

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 13, 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. 16-36 ... A request by Ray Johnson, 4821 Pinehurst Court, for a rear yard variance to construct an addition to an existing home.
2. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e).

Administrative Business:

1. Approval of minutes for the November 15, 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: 10-15-16 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.

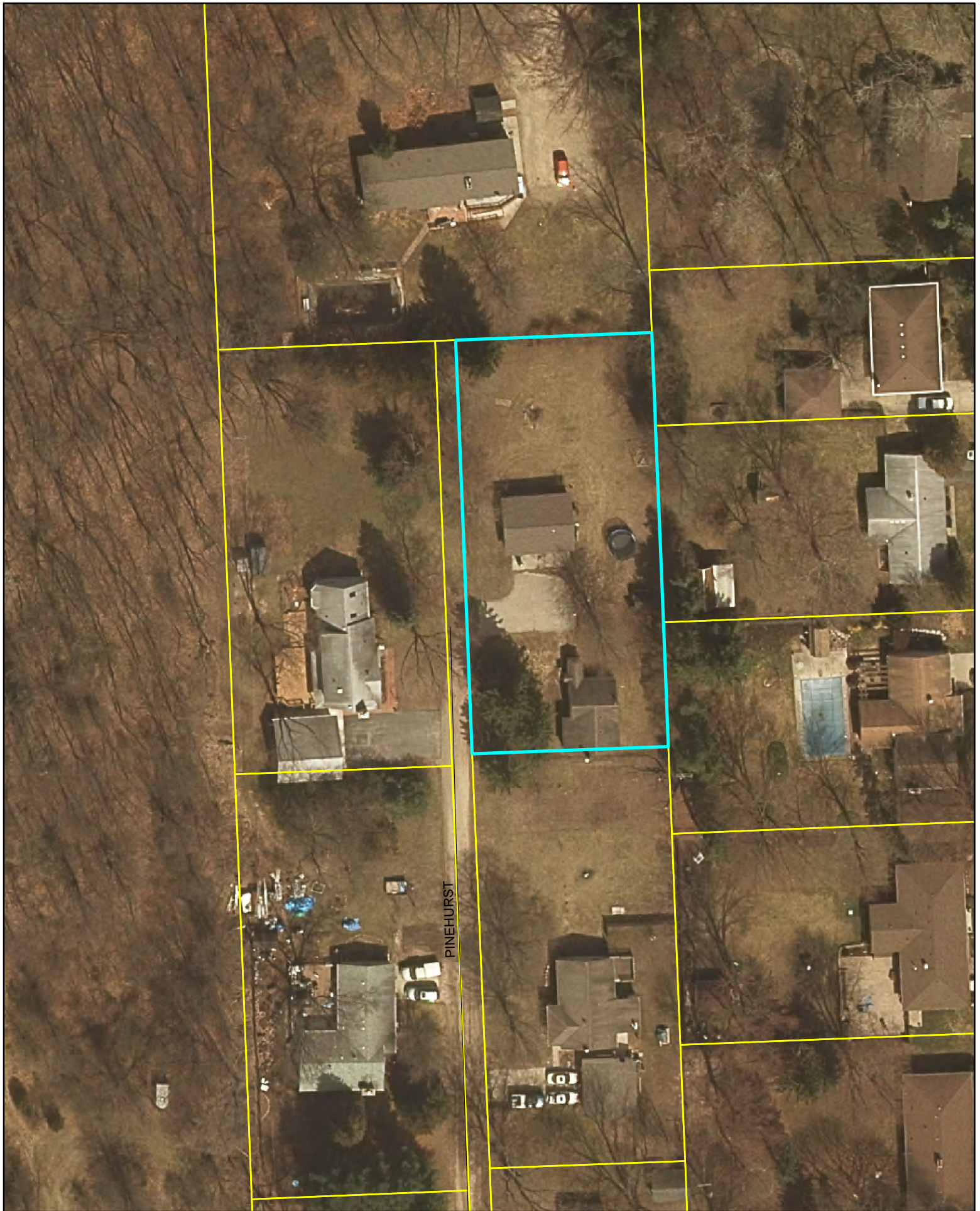
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants 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

