

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 21, 2017  
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. 17-06 ... A request by Brett Gierak, 921 Sunrise Park, for a rear yard variance to construct a second story addition on an existing home.

Administrative Business:

1. Approval of minutes for the February 21, 2017 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 # 17-06 Meeting Date: March 21, 2017

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: BRETT BIERAK

Property Address: 921 Sunrise Park Phone: 248-705-3660

Present Zoning: LRR Tax Code: 11-09-201-052

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: Side & Rear

2. Intended property modifications: Second Story Addition

a. Unusual topography/shape of land (explain): \_\_\_\_\_

Location of existing house

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: 2/21/17 Signature: 

**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:** March 16, 2017

**RE:** ZBA 17-06

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

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### STAFF REPORT

**File Number:** ZBA#17-06  
**Site Address:** 921 Sunrise Park Drive  
**Parcel Number:** 4711-09-201-052  
**Parcel Size:** .222  
**Applicant:** Brett Gierak, 921 Sunrise Park Drive Howell  
**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 an existing home.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday March 5, 2017 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 2013.
- In 2013, a side yard variance was granted for a second story addition to the front of the home. (see attached minutes) After variance was granted an amended permit was issued for the home to be rebuilt entirely due to foundation issues. (See attached permit)
- See Assessing Record Card.

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

## Summary

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 a rear yard variance.

## Variance Requests

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

<b>Table 3.04.01 (LRR District):</b>	<b>Required Rear Yard Setback:</b>	<b>40'</b>
	<b>Proposed Rear Yard Setback:</b>	<b>29'</b>
	<b>Proposed Variance Amount:</b>	<b>11'</b>

## 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.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the non-conforming location of the existing home. 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.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 19, 2013  
6:30 p.m.**

**MINUTES**

Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30pm at the Genoa Charter Township Hall. The Pledge of Allegiance was then said. The members and staff of the Zoning Board of Appeals were then introduced. The board members in attendance were as follows: Chris Grajek, Marianne McCreary, Jean Ledford, Barbara Figurski and Jeff Dhaenens Also present was Township staff member Adam VanTassell and 8 persons in the audience.

**Moved** by Figurski, supported by Grajek, to approve the agenda as submitted. **Motion carried unanimously.**

**13-05...A request by Brett Gierak, Sec. 9, 921 Sunrise Park, for a side and rear yard variance to construct addition.**

Brett Gierak was present for the petitioner.

A call to the public was made with the following response: Michael Suciu, 1071 Sunrise Park, stated this is a welcome addition to the neighborhood. It is being placed on the existing foot print. He is in full support of this variance.

**Moved** by Grajek, supported by McCreary, to approve case#13-05, 921 Sunrise Park, to approve case#13-05, 921 Sunrise Park, for a 7'4" side yard variance with a 2'6" setback to allow for a second story addition.

The finding of fact is the lack of zoning predated the construction of the house. The practical difficulty is due to the location of the utility lines and the sewer line. **Motion carried unanimously.**

**13-07...A request by Charles Horan, Sec. 11, 1828 Hughes Road, for a front, waterfront and side yard variance to construct a garage addition and a second story addition.**

A call to the public was made with the following response: Michael Suciu, 1071 Sunrise Park, stated he is in full support of granting the variance and it will improve the neighborhood.



Residential Land Use Permit

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

Amended 5-21-13

PERMIT NO. 13-016

<b>1. PROJECT INFORMATION</b>	
Address: 921 Sunrise Park Howell	Acreage:

<b>2. OWNER/APPLICANT INFORMATION</b>			
Owner Name: BRETT BIERAK	Phone No.: 248-705-3660	<input type="checkbox"/>	
Owner Address: 19603 St. Francis	City: Livonia	State: MI	Zip: 48152
Applicant is: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Lessee/Renter <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Other:			
Applicant name: BRETT BIERAK	Phone No.: 248-705-3660	<input type="checkbox"/>	
Applicant Address: 19603 St. Francis	City: Livonia	State: MI	Zip: 48152

<b>3. TYPE OF IMPROVEMENT</b>	
<input checked="" type="checkbox"/> <b>A. Principal Structure</b> <input checked="" type="checkbox"/> New Single Family <input type="checkbox"/> New Multiple Family <input type="checkbox"/> Other: <input type="checkbox"/> Addition to Existing Building 5/21/13 <input type="checkbox"/> Grading/Site Work <i>not doing as of 5/21/13 foundation was laid now doing SR New</i>	
<input type="checkbox"/> <b>B. Accessory Structure</b> <input type="checkbox"/> Fence <input type="checkbox"/> Deck <input type="checkbox"/> Detached Accessory (garage, shed, pole barn) <input type="checkbox"/> Pool/Hot Tub <input type="checkbox"/> Other:	

