

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MAY 16, 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. 17-08 ... A request by Jonathon McLachlan, 1193 Chemung Drive, for a rear yard variance to construct a detached accessory structure.
2. 17-09 ... A request by John and Wendy Myers, 6505 Forest Beach (vacant), for a side yard variance to construct a new single family home.
3. 17-10 ... A request by Joe Tiano, Vacant lot, between 5481 and 5525 E. Grand River, for a variance to construct a detached accessory structure on a vacant lot.
4. 17-11 ... A request by Janet Evans, 4276 Highcrest, for a front yard variance to construct an addition.

Administrative Business:

1. Approval of minutes for the April 18, 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 # 17-08

Meeting Date: May 16, 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: Jonathon McLachlan

Property Address: 1193 Chemung Dr. Phone: 517-375-4158

Present Zoning: LRR Tax Code: 4711-10-201-046

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: Requesting variance of 5' setback of the Northeast of the property to build a shed
2. Intended property modifications: To build a shed replacing existing.
  - a. Unusual topography/shape of land (explain): Narrowness of Lot And want to preserve trees
  - 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: 4/17/17 Signature: Jonathon McLachlan

**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:** May 10, 2017

**RE:** ZBA 17-08

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## STAFF REPORT

**File Number:** ZBA#17-08  
**Site Address:** 1193 Chemung Drive  
**Parcel Number:** 4711-10-201-046  
**Parcel Size:** .172 Acres  
**Applicant:** Jonathon McLachlan  
**Property Owner:** Same as Applicant

**Information Submitted:** Application, site plan, conceptual drawings

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a rear and side yard variance and a lot coverage variance to construct a 16 X 20 detached accessory structure.

**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 April 30, 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 1997.
- Land use permit was issued in 1994 to construct a single family home.
- See Assessing Record Card.

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

**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 a 16 X 20 detached accessory structure. In order to construct the detached accessory structure as proposed, the applicant is in need of a rear yard variance. Since publication date, it was determined that a lot coverage variance was not required.

## Variance Requests

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

### **Sec. 11.04 (f):**

**Required Rear Yard Setback: 10'**

**Proposed Rear Yard Setback: 5'**

**Proposed Variance Amount: 5'**

## 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 not allow the applicant to construct the detached accessory structure in the desired location. It does appear there exist multiple detached accessory structures in the vicinity that do not meet the setback requirements therefore the variance may provide substantial justice to the property.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is it is a narrow lot and the applicant has stated that they would like to preserve the old trees that are located on the property. 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.

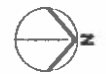
1. Drainage from the detached structure must be maintained on the lot.
2. Structure must be guttered with downspouts.

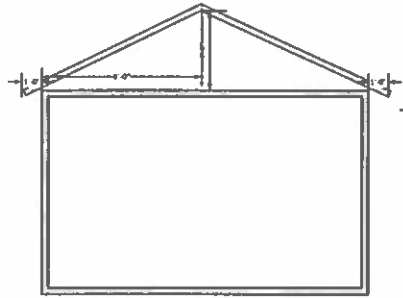
# GENOA TOWNSHIP



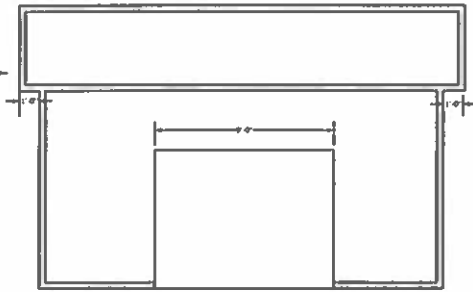


150'

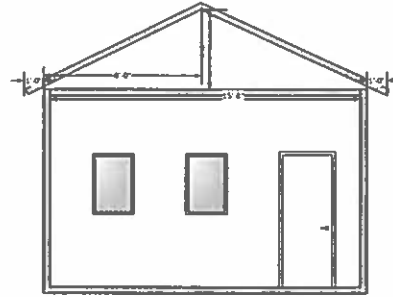




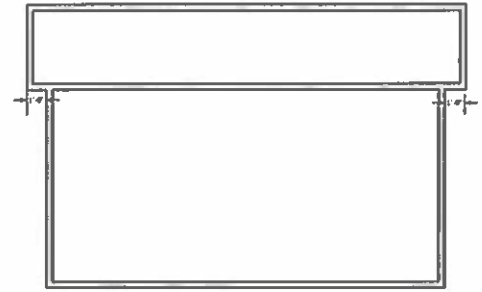
East Side



South Side

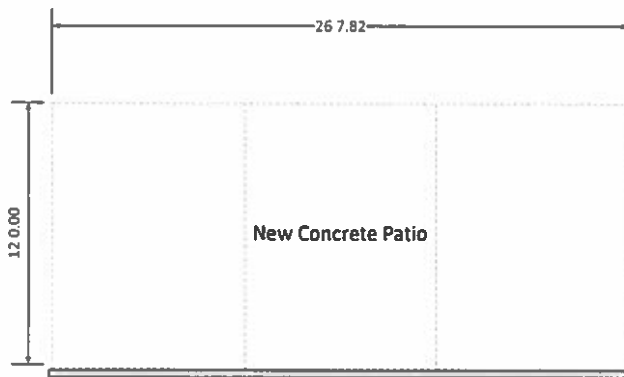
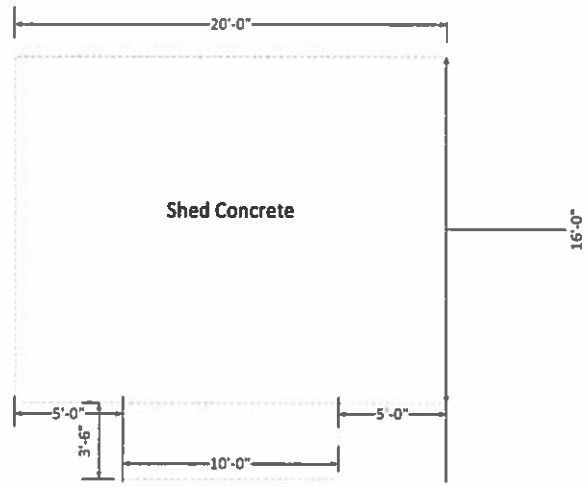
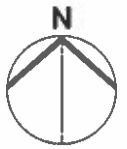


