

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 15, 2016
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. 16-32 ... A request by Brian Lahaie, 2862 Stanwood Place, for rear and side yard variance in order to build an attached garage addition to an existing home.
2. 16-36 ... A request by Ray Johnson, 4821 Pinehurst Court, for a rear yard variance to construct an addition to an existing home.

Administrative Business:

1. Approval of minutes for the October 18, 2016 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

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

Case # 16-36

Meeting Date: Nov 15, 2016

PAID Variance Application Fee

\$125.00 for Residential | \$300.00 for Commercial/Industrial

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: Ray Johnson

Property Address: 4821 Pinhurst Lt Phone: 810-923-4004

Present Zoning: SR Tax Code: 4711-25-400-009

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance:

1. Variance requested: Rear yard

2. Intended property modifications: Addition to existing house

a. Unusual topography/shape of land (explain): Placement of existing house (1950's)

b. Other (explain): _____

The following is required. Failure to meet this requirement may result in postponement or denial of this petition.

Property must be staked showing all proposed improvements seven (7) days before the meeting and remain in place until after the meeting.

Date: 10-11-16 Signature: Ray Johnson

Application must be completely filled out before submittal to Township and all submittal requirements must accompany application.

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 a land use permit will be required.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: November 9, 2016

RE: ZBA 16-36

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

STAFF REPORT

File Number: ZBA#16-36
Site Address: 4821 Pinehurst
Parcel Number: 4711-25-400-009
Parcel Size: .500
Applicant: Ray Johnson, 4821 Pinehurst Brighton, MI 48116
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a rear yard variance to construct an addition to existing single family home.

Zoning and Existing Use: SR (Suburban Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday October 30, 2016 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 1950.
- See Assessing Record Card.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

The proposed project is to construct an addition to an existing single family home. In order to construct the addition, the applicant would be required to obtain rear yard variance.

Variance Requests

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

Table 3.04.01 (SR District):	Required Rear Yard Setback:	50'
	Proposed Rear Yard Setback:	26'
	Proposed Variance Amount:	24'

Summary of Findings of Fact- After reviewing the application and materials provided, I offer the possible findings of fact for your consideration:

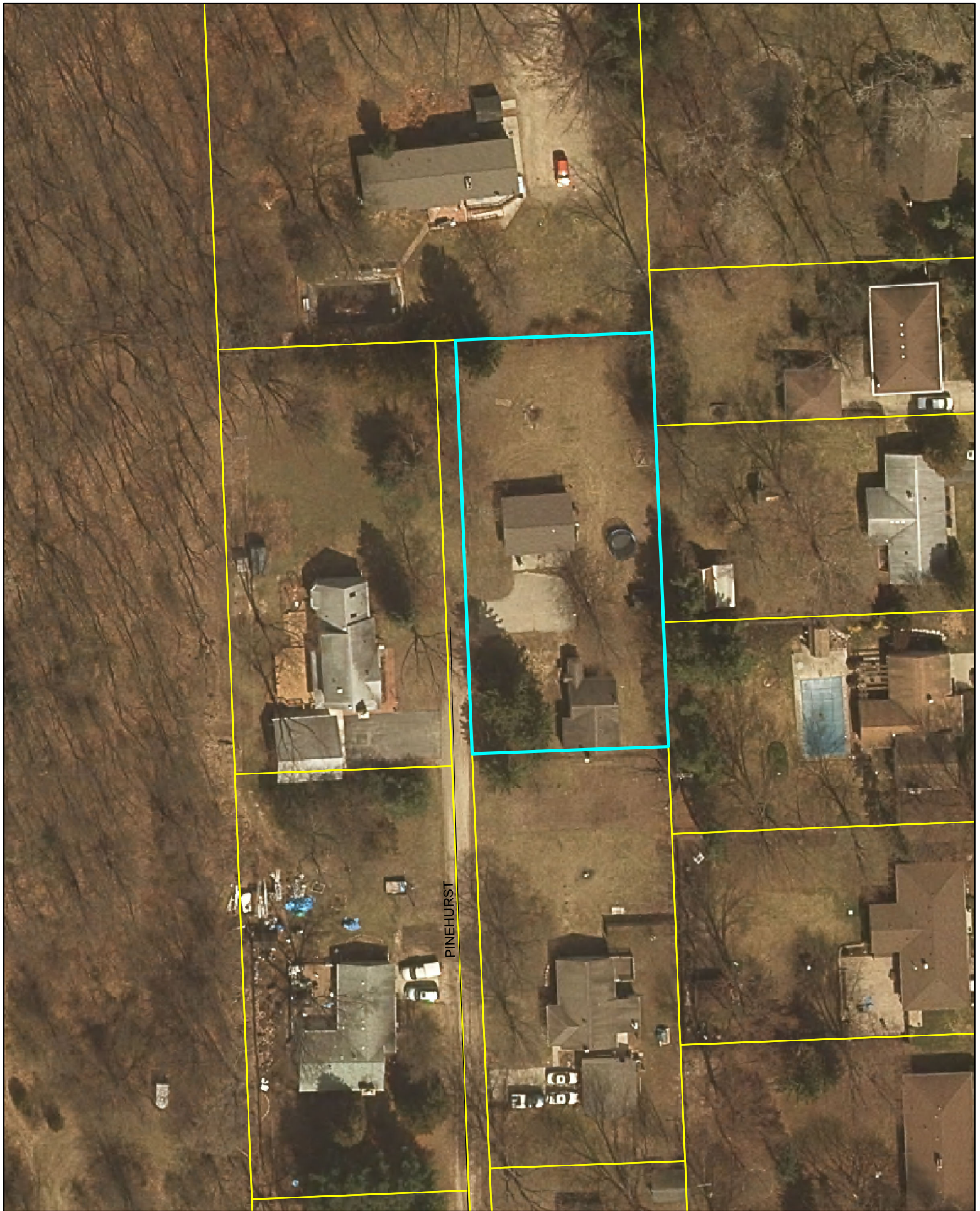
Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the rear yard setback would prevent the applicant from constructing the addition to the existing single family home. Addition would provide applicant substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the non-conforming shallow lot and location of the existing home. Granting the variance would make the property consistent with the other homes on Pinehurst Drive. The need for the variance is not self-created.
- (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 or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on 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 requests staff recommends the following conditions be placed on the approval.