<b>4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION</b>					
<b>A. Proposed Principal Structure Setbacks (in feet)</b>					
Front: 52'6"	(measured from front property line, right-of-way line or private road easement, whichever is less)				
R: 23'4"	Least Side: 2'6"	Side: 45'6"	Water/Wetland:		
<b>B. Proposed Accessory Structure Setbacks (in feet)</b>					
Front:	Least Side:	Side:	Rear:	Water/Wetland:	Distance from Principle Structure:
<b>C. Proposed Building/Improvement Dimensions</b>					
Size of Building/Improvement: 54	square feet	Height: 21	feet		

<b>6. SIGNATURE OF APPLICANT</b>		
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:	Printed Applicant name: BRETT BIERAK	Date: April 1, 13

<b>FOR OFFICE USE ONLY</b>		
<b>FLOODPLAIN</b>		
Floodplain: N/A	Panel #:	Zone #:

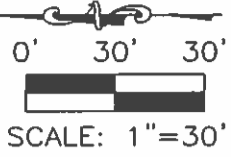
<b>ASSESSING APPROVAL</b>		
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Approved by: Jimmy Dandy	Date: 4-1-13
<b>ZONING APPROVAL</b>		
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Parcel I.D. No.: 1109-2010-052	Zoning: LRR
	Approved by: Alan deTonnell	Date: 4-1-13

Comments/Conditions: Amended 5/21/13 - Reconstruct entire home due to foundation issues - ATJ  
 - New drawings - No change to footprint

ZBA	Case #/Approval date: 1305 / 3-18-13	Conditions:
<b>3. FEES</b>		
Land Use:	\$ 7500	Water/Sewer: \$ / Meter: \$

PREPARED FOR:  
BRETT GIERAK  
921 SUNRISE PARK DR  
HOWELL, MI 48842

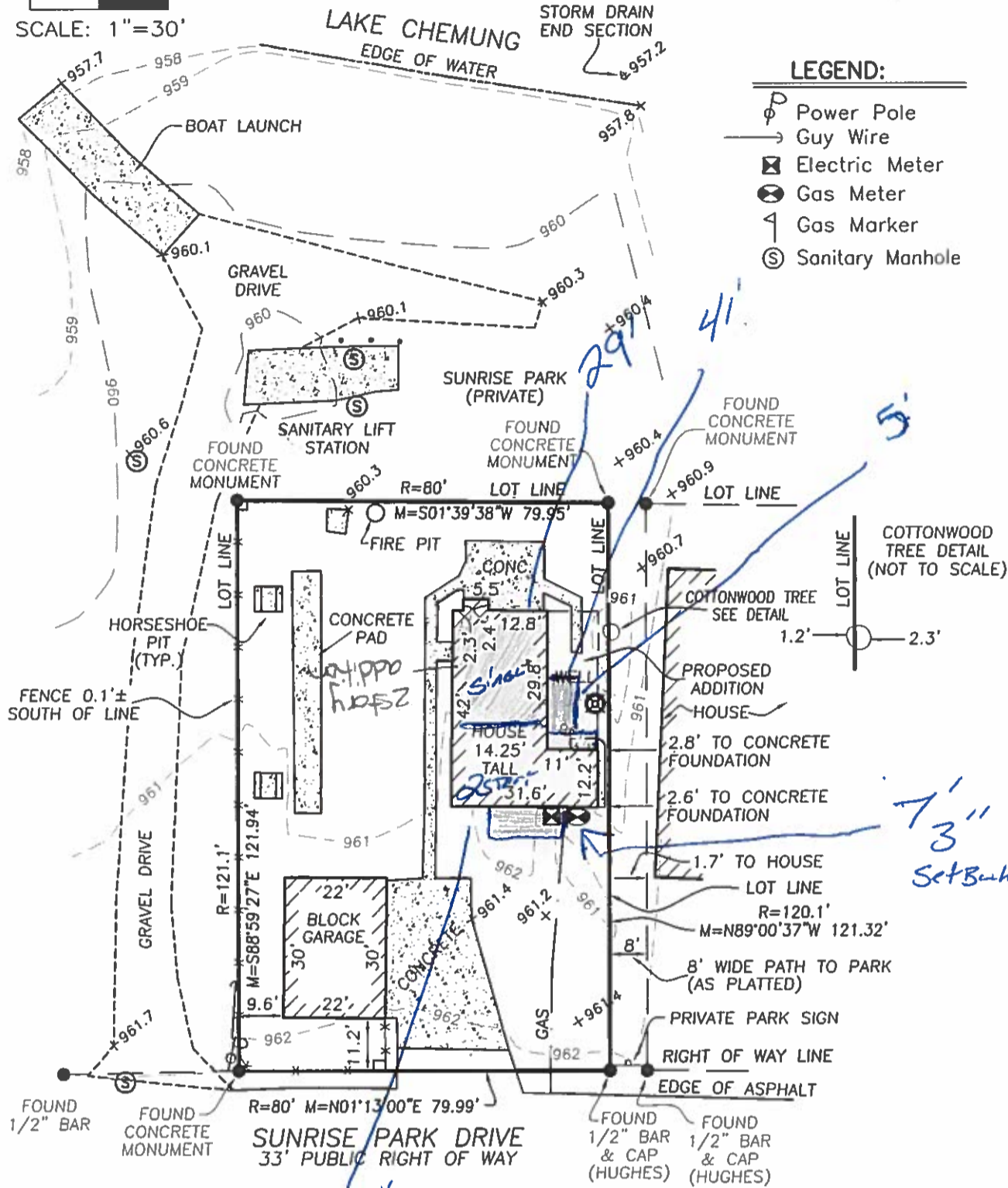
**CERTIFIED LOT SURVEY**  
LOT 51 AND 52, SUNRISE PARK,  
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