West Side



North Side

1193 Chemung Drive Howell, MI 48843





Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
FEDERAL NATIONAL MORTGAGE	MCLACHLAN JONATHON R	163,000	06/27/2014	WD	FORECLOSURE	2014R-018698	BUYER	100.0				
GREEN TREE SERVICING LLC	FEDERAL NATIONAL MORTGAGE	0	11/25/2013	QC	FORECLOSURE	2013R-046772	BUYER	0.0				
BRANDON DERRICK	GREEN TREE SERVICING LLC	141,560	11/07/2013	SD	FORECLOSURE	2013R-046770	BUYER	0.0				
SCHEFFLER, JAMES G.	BRANDON DERRICK	185,500	09/23/2004	WD	ARMS-LENGTH	4601/0639	BUYER	100.0				
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status			
1193 CHEMUNG DR		School: HOWELL										
		P.R.E. 100% 06/27/2014										
Owner's Name/Address		MAP #: V17-08										
MCLACHLAN JONATHON R 1193 CHEMUNG DR HOWELL MI 48843		2018 Est TCV Tentative										
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00004.LAKE CHEMUNG							
SEC. 10 T2N, R5E, MC NAMARA'S SUB LOT 43		Public Improvements		* Factors *								
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		Gravel Road		NON LAKE FRONT	50.00	150.00	1.0000	1.0000	800	100		40,000
		Paved Road		NON LAKE FRONT	8.00	0.00	1.0000	1.0000	800	100		6,400
		Storm Sewer		58 Actual Front Feet, 0.17 Total Acres					Total Est. Land Value =		46,400	
		Sidewalk										
		Water										
		Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2018	Tentative	Tentative	Tentative		Tentative		
		LM	05/13/2014	REVIEWED R	2017	23,200	59,500	82,700		78,938C		
					2016	23,200	56,800	80,000		78,234C		
					2015	23,200	54,800	78,000		78,000S		



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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 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 280	Type CPP	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:			
X	Wood Frame		Drywall Paneled		Plaster Wood T&G			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling									
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 13 Floor Area: 1480 Total Base Cost: 96,217 Total Base New : 146,250 Total Depr Cost: 127,237 Estimated T.C.V: 117,567			CntyMult X 1.520 E.C.F. X 0.924		Bsmnt Garage: Carport Area: Roof:		
Yr Built 1997	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Stories Exterior			Rate Bsmnt-Adj Heat-Adj		Size Cost		
Condition: Good		Lg	X Ord	Small	X Ex.			Ord.	Min	1+ Story Siding			68.62	-9.37	1.92	561	34,316
Room List	(5) Floors		Kitchen: Other: Other:			No. of Elec. Outlets			1.75 Story Siding			94.76	-9.37	3.37	405	35,948	
Basement 1st Floor 2nd Floor 3 Bedrooms	Doors: Solid X H.C.		(6) Ceilings			Many X Ave.			Few	1 Story Siding			65.26	-9.37	1.92	210	12,140
	Basement		Basement: 0 S.F. Crawl: 1176 S.F. Slab: 0 S.F. Height to Joists: 0.0			(13) Plumbing			Other Additions/Adjustments			Rate		Size Cost			
(1) Exterior	Wood/Shingle Aluminum/Vinyl Brick		Basement Finish			Average Fixture(s)			(14) Water/Sewer			2400.00		2		4,800	
X	Insulation	(7) Excavation		Recreation SF Living SF Walkout Doors No Floor SF			3 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			(16) Porches			1162.00		1		1,162
(2) Windows	Many Avg. X Few	X	Large Avg. Small	(8) Basement			(14) Water/Sewer			CPP, Standard			10.27		280		2,876
X	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		(9) Basement Finish			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Phy/Ab.Phy/Func/Econ/Comb.%Good= 87/100/100/100/87.0, ECF (4300 LK CHEMUNG NON WATERFRONT) 0.924 => TCV of Bldg: 1 =			127,237		117,567		
(3) Roof	Gable Hip Flat	Gambrel Mansard Shed	(10) Floor Support			Lump Sum Items:											
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:															
Chimney: Brick																	

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





**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 17-09

Meeting Date: May 16, 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: JOHN AND WENDY MYERS

Property Address: 6505 LOT 19 FOREST BEACH Phone: 810-599-7112

Present Zoning: L.D.R Tax Code: 4711-26-301-019

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: 12.4' SIDE YARD SET BACK, 13' SIDE YARD SETBACK PREVIOUSLY APPROVED .6 SIDE YARD VARIANCE REQUESTED
2. Intended property modifications: BUILD NEW 3 BEDROOM 3 BATH HOME
  - a. Unusual topography/shape of land (explain): BECAUSE OF THE WIDTH OF THE LOT THE CURRENT REQUIRED SETBACKS LEAVE
  - b. Other (explain): NO BUILDING ENVELOPE

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

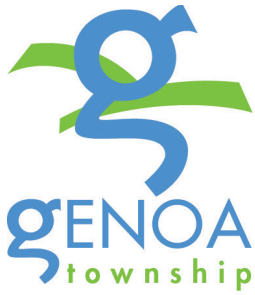
**Property must be staked showing all proposed improvements seven (7) days before the meeting and remain in place until after the meeting.**

Date: 4-21-17 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:** May 9, 2017  
**RE:** ZBA 17-09

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

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### STAFF REPORT

**File Number:** ZBA#17-09  
**Site Address:** 6505 Forest Beach Drive (Vacant) Brighton, 48116  
**Parcel Number:** 4711-26-301-019  
**Parcel Size:** .60 acre  
**Applicant:** John and Wendy Myers, 6211 Golf Club Road, Howell 48843  
**Property Owner:** Same as applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting an additional side yard variance in order to construct a new home.

