

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
October 20, 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. 15-28 ... A request by John and Sasha Klavon at 411 Porta Drive, for a setback variance for a deck surrounding a pool.

Administrative Business:

1. Approval of the August 18, 2015 and September 15, 2015 Zoning Board of Appeals meeting minutes.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment

Charter Township of Genoa
ZONING BOARD OF APPEALS
OCTOBER 20, 2015
CASE #15-28

PROPERTY LOCATION: 411 Porta Drive

PETITIONER: John and Sasha Klavon

ZONING: Rural Residential (RR)

WELL AND SEPTIC INFO: Well and Septic

PETITIONERS REQUEST: Requesting a swimming pool enclosure setback variance to allow for a deck surrounding an above ground pool that has been constructed.

CODE REFERENCE: Section 11.04.03 (b) Swimming Pools

STAFF COMMENTS: See attached staff report

Swimming Pools Sec. 11.04.03 (b)	Swimming Pool Enclosure Setback	One Side	Other Side	Rear	Size	Height
Setbacks of Zoning	15	N/A	N/A	N/A	N/A	N/A
Setbacks Requested	10'5"	N/A	N/A	N/A	N/A	N/A
Variance Amount	4'7"	N/A	N/A	N/A	N/A	N/A



GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

(810) 227-5225 | FAX (810) 227-3420

Case # 15-28 Meeting Date: 10-20-15

- 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 (see attached).

Applicant/Owner: John & Sasha Klavon

Property Address: 411 PORTA DR. Phone: 810-908-2361

Present Zoning: RESIDENTIAL/RR Tax Code: 11-01-200-050

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: SET BACK AS RELATION TO DECK & POOL

2. Intended property modifications: _____

a. Unusual topography/shape of land (explain): STEEP HILL, TOPOGRAPHY, SET BACK

b. Other (explain): SEE ATTACHED LETTER - explanation

The following is required. Failure to meet these requirements may result in tabling of this petition:

1. Property must be staked showing all proposed improvements five (5) days before the meeting and remain in place until after the meeting;
2. Plot Plan drawings must be submitted, showing setbacks and elevations of proposed buildings and all other pertinent information. One paper copy of all drawings is required.
3. Waterfront properties must indicate setback from water for adjacent homes.
4. Petitioner (or a Representative) must be present at the meeting.

Date: J. Klavon 9/21/15 Signature: [Signature]

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

**After the decision is made regarding your Variance approval:
Contact the Genoa Township Zoning office to discuss your next step.**



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: October 20th, 2015
RE: ZBA

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

STAFF REPORT

File Number: ZBA 15-28
Site Address: 411 Porta Drive, Brighton, 48114
Parcel Number: 4711-01-200-050
Parcel Size: 2.23 Acres
Applicant: John and Sasha Klavon
Property Owner: Same as applicant

Information Submitted: Application, site plan, drawings

Request: Dimensional Variances

Project Description: Applicant is requesting a swimming pool setback variance.

Zoning and Existing Use: Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on October 4th, 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 1998.
- There have been no previous variances granted on the property.
- See Real Estate Summary and Record Card.
- Township staff has worked extensively with applicant on resolving outstanding issues.

Summary The proposed project is to allow for an existing deck to remain as it was constructed. In order to do this the applicant would be required to obtain a rear yard variance to allow the deck surrounding the pool within the required setback. A land use permit and a building permit were not obtained for the construction of the deck.

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



Variance Requests

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

Sec. 11.04.03 (b) Swimming Pools (enclosures): Required Rear Yard Setback: 15'
Proposed Rear Yard Setback: 10.5"
Proposed Variance Amount: 4'7"

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 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. There is concern that the deck does not meet Livingston County Building Department code and could 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 pool setback requirement would prevent the applicant from continuing the use of the deck. Applicant indicates the need for the variance is due to the topography of the lot and the location of a landmark tree in the rear yard.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the applicant’s claim that the existing grade and the location of a landmark tree makes the required 15 foot setback difficult.
- (c) Public Safety and Welfare** – The granting of this 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 and public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa. The enclosure is of sufficient distance from adjacent structures to not create any fire hazards.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Staff Findings of Fact

1. Strict compliance of the pool setback requirement would not unreasonably prevent the use of the property. The applicant may have the ability to place the enclosure in the area south and immediately east of the pool which would comply with the requirements of the Zoning Ordinance.
2. The applicant’s claim is that the existing grade and the location of a landmark tree makes the required 15 foot setback difficult. Staff questions that the area to the south and immediately east of the pool appear to be suitable for construction of an enclosure and is not convinced of exceptional

or extraordinary circumstances. The variance would not make the property consistent with the neighborhood. The variance may be self-created.

3. Granting of the requested 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, comfort, morals or welfare of the inhabitants of the Township. In regards to public safety, according to the Livingston County Building Department the enclosure is not constructed to their standards.
4. Granting the requested variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

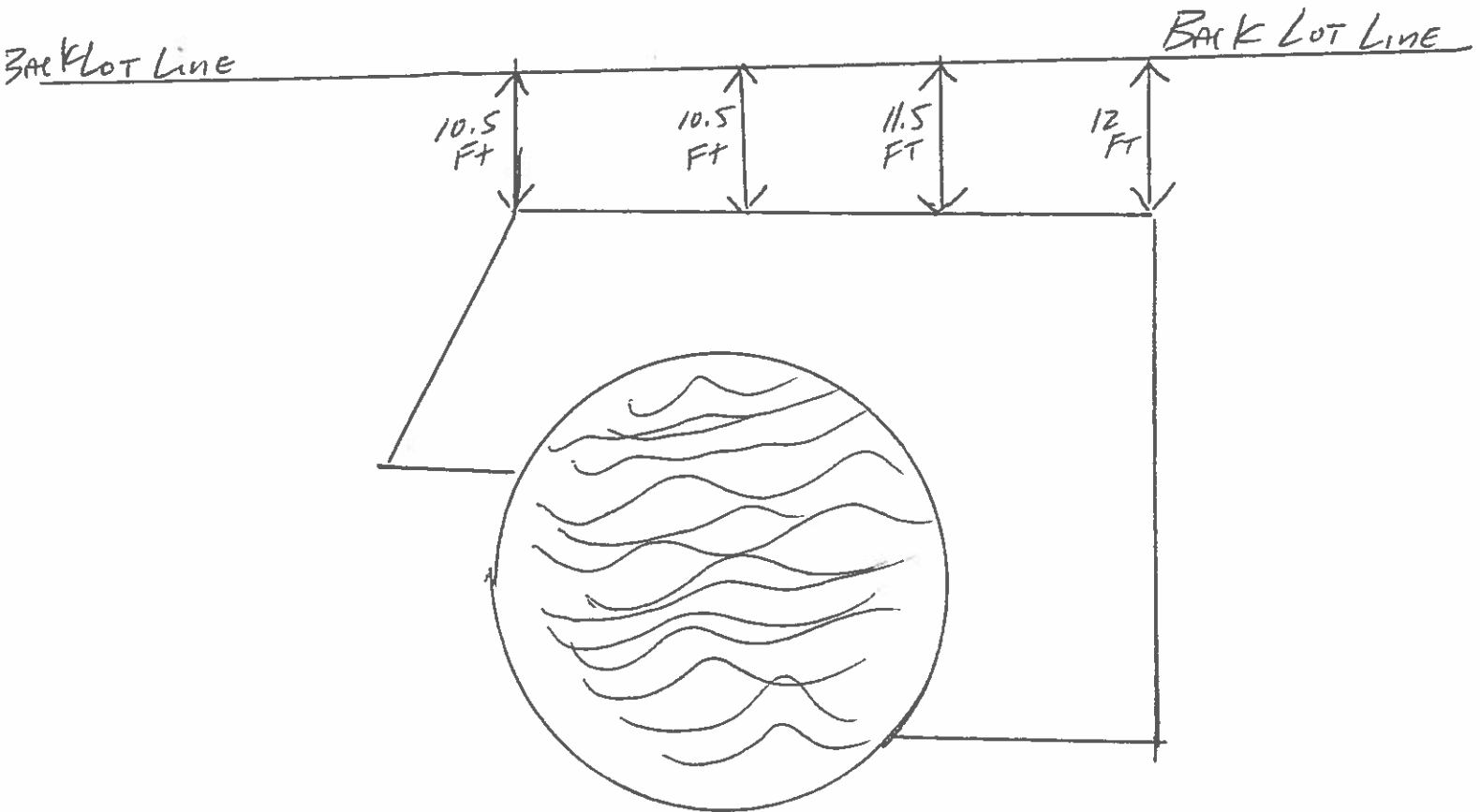
Recommended Conditions

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

1. Permits shall be required from Genoa Township and the Livingston County Building Department by a certain time frame.
2. The structure shall be brought into compliance with the Livingston County Building Department requirements by a certain time frame.

DRAWINGS
EXHIBIT C

FRONT PROPERTY OF ADJACENT PROPERTY
DENSE WOODED PROPERTY



411
PORTA DR

John and Sasha Klavon
411 Porta Drive
Brighton, MI 48114
810-908-2361

9/21/15

Subject: Variance Request, Set back of back property lines in relation to Deck

To Whom It May Concern:

Based on the information presented, Sasha and I are requesting a variance to the deck as related to the rear set back provisions.

Facts:

- A large historical tree is well maintained on back of property. Based on this historical tree, (estimated to be 250+ years old), and topography of back yard, (steep hill), we are requesting this variance in relation to deck and set-back of back lot line
- Deck was built per code and as per instructions given to us in September 2013 by Genoa Township. Set-back clearly indicates "four (4) feet from any side lot line and ten (10) feet from any rear lot line". We built the deck in relation to these requirements, as instructions given to us by an employee at Genoa Township. See attached Exhibit A
- After obtaining permit for pool, we contacted Livingston County as per instructed by Genoa Township. Living County Building Organization instructed us the deck was considered a free standing deck, not attached to any structure, therefore, follow set back and ordinance instructions as given to us by Genoa Township apply. (See point above). See attached Exhibit B and Exhibit A.
- Deck was built in fall of September 2013 and early spring of 2014. Genoa Township contacted us in June 2015 notifying us there may be a potential set back issue with the deck. Township knew we were building the deck in September 2013, as noted in meeting with Ron Akers and Sharon Stone on 6/12/15. This was the first time we were notified of any potential set-back issues, or were notified of additional set back revisions other than what we were given in September 2013
- Please see attached drawings for dimensional drawings, Exhibit C.

Other facts:

- Homeowner feels variance request is justified based on enjoyment of property. (Deck was built based on the enjoyment of the property as related to the pool).
- Homeowner feels variance is justified based on topography of land. Based on the steep hill and historical tree, pool and deck must have been erected in this area to avoid damage to the tree and septic field. See attached photos
- Homeowner feels variance is justified based on the fact the variance does not impair the use of other surrounding properties, nor create a danger to others. Back lot line is adjacent to homeowner's front property. Very dense wooded area. See attached photos
- Homeowner feels variance is justified as it does not interfere with others enjoyment of their property, nor impair the development of other adjacent properties. As stated, back lot line is front wooded property of adjacent homeowner. Other adjacent homeowners have enjoyed the use of the deck and pool as well.

- Homeowner feels variance is justified based on erroneous information given to us by Genoa Township. See exhibit A
- Homeowner feels variance is justified based on timeliness of Genoa Township contact with us regarding this issue

As stated by these facts, Sasha and I feel the variance is justified and warranted. We are requesting Genoa Township please approve this small variance.

Thank you,
John Klavon

A handwritten signature in black ink, appearing to read "John Klavon". The signature is written in a cursive style with a large initial "J" and "K".

GENOA TOWNSHIP ZONING ORDINANCE

- a. The accessory building shall be setback at least ten (10) feet from the other side lot line.
- b. There shall be a minimum of ten (10) feet of separation from buildings on adjacent lots.

(g) **Setback from Shoreline:** Detached accessory buildings shall be setback at least fifty (50) feet from the nearest edge of any lake shoreline, except in the Lakeshore Resort Residential District where accessory buildings shall meet the shoreline setback requirements for the principle structure as specified in Table 3.04.02. Detached accessory buildings shall be setback at least twenty-five (25) feet from the edge of any wetland.

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

(i) **Maximum Number:** No more than two (2) detached accessory buildings shall be permitted on any lot in any district except the Agricultural and Country Estate Districts.

(j) **Maximum Height:** The maximum building height of any detached accessory building shall be fourteen (14) feet (see Article 25 for calculation of building height), except as follows:

(1) Antenna heights may be as noted in Section 11.04.06

(2) Accessory buildings on conforming lots in the Agricultural, Country Estate Districts and Rural Residential districts may exceed the maximum height restrictions for principal buildings by up to fifteen (15) feet.

(k) **Restrictions on Use:** Accessory garages shall only be used to store vehicles or equipment associated with a Permitted Use.

(l) **Not used for dwelling/business:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for agricultural uses in an Agricultural District as permitted in Section 3.03 and home occupations as provided for in Section 3.03.02(a). (as amended 12/31/06, 3/5/10, and 2/25/11)

11.04.02 Decks

(a) Attached or unattached uncovered decks and porches without a roof, walls or other form of enclosure shall be permitted to extend a maximum of twenty five (25) feet from the rear building line of the principal building, provided they shall be at least four (4) feet from any side lot line and ten (10) feet from any rear lot line. Covered or enclosed decks and porches with a roof or walls shall be considered to be part of the principal building for purposes of determining setbacks. One pergola or gazebo as regulated in (d) is permitted.

EXHIBIT A

X
↓

Given to SASHA EXHIBIT A
SEPT 2013 General Provisions


A black and white photograph showing a grassy hillside. On the left, a portion of a building is visible. In the background, a staircase with a railing leads up a slope. The foreground is dominated by a dense field of grass. A white rectangular label with handwritten text is positioned in the bottom left corner.

TOPOGRAPHY OF LAND

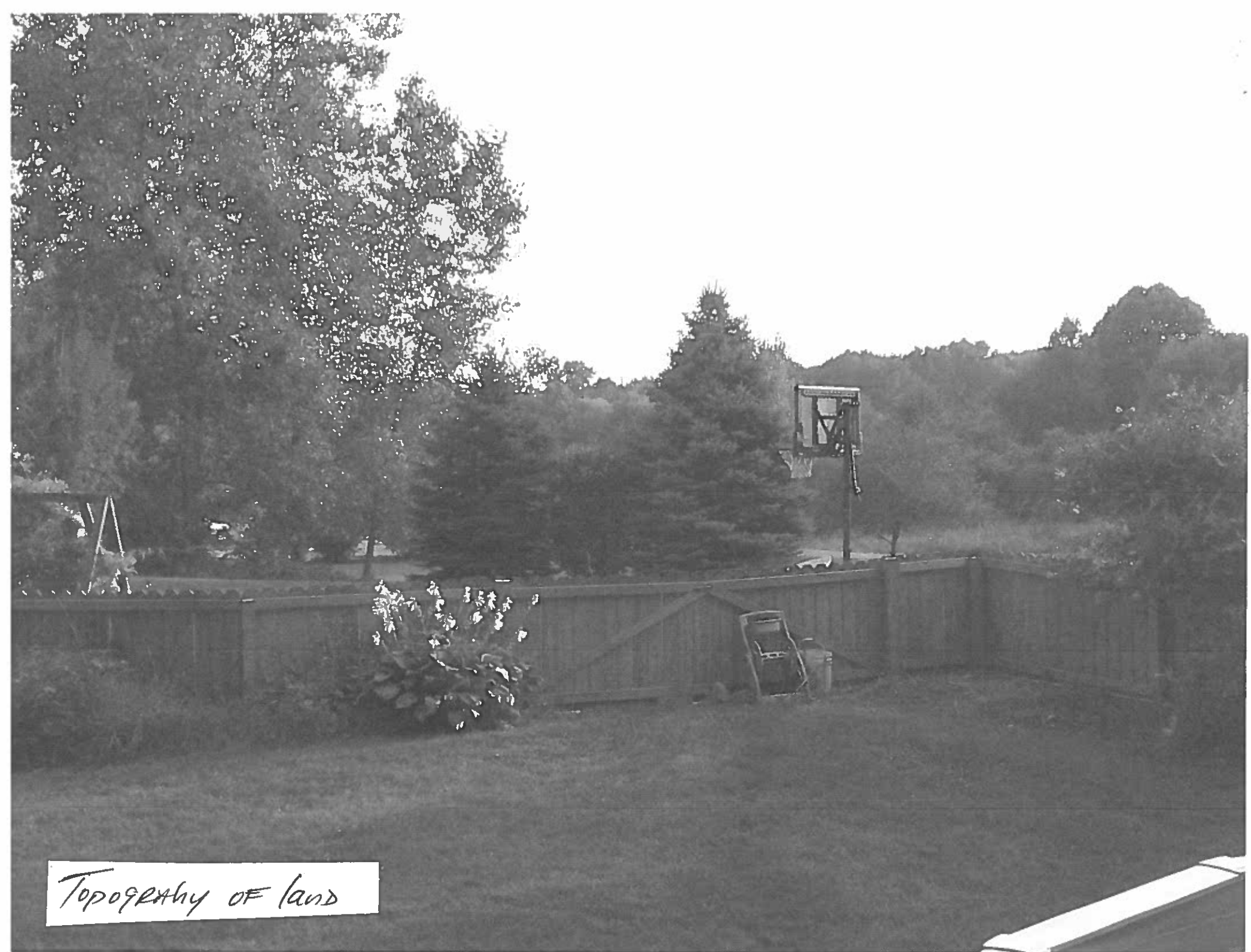


1 inch = 50 feet

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

A black and white photograph showing a dense wooded area. The trees are thick with foliage, and the ground is covered in leaves and branches. In the bottom left corner, there is a white rectangular label with handwritten text. The text reads "DENSE WOODED (Front)" on the first line and "ADJACENT PROPERTY" on the second line. The handwriting is in a cursive, slightly slanted style. The overall scene is a close-up view of a forest or wooded area, likely adjacent to a property as indicated by the label.

DENSE WOODED (Front)
ADJACENT PROPERTY



Topography of land



Residential Land Use Permit
 Genoa Charter Township • 2911 Dorr Rd. • Brighton, MI 48116
 Phone (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

PERMIT NO. 13-139

PROJECT INFORMATION
 Site Address: 411 PORTA DR Acreage: 2

OWNER AND APPLICANT INFORMATION
 Owner Name: JOHN KLAVON Phone No.: 810-908-2361
 Owner Address: 411 PORTA DR City: BRIGHTON State: MI Zip: 48114
 Applicant is: Owner Contractor Lessee/Renter Architect/Engineer Other: SPOUSE
 Applicant name: SASHA KLAVON Phone No.: 810-488-0796
 Applicant Address: 411 PORTA DR City: BRIGHTON State: MI Zip: 48114

TYPE OF IMPROVEMENT
 A. Principal Structure
 New Single Family New Multiple Family Addition to Existing Building Grading/Site Work
 Other:
 B. Accessory Structure
 Fence Deck Detached Accessory (garage, shed, pole barn)
 Pool/Hot Tub Other:
Above ground

PROPOSED SETBACKS AND DIMENSIONAL INFORMATION
 A. Proposed Principal Structure Setbacks (in feet)
 Front: (measured from front property line, right-of-way line or private road easement, whichever is less)
 Rear: Least Side: Side: Water/Wetland:
 B. Proposed Accessory Structure Setbacks (in feet)
 Front: 100' Least Side: 1/2 Acre Side: 20' Rear: 20' Water/Wetland: Distance from Principle Structure:
 C. Proposed Building/Improvement Dimensions
 Size of Building/Improvement: 21 square feet Height: 4 1/2 feet

SIGNATURE OF APPLICANT
 I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.
 Signature of Applicant: Sasha Klavon Printed Applicant name: SASHA KLAVON Date: 27 SEPT 13

▽ FOR OFFICE USE ONLY ▽

FLOODPLAIN
 Floodplain: NO Panel #: 335D Zone #: _____

ASSESSING APPROVAL
 Approved Disapproved Approved by: [Signature] Date: 9/27/13

ZONING APPROVAL
 Approved Disapproved Parcel L.D. No.: 11-01-200-050 Zoning: RR
 Approved by: [Signature] Date: 9/27/13

Comments/Conditions:
 - Pool shall not be located within front yard.
 - Pool shall be enclosed by a 48" border (or pool walls shall be at least 48")

ZBA Case #/Approval date: Conditions:

FEES
 Land Use: S 30.00 Water/Sewer: S — / — Meter: S —

John Klavon

From: Ron Akers <Ron@genoa.org>
Sent: Thursday, June 18, 2015 11:30 AM
To: John Klavon
Cc: Kelly VanMarter; Sharon Stone-Francis
Subject: 411 Porta

Jon,

After review of the Township Zoning Ordinance, discussion with Township staff and review of previous permits that were issued for the property we have determined that the front lot line for 411 Porta Dr. is the southern property line. Due to this the front yard of the property is considered to be the open space extending the full width of the lot, the depth being the minimum horizontal distance between the southern lot line and the nearest port of building line. Please let me know if you have any further questions.

Thanks,



Ron Akers
Zoning Official
Genoa Charter Township
2911 Dorr Road, Brighton, Michigan 48116
Direct: N/A, Phone: (810) 227-5225, Fax: (810) 227-3420
E-mail: ron@genoa.org, Uri: www.genoa.org



PORTA DR.

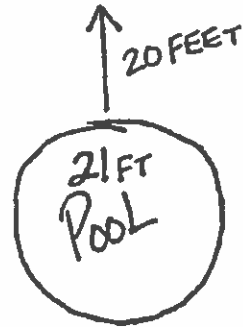
FENCE

GARAGE

DRIVE

HOUSE

DECK



FENCE

GENOA TOWNSHIP
SEP 27 2013
PERMIT APPROVED

POOL WALL HEIGHT
52"

FENCE



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
PORTA, TRAVIS R. & JENNIF	KLAVON	318,000	12/08/2000	WD	ARMS-LENGTH	28810151	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-I	Zoning: RR	Building Permit(s)	Date	Number	Status
411 PORTA DR	School: HARTLAND		ABOVE GROUND POOL	09/27/2013	P13-139	NO START
Owner's Name/Address	P.R.E. 100% 01/23/2001		REROOF	09/28/2012	W12-158	NO START
KLAVON, JOHN J. & SASHA K. 411 PORTA DR BRIGHTON MI 48114	MAP #: V15-28		WOOD DECK	04/25/2000	00-197	NO START
	2016 Est TCV Tentative					

Tax Description	X Improved	Vacant	Land Value Estimates for Land Table 126.HARTLAND M & B								
			Description	Frontage	Depth	* Factors *	Rate	%Adj.	Reason	Value	
SEC 1 T2N R5E COMM AT E 1/4 COR TH N89*W 855.67 FT TH N453.84 FT TO POB TH N87*W 486.98 FT TH N200 FT TH S87*E 486.11 FT TH S 200.03 FT TO POB CONT. 2.23 AC M/L SPLIT FR 045 4/98 PARCEL D			TABLE A			2.230 Acres	26,726	100			59,600
						2.23 Total Acres	Total Est. Land Value =				59,600

Comments/Influences



- Public Improvements
- Dirt Road
- Gravel Road
- Paved Road
- Storm Sewer
- Sidewalk
- Water
- Sewer
- Electric
- Gas
- Curb
- Street Lights
- Standard Utilities
- Underground Utils.
- Topography of Site
- Level
- Rolling
- Low
- High
- Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain
- X REFUSE

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
2016	Tentative	Tentative	Tentative			Tentative
LM 09/03/2015	37,300	92,000	129,300			119,947C
LM 10/15/2013	37,300	87,300	124,600			118,059C
2013	37,300	78,900	116,200			116,200S

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Ga	Area 110 456	Type WCP (1 Story) Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 613 % Good: 0 Storage Area: 0 No Conc. Floor: 0			
X	Wood Frame		(4) Interior 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 Forced Heat & Cool Heat Pump No Heating/Cooling	1						
Building Style: C		Trim & Decoration Ex X Ord Min		X				Central Air Wood Furnace							
Yr Built 1998	Remodeled 0	Size of Closets Lg X Ord Small		X				(12) Electric 0 Amps Service							
Condition for Age: Good		Doors Solid X H.C.													
Room List		(5) Floors													
	Basement 1st Floor 2nd Floor 4 Bedrooms	Kitchen: Other: Other:													
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures X Ex. Ord. Min				Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj Size Cost							
X	Wood/Shingle Aluminum/Vinyl Brick			No. of Elec. Outlets Many X Ave. Few				1 Story Siding Basement 77.61 0.00 2.20 272 21,708 2 Story Siding Basement 122.64 0.00 4.40 708 89,944 1 Story Siding Overhang 39.16 0.00 0.00 34 1,331 1 Story Siding Overhang 39.16 0.00 0.00 443 17,348 1 Story Siding Overhang 39.16 0.00 0.00 21 822							
Insulation		(7) Excavation		(13) Plumbing				Other Additions/Adjustments (9) Basement Finish Basement Living Finish 17.25 800 13,800 Walk out Basement Door(s) 775.00 1 775 (13) Plumbing 3 Fixture Bath 2400.00 1 2,400 2 Fixture Bath 1600.00 1 1,600 Extra Sink 480.00 1 480 (14) Water/Sewer Well, 200 Feet 4975.00 1 4,975 1000 Gal Septic 3085.00 1 3,085 (15) Built-Ins & Fireplaces Fireplace: Prefab 2 Story 2505.00 1 2,505 (16) Porches WCP (1 Story), Standard 27.70 110 3,047 (16) Deck/Balcony Treated Wood, Standard 6.39 456 2,914 (17) Garages Class:C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 18.61 613 11,408 Common Wall: 1/2 Wall -650.00 1 -650 Phy/Ab.Phy/Func/Econ/Comb.%Good= 85/100/100/100/85.0, Depr.Cost = 224,795 ECF (47060 HARTLAND M & B) 0.922 => TCV of Bldg: 1 = 207,261							
(2) Windows		Basement: 980 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(14) Water/Sewer											
X	Many Avg. Few X Large Avg. Small	(8) Basement		(10) Floor Support											
	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		Joists: Unsupported Len: Cntr.Sup:				Public Water Public Sewer Water Well 1 1000 Gal Septic 1 2000 Gal Septic Lump Sum Items:							
(3) Roof		(9) Basement Finish													
X	Gable Hip Flat	800 1 Recreation SF Living SF Walkout Doors No Floor SF													
X	Asphalt Shingle														
Chimney: Brick															

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

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 18, 2015, 6:30 P.M.
Minutes

Chairperson Jeff 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, Jerry Poissant, Marianne McCreary, and Barb Figurski. Also present were Township staff member Mike Archinal and Recording Secretary Kathryn Poppy. There were 22 people 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 Ledford, seconded by Poissant to approve the agenda as amended, tabling case 15-18. **Motion carried unanimously.**

Call to the Public: A call to the public was made with no response.

15-14 ... A request by Tim Chouinard at 1185 Sunrise Park, for a side-yard setback variance, a front yard setback variance, and a variance from the maximum lot coverage to construct an attached garage and second story addition on an existing single family home.

Tim Chouinard was present as the petitioner. Due to the lot size and a small corner space available on the lot, the request is for a 6 ft. side-yard setback. Easement status is unknown after investigation. The request is to add a second floor on an existing variance. The property is non-conforming. The east side is currently built over the setback line. The requested setback is for 4.3 ft. variance on the west side and a 5.4 ft. variance on the east.

Ledford confirmed that a statement had been provided by John Dickson and asked whether or not there had been conversation between Mr. Chouinard and Mr. Dickson. Mr. Chouinard indicated they had talked. Mr. Dickson is a renter.

A call to the public was made with no response.

Moved by Poissant to approve case #15-14 at 1185 Sunrise Park for side-yard setback variances to construct a two-story addition to an existing house. A side-yard setback of 5.4 ft. next to Lot 13 and a side yard setback of 4.3 ft. next to Lot 11 are requested. These are variances of 4.6 ft. and 5.7 ft. respectively from the required setback of 10 ft., based on the following findings of fact:

1. Strict application of the side-yard setback requirements would prevent the applicant from constructing an addition to the existing house.

2. The applicant has significantly reduced the scope of the addition originally requested in order to comply with the maximum coverage limitation of the code.
3. The variances requested are not materially different from existing variances.
4. The small, narrow lot coupled with the location and orientation of the house on the lot creates an extraordinary set of circumstances prohibiting the use of the property in a compliant manner to construct improvements similar to other properties in the area.
5. There are several homes in the vicinity which do not comply with the side yard setback requirements.
6. Granting of the requested 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.
7. Granting of the requested variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Ledford. **Motion carried unanimously.**

15-18 ... A request by David Gruber at 4066 Higherest, for shoreline setback variance, a rear yard setback variance, a front yard setback variance, and a variance from the maximum lot coverage in order to construct a new single family home.

The petitioner, David Gruber was not present; however, he provided a request in writing, asking that the project be tabled.

Moved by Figurski to table the request to the September 15 meeting. Support by Ledford. Motion carried unanimously.

15-15... A request by James Richard Ireton at 6221 Wagon Drive, for a rear yard setback variance in order to construct a detached accessory building.

James Ireton Jr. was present as the petitioner. He would like to construct a 24 x 37.5 ft. building. The house is positioned far back on the property. There is not a 60 ft. clearance available. He is looking for a variance for a 21'9" setback rather than a 60 ft. setback. Neighbors will not be affected as the accessory structure will not be visible. The house is on a hill. The 10 ft. minimum distance will be present between the building and the house. There is no plan to add to the driveway at this time. The building is 14 ft. tall from grade to mid-point of roof. There would be a walk-out basement type access at the bottom of the hill. It is a difficult site because of the hill and it is built in the middle of a swamp-like area. Their goal is to keep the building behind the house with easy access from the house. They are seeking storage on grade level. Materials are brick and vinyl, matching the house.

A call to the public was made with the following response:

Michael Suciu of 1071 Sunrise Park offered support for the project.

The call to the public was closed.

Moved by Ledford to approve case #15-15 at 6221 Wagon Drive for a 21.75 ft. rear yard setback to construct a 24 x 37.5 ft. detached accessory building, based on the following findings of fact:

1. The practical difficulty is that strict compliance with the rear yard setback would prevent applicant from constructing a larger detached accessory building.
2. The need for the variance is created by the location of the house on the property which was constructed toward the rear yard and the drainage easement is also at the rear of the property.
3. The shed will be removed from the northeast corner of the property.
4. The need for the variance is not self-created.
5. The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase 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 variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Figurski. **Motion carried unanimously.**

15-21... A request by David and Kathy Mancini at 4212 Highercrest, for a front yard setback variance in order to construct an addition to the existing single family home.

David and Kathy Mancini were present as the petitioners. The request is to build a first floor master and attached garage as this is to be their full-time home. This will permit their cars to be further away from the road than they are right now. They visited their neighbors and showed them the project. Another home up the street was built with the same variance this past winter. No side-yard variances are being requested. The setback would be 27 feet from the road and 15.5 ft. from the lot line. The variance would be for 19.25 feet. This is similar to the neighboring properties. There are limitations with the lot. This requires tree removal. Some trees removed previously were hollow inside by 10 inches. They are doing a 26 ft. addition, not a 28 ft. addition as originally planned.

A call to the public was made with the following response:

Larry Tengel of 4206 Highcrest was present and stated that he has no objection to the project. The setback will be the same as his home.

Thomas Rafferty of 4244 Highcrest was present and stated that he is in favor of the project request as well.

Moved by Poissant to approve case #15-21 at 4212 Highcrest for a variance from the 35 ft. front yard setback requirement to a front yard setback of 15.75 ft. in order to construct an attached garage and an addition to the existing home, based on the following finds of fact:

1. Strict compliance with the front yard setback requirement would prevent the applicant from erecting an otherwise compliant addition to their home including a garage.
2. The limited depth of the lot is an extraordinary circumstance which is common in this area.
3. Front yard setback variances are common in this area. In fact, a similar variance exists at 4174 Highcrest which is a few homes down the street.
4. Cars parked in the proposed garage will be further from the street than where they are currently parked.
5. The granting of this 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.
6. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by McCreary. **Motion carried unanimously.**

15-22... A request by Brandon Montney at 6518 Grand Circle Drive, for a front yard setback variance in order to construct a roof over an existing front porch.

Brandon Montney was present as the petitioner. The request is for a roof over his front porch. The house does not fall into the setback requirements. It is a non-conforming lot. To move forward, he is requesting a front yard setback. There is a deck on the back of the house. Neighbors have awnings and porches.

A call to the public was made with no response.

Moved by McCreary to approve case # 15-22 at 6518 Grand Circle Drive for a 21.1 ft. front yard variance in order to construct a roof over an existing front porch, based on the following findings of fact:

1. The practical difficulty is that the property is zoned LDR, however the zoning requirements in this district were changed after the zoning was installed.
2. Extraordinary circumstances are that many lots and structures within the Mountain View subdivision are also legal non-conforming.
3. The need for a variance is not self-created.
4. The granting of this 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.

5. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Figurski. **Motion carried unanimously.**

15-23... A request by Lyn Hewitt at 837 Sunrise Park, for a variance from the maximum lot coverage in order to construct a detached accessory building.

Lyn Hewitt was present as the petitioner. This request is for PLS Investments. The property was remodeled from a summer cottage to year-round residence. They would like to consolidate clutter and are requesting a land coverage variance. The proposed garage is designed to house two vehicles and lawn equipment. The new garage would allow removal of trashcans from the driveway and the removal of a small “tired” building on the property. This project also allows improvement in drainage on the property. They are planning to add drainage across the driveway and efforts are being made to improve ponding and water flow. Current lot coverage is less than the allowed coverage; the proposed building would bring the property to 40.6 percent. There are neighboring lots with comparable coverage in the area. Over time, topography in the area has changed. An attached garage was considered. The road is a single lane road.

Poissant indicated that if the garage was just slightly smaller, perhaps 20 x 24, the variance would not be required. Figurski stated that staying within 35 percent is preferred. McCreary stated that a neighboring shed blocks the view for traffic. There appears to be a traffic safety issue. The petitioner stated the garage would be 20 ft. from the road. McCreary stated that this building would protrude more than buildings on neighboring properties. The petitioner stated that a 20 x 24 garage would not permit equipment storage or their vehicle.

Dhaenens recommended tabling to September 15 to look at another plan closer to compliance or something that might be more likely to get approval. It appears there are concerns about the safety of pulling out of the driveway and the size of the project and lot coverage. It is a tight spot.

A call to the public was made with the following response:

Written letters indicate support from neighbors.

Karen and David Arsneault of 831 Sunrise Park Drive were present. Ms. Arsneault stated they live directly next door to the property, closest to the garage. The lot level next door was raised above the lot level of their property. There are issues with water. Water is coming down from the hill of the street and is draining from this property as well, causing serious effects. “Water from their yard drains into our yard; I can’t raise my house.” Water is going beneath railroad ties. There is six inches of water that goes through to their lot. Also, if the building is built, the sun will not be able to dry the area, making water issues worse. The wind goes between the two houses and this problem would become more fierce. Doors blow open harshly in that space. The building will impair vision, though it would give more room. “We are not opposed to the entire project.

We would like the drainage addressed.” The sprinkler system is also on the lot line and sprays on their cars. Ms. Hewitt stated that the sprinkler system has not been turned on this summer.

Dan Wagar at 843 Sunrise Park was present and stated there is an issue with drainage. There is an issue with water. He has spoken with Ms. Hewitt’s husband and understands that the drive will be lowered. The drain commission attempted to fix the drains but the problem got worse. As far as traffic, the petitioner has been backing-out of that lot for some time.

Mr. Hewitt spoke. The plan is to remove top two slabs at the driveway, creating a bowl, directing to the drain and tying into the drain underground. Part of the driveway has to be taken out to accomplish the drain.

Michael Suciu of 1071 Sunrise Park offered support for the project.

Ms. Arsneault stated there needs to be a drain into the lake on the petitioner’s property, like other properties.

Dhaenens stated that tabling might be beneficial. Perhaps address the drainage with the drainage commission. Try to be more in compliance with lot coverage and safety. Provide a plan at the next meeting. Letters of support were recognized from neighbors.

Moved by Figurski to table motion at the petitioner’s request. Support by Poissant. Motion carried unanimously.

15-24... A request by Erich Pearch at 3990 Beattie Road, for a rear yard setback variance in order to construct a detached accessory building.

Erich Pearch was present as the petitioner. Jack Smith from Garlock-Smith Land Surveying was also present. This is a request for an accessory building. Setbacks would place the building too close to the septic tank and field. The house was built in 1971 and has the original concrete field. A new field is planned. The setback would be in the area of the new field.

This is a 2.33 acre parcel in an area zoned for five-acre parcels. It appears that the lot was split and created in 1985 which didn’t leave a lot of room. Two concerns include isolation of the septic field from the proposed building and existing home. If the building came to 60 feet, it would be lined up immediately next to the garage and would sit next to the current septic field. A front entrance to the garage is planned. There are trees which would need to be removed if the setback variance was not permitted. The field is directly behind the addition.

Dhaenens stated that there are two front yards because it is a corner lot. Much of the yard cannot be used. There is limited capacity recognized in the back yard.

A call to the public was made with no response.

Moved by Ledford to approve case #15-24 at 3990 Beattie Road for a 25 ft. rear yard setback to construct a 30 x 40 ft. accessory building, based on the following findings of fact:

1. Strict application of the rear yard setback would prevent the applicant from constructing a maximum sized detached accessory building.
2. The extraordinary circumstances of the property are the limited size of the back yard which is due to the lot being a corner lot and the location of the existing home.
3. The need for a variance is not self-created.
4. The shed in the northwest corner is to be removed.
5. Approval is conditioned upon installing gutters and downspouts.
6. The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
7. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by McCreary. **Motion carried unanimously.**

15-25... A request by Gordon & Robb MacKay at 4030 Highercrest, for a front yard setback variance in order to construct new single family home.

Gordon and Robb MacKay were present as the petitioners. The request is for a front yard setback variance to construct a building that complies with square-footage requirements. The project will definitely improve the look of the neighborhood. The rendering of the house in the packet is like the house that is planned. The front-side and back of the home structure would appear differently. It would be an 1800 sq ft home, including the garage. Without the variance, the lot permits an 870 sq ft home. The only variance needed is the setback from the street. The house would be 29 x 48 ft. The new building would be farther back from the road than the existing building.

Ledford asked whether five feet was enough distance to accommodate the grinder on the side of the house. It was recommended that the grinder be moved to a more convenient location. Perhaps the floor plan could be flipped. It was confirmed that the existing home would be completely demolished.

A call to the public was made with the following response.

Thomas Rafferty of 4244 Highercrest was present and stated full support for the project. There is currently the smell of mold coming from the existing building and there are raccoons on the property. "Build whatever you can; the neighbors are better served."

McCreary asked whether the approval might be subject to approval of the final house plan. Dhaenens said that the plan is smaller than envelope being proposed. The house would have to fit in the 24 x 48 envelope.

Motion by Ledford to approve case #15-25 at 4030 Highcrest for a 24.2 ft. variance to allow a 10.8 ft. front yard setback to construct a new single family dwelling and demolish the existing dilapidated house based on the following findings of fact:

1. New construction is to be in character with existing homes in the area.
2. Extraordinary circumstances are due to small and narrow lot size.
3. The need for the variance is not self-created.
4. The location of the driveway and the proposed home will provide sufficient area for off-street parking.
5. House is to be guttered and run-off is to be directed toward the lake.
6. The granting of this 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.
7. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Figurski. **Motion carried unanimously.**

Administrative Business:

1. **Approval of minutes:** Moved by Figurski, supported by Poissant to approve the July 21, 2015 Zoning Board of Appeals meeting minutes with corrections. **Motion carried unanimously.**
2. **Correspondence:** Archinal pointed to the correspondence in the packet.
3. **Township Board Representative Report:** Ledford stated that the August 3, 2015 Township Board meeting clarified previous action regarding Livingston Christian School at Brighton Church of the Nazarene. Culvers Restaurant was approved. Also approved was the removal of a dangerous building at 1112 Chemung. There was standing room only at this meeting as a result of attendance from local schools. Many comments from the public were heard.
4. **Planning Commission Representative Report:** Figurski stated that at the August 10 meeting, Cleary University requested rezoning from OSD-IND to MUPUD. REU's are being confirmed. Riverbend office complex parking improvements were approved.
5. **Zoning Official Report:** Archinal stated that interviews for Akers replacement are taking place this week.
6. **Member Discussion:** The board expressed appreciation for the service of Ron Akers.
7. **Adjournment:** Moved by Poissant, supported by Ledford, to adjourn the meeting at 8:42 p.m. **Motion carried unanimously.**

Signed,

Kathryn Poppy
Recording Secretary

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 15, 2015, 6:30 P.M.
Minutes

Chairperson Jeff 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: Jeff Dhaenens, Jean Ledford, Jerry Poissant and Marianne McCreary. Barb Figurski was absent. Also present were Township staff member Mike Archinal and Recording Secretary Kathleen Murphy. There were 14 people 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 Ledford, seconded by McCreary to approve the agenda as amended. **Motion carried unanimously.**

Call to the Public: A call to the public was made with no response.

Motion made by McCreary, seconded by Poissant for Case 15-18, the property at 4066 Highcrest, to be inserted as Item 4 on the agenda in anticipation that the petitioner will arrive. **Motion carried unanimously.**

15-23... A request by Lyn Hewitt at 837 Sunrise Park, for a variance from the maximum lot coverage in order to construct a detached accessory building.

Petitioner Lyn Hewitt was present.

Hewitt addressed several questions the Board had at the last meeting:

1. Why the garage was not attached in the plans: Hewitt said the revised plans are for an attached garage. This would change the road setback from 20 feet to 35 for an attached garage.
2. Size of footprint? There is a little overlap on first story and the footprint is now slightly smaller. The proposed lot coverage goes from 40% to 37%, only 2.7% over the township specification.
3. Drainage? Met with Ken Recker of Livingston County Drain Commission. Water had been re-routed to a new line to lake, solving some issues but not all. There is still a drain in driveway that can be used for some drainage, taking care of water flow issue. That drain is not part of the county system, but still can handle water flow. Hewitt will have to maintain the drain. McCreary and Poissant asked about the drainage issues. Water will now be diverted to eastside of the property. Ledford also asked about drainage from downspouts. Hewitt said they would add a drain across property to deal with the flow. They are removing sheds on property.

A call to the public was made with no response.

Moved by Poissant, supported by Ledford, to approve 15-23 for Lyn Hewitt at 837 Sunrise Park, the request for a variance from the maximum lot coverage of 35% to a maximum lot coverage ratio of 37.7 percent in order to construct an addition to the home. Based on the following finds of fact:

1. Strict compliance with the maximum lot coverage ratio would prevent the applicant from erecting an addition to the dwelling of the size desired.
2. The small size of the lot makes it difficult to construct an addition to the dwelling that is functional for the intended purpose.
3. The variance requested is substantially consisting with a few existing variances on neighboring properties.
4. The applicant has adequately addressed the drainage issue which would otherwise be worsened by the increased coverage ratio.
5. The granting of this 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.
6. The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Subject to the following conditions:

1. Completion of the drainage work proposed in the modified plan.
2. Removal of two accessory buildings.

Motion carried unanimously.

15-26... A request by Brandon Sredzinski at 1001 Sunrise Park, for side and front yard setback variances in order to add a second story to an existing family home.

The petitioners, Brandon and Megan Sredzinski, were present.

Brandon Sredzinski said they are seeking setbacks for a second-story addition on their current home. Dhaenens noted the couple is not changing the footprint, but they were still required to get a variance because the home is nonconforming. Archinal noted bay windows are an exception in the ordinance so the side yard variance is not needed.

Call to the Public:

Lynn Hewitt 837 Sunrise Park: She supports the project, saying it will improve the community and was encouraged the couple planned to stay in Sunrise Park.

Moved by Ledford, supported by Poissant, to approve Case 15-26 for 1001 Sunrise Park, for petitioner Brandon Sredzinski, for a variance from the required 35-foot front yard setback to a 29.5-foot front yard setback variance in order to construct a second story addition to an existing home.

The practical difficulty is the lot sizes around Sunrise Park are small and narrow. The orientation and location of the existing structure makes meeting the required front yard setback difficult. The property is a nonconforming structure and the variance is not self-created. Extraordinary circumstances are the depth of the lot and the orientation of the existing structure. Granting the variance would make the property consistent with several other properties in the vicinity, will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion in public streets or increase the danger of fire, endanger public safety, comfort, morals or welfare of the residents of Genoa Township.

Granting the variance would have little impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhoods.

Motion carried unanimously.

15-27 ... A request by Michael E. Williams at 3654 Westphal, for side yard setback variance in order to build a detached accessory building.

The petitioner, Michael E. and Dawn Williams was present.

Michael Williams said they are asking for a 5-foot setback instead of 10 because property drops off a lot in the backyard. He said it starts dropping off fast after about 10 feet. His proposed out-building will be 20 feet wide. He said he is worried about drainage and topography. Dhaenens asked why not build up the yard on one side? Williams indicated that was because of the drop-off and to build it up would change the yard too much. McCreary questioned him about the electrical line and asked if he knew where easement is located. Williams said Edison has never had to come into the yard but said he would have to head west on the property if the proposed building is in Edison's easement. He said he would be checking with Edison before building. He is also removing his sheds to make way for new structure and provided 13 signatures from neighbors saying they approve of his plans.

Call to the public was made with no response.

Moved by Ledford, supported by Poissant, to approve Case 15-27 for 3654 Westphal for Michael and Dawn Williams, petitioners, for 5-foot side yard variance to construct an accessory structure based on the following findings of fact:

Practical difficulty is that the parcel is located in Country Estate zoning and is non-conforming. Because the property is not over an acre, the normal accessory structure setback of 40 feet does not apply. The variance is necessary to preserve a substantial property right similar to other neighboring properties in the Country Estate District.

Extraordinary circumstances are the non-conforming lot size and existing grade makes the required 10-foot setback difficult. The variance was not self-created by the petitioner. Approval of this variance is conditioned upon the removal of non-conforming accessory structures on the property and the removal or relocation of two large pine trees.

Granting the variance may impact the development, continued use or value of the adjacent property.

Motion carried unanimously.

15-18 ... A request by David Gruber at 4066 Highercrest, for shoreline setback variance, a rear yard setback variance, a front yard setback variance, and a variance from the maximum lot coverage in order to construct a new single family home.

Petitioner David Gruber was present.

Gruber said he has hired a surveyor but there has been great difficulty finding any of the monuments in order to provide an accurate survey. Ledford asked about taking measurements from neighboring properties, but Gruber said he questions those surveys saying depth of his property is 4 feet short based on the plat map. Dhaenens said they struggle with filling up the lot and going so close to the road; Ledford agreed. Poissant questioned the stake at water's edge, while Dhaenens and McCreary questioned the stakes at the other side. Dhaenens said he will give Gruber the benefit of the doubt at one last meeting, but Gruber has to have the lot staked out properly so the Board can make a better-informed decision. "We don't have enough to make a decision but we want to be fair to you," Dhaenens said. Archinal suggested that when the survey is completed, Gruber can contact the Township so notices can be sent out again to the neighbors. Poissant said a smaller footprint and setback farther from lake would be a benefit; and also said he would not vote to approve the current plans.

Moved by McCreary, supported by Poissant, for 15-18 Dave Gruber's, 4066 Highcrest, request to withdraw the application for variance at the petitioner's request. Motion carried unanimously.

Administrative Business:

1. **Approval of minutes:** Moved by Ledford, supported by McCreary, to postpone the approval of the August 18, 2015 minutes to the next regularly scheduled meeting, which is Oct. 15. **Motion carried unanimously.**
Member of the public stood up for comment: Robert Stork, resident of North Shore, wanted to know why there was not mention of case in that subdivision. Archinal explained that it was never on the agenda and that issue is being handled in the office. He invited Stork to come see him the following day.
2. **Correspondence:** None.
3. **Township Board Representative Report:** Ledford said the Board discussed Homestead Road improvements, Cleary University, sidewalk improvements, renewed the lease for the Brighton Area Fire Department, and the budget for upcoming MAP conference.
4. **Planning Commission Representative Report:** None, Figurski absent.
5. **Zoning Official Report:** Archinal announced that Amy Ruthig will be the new Zoning Official.
6. **Member Discussion:** None
7. **Adjournment:** Moved by Poissant, supported by Ledford, to adjourn the meeting at 7:44 p.m. **Motion carried unanimously.**

Signed,

Kathleen Murphy
Recording Secretary