SCALE: 1"=30'

**LEGEND:**

- Power Pole
- Guy Wire
- Electric Meter
- Gas Meter
- Gas Marker
- Sanitary Manhole



**LEGEND:**

- = SET 5/8"x30" STEEL BAR & CAP #51489
- = FOUND CORNER EVIDENCE AS NOTED
- = SECTION CORNER
- = DISTANCE NOT TO SCALE
- = MEASURED
- = RECORDED

**SURVEY CERTIFICATION:**

SEE SHEET 2 OF 2 FOR SURVEY CERTIFICATION  
AND BEARING BASIS.  
NOTE: EASEMENTS OF PUBLIC RECORD NOT SHOWN.

GEODETIC DESIGNS INCORPORATED  
2300 N. GRAND RIVER AVE.  
LANSING, MI 48906  
PHONE: (517) 908-0008  
FAX: (517) 908-0009  
www.geodeticdesigns.com



REV.:	FIELD: GB DV	DRWG: RJW
DATE:	22-JANUARY-2013	
FILE:	S005-2013	
SHEET	1	OF 2

**PROJECT:**

**PROPOSED ADDITION & RENOVATIONS TO:**

**GIERAK RESIDENCE**

**SQUARE FOOTAGE CALCULATIONS**

Existing first floor = 1017 sq ft  
 Existing second floor = 464 sq ft  
 Existing total = 1481 sq ft

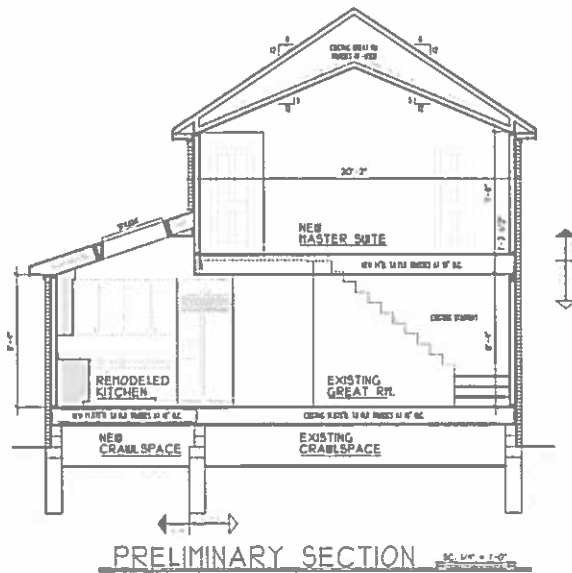
Proposed first floor additions = 265 sq ft  
 Proposed second floor additions = 631 sq ft

**Totals**  
 Proposed first floor = 1282 sq ft  
 Proposed second floor = 1095 sq ft  
 Proposed total first and second floors = 2377 sq ft  
 (additions = + 896 sq ft)