**Zoning and Existing Use:** LDR (Low Density Residential), the property is vacant.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday April 30, 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:

- See Real Estate Summary and Record Card.
- The property is vacant.
- In 2016, the property was approved for two side yard variances to construct a new home. (See attached minutes)
- The previously approved variance received a 12 month extension to the variance approval.
- See Plat Map

**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

In 2016, the prior owner was approved for a 13 foot side yard and an 11 foot side yard variance to construct a new home. The applicant at the time was proposing a 24 foot wide house. Since the property has sold and a current survey was completed, it was discovered that the lot was wider at the building area than originally shown. The new applicant is proposing a 26 foot wide house and requesting an additional 0.8 foot side yard variance from the 13 foot variance that was originally approved

### **Variance Requests**

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

<b>Table 3.04.01 (LDR District):</b>	<b>Variance Approved Side Yard Setback:</b>	<b>13</b>
	<b>Proposed Side Yard Setback:</b>	<b>12.4</b>
	<b>Proposed Variance Amount:</b>	<b>.8</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.

The following are findings based upon the presented materials.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the previously approved side yard setback variance would not make the lot unbuildable. In fact, survey information improved upon the previous information allowing for a wider building envelope. The property is 50 feet wide at the front property line and 57 feet at the water’s edge. A copy of the plat has been included for your review. The request is located on lot 19. Approval of variance is not necessary to enjoy the property rights similar to other properties in the vicinity and does not provide substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is that it is a legal non-conforming lot for the LDR zoning. The need for the variance is due to the narrowness of the lot however it has been demonstrated that the lot can support a new single family home with the previously approved variances.
- (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. The proposed structure would be of sufficient distance from adjacent structures to not create any fire or other safety hazards.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have a limited 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 request staff recommends the following conditions be placed on the approval.

1. The home will guttered with downspouts with water draining toward the lake as conditioned on the previously approved variance.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
FEBRUARY 16, 2016, 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Jeff Dhaenens, and Jean Ledford. Absent were Barb Figurski and Jerry Poissant.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board introduced themselves.

**Approval of the Agenda:** **Moved** by McCreary, seconded by Ledford, to approve the agenda as presented. **The motion carried unanimously.**

Chairman Dhaenens advised the petitioners that there are only three board members present this evening, instead of five. Three votes are needed for approval. He stated that a petitioner can request to have their item tabled until the next regularly-scheduled meeting when there will be more members in attendance.

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

**1. 16-02...A request by Douglas Milne, 6505 Forest Beach, for two side-yard setback variances to construct a new home.**

Mr. Milne stated he would like to build a 24-foot wide by 79-foot long, 3-bedroom, 3 bath, home with a walk-out basement. The current side-yard setback requirements are 30 feet and his property is only 50-feet wide. He is asking for a variance for a 13-foot side yard setback on the south and an 11-foot side yard setback on the north. He stated that there is enough room for emergency vehicles to access the entire site.

Ms. Ruthig stated that the home will be 100 feet from the lake, which is within the requirement, so he does not need a variance.

The call to the public was made at 6:47 p.m.

Mr. Michael Morgan of 6483 Forest Beach Drive presented the legal easement document for the augmentation well located on Mr. Milne's property. He wants to ensure that trucks will be able to access the well as this is the property of all residents on Baetcke Lake.

He also stated that the plans show that the garage is 24-feet wide, and is not as wide as the home, therefore the home is wider than 24 feet, so the setbacks will be different than what is being requested. There are also trees on the side of the lot and this could hinder trucks being able to access the well.

Also, the location of the proposed septic tank will be located where the well truck would be accessing the property and they would have to drive over it.

He stated there is an observation well on the side of the lot that is used for the augmentation well at the back of the property.

The call to the public was closed at 7:03 p.m.

Chairman Dhaenens asked Mr. Milne to confirm the dimensions of the home. He stated that the entire width of the home is 24 feet. The width of the garage is 20 feet. Mr. Milne stated he will remove the trees on the north side of the lot.

Mr. Milne stated that he will use the observation well that is currently on the property as the well for the new home. Board Member McCreary wants to ensure that the Livingston County Health Department approves of all of the well and septic locations and that they can be accessed for maintenance.

Board Member McCreary has concerns about the site lines at the end of the driveway.

**Moved** by Ledford, seconded by McCreary, to approve Case #16-02 for Douglas Milne of 6505 Forest Beach Drive for a requested side setback variance of 13 feet on one side and 11 feet on the other side from the required 30 foot side yard setbacks to construction a new two-story home on Lot #19, based on the following findings of fact:

- The need for a variance is the narrowness of the lot and was not self-created by the applicant.
- The extraordinary circumstance is this lot is legally non-conforming for the LDR zoning, which is not consistent with this lot size.
- Granting the variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- Granting the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties in the surrounding neighborhood. The proposed home is consistent with properties in the area.

Granting this variance is conditioned upon:

- The home shall be guttered with downspouts and runoff draining toward the lake.
- The applicant shall provide verification from a well-drilling authority that there is adequate access to the augmentation well.

**The motion carried unanimously.**

**2. 16-03...A request by Kirk Pielet, 1530 Oak Haven, for a side yard setback variance to construct a detached garage.**

Mr. Pielet stated that he has remodeled his home and he would like to replace the existing garage with one that will match the house. He is requesting a two-foot side yard variance.

# SUPERVISOR'S PLAT OF FOREST BEACH

## PART OF THE W. 1/2 OF SEC. 26, T. 2 N., R. 5 E., GENOA TWP., LIVINGSTON CO., MICHIGAN.

SCALE - 1" = 100'  
 Note: All dimensions shown herein are in feet or decimals of feet.