1. Drainage from the home must be maintained on the lot.
2. Structure must be guttered with downspouts.



Orthophotos Flown Spring 2015
Parcel lines are a representation only;
Not intended for survey purposes.

PINEHURST ROAD
(16' WD. ROAD EASEMENT - 14' GRAVEL)

B32

812 NORTH 200

EAST 94.71

GARAGE

CONC.

ASPHALT DRIVE

1 STORY
WOOD FRAME
ALUM. EXT.

SOUTH 200

WEST 94.71

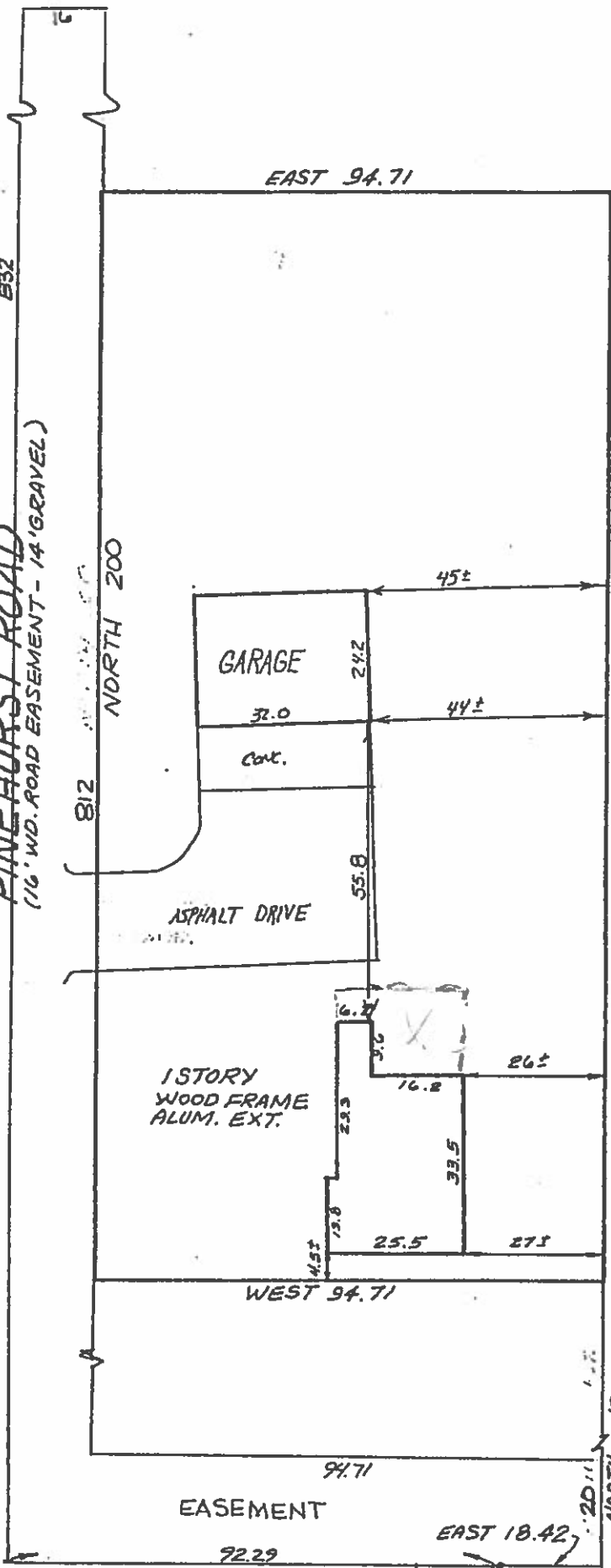
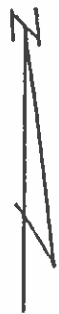
EASEMENT

92.29

EAST 18.42

EASEMENT
E. 16 FT.
OF LOT 34

16' C.W.W. COR.
LOT 33
"SUNSHINE SUBDIVISION"



SURVEY AFFIDAVIT

State of Michigan
County of LIVINGSTON

The undersigned are the owners of certain property described as:

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25,
TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY,
MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT DISTANT
EAST 18.42 FEET; THENCE NORTH 432 FEET FROM THE NORTHWEST CORNER
OF LOT 33 OF SUNSET SUBDIVISION, AS RECORDED IN LIBER 4, PAGE 19
OF PLATS, LIVINGSTON COUNTY RECORDS; THENCE WEST 94.71 FEET;
THENCE NORTH 200 FEET; THENCE EAST 94.71 FEET; THENCE SOUTH 200
FEET TO BEGINNING. SUBJECT TO AND INCLUDING THE USE OF AN
EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS OVER A STRIP OF
LAND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF
LOT 33 OF SUNSET SUBDIVISION; THENCE WEST 92.29 FEET; THENCE
NORTH 832 FEET; THENCE EAST 16 FEET; THENCE SOUTH 812 FEET;
THENCE EAST 94.71 FEET; THENCE SOUTH 20 FEET; THENCE WEST 18.42
FEET TO THE PLACE OF BEGINNING. ALSO AN EASEMENT AS ABOVE OVER
THE EAST 16 FEET OF LOT 34 OF SAID SUNSET SUBDIVISION.

In order to induce Homestead Title Agency, Inc. as policy
insuring agent for Commonwealth Land Title Insurance Company to
issue its mortgage policy without exceptions without the
submission of a currently dated survey, the undersigned hereby
certify to Homestead Title Agency, Inc. that the attached survey
is an accurate representative of the building and that there have
been no exterior improvements to the structures located on the
property since the date of said survey.

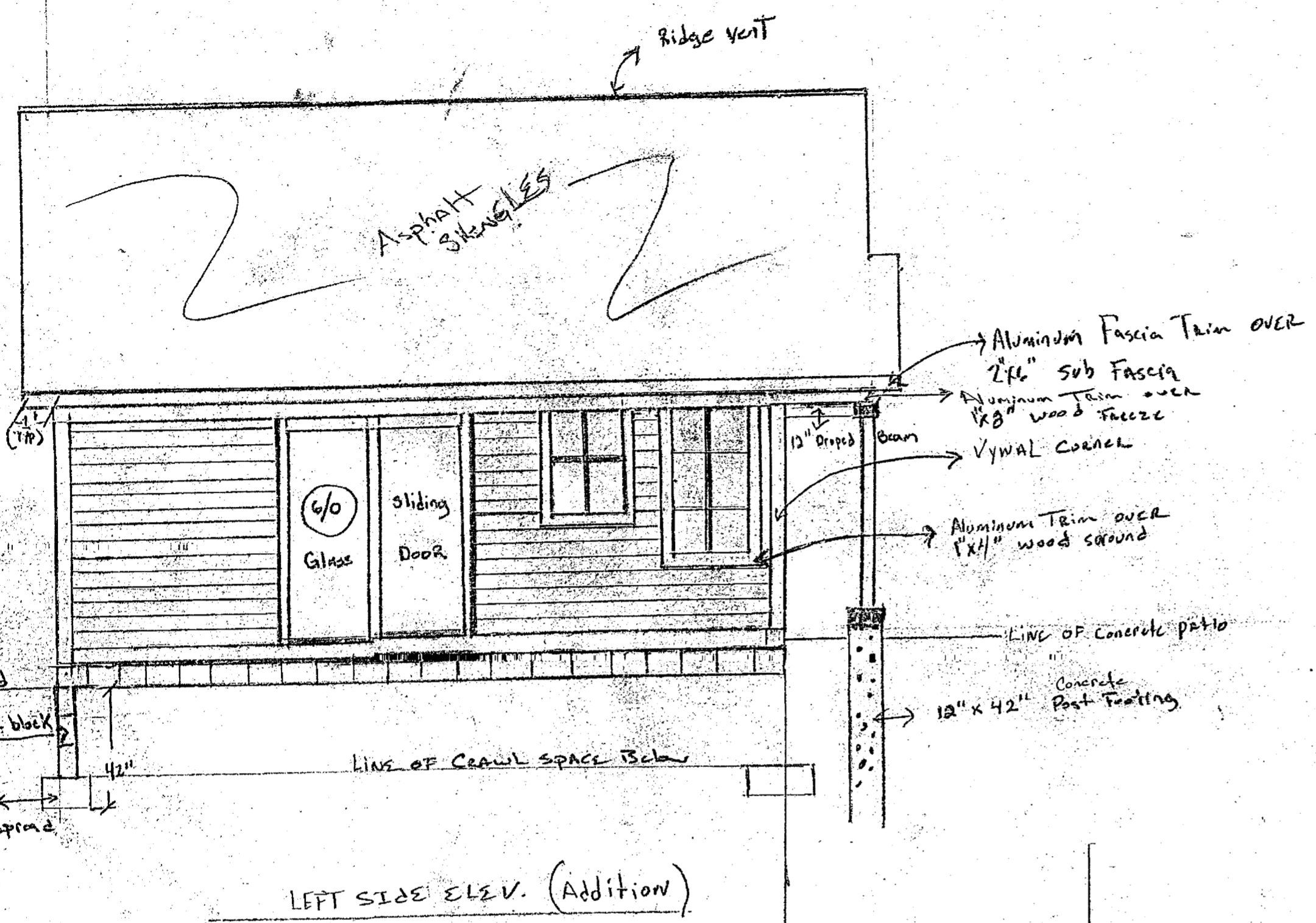
Dated: _____

RAYMOND JOHNSON

SANDRA LAVIOLETTE

Subscribed and sworn to before this _____ day of _____,
19____.