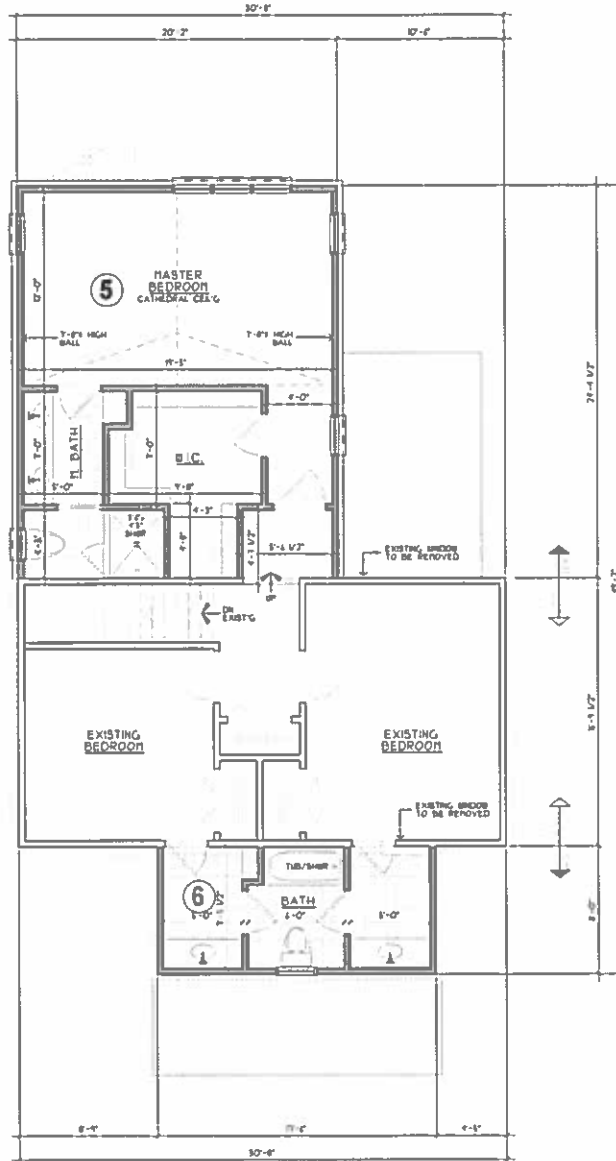
**Misc**  
 Proposed new exterior entry porch = 109 sq ft

**PROPOSED SCOPE OF WORK SHALL INCLUDE BUT NOT LIMITED TO:**

- ① Remove existing roof & trusses (re-use at new second floor above)
- ② Add new 9'-0" x 14'-0" kitchen addition
- ③ Add new 17'-6" x 8'-4" foyer addition
- ④ Add new 17'-6" x 8'-0" covered front porch addition
- ⑤ Add new 20'-2" x 24'-5" master suite addition
- ⑥ Add new 17'-6" x 8'-4" bathroom addition



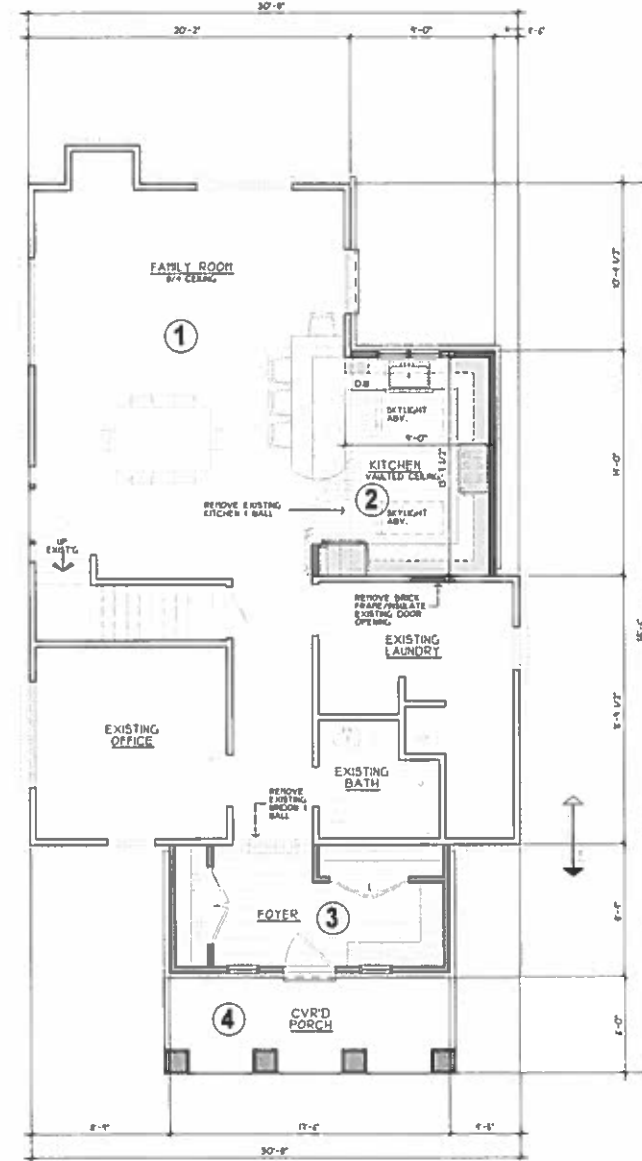
**PRELIMINARY SECTION** SC. 1/4" = 1'-0"