Sept 20, 1928  
 L. W. W. Jones

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That I, Oscar Schoenhals, Supervisor of the Township of Genoa of Livingston County, State of Michigan, by virtue of authority in me vested by Section 3356, Canceled Laws of 1915, as amended, having been duly authorized by the Township Board, have caused the land described in the annexed plat to be surveyed, laid out and platted to be known as "Supervisor's Plat of Forest Beach."

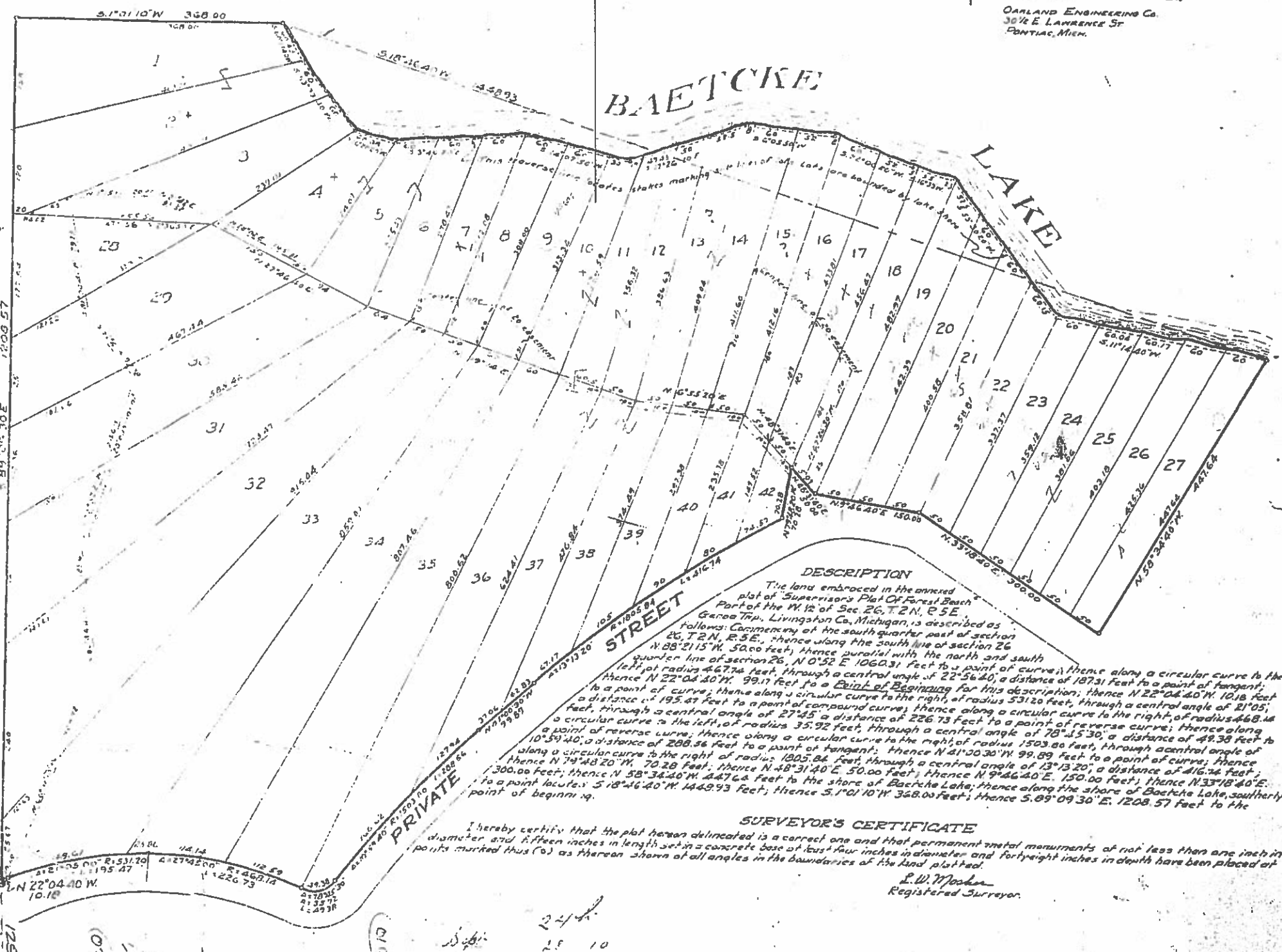
Witness my hand and the seal of said Township of Genoa, this 17th day of September, 1928.  
 Oscar Schoenhals, Supervisor of the Township of Genoa

STATE OF MICHIGAN )  
 County of Livingston ) ss  
 On this 17th day of September, A.D. 1928, before me a Notary Public in and for said County of Livingston, personally came the above named Supervisor of the Township of Genoa, known to me to be the person who executed the above said plat, and acknowledged the same to be his free act and deed as such Supervisor.  
 My Commission expires 17th day 10th mo. 1930

**CERTIFICATE OF MUNICIPAL APPROVAL:**  
 This plat was approved by the Township Board of the Township of Genoa at a meeting held on the 17th day of September, 1928.

**CERTIFICATE OF APPROVAL BY COUNTY CLERK:**  
 This plat was approved on the 17th day of September, 1928.

County Treasurer Certificate  
 This plat was approved on the 17th day of September, 1928.