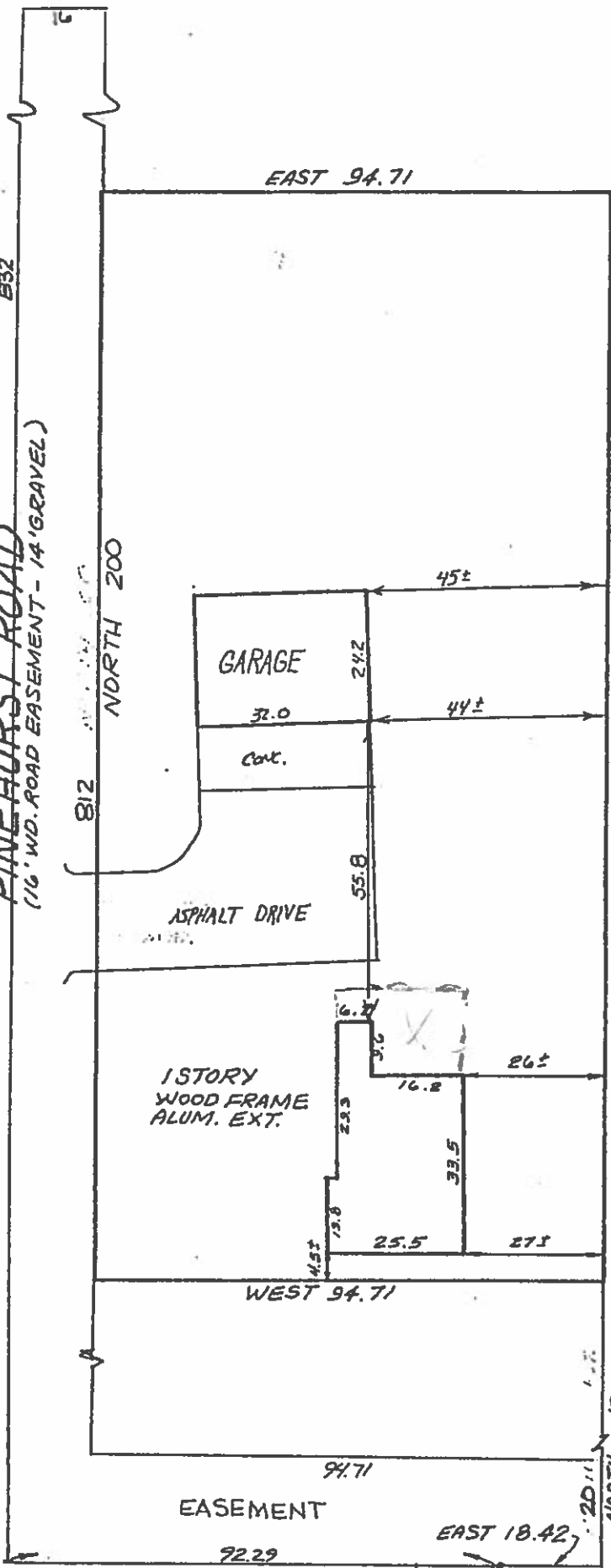
92.29

EAST 18.42

432 NORTH 200

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.