**SECOND FLOOR PLAN** SC. 1/4" = 1'-0"



LEGEND	
	EXISTING WALLS TO REMAIN
	NEW WALLS
	EXISTING WALLS TO BE DEMOLISHED



**FIRST FLOOR PLAN** SC. 1/4" = 1'-0"



PROJECT  
 GIERAK  
 ADDITION

ADDRESS  
 821 SUNNYSIDE PARK DRIVE  
 HOWELL, MI

**KNAUSS ASSOCIATES, LLC**  
 RESIDENTIAL DESIGN  
 HOWELL, MI  
 517-545-0020  
 jknauss@knauss.com



BUILDER

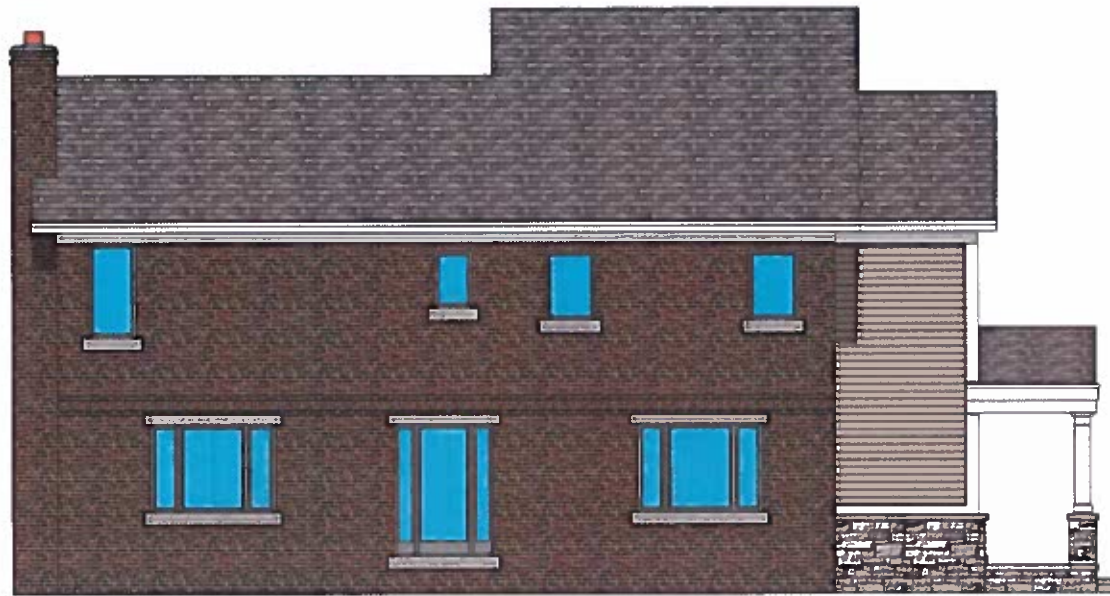
DRAWING  
 FLOOR PLANS

REVISIONS

DATE  
 2/12/2017  
 ISSUED FOR  
 PRELIMINARY  
 REVIEW

SHEET





WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

PROJECT  
GIERAK  
ADDITION

ADDRESS  
821 SURGE PARK DRIVE  
HOWELL, MI

**KNAUSS  
ASSOCIATES, LLC**  
RESIDENTIAL DESIGN  
HOWELL, MI  
517-846-9920  
pknauss@comcast.net



SILDER

DRAWING

REVISIONS

DATE  
2/17/2017  
ISSUED FOR  
PRELIMINARY  
REVIEW

SHEET

2 of 3

PLANS SCALE: 1/4" = 1'-0"