### DESCRIPTION

The land embraced in the annexed plat of "Supervisor's Plat of Forest Beach" Part of the W. 1/2 of Sec. 26, T. 2 N., R. 5 E., Genoa Twp., Livingston Co., Michigan, is described as follows: Commencing at the south quarter post of section 26, T. 2 N., R. 5 E., thence along the south line of section 26 N. 88° 21' 15" W. 500.00 feet; thence parallel with the north and south quarter line of section 26, N. 0° 52' E. 1060.31 feet to a point of curve; thence along a circular curve to the left, of radius 467.74 feet, through a central angle of 22° 56' 40", a distance of 187.31 feet to a point of tangency; thence N. 22° 04' 40" W. 10.18 feet to a point of curve; thence along a circular curve to the right, of radius 531.20 feet, through a central angle of 21° 05', a distance of 195.47 feet to a point of compound curve; thence along a circular curve to the right, of radius 468.44 feet, through a central angle of 27° 45', a distance of 226.73 feet to a point of reverse curve; thence along a circular curve to the left, of radius 35.92 feet, through a central angle of 78° 15' 30", a distance of 49.38 feet to a point of reverse curve; thence along a circular curve to the right, of radius 1503.00 feet, a distance of 49.38 feet to a point of tangency; thence N. 41° 30' 30" W. 99.89 feet, through a central angle of 10° 59' 40", a distance of 288.56 feet to a point of curve; thence N. 79° 48' 20" W. 70.28 feet, through a central angle of 13° 13' 20", a distance of 416.74 feet; thence N. 48° 31' 40" E. 50.00 feet; thence N. 9° 46' 40" E. 150.00 feet; thence N. 33° 18' 40" E. 300.00 feet; thence N. 58° 34' 40" W. 447.64 feet to the shore of Baetcke Lake; thence along the shore of Baetcke Lake, southerly to a point located S. 18° 46' 40" W. 1449.93 feet; thence S. 1° 01' 10" W. 358.00 feet; thence S. 89° 09' 30" E. 1208.57 feet to the point of beginning.

### SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base of at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus (o) as thereon shown at all angles in the boundaries of the land platted.

L. W. W. Jones  
 Registered Surveyor

1/2 Pt. of S. 1/4 LINE SEC. 26  
 T. 2 N.  
 R. 5 E.



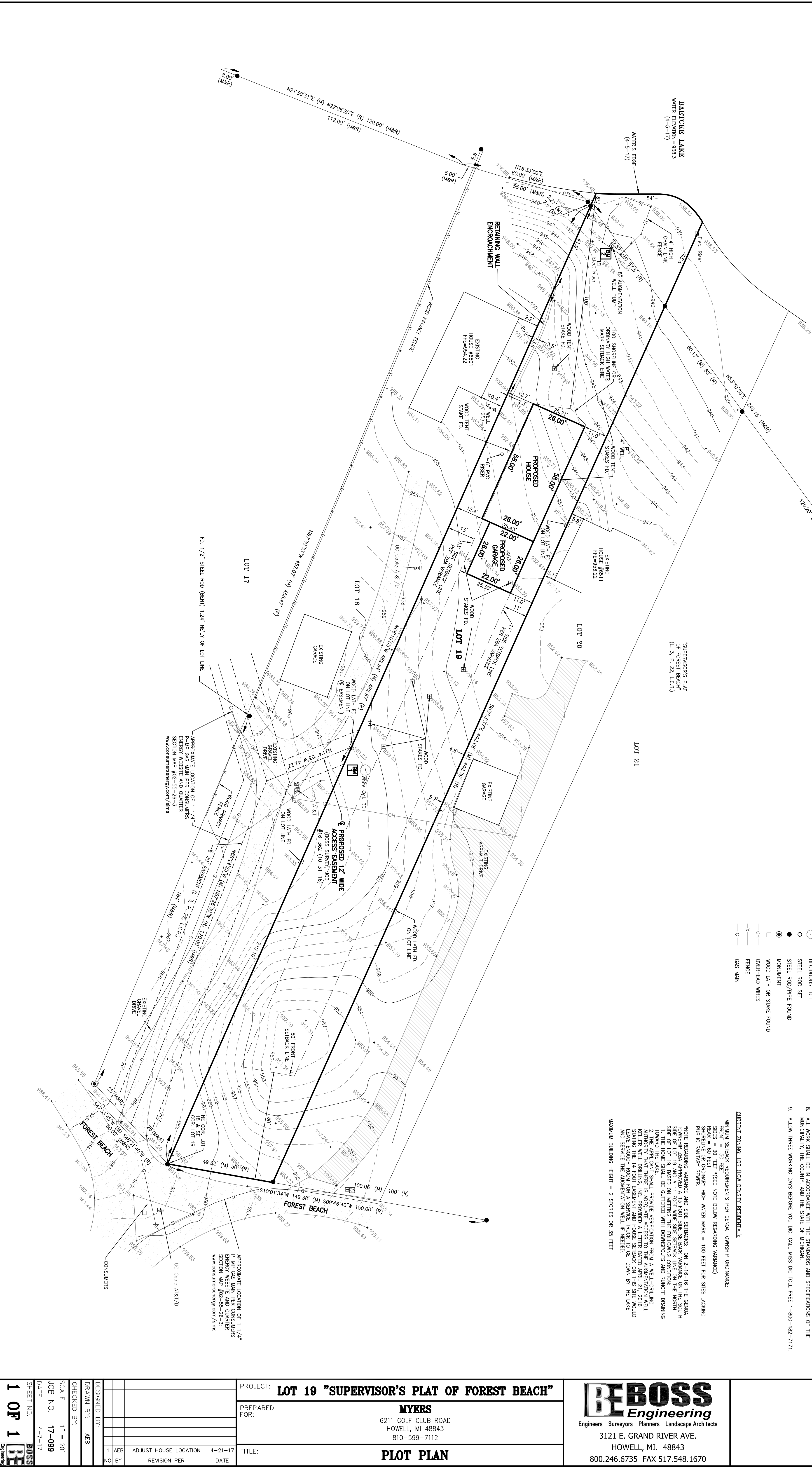
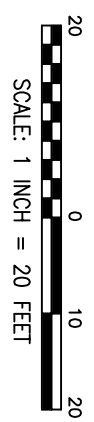
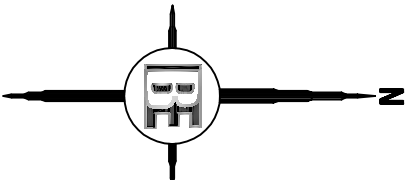
# GENOA TOWNSHIP





# PLOT PLAN

PROPERTY DESCRIPTION:  
 LOT 19 OF SUPERVISOR'S PLAT OF FOREST BEACH, AS RECORDED IN LIBER 3 OF PLATS, PAGE 22, LANSING COUNTY RECORDS, BEING PART OF THE WEST 1/2 OF SECTION 26, 124-75-28, SECTION 26, TOWNSHIP 14N, RANGE 35E, LANSING COUNTY, MICHIGAN.



- LEGEND**
- 900' PROPOSED CONTOUR
  - - - 900' EXISTING CONTOUR
  - 927.00 EXISTING SPOT ELEVATION
  - S Storm Drainage Flow
  - - - P Power Pole
  - E Electrical Riser
  - T Telephone Riser
  - U U.S. Gas Marker
  - A U.G. Airt Cable TV Riser
  - D Deciduous Tree
  - S Steel Rod Set
  - S Steel Rod/Pipe Found
  - M Monument
  - O Wood Lath or Stake Found
  - O Overhead Wires
  - X Fence
  - C Gas Main

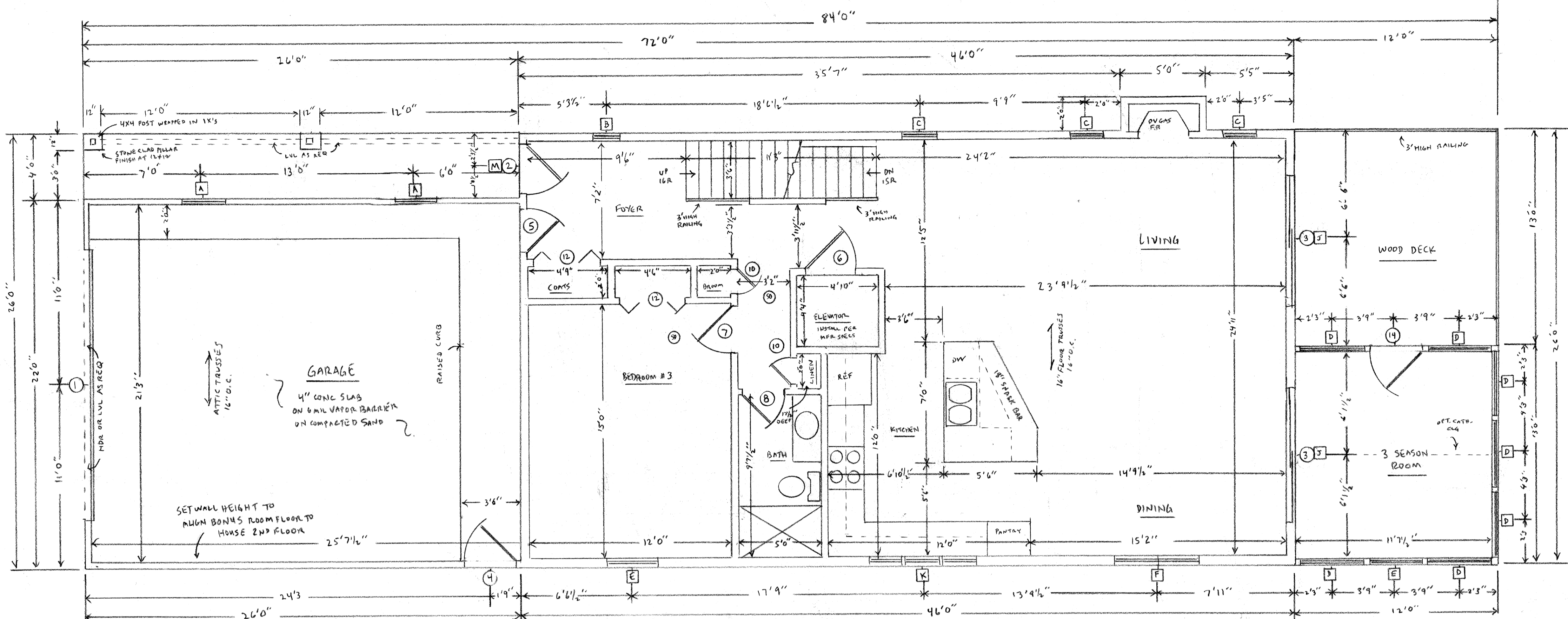
- GENERAL SURVEY NOTES:**
1. BEAVERS WERE ESTABLISHED FROM THE PLAT OF SUPERVISOR'S PLAT OF FOREST BEACH AS RECORDED IN LIBER 3 OF PLATS, PAGE 22, LANSING COUNTY RECORDS.
  2. SURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
  3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
  4. ELEVATIONS WERE ESTABLISHED WITH GPS USING OPUS (WADSWORTH DATUM).
  5. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
  6. ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT, HOWEVER, SPOT SURFACE ELEVATIONS CAN ONLY BE PROVIDED ACCORDING TO THE INSTRUMENT'S ACCURACY.
  7. SUBJECT PROPERTY IS DESIGNATED AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN (ZONE X) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE STUDY (FIRMS) MAP NUMBER 269830340D, PANEL 340 OF 485, WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2008.
  8. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MICHIGAN SURVEYING BOARD, THE COUNTY, AND THE STATE OF MICHIGAN.
  9. ALLOW THREE WORKING DAYS BEFORE YOU DIG. CALL MISS DIG TOLL FREE 1-800-482-7171.