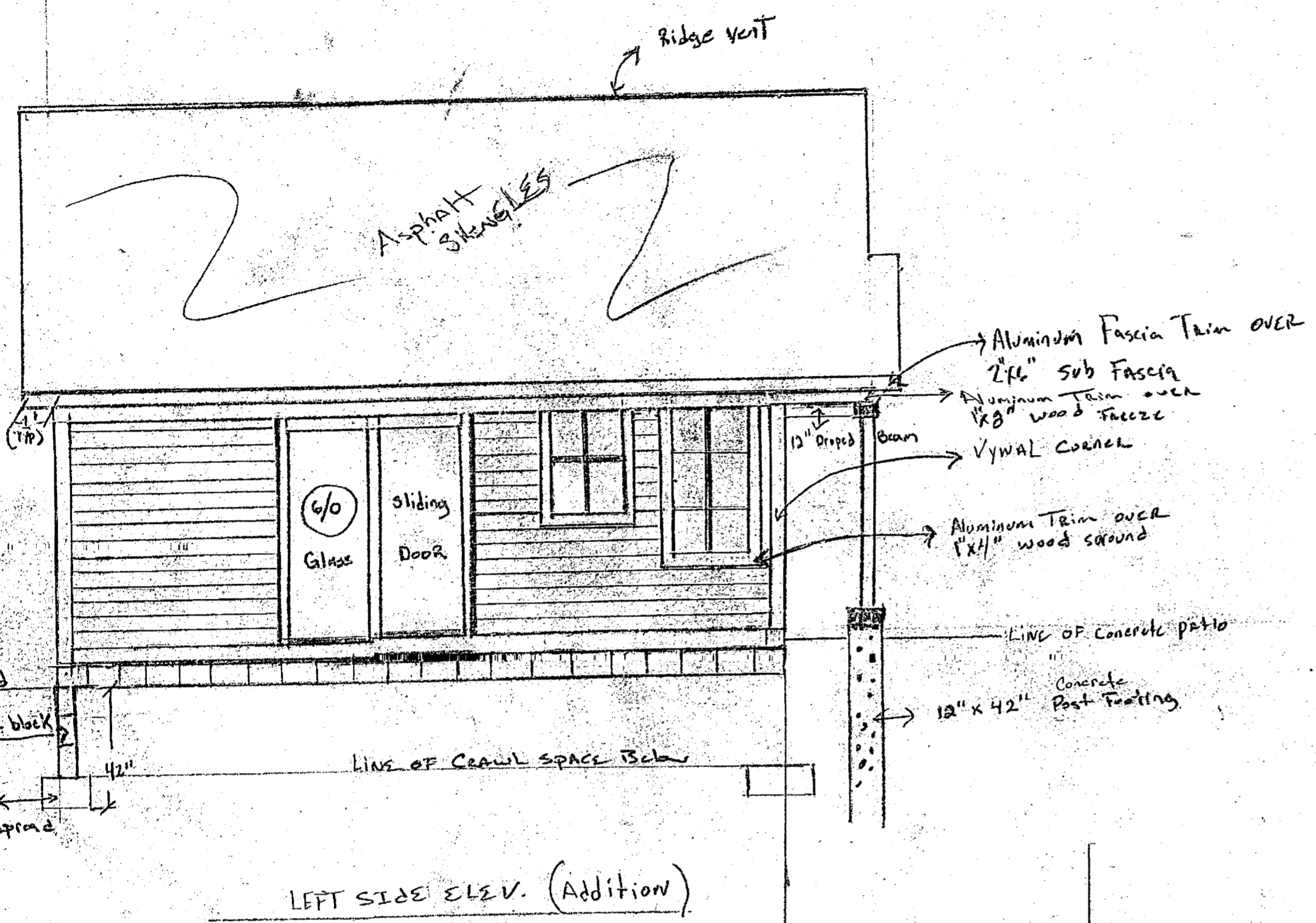
Dated: _____

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____.