PROJECT  
GIERAK  
ADDITION

ADDRESS  
111 SUNRISE PARK DRIVE  
HOWELL, MI

**KNAUSS  
ASSOCIATES, LLC**  
RESIDENTIAL DESIGN  
HOWELL, MI  
517-545-9920  
knauss@comcast.net



BUILDER

DRAWING

REVISIONS

DATE  
2/17/2017  
ISSUED FOR  
PRELIMINARY  
REVIEW

SHEET

3 of 3

PLANS BY: BLDG TO THUMB

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SUND, ALBERT RUSS	GIERAK BRETT M	130,000	04/24/2012	WD	INVALID SALE	2012R-015267	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
921 SUNRISE PARK	School: HOWELL		DEMO	07/26/2013	W13-162	NO START
	P.R.E. 100% 02/21/2017		HOME	04/01/2013	P13-016	NO START
Owner's Name/Address	MAP #: V17-06					
GIERAK BRETT M 921 SUNRISE PARK HOWELL MI 48843	2017 Est TCV Tentative					

Tax Description	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK								
SEC. 9 T2N, R5E, SUNRISE PARK LOTS 51 AND 52	X		* Factors *								
	Public Improvements		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
	Dirt Road		A LAKE FRONT	40.00	121.00	1.0000	1.0000	2300	100		92,000
	Gravel Road		B LAKEVIEW FRT	40.00	121.00	1.0000	1.0000	1500	100		60,000
	Paved Road		80 Actual Front Feet, 0.22 Total Acres Total Est. Land Value = 152,000								
	Storm Sewer		Land Improvement Cost Estimates								
	Sidewalk		Description	Rate	County	Mult.	Size	%Good	Cash	Value	
	Water		D/W/P: Brick on Sand	9.39		1.00	72	92		622	
	Sewer		Total Estimated Land Improvements True Cash Value = 622								
	Electric										
	Gas										
	Curb										
	Street Lights										
	Standard Utilities										
	Underground Utils.										

Comments/Influences	Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Level	2017	Tentative	Tentative	Tentative			Tentative
	Rolling	2016	76,000	140,300	216,300			157,443C
	Low	2015	26,000	134,100	160,100			156,973C
	High	2014	26,000	54,500	80,500			76,155C
	Landscaped							
	Swamp							
	Wooded							
	Pond							
	Waterfront							
	Ravine							
	Wetland							
	Flood Plain							
	X REFUSE							



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: 1950 Car Capacity: Class: C Exterior: Block Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 18 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 420 % Good: 73 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: C		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling												
Yr Built 0	Remodeled 0	Ex	X	Ord		Min										
Condition for Age: Good		Size of Closets		X												
Room List		Lg	X	Ord		Small										
Basement 1st Floor 2nd Floor 2 Bedrooms		Doors:		Solid	X	H.C.										
		(5) Floors		Central Air Wood Furnace												
		Kitchen: Other: Other:		(12) Electric 0 Amps Service												
		(6) Ceilings		No./Qual. of Fixtures												
(1) Exterior		Ex.	X	Ord.		Min										
X	Wood/Shingle Aluminum/Vinyl Brick	No. of Elec. Outlets		Many	X	Ave.		Few								
Insulation		(7) Excavation		(13) Plumbing												
(2) Windows		Basement: 0 S.F. Crawl: 1044 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan												
Many Avg. Few	X	Large Avg. Small	(8) Basement		(14) Water/Sewer											
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		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic												
(3) Roof		(9) Basement Finish		Lump Sum Items:												
X	Gable Hip Flat	Gambrel Mansard Shed	(10) Floor Support													
X	Asphalt Shingle	Recreation SF Living SF Walkout Doors No Floor SF														
Chimney: Brick																

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
February 21, 2017 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 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:**

It was noted that the "Election of Officers" should be removed from the agenda.

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

**Call to the Public:** The call to the public was made at 6:32 pm with no response.

1. **17-01...A request by Tim Chouinard, 1185 Sunrise Park, for a side-yard, rear yard variance and a lot coverage variances to construct an addition to an existing home.**

Tim Chouinard presented a history of the project and the previous variance requests. Due to the size of the lot, he had difficulty staying within the existing home's footprint. Both stories are eight-feet high. They will not be erecting the garage, which was stated on the original paperwork.

The call to the public was made at 6:39 pm with no response.

Letters of support were received from Glen and Sally Hope of 1253 Sunrise Park and Gary and Jan Letkmann of 1146 Sunrise Park. There was also a letter from one of the neighbors, Mr. Dikson, who is against the variance request.

**Moved** by McCreary, seconded by Ledford, to approve Case #17-01 for 1185 Sunrise Park by Tim Chouinard for a side yard variance of 3.9 feet for a side yard setback of 6.1 feet from the required 10 feet, a rear yard variance of 34 feet for a side yard setback of 6 feet from the required 40 feet, and a building lot coverage variance of 6 percent for a lot coverage of 41 percent from the minimum building lot coverage of 35 percent, based on the following findings of fact:

- The only changes to the footprint of the existing home are what are depicted on the Site Plan dated April 16, 2015, referencing Job #15-093.

- The lots in this area are narrow.
- The setback from the shoreline includes an area that is not owned by the property residents and will remain open and unbuilt as references in the Sunrise Park plat map. This open area extends both north and south of the subject property to surrounding homes.
- The distance between Lot #13 to the west will be 5.9 feet (greater than five feet) and the other side yard is over 10 feet as allowed in the LRR zoning.
- The extraordinary circumstances are the narrowness of the lot and the current location of the home on the lot.
- The sellers have made numerous revisions to accommodate an improved property and respect the harmony of the surrounding properties while revising the variance requests.
- Granting these variances will give substantial justice to the owners given the current modifications and improvements of homes in the nearby neighborhood.
- Granting of the variances will not impact traffic, unreasonably increase congestion or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- Granting of the variances will not impair an adequate supply of light or air to adjacent properties.

The granting of this variance is conditioned upon:

- Gutters and downspouts will drain water toward the lake
- Drainage is maintained on this lot and not onto neighboring properties

**The motion carried unanimously.**

**2. 17-03...A request by Jerry Sprague, 2696 Little Sunset Trail, for a side and rear yard variance to construct a detached accessory structure.**

Mr. Jerry Sprague was present and stated that under the current guidelines, he is zoned rural residential and the required set back is 60 feet for the rear and 30 feet on either side. If he met the setbacks, the proposed pole barn would touch the back south corner of his pool. He would like a setback of 15 feet from the side and 25 feet from the rear so the pole barn is out of the way. He cannot put it in the other corner of the lot because of the hill.

He noted that he recently purchased .17 acres of property from his neighbor, which changed the setback requirements.

The call to the public was made at 6:53 pm.

Mr. Rick Patrick of 6381 Herbst lives behind Mr. Sprague. He has three concerns: He does not want any access from his driveway to the building. He owns the roadway leading to this home. He does not want to have any grading done that will bring more water onto his property. He would like only the minimum amount of trees necessary to be cut down.

The call to the public was closed at 6:55 pm.

Board Member Ledford asked how high the barn will be. Mr. Sprague stated it will be approximately 14 feet high. Ms. Ruthig stated the overall height is 15 feet and that is within the ordinance.

Board Member McCreary feels the applicant can move the structure further inside the property line. Mr. Sprague reiterated that he recently acquired .17 acres to the rear, which changed his setback requirements. He is requesting these variances so he can use the property that he purchased.

**Moved** by Tengel, seconded by Figurski, to approve Case #17-03 for 2696 Little Sunset Trail by Jerry Sprague, for a side-yard setback variance of 15 feet and a rear yard setback variance of 35 feet to construct a 24 x 32 square-foot accessory structure, due to the following findings of fact:

- Strict compliance with the rear and side yard setbacks would not allow the applicant to construct the detached accessory structure in the desired location. He did walk the property and agrees that the slope of the land would prohibit it in another location.
- The property is a non-conforming lot in the rural residential zoning district.
- The need for the variance is self-created; however, the applicant's acquisition of an additional .17 acres created larger setbacks.
- The granting of these 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.
- The proposed variances will have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The granting of this variance is conditioned upon:

- The structure must be guttered with downspouts
- Drainage from the detached structure must be maintained on the lot
- There will be no access to the structure from the private drive along the rear of the lot.

**The motion carried (Tengel – yes; McCreary – yes; Figurski – yes; Dhaenens – no; Ledford – yes).**

**3. 17-04...A request by Kevin and Nancy Sarpolis, 2055 Webster Park, for a waterfront variance to construct an addition to an existing single-family home.**

Mr. Timothy Cotter, the architect, was present and stated that the need for the setback is because the waterway "juts" into the property. They are proposing to add a second story and add a new garage to the rear as well as a kitchen and dining room to the side. The existing home is non-conforming. He added that the required setback of 100 feet is due to the property having well and septic.

The call to the public was made at 7:10 pm with no response.

**Moved** by McCreary, seconded by Figurski, to approve Case #17-04 for 2055 Webster Park by Kevin and Nancy Sarpolis, owner, and Timothy McCotter, architect, for a waterfront setback variance of 14.6 feet from the required 100 feet for a setback of 85.4 feet, based on the following findings of fact:

- The addition to the home will not impede the neighbors' lake views.
- The setback requested will still have the home being further back from the neighboring properties and not obstructing lake views.
- The extraordinary circumstances are the location of a bayed waterfront area along the shoreline and the slope and grade of the lot.
- The need for the variance is not self-created.
- The orientation of the existing home at the far northwest corner of the property.
- The grade slopes significantly just beyond where the variance is requested.
- The shoreline area of approximately 20 to 30 feet deep and approximately 40 feet wide is paralleled to the location of the home where this variance is being requested.
- The remaining shoreline is further out from the bayed area.
- The granting of this variance will provide substantial justice to the owner and grant the same opportunities as surrounding homes in the neighborhood.
- The granting this variance will not impair an adequate supply of light or air to adjacent properties or unreasonably increase congestion on the street or increase the danger of fire or endanger public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance will have very limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The granting of this variance is conditioned upon:

- The homeowner will ensure silt fences are on site
- Gutters and downspouts will drain water toward the lake
- Drainage is maintained on this lot and not onto neighboring properties

**The motion carried unanimously.**

**4. 17-05...A request by John J. Jones 5525 E. Grand River, for a side yard variance, lot coverage variance and a setback variance from the principal structure to allow for a 10 x 16 detached accessory structure.**

Mr. John Jones was present and stated he has already put up the shed. The Livingston County Building Department told him he did not need a permit due to the size, but he did not realize he would need a variance. He has always wanted to put up the shed so he could clean up his property.

Board Member Figurski is concerned with the shed being so close to the property line. The need for the variance is self-created.

Chairman Dhaenens does not see a practical difficulty for this request.

Mr. Jones stated there was a smaller shed there, and he replaced it with this one. This is no other location on his property where it can be placed.

Board Member McCreary appreciates that Mr. Jones wants to clean up his property; however, the shed is only two feet from the neighbor's property.



The call to the public was made at 7:34 pm with no response.

**Moved** by Tengel, seconded by Ledford, to deny Case #17-05 by John J. Jones of 5525 E. Grand River for a side-yard variance of 8 feet, a variance of 6.25 feet from a primary structure, and a lot coverage variance of an estimated 13 percent, due to the following findings of fact:

- The need for the variance is self-created
- There are no extraordinary circumstances
- Granting the variance could have an impact on the surrounding neighborhood due to the structuring being only two feet from the side lot line and four feet from the principle structure, which could prohibit access for emergency vehicles.

**The motion carried unanimously.**

Mr. Jones was advised that the structure must be removed within 90 days.

**5. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e).**

**Moved** by Figurski, seconded by McCreary, to enter into a close session at 7:46 p.m. **The motion carried unanimously with a roll-call vote.**

The Board resumed the regular meeting at 8:04 pm.

**Administrative Business:**

1. Approval of minutes for the January 17, 2017 Zoning Board of Appeals Meeting

**Moved** by Figurski, seconded by Ledford, to approve the January 17, 2017 Zoning Board of Appeals Meeting minutes with the changes discussed. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig had no correspondence.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board and joint meetings, both held on January 30<sup>th</sup> and the February 6, 2017 Township Board meeting.
4. Planning Commission Representative Report – Board Member Figurski advised there was no Planning Commission meeting in February.
5. Zoning Official Report  
Ms. Ruth stated there will be a Planning Commission meeting in March. There is one item, which is the Hampton Inn that is being proposed to be built by USA To Go.

As of today, there is one item for the March ZBA meeting. She will not be in attendance.

6. Member Discussion

There were no member discussion items.

7. Adjournment

**Moved** by Figurski, seconded by Ledford, to adjourn the meeting at 8:44 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

UNAPPROVED