**CURRENT ZONING: LDR (LOW DENSITY, RESIDENTIAL).**  
 MINIMUM SETBACK REQUIREMENTS PER GENOA TOWNSHIP ORDINANCE:  
 FRONT = 50 FEET  
 SIDES = 30 FEET \* (SEE NOTE REGARDING VARIANCE)  
 REAR = 10 FEET  
 SHORELINE OR ORDINARY HIGH WATER MARK = 100 FEET FOR STAKES LACKING PUBLIC SANITARY SEWER.

\*NOTE REGARDING VARIANCE AND SIDE SETBACKS: ON 2-15-16 THE GENOA TOWNSHIP ZBA APPROVED A 13 FOOT SIDE SETBACK VARIANCE ON THE SOUTH SIDE OF LOT 19 AND A 11 FOOT SIDE SETBACK VARIANCE ON THE NORTH SIDE OF LOT 19. THE HOME SHALL BE GUTTERED WITH DOWNSPOUTS AND RAINOFF DRAINING TOWARD THE LAKE. I SHALL PROVIDE VERTICALLY FROM A NEIL-DRILLING COMPANY THAT THERE IS ADEQUATE ACCESS TO THE ALTERNATION WELL. KELLER WILL DRILLING, INC. PROVIDED A LETTER DATED APRIL 21, 2016 STATING THAT THE 14 FOOT EASEMENT AND HOUSE SETBACK ON THIS SITE WOULD BE MAINTAINED AND SERVICE THE ALTERNATION WELL IF NEEDED.

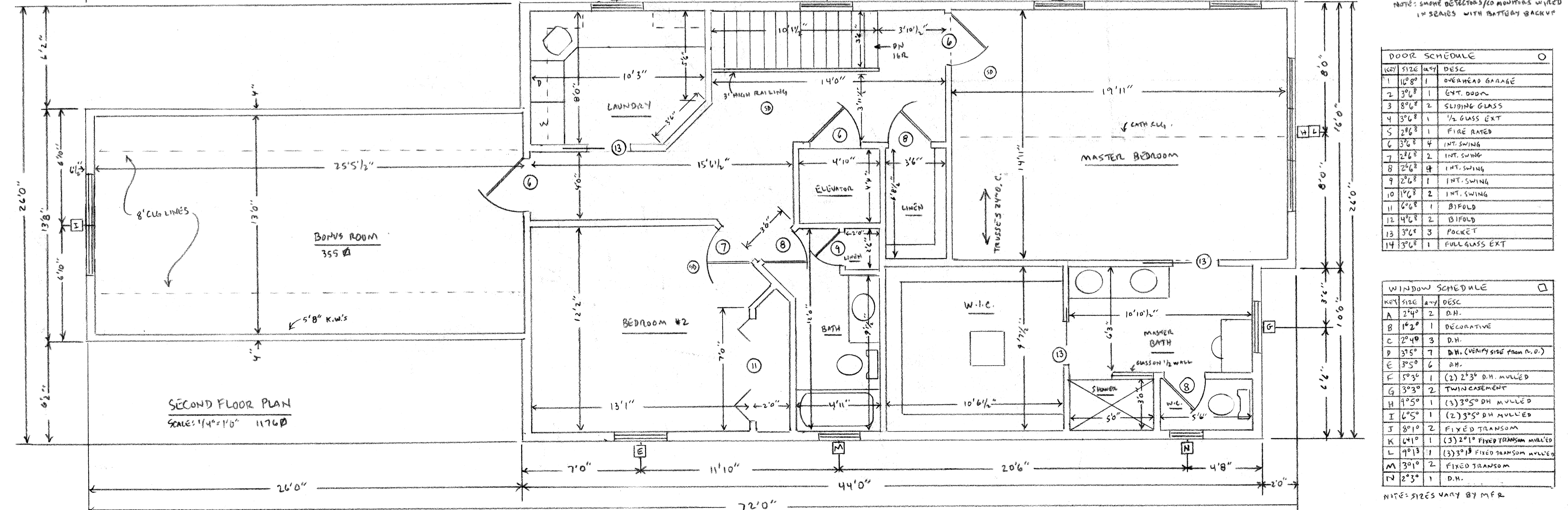
MAXIMUM BUILDING HEIGHT = 2 STORES OR 35 FEET

<p>PROJECT: <b>LOT 19 "SUPERVISOR'S PLAT OF FOREST BEACH"</b></p> <p>PREPARED FOR: <b>MYERS</b>          6211 GOLF CLUB ROAD          HOWELL, MI 48843          810-599-7112</p> <p>TITLE: <b>PLOT PLAN</b></p>	<p><b>BEBOSS</b>          Engineering          Engineers Surveyors Planners Landscape Architects</p> <p>3121 E. GRAND RIVER AVE.          HOWELL, MI. 48843          800.246.6735 FAX 517.548.1670</p>	<p>THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY A GUARANTEE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROVIDING UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY UTILITIES ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.</p> <p>3 WORKING DAYS BEFORE YOU DIG          CALL MISS DIG          1-800-482-7171</p>															
<p>DESIGNED BY: _____</p> <p>DRAWN BY: AEB</p> <p>CHECKED BY: _____</p> <p>SCALE: 1" = 20'</p> <p>JOB NO. 17-099</p> <p>DATE 4-7-17</p> <p>SHEET NO. <b>1 OF 1</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO</th> <th>BY</th> <th>REVISION</th> <th>PER</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>AEB</td> <td>ADJUST HOUSE LOCATION</td> <td></td> <td>4-21-17</td> </tr> <tr> <td>NO</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO	BY	REVISION	PER	DATE	1	AEB	ADJUST HOUSE LOCATION		4-21-17	NO					<p>APPROXIMATE LOCATION OF 1 1/4" PUMP GAS MAIN PER CONSUMERS ENERGY WEBSITE AND QUARTER SECTION MAP #02-55-28-3. <a href="http://www.consumersenergy.com/sims">www.consumersenergy.com/sims</a></p> <p>APPROXIMATE LOCATION OF 1 1/4" PUMP GAS MAIN PER CONSUMERS ENERGY WEBSITE AND QUARTER SECTION MAP #02-55-28-3. <a href="http://www.consumersenergy.com/sims">www.consumersenergy.com/sims</a></p>
NO	BY	REVISION	PER	DATE													
1	AEB	ADJUST HOUSE LOCATION		4-21-17													
NO																	