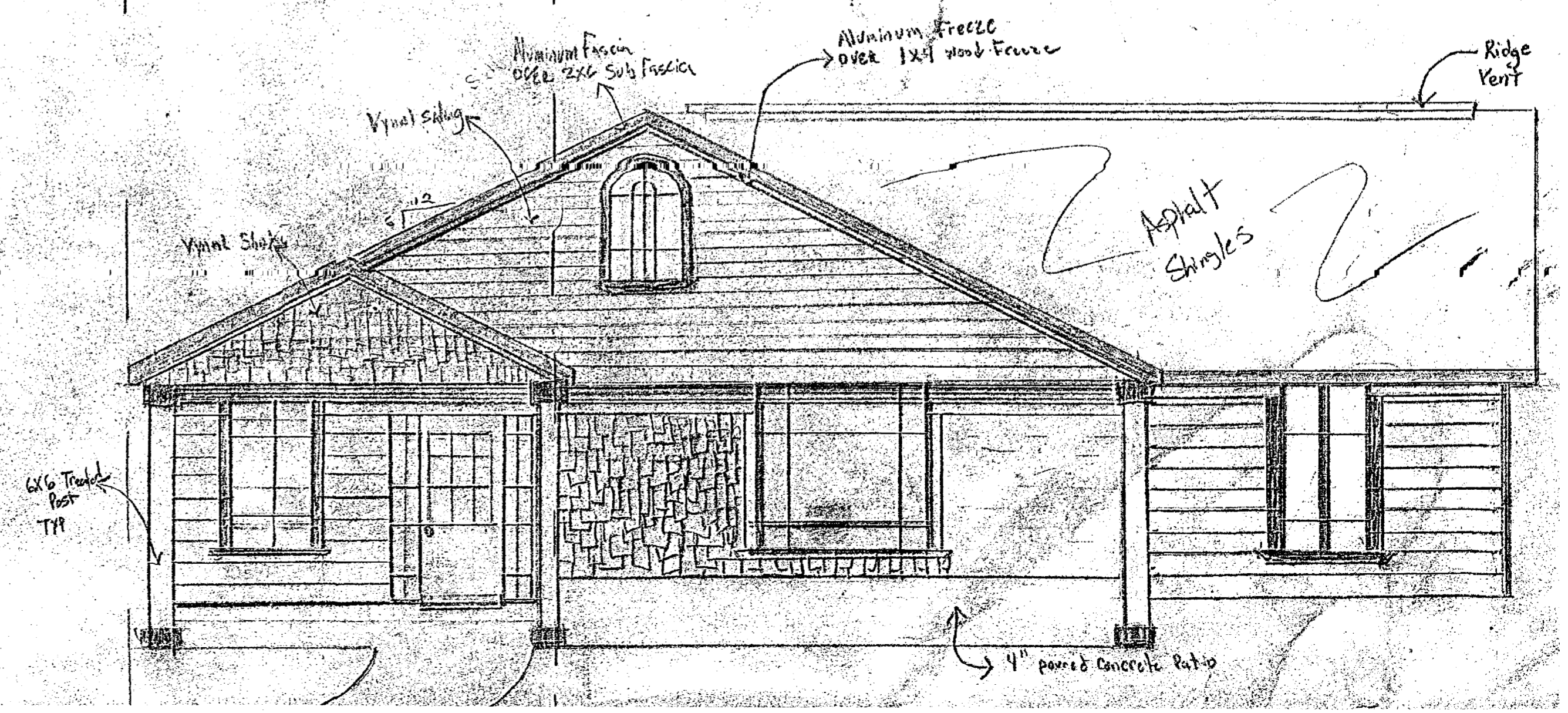


LEFT SIDE ELEV. (Addition)

Line of New Addition

Line of New Addition

Front Elev.
1/4" = 1' scale



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

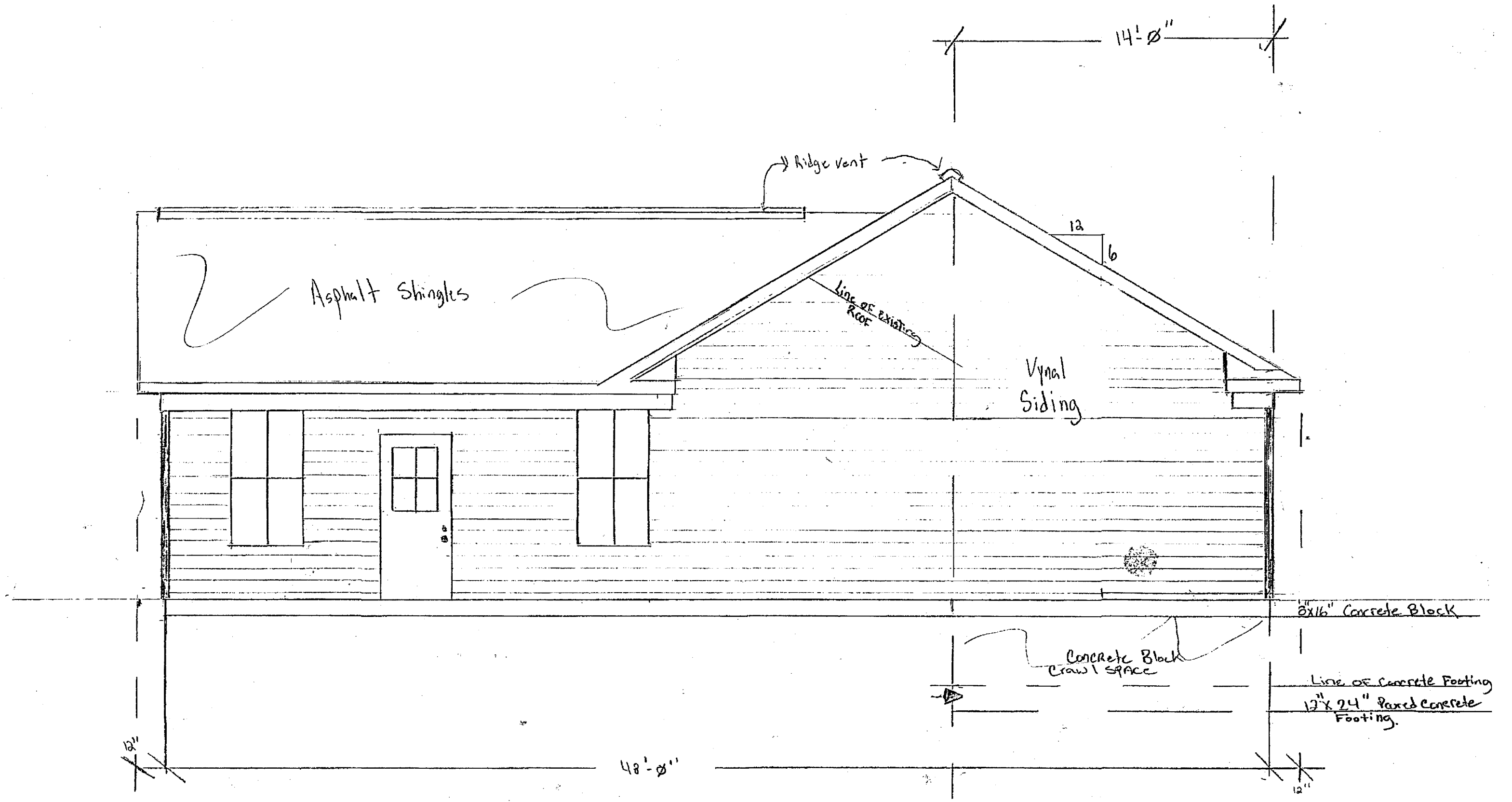
8x16" Concrete Block

Concrete Block Crawl Space

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

48'-0"

12"



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
November 15, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:33 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 Figurski, seconded by McCreary, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:34 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.**

Chairman Dhaenens stated that the applicant has asked to have his request withdrawn.

Moved by Figurski, seconded by Ledford, to withdraw Case #16-32 for 2862 Stanwood Place as requested by the applicant. **The motion carried unanimously.**

2. **16-36...A request by Ray Johnson, 4821 Pinehurst Court, for a rear yard variance to construct an addition to an existing home.**

Mr. Johnson was not present. Mr. Chris Ouellette of 11648 Maxfield Lane, Hartland, was present to represent the applicant. He stated that Mr. Johnson would like to remove the existing porch and put the addition in that location. The variance is needed due to the location of the existing home on the lot.

Chairman Dhaenens noted that the site was not staked so the Board Members were unable to see where the addition is proposed and this item will need to be tabled this evening.

Moved by McCreary, seconded by Ledford, to table Case #16-36 for 4821 Pinehurst Court for a rear yard variance to construct an addition to an existing home until the December 13, 2016 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the October 18, 2016 Zoning Board of Appeals Meeting

Board Member McCreary advised her statement regarding Senator Joe Hune and the Right to Farm Act should read, ".....Senator Joe Hune is **proposing changes to the legislation to the Right to Farm Act**". Additionally, the fifth bullet point of the motion for Case #16-28 should state, "...exemptions from local zoning for agricultural uses, including keeping of **livestock**".

Moved by Figurski, seconded by McCreary, to approve the October 18, 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 November 7, 2016.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of November 14, 2016.
5. Zoning Official Report
Ms. Ruthig advised that the home of a previously-approved variance has been sold and the new owner would still like to add the addition; however, they would like to change its location slightly. Less of a variance would be needed, but it would not be contained in the same footprint. One of the conditions of the variance approval was that it would be placed in the footprint presented. All Board Members feel that allowing the addition to be slightly out of the originally-proposed footprint should be allowed.
6. Member Discussion
Members discussed various Township and Zoning Board of Appeals items.
7. Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 7:29 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary