

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
December 8, 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. 15-29 ... A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Administrative Business:

1. Approval of the October 20, 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

**GENOA TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 8th, 2015
6:30 P.M.**

The Genoa Township Zoning Board of Appeals will hold a public hearing on December 8th, 2015 at Genoa Township Hall, 2911 Dorr Road, Brighton, MI, 48116 to review the following variance requests:

1. 15-29 ...A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Please address any written comments to the Genoa Township Zoning Board of Appeals at 2911 Dorr Rd, Brighton, MI 48116 or via email at amy@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 11-22-15



GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

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

Case # 15-29

Meeting Date: 12-8-15

- 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: Patricia Schenck, Owner Liberty Tax Service - Howell

Property Address: 4072 E Grand River Ave Phone: 517-540-1040

Present Zoning: GCD Tax Code: 11-04-300-020

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: Five weeks of temporary signage (split between late January and early April, coinciding with the start and end of the 2016 tax season).
2. Intended property modifications: Same as previous years (typical pictures attached)
 - a. Unusual topography/shape of land (explain): Poor visibility of office from road and visibility is critically important in the early part of tax season.
 - b. Other (explain): Individual income tax preparation is very seasonal; there is a limited time window to raise customer awareness.

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: 11/5/2015 Signature: Patricia Schenck

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.*

Charter Township of Genoa
ZONING BOARD OF APPEALS
December 8, 2015
CASE #15-29

PROPERTY LOCATION: 4072 E. Grand River

PETITIONER: Steve Schenck, Owner of Liberty Tax Service

ZONING: GCD (General Commercial District)

WELL AND SEPTIC INFO: Water and Sewer Present

PETITIONERS REQUEST: Petitioners are requesting a variance from provisions in the zoning ordinance which limit temporary signs to a fourteen (14) day period once during the stay of a business at the same location or if the business has new owners.

Dates Requested: January 15th thru February 8th (25 days) and April 6th thru April 15th (10 days)

CODE REFERENCE: 16.07.07

STAFF COMMENTS: See Attached Staff Report



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: December 2, 2015
RE: ZBA 15-29

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

STAFF REPORT

File Number: 15-29
Site Address: 4072 E. Grand River Ave
Parcel Number: 4711-04-300-010
Parcel Size: 9.876 Acres
Applicant: Steve Schenck, Owner of Liberty Tax Service
Property Owner: Country Corners Shopping Center
Information Submitted: Application, Sign Picture
Request: Dimensional Variances

Project Description: Applicant is requesting a variance from Article 16.07.07 in order to place a temporary sign on the property for a period of time which extends past the maximum fourteen (14) day period and exceeds the requirement of once during the stay of a business at the same location or if the business has new owners.

Zoning and Existing Use: GCD(General Commercial District), Commercial

Other:

The public hearing notice was published in the Livingston County Press and Argus on November 22, 2015 and notices were mailed to any real property within 300 feet of the property lines on November 20, 2015 in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file relevant to this ZBA case:

- The applicant has applied for and been granted variances to place temporary signs for an additional three (3) weeks beyond the two (2) week period six (6) times.

SUPERVISOR

Gary T. McCrie

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is requesting to place temporary signs on the "Country Corners" property for Liberty Tax. The applicant has been approved six (6) times to place these temporary signs on the property. According to the pictures the signs have been located in the grass area between the sidewalk and the parking lot. Placing these temporary signs would require a variance from the temporary sign regulations in the zoning ordinance due to the limitations that the temporary signs can only be utilized once during the business's stay at the same location and during that one period, can only be out for fourteen (14) days.

Variance Requests

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

1. **Article 16.07.07 Temporary signs:** One temporary sign may be permitted on the site for a period not to exceed fourteen (14) days. A business shall only be allowed to use a temporary sign once during its stay at the same location or have new owners. The sign shall be no larger than thirty-five (35) square feet in surface display area per side and shall not exceed six (6) feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the temporary sign.

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

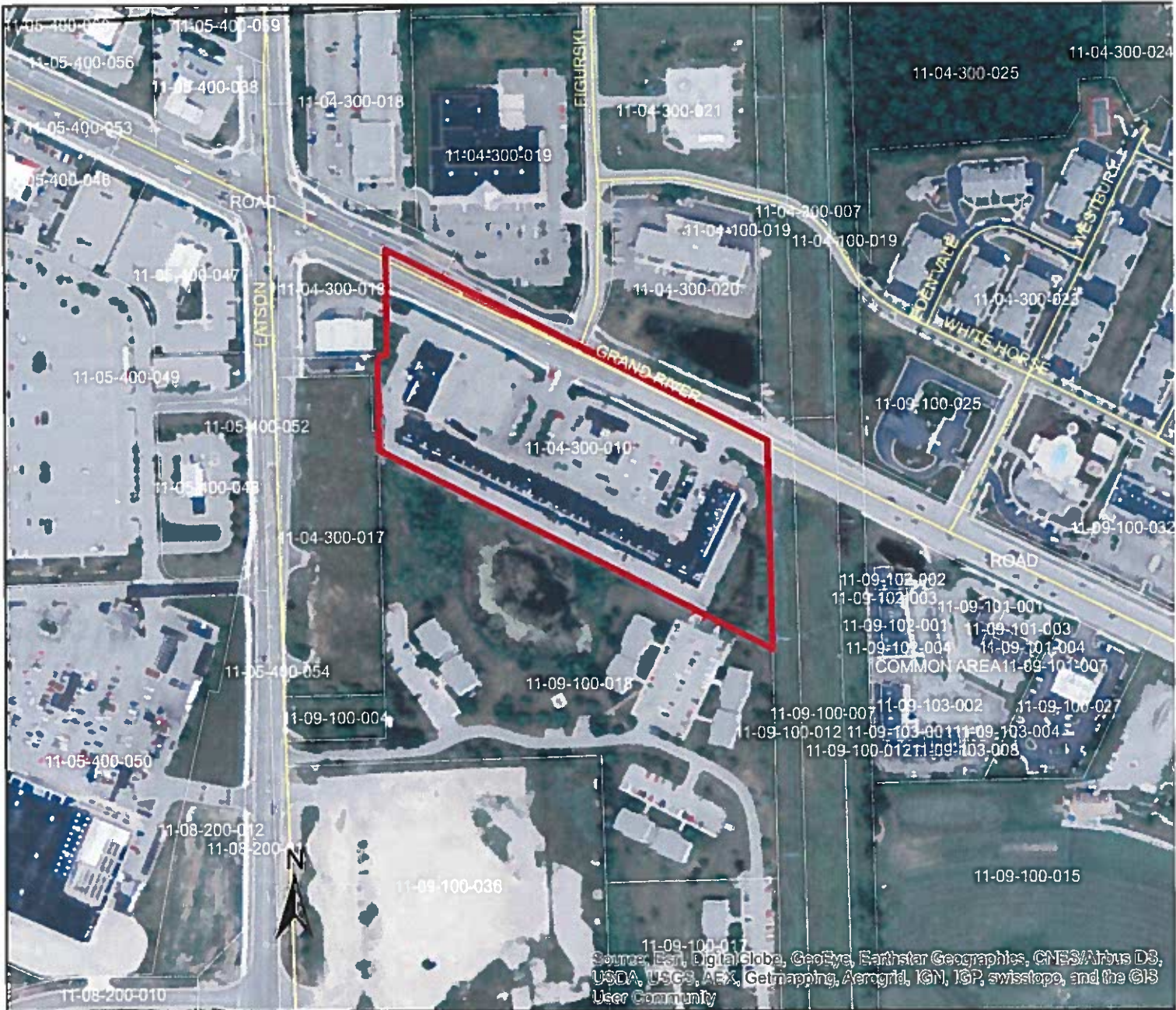
The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with this provision of the Zoning Ordinance would not unreasonably prevent the use of the property. The applicants would have the ability to place a wall sign on the building which is visible from E. Grand River. Granting a variance would not do substantial justice to the other tenants within the building who do not have the ability to place temporary signage for periods of time which exceed the provisions in the Zoning Ordinance.
- **Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances or conditions which are different than other properties in the same zoning district. Issuing a variance for the additional temporary signage would not make the property consistent with the majority of other properties in the vicinity as this zoning ordinance requirement is applicable to all businesses.
- **Public Safety and Welfare** –The proliferation of signs can be distracting to motorists. Temporary signs if used in excess can create a traffic safety issue.
- **Impact on Surrounding Neighborhood** – The proposed signs would not create any situation which discourages development, continued use or value of adjacent properties as they are temporary in nature.

Staff Findings of Fact

1. Strict compliance with the standards in 16.07.07 would not unreasonably limit the tenant from placing any signage as there are opportunities for other types of signs in the zoning ordinance.
2. The granting of a variance would not do substantial justice to other business owners in the same zoning district because they are subject to the same temporary sign regulations.
3. There are no conditions or circumstances on the property that are exceptional or extraordinary. Granting this variance would not make the property consistent with the majority of other properties in the vicinity as all are subject to the temporary sign regulations.
4. Temporary signs used in excess can be distracting to motorists and thus can create a public safety issue.



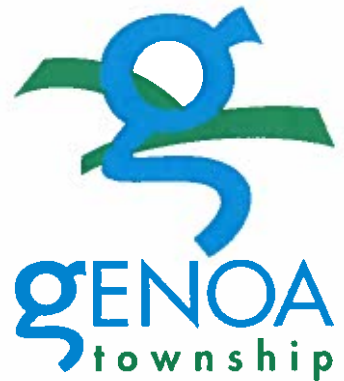


Variance Case #15-29

Applicant: Patricia Schenck, Liberty Tax Service

4711-04-300-010

Meeting Date: December 8, 2015



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

Mr. James Harmon was present for the petitioner. Mr. Harmon stated that he would like to construct an addition to store equipment and camper. He stated that the current size of his existing detached structure is 1200 sq.ft.

A call to the public was made with the following response: Ben Marhofer, 4179 Sweet Road, he is in support of this variance. He stated that it would make the neighborhood look better with the equipment stored in the structure.

Moved by Figurski, supported by Poissant to table case #14-30 until the January 13th, 2015 Zoning Board of Appeals meeting at the petitioner's request. **Motion carried.**

14-31 ... A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time. A temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Mr. Steve Schenck, Owner of Liberty Tax Service was present for the petitioner. Mr. Schenck stated that 56% of their business is seen by the end of February. They are limited by signage at their location.

Moved by Poissant, supported by Figurski, to approve case# 14-31 for a temporary signage variance due to the unique nature of the business's seasonal period and the need to be more visible. Starting January 16th, 2015 thru February 8th, 2015 and resuming April 6th, 2015 thru April 15th, 2015 for a total of 35 days. **Motion carried.**

14-32 ... A request by Christian and Damian Karch, 5400 Brady Road, for a side yard setback variance to construct an addition onto an existing detached accessory building.

Mr. Christian and Mr. Damian Karch were present for the petitioner. Mr. Karch stated that they would like to construct an addition on to their existing detached accessory building. They would like to preserve the mature trees that are located on the lot. The property had been surveyed for easements.

Moved by Poissant, supported by Figurski, to approve case# 14-32 for a 13.5 foot side yard setback with a 26.5 foot variance to construct a 2100 sq. ft. addition due to the limitations on the property to building in a different location. **Motion carried.**

Administrative Business:

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

12/03/2015 5:14 PM

Parcel: 4711-04-300-010	Current Class: 201.201 COMMERCIAL- IMPROVED
Owner's Name: COUNTRY CORNERS SHOPPING CENTE	Previous Class: 201.201 COMMERCIAL- IMPROVED
Property Address: 4046 E GRAND RIVER 4192 HOWELL, MI 48843	Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
	MAP #: V15-29
	School: 47070 HOWELL
	Neighborhood: 2010 2010 BIG BOX
Liber/Page: 2303-0782	Created: / /
Split: / /	Active: Active
Public Impr.: None	
Topography: None	
Mailing Address:	Description:
COUNTRY CORNERS SHOPPING CENTER P O BOX 637 GARDEN CITY MI 48136	SEC 4 & 9 T2N R5E COM SW COR SEC 4 TH N86°E 223 FT TO POB, TH N2°W 179.92 FT, TH N86°E 20 FT, TH N2°W 238.88 FT, TH S65°E 293.36 FT, TH S64°E 668.29 FT, TH S2°E 464.59 FT, TH N64°W 989.41 FT, TH N2°W 32 FT TO POB 9.21 AC M/L SPLIT 1-92 FR 009 & 002. COR 4/17/97 TVF

Most Recent Sale Information

Sold on 04/23/1997 for 0 by SOUTHERN PROPERTIES WEST, INC..

Terms of Sale: INVALID SALE

Liber/Page: 2303-0782

Most Recent Permit Information

Permit W15-201 on 11/24/2015 for \$9,000 category TENANT BUILD-OUT.

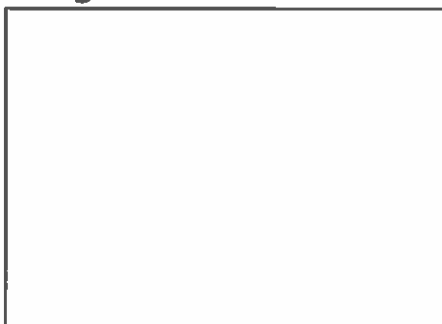
Physical Property Characteristics

2016 S.E.V.: Tentative	2016 Taxable: Tentative	Lot Dimensions:
2015 S.E.V.: 3,097,600	2015 Taxable: 1,912,023	Acreage: 9.88
Zoning: GCD	Land Value: 2,187,848	Frontage: 989.0
PRE: 0.000	Land Impr. Value: 244,000	Average Depth: 435.0

Improvement Data

of Commercial Buildings: 2
Type: Shopping Center, Neighborhood
Desc:
Class: C
Quality: Average
Built: 1997 Remodeled: 0
Overall Building Height: 0
Floor Area: 69,866
Sale Price/Floor Area: 0.00
Estimated TCV: 3,705,134
Cmts:

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SOUTHERN PROPERTIES WEST,	COUNTRY CORNERS SHOPPING	0	04/23/1997	WD	INVALID SALE	2303-0782	BUYER	0.0
INTERNATIONAL SOCIETY	SOUTHERN PROPERTIES W., I	0	04/23/1997	LC	MEMO L/C	2180-0371	BUYER	0.0
SOUTHERN PROPERTIES W., I	COUNTRY CORNERS SHOPPING	0	04/23/1997	LC	MEMO L/C	2180-0374	BUYER	100.0

Property Address	Class: 201 COMMERCIAL- I	Zoning: GCD	Building Permit(s)	Date	Number	Status
4046 E GRAND RIVER 4192	School: HOWELL		TENANT BUILD-OUT	11/24/2015	W15-201	NO START
	P.R.E. 0%		TENANT BUILD-OUT	09/15/2015	W15-156	NO START
Owner's Name/Address	MAP #: V15-29		TENT	07/01/2015	W15-106	NO START
COUNTRY CORNERS SHOPPING CENTER P O BOX 637 GARDEN CITY MI 48136	2016 Est TCV Tentative		SIGN	04/22/2015	W15-044	NO START

Tax Description	X	Improved	Vacant	Land Value Estimates for Land Table GRIVE.GRAND RIVER FRONTAGE								
				Description	Frontage	Depth	Front	Depth	Rate	Adj. Reason	Value	
SEC 4 & 9 T2N R5E COM SW COR SEC 4 TH N86°E 223 FT TO POB, TH N2°W 179.92 FT, TH N86°E 20 FT, TH N2°W 238.88 FT, TH S65°E 293.36 FT, TH S64°E 668.29 FT, TH S2°E 464.59 FT, TH N64°W 989.41 FT, TH N2°W 32 FT TO POB 9.21 AC M/L SPLIT 1-92 FR 009 & 002. COR 4/17/97 TVF				* Factors *								
				GRD RIVR 1500	989.00	435.00	1.0000	1.4748	1500	100		2,187,848
				989 Actual Front Feet, 9.88 Total Acres Total Est. Land Value = 2,187,848								
				Land Improvement Cost Estimates								
				Description	Rate	CountyMult.	Size	%Good	Cash Value			
				Commercial/Industrial Local Cost Land Improvements								
				Description	Rate	CountyMult.	Size	%Good	%Arch.Mult	Cash Value		
				PAVING AVE	2.00	1.00	200000.0	61	100	244,000		
				Total Estimated Land Improvements True Cash Value =						244,000		

Comments/Influences	Topography of Site	Level	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
	Street Lights Standard Utilities Underground Utils.	Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain	2016	Tentative	Tentative	Tentative			Tentative
			2015	1,093,900	2,003,700	3,097,600			1,912,023C
			2014	1,093,900	2,319,800	3,413,700			1,881,913C
			2013	1,093,900	2,289,300	3,383,200			1,852,277C