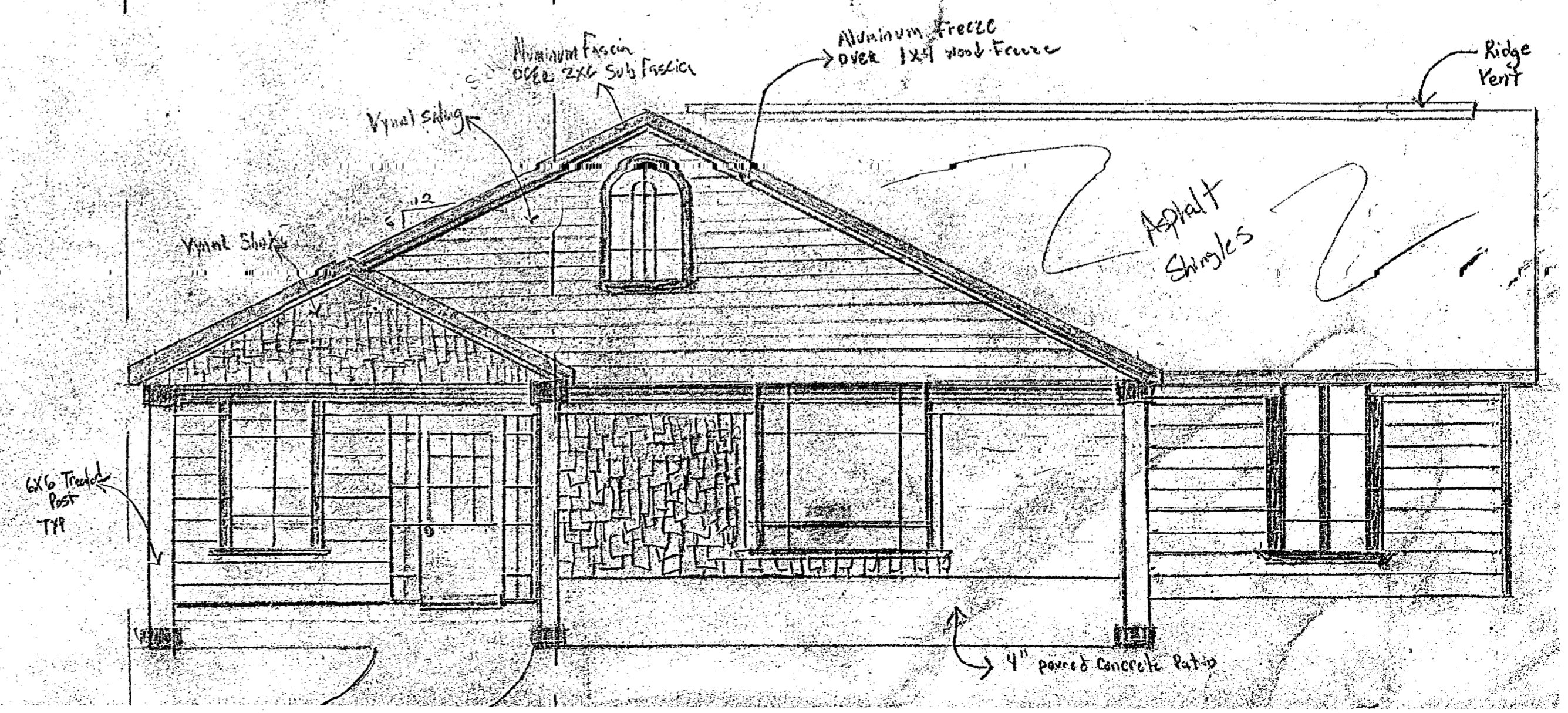
Notary Public in and for the
County of _____, State
of Michigan.
My commission expires _____, 19____.



LEFT SIDE ELEV. (Addition)

Line of New Addition

Line of New Addition
Front Elev.
1/4" = 1' scale



6x6 Treated Post
TYP

4\"/>

LINE OF Existing Foundation

To Remain Undisturbed

Block Wall And Footing To Join Existing Foundation

2x8 Floor Joist To Join Existing Beam

Per Stone Base w/ 6 mill Vapor Barrier

Sump

12'

85'

Foundation Plan
1/4" = 1' SCALE

REAR ELEVATION

Line of Addition

14'-0"

Ridge vent

Asphalt Shingles

Vynal Siding

Line of Existing Roof

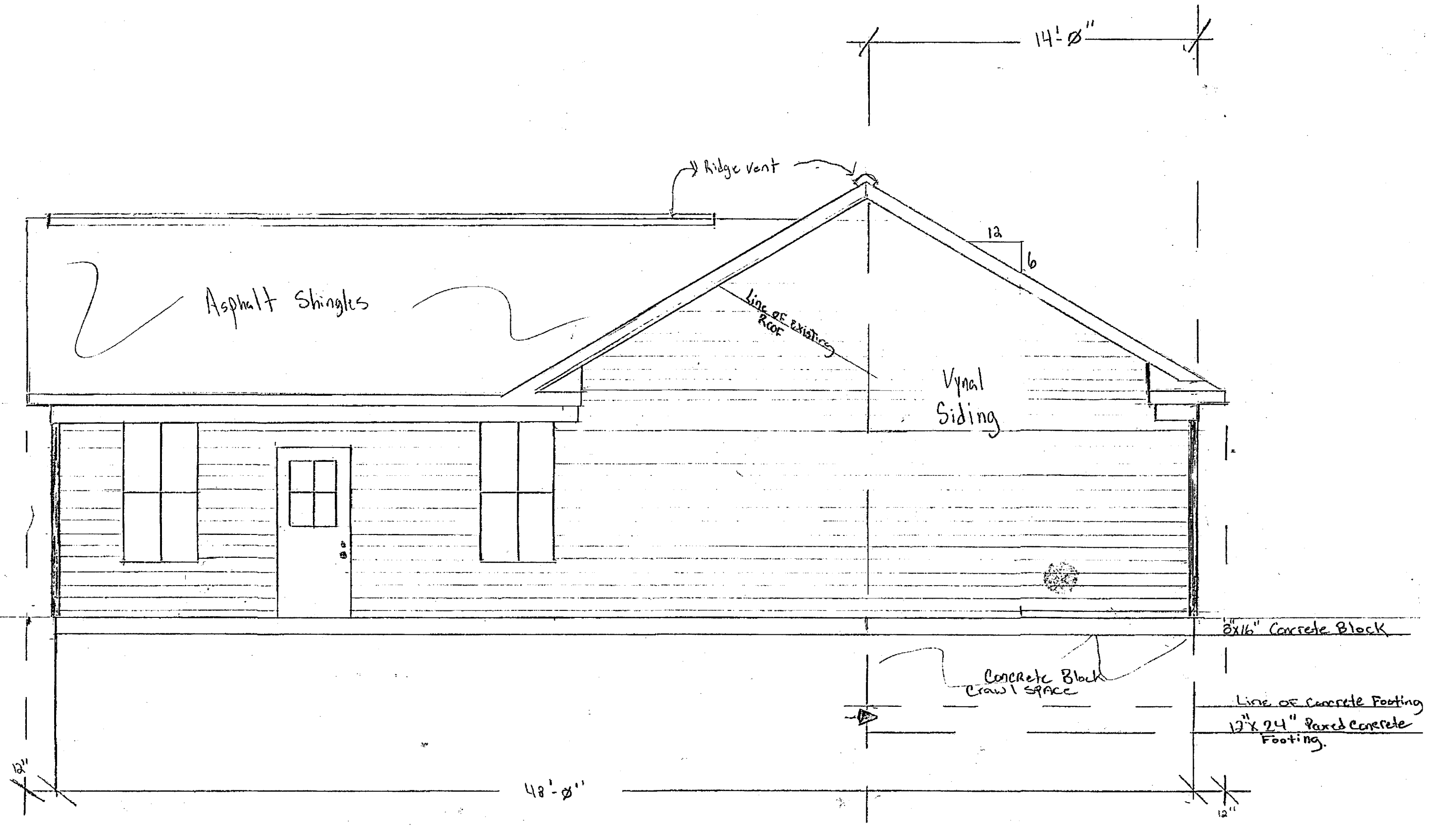
8x16" Concrete Block

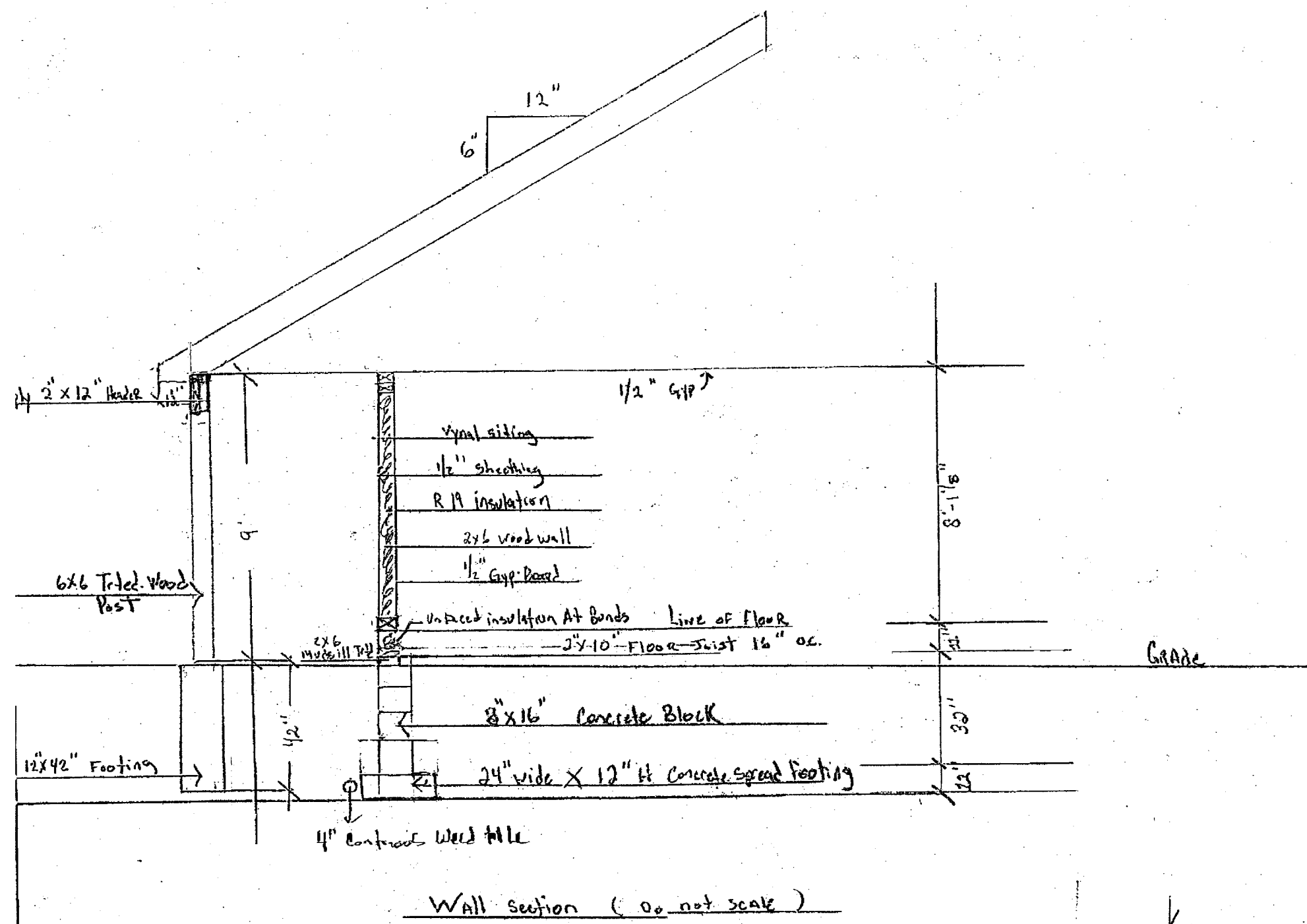
Concrete Block Crawl Space

Line of Concrete Footing
12" x 24" Paired Concrete Footing

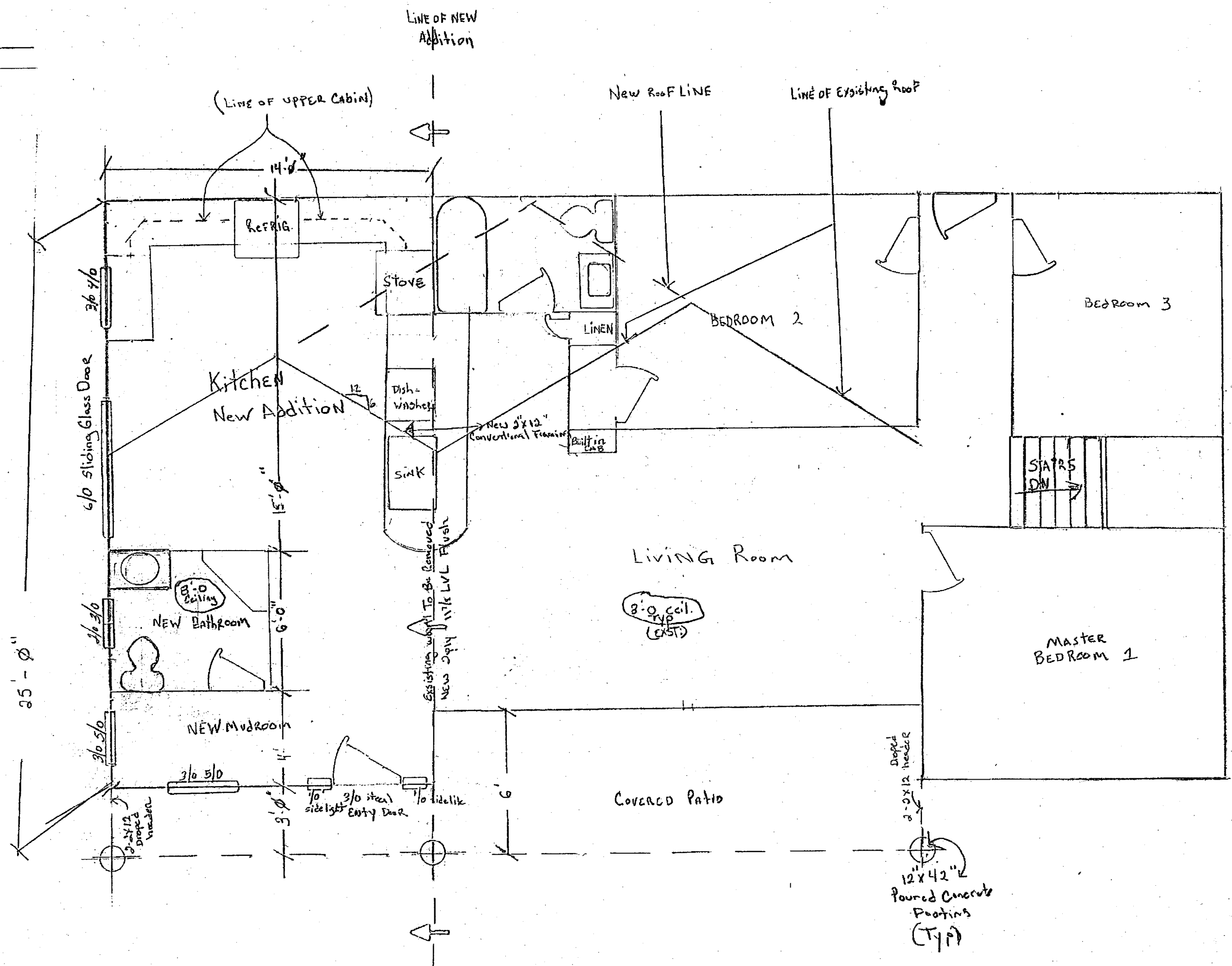
48'-0"

12"





Floor Plan
Scale 1/4" = 1'



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

11/09/2016 1:20 PM

Parcel: 4711-25-400-009
Owner's Name: JOHNSON, RAYMOND
Property Address: 4821 PINEHURST CT.
BRIGHTON, MI 48116

Current Class: 401.401 RESIDENTIAL-IMPROVED
Previous Class: 401.401 RESIDENTIAL-IMPROVED
Gov. Unit: 4711 GENOA CHARTER TOWNSHIP
MAP # V16-36
School: 47010 BRIGHTON
Neighborhood: 4009 4009 HOLLY,DILLION,MAG

Liber/Page: / / **Created:** / /
Split: / / **Active:** Active
Public Impr.: None
Topography: REFUSE

Mailing Address:

JOHNSON, RAYMOND
11642 MAXFIELD BLVD.
HARTLAND MI 48353

Description:

SEC 25 T2N R5E BEG E 18.42 FT & N 432 FT FROM NW COR, LOT 33, SUNSET SUB, TH W 94.71 FT, N 200 FT, E 94.71 FT, S 200 FT TO BEG.

Most Recent Sale Information

Sold on 07/01/2004 for 0 by JOHNSON, RAYMOND.

Terms of Sale: ARMS-LENGTH

Liber/Page:

Most Recent Permit Information

None Found

Physical Property Characteristics

2017 S.E.V.: Tentative	2017 Taxable: Tentative	Lot Dimensions:
2016 S.E.V.: 53,400	2016 Taxable: 41,573	Acres: 0.50
Zoning: SR	Land Value: 60,000	Frontage: 0.0
PRE: 0.000	Land Impr. Value: 0	Average Depth: 0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1950
Occupancy: Single Family
Class: CD
Style: CD
Exterior: Wood Siding
% Good (Physical): 45
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 1 Half Baths: 1
Floor Area: 765
Ground Area: 765
Garage Area: 768
Basement Area: 765
Basement Walls:
Estimated TCV: 47,809

Image



**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
October 18, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Marianne McCreary, Jean Ledford, Barb Figurski, Dean Tengal, and Amy Ruthig, Zoning Administrator.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by Ledford, seconded by Figurski, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:33 pm with no response.

1. **16-32...A request by Brian Lahaie, 2862 Stanwood Place, for rear and side yard variances in order to build an attached garage addition to an existing home.**

Mr. Lahaie was not present.

Moved by Ledford, seconded by McCreary, to postpone Case #16-32 until the next regularly scheduled Zoning Board of Appeals meeting of November 15, 2016. **The motion carried unanimously.**

2. **16-28...A request by Jon and Pamela Okopski, 100 Chilson Road, for a use variance to allow chickens and ducks in the Suburban Residential (SR) Zoning District.**

Mr. Okopski is asking to be able to keep the chickens and ducks that he has until they pass naturally. They are five years old and the expectant life of the birds is only a few more years. He stated that he and the Township believed he was in compliance under the Right to Farm Act; however, that act was amended in 2014, which brought him out of compliance.

Board Member McCreary stated that Senator Joe Hune is working on changing this back to allow residents to keep fowl.

Mr. Okopski stated that the State of Michigan has visited his home and they showed him the proper way to dispose of the birds' waste. He was previously using it for compost, which is against their regulations. He now disposes of it in the trash.

The call to the public was made at 6:43 pm.

Ms. Nancy Green of 120 Chilson stated that she complained about the applicant's rooster in 2015. He made noise from 4:45 am to 7:30 pm. The chickens and the rooster come into her yard. The rooster has been removed. He has built a fence, a chicken coop, and two chicken runs and has never obtained permits for this work. His chickens, ducks, rabbits, snakes, and cats come into her yard.

She contacted the Township in May of 2016 and was told that he was allowed to have the birds because of the Right to Farm Act. She contacted the State and learned that he was not allowed to have them.

She moved into the home in 2013 and the chickens were not there, but he had the ducks.

Ms. Ann Brennan of 95 Chilson submitted a letter, along with Tracy Clement of 115 Chilson, and Margaret Witt of 110 Chilson. The chickens have been at the applicant's home for five years and have never been a problem and Mr. Okopski has always taken care of them. She does not hear the chickens or the ducks. They do not come into her yard. Having the birds is also a learning experience for the applicant's sons. She feels he should be granted the variance.

Luke Okopski stated that the birds and ducks do not fly. They are contained in their run and then there is another wire fence higher than the birds can jump.

Pamela Okopski stated that the birds, the coop, and the garden have been there for five years, before the Greens moved in. The birds do not fly, they stay in the yard and they do not go in the neighbors' yards. If they are forced to get rid of the birds, they will have to be destroyed. The birds do not make noise and her sons are learning from them.

The call to the public was closed at 7:01 pm.

Mr. Okopski reiterated what his wife said. The chickens and the coop were there before the Greens moved in. He added the chicken run afterwards. With regard to the rooster, they bought the birds as chicks and did not know one of them was a rooster. He knew he could not keep it and as soon as he found out, he was working on making arrangements to give it away and that took several months. They cannot find anyone to take the birds because of their age. They would have to be destroyed. They are like their pets; like if someone had a dog.

Chairman Dhaenens stated that other letters of support of the variance were received from Jim Rowell and John and Stacy Dunlap.

Moved by Ledford, seconded by Tengel, to approve case #16-28 for Jon and Pamela Okopski of 100 Chilson Road for a use variance to allow five chickens and three ducks currently on their property within a SR Zoning District, which prohibits chickens, based on the following findings of fact:

- The livestock has been on the property since 2011.
- The livestock are pets rather than farm animals.
- The applicant shall not bring any other livestock onto the property.

- Upon the natural deaths of the current livestock, replacement livestock will not be brought to the property and no additional livestock shall be allowed.
- The Michigan Right to Farm Act, passed in 1981, provided exemptions from local zoning for agricultural uses, including keeping of animals. In 2014, the MDARD made a determination that local government ordinances would prevail in primarily residential areas (Category 4 sites). This change in how Right to Farm is applied caused the applicant's property to become non-conforming; therefore, the need for the variance was not self-created.
- The applicant must comply with the State's Generally Accepted Agricultural and Management Practices for manure management and care of the livestock.
- The capacity and operations of public roads, utilities, and other facilities and services will not be significantly compromised.
- This property is located in an area predominantly made up of small residential lots and commercial properties. The use variance would alter the character of the neighborhood. The keeping of chickens and ducks in the SR District has potential to pose a detriment to adjacent properties.

The granting of this variance is conditioned upon:

- The applicant shall submit a list detailing breed, gender, approximate age, and a photograph of each of the chickens and ducks.

The motion carried unanimously.

16-35...A request by Joe Valenti, 3535 Beattie Road for a size variance and a variance to allow a detached accessory structure in the front yard.

Mr. Valenti stated he recently purchased the home. There is no basement and he has three sons. He would like to build a detached garage in the front yard. He would be matching the existing carport. The home was built by William Lindhout and is a very unique design and the lot is full of walnut trees. If he builds the garage where he is proposing, he will need to take out two trees, one of which is dead. If he was to put it in the rear, he would need to remove approximately 12 trees. Additionally, there are DTE wires that run along the rear of his property.

After a brief discussion, it was determined that the size variance is 146 square feet, and not 262 as originally believed. The Board asked Mr. Valenti if he would consider reducing the size of the structure to 24 x 28, making the variance requested 50 feet. Mr. Valenti agreed.

The call to the public was made at 7:45 pm with no response.

Moved by Tengel, seconded by Ledford, to approved Case #16-35 by Joe Valenti of 3535 Beattie Road for a size variance of 50 feet and a variance to allow a detached accessory structure in the front yard, due to the following findings of fact:

- The unusual size of the existing structure, which caused the total size to be 1,250 square feet.
- Granting of the variance would give substantial justice to the applicant.
- The extraordinary circumstances are that this is a corner lot, there is a utility easement running through the rear of the lot, and the topography of the applicant's property.
- Granting of the requested variances will not impair an adequate supply of light or air to adjacent properties or unreasonably increase the congestion on 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.

- Granting the requested variances would not have any impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon:

- The structure must be guttered with downspouts.
- No additional outbuildings will be allowed.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the September 20, 2016 Zoning Board of Appeals Meeting

Board Member McCreary advised of changes needed to her motion for Case #16-30.

Moved by Figurski, seconded by McCreary, to approve the September 20, 2016 Zoning Board of Appeals Meeting minutes as corrected. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig had no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meeting of October 17, 2016.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of October 10, 2016.
5. Zoning Official Report – Ms. Ruthig had nothing to report this evening.
6. Member Discussion - No members had any items to discuss.
7. Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 8:10 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary