils; livestock health, housing, nutrition/feeding/forage, feed storage, slaughter, euthanasia; waste and manure management; runoff; fencing and trees; pest control (pesticide and other chemical drift). The

report reflects the thinking of faculty at Michigan State University and MSU Extension, specialists with the Michigan Department of Agriculture and Rural Development and the Detroit City Planner. The MSU Extension sample zoning reflects that technical report as well as other sources.

For a copy of , *Land Use Series* “Sample zoning for agriculture-like and urban agriculture”:

<http://lu.msue.msu.edu/pamphlet/ZAgr/PamphletAgrUrban.pdf> (found at web page <http://lu.msue.msu.edu/pamphlets.htm#AgrUrban>).

For a copy of *Urban Livestock Workgroup - Recommendations Report To Director Jamie Clover Adams and State Senator Joe*

Hune: http://www.michigan.gov/documents/mdard/Urban_Livestock_Workgroup_Report_w_Technical_Workgroup_Guidelines_031315_484099_7.pdf and also at <http://lu.msue.msu.edu/pamphlet/Blaw/UrbanLivestockWorkgroupReportTechnicalWorkgroupGuidelines20150313.pdf> (at web page <http://lu.msue.msu.edu/pamphlets.htm#UrbLivestockMDARD>.)

For a simple review of RTFA and GAAMPs limitations on what can be regulated locally see *Right to Farm Act can preempt local regulation authority, but not all local regulations*:

http://msue.anr.msu.edu/news/right_to_farm_act_can_preempt_local_regulation_authority_but_not_all_local

For a more detailed review of RTFA and GAAMPs limitations on what can be regulated locally see *What sorts of local regulations are preempted by the Right to Farm Act (RTFA)*:

<http://lu.msue.msu.edu/pamphlet/Blaw/RightToFarmAct%20LocalRegulationPreemptionTable.pdf>

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2. SB 0004 of 2015: A bill introduced to create a “Michigan religious freedom restoration act.” This act roughly reiterates the United States Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). As introduced the proposed statute main thrust is “Except as provided in subsection (2), government shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability.” Subsection (2) exceptions are when it is a “compelling governmental interest,” and the least restrictive means to do so. “Government” is defined as “any branch, department, agency, division, bureau, **board** [ZBA], **commission** [planning], council, authority, instrumentality, **employee** [zoning administrator, planner], official, or other entity of this state or a **political subdivision** of this state, or a **person** [planning or other consultant] acting under color of law” (emphasis and brackets added). The proposed statute applies to all laws, adopted before or after the date this act might be adopted, and to all state statutes and local government ordinances. The bill was referred to the Senate Committee on Judiciary.

Copy of the introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/Senate/pdf/2015-SIB-0004.pdf>

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3. Court: U.S. Court of Appeals Sixth Circuit (No. 14-1680, April 6, 2015) [This appeal was from the WD-MI.]

Case Name: *Planet Aid v. City of St. Johns, MI*

The court affirmed the district court’s preliminary injunction, which enjoined the implementation of the defendant-City’s ordinance banning “outdoor, unattended charitable donation bins.” The court held that the ordinance was “a content-based regulation of protected speech,” and that plaintiff-Planet Aid, a nonprofit charitable organization, “demonstrated a strong likelihood of success on the merits of its constitutional claim.”

Ordinance #618 prohibited the placement and use of donation boxes, but “grandfathered” previously existing boxes. Planet Aid sued, alleging a First Amendment violation and requesting a preliminary injunction because the ordinance “infringed on Planet Aid’s protected speech of charitable solicitation and giving.” The district court granted the injunction, and the court affirmed, holding that the ordinance was a “content-based restriction on speech” that was not “narrowly tailored to promote” compelling government interests.

The Supreme Court has yet to address “the status of unattended donation bins,” but the Appeals Court agreed with the Fifth Circuit in *National Fed’n of the Blind of TX, Inc. v. Abbott* (5th Cir.), which held that ““public receptacles are not mere collection points for unwanted items, but are rather silent solicitors and advocates for particular charitable causes.””

The court concluded that the City’s ordinance was content-based because it did “not ban or regulate all unattended, outdoor receptacles[,]” but only banned “those unattended, outdoor receptacles with an expressive

message on a particular topic - charitable solicitation and giving.” The court rejected the City’s argument that the bin ordinance was “analogous to billboards and advertising signs” ordinances, which have been deemed “content-neutral,” because Ordinance #618 “bans altogether an entire subclass of physical, outdoor objects - those with an expressive message protected by the First Amendment.”

The court then applied a “strict scrutiny” analysis and determined that the ordinance was not “narrowly tailored to promote a compelling Government interest.” Thus, because the plaintiff was likely to succeed on the merits of its claim, the court affirmed the district court's order granting the preliminary injunction. (Source: State Bar of Michigan *e-Journal* Number: 59659, April 9, 2015.)

Full Text Opinion: http://www.michbar.org/opinions/us_appeals/2015/040615/59659.pdf

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4. 2015 Citizen Planner Advanced Academy: At the Okemos Conference Center on June 11, 2015, 9am-4pm. Check-in starts at 8am.

The 2015 Advanced Academy will look at development and redevelopment through the lens of Partnerships and Practice.

Partnerships are critical for taking projects from conception to construction, whether they include public, private, institutional, and/or non-profit partners. Hear from a panel including development, planning and zoning department, and state agency interests on what makes an effective partnership and what it takes to get through the development planning, review, and approval process successfully. Morning break-out sessions on case studies from urban, small town, and rural jurisdictions will also provide insights into development and redevelopment process, including lessons learned.

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and download the attached flyer. If you have current mailing lists for potential participants please send them to me.

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and then do anyone or combination of the following:

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Under *Certifications Available* check “Master Citizen Planner” for master citizen planner credit offerings.

Under *Counties* select those counties you would be willing to travel to, for the class.

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Kurt H. Schindler, AICP, Land Use Educator

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<http://www.facebook.com/pages/Cadillac-MI/MSU-Extension-Schindlers-Land-Use-Networking-Page/462862190006>

MSUE Land Use <http://tinyurl.com/msuelanduse>

MSU Extension: <http://www.msue.msu.edu/>

eXtension (national web page): <http://www.extension.org/community%20planning%20and%20zoning>

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Tuesday, May 12, 2015 10:57 AM
To: Schindler, Kurt
Subject: Format for Schindler's ListServe

Dear everyone:

There are three items in this (May 12, 2015) email:

1. Court: To repeal zoning ordinance, must be done by adoption of an ordinance
2. Court: ZBA can interpret, review administrative decisions, but cannot decide what something is zoned or rezoned
3. Training: Citizen Planner Advanced Academy. Last chance to register at low price (before: May 22, 2015)

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>.

Why do engineers confuse Halloween and Christmas? Because October 31 = December 26.

-----kurt

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1. Court: Michigan Court of Appeals (Unpublished No. 319235, April 28, 2015)

Case Name: *Lorencz v. Township of Brookfield*

The court held that the trial court erred by granting summary disposition for the defendants-township and county in the plaintiff's declaratory action because defendants could not repeal a zoning ordinance by resolution.

The township's board of trustees adopted an ordinance that would have repealed a then-current zoning ordinance with intent to come under Huron County's zoning ordinance because the township could not populate its planning commission and zoning board of appeals. But its electors later rejected the repealing ordinance by referendum with a 119 to 118 vote. The board then adopted a resolution repealing the zoning ordinance.

Plaintiff sought a declaratory judgment, arguing that the ordinance could not be repealed by a resolution. The trial court held that because the statute was silent as to the procedure to be followed when repealing a zoning ordinance, it was properly repealed by the resolution.

On appeal, the Appeals Court agreed with plaintiff that a resolution is not of equal dignity to an ordinance and thus, cannot serve as a proper method for repealing the zoning ordinance in issue. "[A]n ordinance may only be repealed by an act of equal dignity, which requires the township to repeal by ordinance and not resolution. The 2013 resolution purporting to repeal the" zoning ordinance was "void and the zoning ordinance remains in effect." Reversed and remanded. (Source: State Bar of Michigan *e-Journal* Number: 59820, May 7, 2015.)

Full Text Opinion:

www.michbar.org/opinions/appeals/2015/042815/59820.pdf

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2. Court: Michigan Court of Appeals (Unpublished No. 319409, April 21, 2015)

Case Name: *Hoffman v. Porter Twp.*

The court held that the trial court had subject matter jurisdiction over the plaintiff's (Hoffman's) appeal of the zoning board of appeals' (ZBA) denial of his variance request, and over his due process and equal

protection claims. Thus, the court vacated in part and reversed in part the trial court order's affirming the denial of plaintiff's variance request and dismissing his constitutional claims, and remanded for further proceedings.

Plaintiff owns a small island on a lake in the defendant-Porter Township. He wished to build a home on the island and sought to determine how the township's zoning ordinance applied to his property. The township deputy zoning administrator determined that the island was "not zoned." However, the township planning commission chairman appealed that determination to the ZBA, which voted to reverse the deputy zoning administrator's decision and interpreted the zoning map to determine that the property was zoned "agricultural." The ZBA later voted to deny plaintiff's request for a variance.

The plaintiff appealed that decision to the trial court, and filed a four-count complaint asserting due process and equal protection violations, among other things. The court noted that plaintiff timely appealed the ZBA's decision. Further, the trial court erred in dismissing his constitutional claims under MCR 2.116(C)(4). Plaintiff argued that the ZBA's 2011 decision was "unreasonable because most of the surrounding property is zoned 'lake residential' and there is no 'agricultural' property on the lake." As to his equal protection claim, he argued that "the zoning of his property as 'agricultural' and the ZBA's denial of a variance was a result of him being 'singled out' as a 'class of one.'"

The Appeals Court noted that the available evidence from the 2011 ZBA meeting suggested "that plaintiff's island had never before been zoned," as determined by the deputy zoning administrator. Further, the "Michigan Zoning Enabling Act (MZEA) does not authorize a ZBA to make zoning determinations," and thus, a ZBA "is not empowered to decide in what zoning district a particular piece of property should be placed in the first instance, or whether a property should be rezoned." Decisions about "zoning and rezoning are legislative, rather than administrative, in nature." The court could not determine from the record "whether the ZBA's decision was in fact an 'interpretation' of the map, as the phrasing of the meeting minutes suggest, or whether the ZBA in fact made an initial zoning decision (or a rezoning decision)" as to the property, "in excess of the authority granted to it under the ordinance and the MZEA." (Source: State Bar of Michigan *e-Journal* Number:559758, April 30, 2015.)

Full Text Opinion: <http://www.michbar.org/opinions/appeals/2015/042115/59758.pdf>

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Kurt H. Schindler, AICP, Land Use Educator
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