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

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

Desc. of Bldg/Section: Calculator Occupancy: Shopping Center, Neighborhood		<<<<<< Calculator Cost Computations >>>>>>	
Class: C		Class: C Quality: Average Percent Adj: +0	
Floor Area: 60,614		Base Rate for Upper Floors = 60.70	
Gross Bldg Area: 69,866		(10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100%	
Stories Above Grd: 1		Adjusted Square Foot Cost for Upper Floors = 60.70	
Average Sty Hght : 18		1 Stories Number of Stories Multiplier: 1.000	
Bsmnt Wall Hght		Average Height per Story: 18 Height per Story Multiplier: 1.130	
Depr. Table : 1.5%		Ave. Floor Area: 60,614 Perimeter: 1968 Perim. Multiplier: 0.891	
Effective Age : 17		Refined Square Foot Cost for Upper Floors: 61.11	
Physical %Good: 77		County Multiplier: 1.51, Final Square Foot Cost for Upper Floors = 92.283	
Func. %Good : 100		Total Floor Area: 60,614 Base Cost New of Upper Floors = 5,593,643	
Economic %Good: 100		Reproduction/Replacement Cost = 5,593,643	
1997 Year Built Remodeled		Eff.Age:17 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 77 /100/100/100/77.0	
Overall Bldg Height		Total Depreciated Cost = 4,307,105	
Comments:		ECF (2010 BIG BOX) 0.750 => TCV of Bldg: 1 = 3,230,329	
Area:		Replacement Cost/Floor Area= 92.28 Est. TCV/Floor Area= 53.29	
Perimeter:			
Type:			
Heat: Hot Water, Radiant Floor			
* Mezzanine Info *			
Area #1:			
Type #1:			
Area #2:			
Type #2:			
* Sprinkler Info *			
Area:			
Type: Average			

(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:	
X	Poured Conc	Brick/Stone	Block	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures		Few Average		Few Average	
		3-Piece Baths		Many		Many	
		2-Piece Baths		Unfinished Typical		Unfinished Typical	
		Shower Stalls		Flex Conduit		Incandescent	
		Toilets		Rigid Conduit		Fluorescent	
(4) Floor Structure:		Urinals		Armored Cable		Mercury	
		Wash Bowls		Non-Metalic		Sodium Vapor	
		Water Heaters		Bus Duct		Transformer	
		Wash Fountains		(13) Roof Structure: Slope=0		(40) Exterior Wall:	
		Water Softeners				Thickness	
(5) Floor Cover:		(9) Sprinklers:		(14) Roof Cover:		Bsmnt Insul.	
		(10) Heating and Cooling:					
		Gas	Coal				
		Oil	Stoker				
(6) Ceiling:		Hand Fired Boiler					

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

Desc. of Bldg/Section: Calculator Occupancy: Store, Retail				<<<<< Calculator Cost Computations >>>>>				
Class: C				Class: C Quality: Average Percent Adj: +0				
Floor Area: 9,252 Gross Bldg Area: 69,866 Stories Above Grd: 1 Average Sty Hght : 16 Bsmnt Wall Hght		Construction Cost			Base Rate for Upper Floors = 56.10			
		High	Above Ave.	Ave.	X	Low		
Depr. Table : 1.5% Effective Age : 17 Physical %Good: 77 Func. %Good : 100 Economic %Good: 100		** ** Calculator Cost Data ** **			(10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 56.10			
1997 Year Built Remodeled		Area: Perimeter: Type: Heat: Hot Water, Radiant Floor			1 Stories Number of Stories Multiplier: 1.000 Average Height per Story: 16 Height per Story Multiplier: 1.090 Ave. Floor Area: 9,252 Perimeter: 420 Perim. Multiplier: 0.948 Refined Square Foot Cost for Upper Floors: 57.97			
Overall Bldg Height		*** Basement Info ***			County Multiplier: 1.51, Final Square Foot Cost for Upper Floors = 87.534			
Comments:		* Mezzanine Info *			Total Floor Area: 9,252 Base Cost New of Upper Floors = 809,861 Reproduction/Replacement Cost = 809,861 Eff. Age: 17 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 77 /100/100/100/77.0 Total Depreciated Cost = 623,593			
		Area #1: Type #1: Area #2: Type #2:			Local Cost Items Rate Quantity/Area %Good Depr. Cost LC CANOPY 12.75 99 76 959 AVE CANOPY 16.25 690 76 8,522			
		* Sprinkler Info *			ECF (2010 BIG BOX) 0.750 => TCV of Bldg: 2 = 474,805 Replacement Cost/Floor Area= 88.56 Est. TCV/Floor Area= 51.32			
		Area: Type: Average						
(1) Excavation/Site Prep:		(7) Interior:			(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation: Footings		(8) Plumbing:			Outlets: Fixtures:			
X Poured Conc Brick/Stone Block		Many Above Ave. Average Typical Few None			Few Average Few Average Many Unfinished Many Unfinished Typical Typical			
(3) Frame:		Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners			Flex Conduit Incandescent Rigid Conduit Fluorescent Armored Cable Mercury Non-Metalic Sodium Vapor Bus Duct Transformer		(40) Exterior Wall:	
(4) Floor Structure:		(9) Sprinklers:			Thickness Bsmnt Insul.			
(5) Floor Cover:		(10) Heating and Cooling:			(13) Roof Structure: Slope=0			
		Gas Coal Hand Fired Oil Stoker Boiler			(14) Roof Cover:			
(6) Ceiling:								

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 20, 2015, 6:30 P.M.**

MINUTES

Call to Order: 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: Barb Figurski, Marianne McCreary, Jean Ledford, Jeff Dhaenens and Jerry Poissant. Also present was Township staff member Amy Ruthig. There were 7 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 Jean Ledford, seconded by Jerry Poissant to approve the agenda as submitted. **Motion passed.**

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

15-28 ... A request by John and Sasha Klavon at 411 Porta Drive, for a setback variance for a deck surrounding a pool.

Mr. and Mrs. Klavon were present for the petitioner.

Petitioner addressed the Zoning Board of Appeals. He indicated there is no malicious intent to violate the ordinance, but feels that there was miscommunication. He stated that he built the deck to the specific guidelines but there was discrepancy as to the lot line. Petitioner claims the township told him that there was a 10 foot setback. It is impossible to move the deck due to the pole location.

Dhaenens inquired what the orange stakes were located on the property. Petitioner indicated that they represent the lot line. The survey line is missing, but the stakes remain.

McCreary inquired about the accessory structure on the pool permit. Petitioner thought he was pulling permit for both. The backyard was enclosed at the time of the pool permit in 2013.

McCreary questioned what the front yard of the parcel was. The petitioner said the front of his property faces Hacker Road. The petitioner explained the orientation of his property and his pool. Petitioner stated the fence was installed in 2013. Petitioner has been working on the deck for the last 1 ½ years. Petitioner could not utilize his main turnaround to place deck toward the front.

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

Marie Sarrer, 542 South Hacker Road stated that she has no objection to the petition.

Raymond Ducharme, 366 Porta Drive, submitted a letter and photos to the Board. Ducharme reviewed his letter to the Board stating that he was against the variance.

Dhaenens explains that petitioner can have a pool and deck on their property. The petitioners still must pull all permits necessary for both.

Petitioner indicated there is no railing on the deck. Petitioner now understands they need a permit for the pool and a permit for the deck.

Letters were received from Kristi Schaefer and Andrew and Nicole Maloney.

The call to the public was closed.

Moved by Poissant, supported by Jean Ledford, to approve case 15-28 for a setback variance for a deck surrounding a pool, based upon the following findings of fact: Applicant contacted the Township staff to determine what the setback requirements were for the deck, they were given a copy of the zoning statute, which for decks, is 10 feet. Petitioner relied upon that information and began construction on the deck. Subsequently, it was determined that the deck would be adjacent to a swimming pool, therefore the setback requirement was 15 feet rather than 10 feet.

The deck, which is now substantially completed and due to the fact that this extraordinary circumstance which was not self-created since it was based upon erroneous advice provided by Township staff. Strict compliance with required rear yard setback requirements would place a substantial burden on the applicant to disassemble, move and reassemble the swimming pool and deck. Granting this variance request would provide the applicants with substantial justice.

The neighboring property immediately adjacent to the property at issue is heavily wooded and undeveloped. A residence has been constructed on the west side of the lot which is across the street from the portion of the lot which is adjacent to the property where the deck is being built. The granting of this variance would not interfere with any future construction of an accessory building on that portion of the property.

The granting of this variance will not impair an adequate supply of light and air to the 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. It will have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This is subject to the following conditions:

Any necessary permits must be pulled in a reasonable period of time. It was decided by the Board to give petitioner to the end of the year 2015 to complete this project. **Motion carried as follows:** Ayes: Dhaenens, Ledford, and Possiant. Nays: Figurski and McCreary.

Administrative Business:

1. Approval of the August 18, 2015 and September 15, 2015 Zoning Board of Appeals meeting minutes. **Moved** by Figurski, seconded by Poissant to approve the August 18, 2015 minutes. **Motion passed.** **Moved** by McCreary, seconded by Ledford, to approve the September 15, 2015 minutes as submitted. **Motion passed.**
2. **Correspondence:** there was no correspondence at this time for the Board.
3. **Township Board Representative Report:** Ledford stated at the last Township Board meeting on October 19th, 2015 the following took place: Approved Resolution #5- Grand Oaks Drive Special Assessment District slated to be constructed in spring 2016 and SELCRA was discussed.
4. **Planning Commission Representative Report:** Figurski stated that the Planning Commission was canceled due to power outage at the Township and rescheduled for October 26th, 2015.
5. **Zoning Official Report:** Ruthig stated that she and Sharon Stone Francis, Code Enforcement Officer, have been doing code enforcement all over the Township.
6. **Member Discussion:** Ledford inquired about the status of case 14-27, Todd and Julie Hutchins. Ruthig stated they are allowed two extensions. They have received their first one this month. Ledford also inquired about case 14-30, James Harmon. Harmon was supposed to remove the accessory structure this spring. Ledford stated that the neighbors on Pineridge Lane were asking about neighborhood blight. Dhaenens thought there was something about a blight ordinance. Ruthig stated that the Township does have a litter ordinance and she will look into Ledford's inquiries. McCreary discussed the House Bill with regard to the dismissal of their members on the Board of Review. The legislation is coming next month. There is also pending legislation that 7 people, 4 attorneys, 1 appraiser, etc for the tax tribunal. McCreary will send the page numbers and material.
7. **Adjournment:** **Moved** by Dhaenens, seconded by Poissant, to adjourn the meeting at 7:48 p.m. **Motion passed.**

Signed,

Peggy Toms
Recording Secretary

HOUSE BILL No. 5041

November 3, 2015, Introduced by Reps. Chatfield, Runestad, Maturen, Heise, Aaron Miller, Sheppard, Brunner and Rutledge and referred to the Committee on Local Government.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 208 (MCL 125.3208), as amended by 2010 PA 330.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208. (1) If the use of a dwelling, building, or structure
2 or of the land is lawful at the time of enactment of a zoning
3 ordinance or an amendment to a zoning ordinance, then that use may
4 be continued although the use does not conform to the zoning
5 ordinance or amendment. ~~This~~ **SUBJECT TO SUBSECTIONS (5) TO (7),**
6 **THIS** subsection is intended to codify the law as it existed before
7 July 1, 2006 in section 16(1) of ~~the former county zoning act, 1943~~
8 PA 183, section 16(1) of ~~the former township zoning act, 1943~~ PA
9 184, and section 3a(1) of ~~the former city and village zoning act,~~
10 1921 PA 207, as they applied to counties, townships, and cities and

1 villages, respectively, and shall be construed as a continuation of
2 those laws and not as a new enactment.

3 (2) ~~The~~**SUBJECT TO SUBSECTION (5), THE** legislative body may
4 provide in a zoning ordinance for the completion, resumption,
5 restoration, reconstruction, extension, or substitution of
6 nonconforming uses or structures upon terms and conditions provided
7 in the zoning ordinance. In establishing terms for the completion,
8 resumption, restoration, reconstruction, extension, or substitution
9 of nonconforming uses or structures, different classes of
10 nonconforming uses may be established in the zoning ordinance with
11 different requirements applicable to each class.

12 (3) The legislative body may acquire, by purchase,
13 condemnation, or otherwise, private property or an interest in
14 private property for the removal of nonconforming uses and
15 structures. The legislative body may provide that the cost and
16 expense of acquiring private property may be paid from general
17 funds or assessed to a special district in accordance with the
18 applicable statutory provisions relating to the creation and
19 operation of special assessment districts for public improvements
20 in local units of government. Property acquired under this
21 subsection by a city or village shall not be used for public
22 housing.

23 (4) The elimination of the nonconforming uses and structures
24 in a zoning district is declared to be for a public purpose and for
25 a public use. ~~The~~**SUBJECT TO SUBSECTION (5), THE** legislative body
26 may institute proceedings for condemnation of nonconforming uses
27 and structures under 1911 PA 149, MCL 213.21 to 213.25.

1 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), THE OWNER OF A
2 RESIDENTIAL PROPERTY USED FOR A NONCONFORMING RESIDENTIAL RENTAL
3 USE OR OF A NONCONFORMING RESIDENTIAL RENTAL STRUCTURE MAY DO ANY
4 OF THE FOLLOWING:

5 (A) MAKE ANY IMPROVEMENTS OR ADDITIONS TO THE NONCONFORMING
6 RESIDENTIAL RENTAL USE OR NONCONFORMING RESIDENTIAL RENTAL
7 STRUCTURE.

8 (B) COMPLETE, RESUME, RESTORE, RECONSTRUCT, REMODEL,
9 RECONFIGURE, EXTEND, OR ENLARGE THE NONCONFORMING RESIDENTIAL
10 RENTAL USE OR NONCONFORMING RESIDENTIAL RENTAL STRUCTURE.

11 (6) SUBSECTION (5) DOES NOT AUTHORIZE ANY OF THE FOLLOWING:

12 (A) AN INCREASE IN THE MAXIMUM LEGAL OR LICENSED OCCUPANCY OF
13 A RESIDENTIAL RENTAL STRUCTURE.

14 (B) AN INCREASE IN THE FOOTPRINT OR HEIGHT OF A RESIDENTIAL
15 RENTAL STRUCTURE UNLESS THE INCREASE COMPLIES WITH THE EXISTING
16 ZONING REGULATIONS THAT APPLY TO THE LOCATION OR THE OWNER OBTAINS
17 A VARIANCE AUTHORIZING THE INCREASE.

18 (7) IN EVALUATING AN APPLICATION FOR A VARIANCE FOR A
19 NONCONFORMING RESIDENTIAL RENTAL STRUCTURE OR NONCONFORMING
20 RESIDENTIAL RENTAL USE, A LOCAL UNIT OF GOVERNMENT SHALL USE THE
21 SAME STANDARDS THAT APPLY TO CONFORMING RESIDENTIAL RENTAL
22 STRUCTURES OR CONFORMING RESIDENTIAL RENTAL USES.

23 (8) A LOCAL UNIT OF GOVERNMENT SHALL NOT, BECAUSE A
24 RESIDENTIAL RENTAL STRUCTURE OR RESIDENTIAL RENTAL USE IS
25 NONCONFORMING, REVOKE OR ALTER A RESIDENTIAL RENTAL LICENSE, RENTAL
26 CERTIFICATE, OR APPROVAL FOR OR REDUCE THE EXISTING MAXIMUM LEGAL
27 OR LICENSED OCCUPANCY OF THE RESIDENTIAL RENTAL STRUCTURE OR

1 **RESIDENTIAL RENTAL USE.**

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.



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

November 19, 2015

Mr. Donald Priest
5601 Pineridge Lane
Brighton, MI 48116

RE: Litter Ordinance Violation/ Vehicle Storage

Dear: Mr. Priest

On a recent inspection of the above referenced property it was noted that there were violations of the Genoa Township Litter Ordinance. The Genoa Township Litter Ordinance states, "(1) It shall be unlawful for any person to knowingly dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving, of litter in or upon any public or private property or any waters within the township other than property designated and set aside by the township for such purposes, or except in public receptacles and private receptacles for collection and disposal." The recent inspection demonstrated that there are pallets wood debri and tarps in the yard.

Also, Genoa Township Zoning Ordinance states in, Section 11.02.06 (d) requires that "all vehicles parked or being worked on outside shall be parked on an improved driveway surface, licensed and operable." There are currently many vehicles which do not meet these requirements on the property. In order to come into compliance with Zoning Ordinance the vehicle will need to be removed or stored indoors.

The Township offers large item tickets for pick-up of trash and the first tag is free to homeowners. They are available for pick up at the Township Offices. With this in mind, please have the litter removed and the vehicles moved from the yard by December 4, 2015 to avoid further enforcement action.

Please feel free to call me with any questions or concerns.

Sharon Stone
Ordinance Officer
Genoa Township

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