**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0" 1196

NOTE: EXT 2x6 WALLS DRAWN 1/2" THICK  
 INT 2x4 WALLS DRAWN 1/2" THICK  
 NOTE: 2x12 JOISTS OVER EXT ROOF & W/ JOISTS  
 NOTE: SMOKE DETECTORS/CO MONITORS W/ WIRE  
 IN SERIES WITH BATTERY BACKUP



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0" 1176

DOOR SCHEDULE			
KEY	SIZE	MTY	DESC
1	10'8"	1	OVERHEAD GARAGE
2	3'0"	1	EXT. DOOR
3	8'0"	2	SLIDING GLASS
4	3'0"	1	1/2 GLASS EXT
5	2'6"	1	FIRE RATED
6	3'6"	4	INT. SWING
7	2'6"	2	INT. SWING
8	2'6"	4	INT. SWING
9	2'6"	1	INT. SWING
10	1'6"	2	INT. SWING
11	6'0"	1	BIFOLD
12	4'6"	2	BIFOLD
13	3'6"	3	POCKET
14	3'6"	1	FULL GLASS EXT

WINDOW SCHEDULE			
KEY	SIZE	MTY	DESC
A	2'4"	2	D.H.
B	1'6"	1	DECORATIVE
C	2'4"	3	D.H.
D	3'5"	7	D.H. (VERIFY SIZE FROM P.O.)
E	3'5"	6	D.H.
F	5'0"	1	(2) 2'3" D.H. MULLED
G	3'0"	2	TWINCASEMENT
H	4'0"	1	(3) 3'0" D.H. MULLED
I	6'0"	1	(2) 3'0" D.H. MULLED
J	8'0"	2	FIXED TRANSOM
K	4'1"	1	(3) 2'1" FIXED TRANSOM MULLED
L	9'0"	1	(3) 3'1" FIXED TRANSOM MULLED
M	3'0"	2	FIXED TRANSOM
N	2'3"	1	D.H.

NOTE: SIZES VARY BY MFR

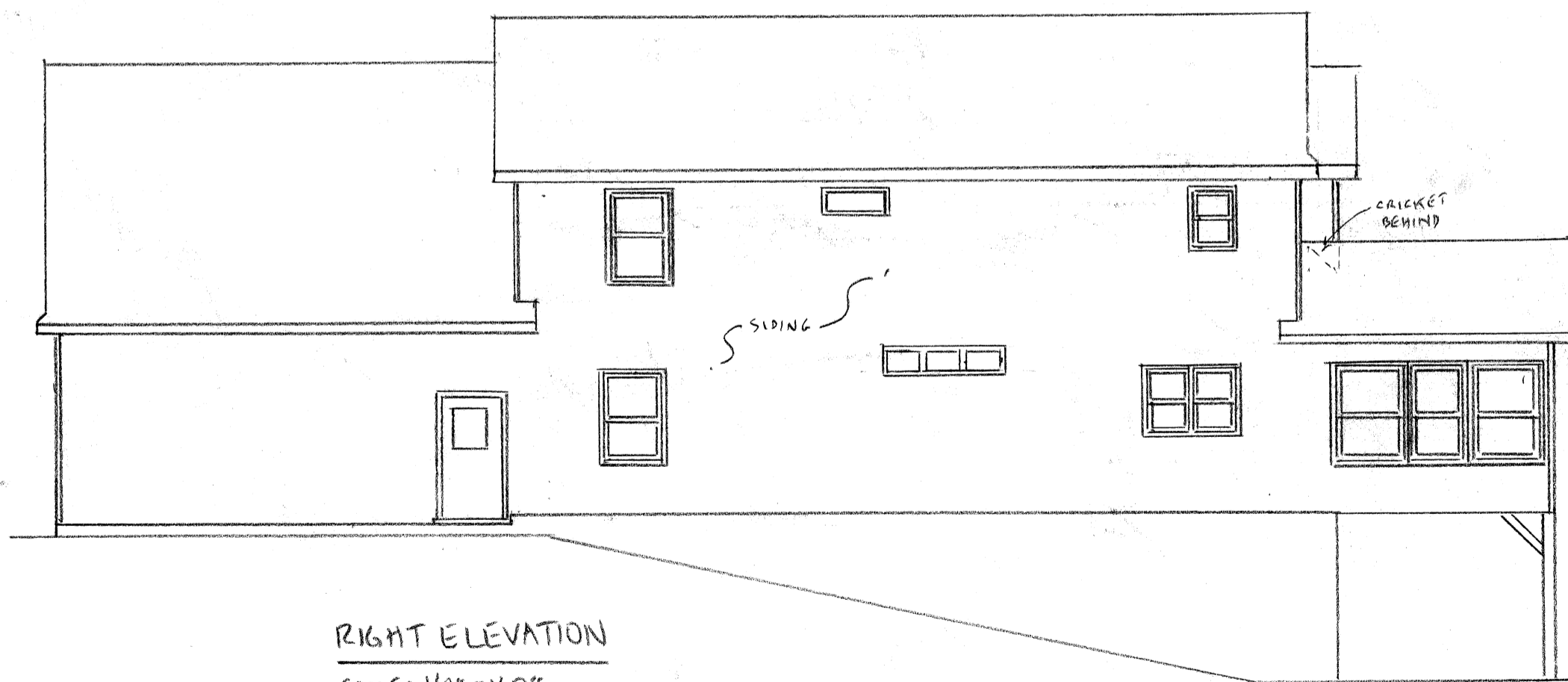




FRONT ELEVATION (STREET)  
SCALE: 1/4" = 1' 0"



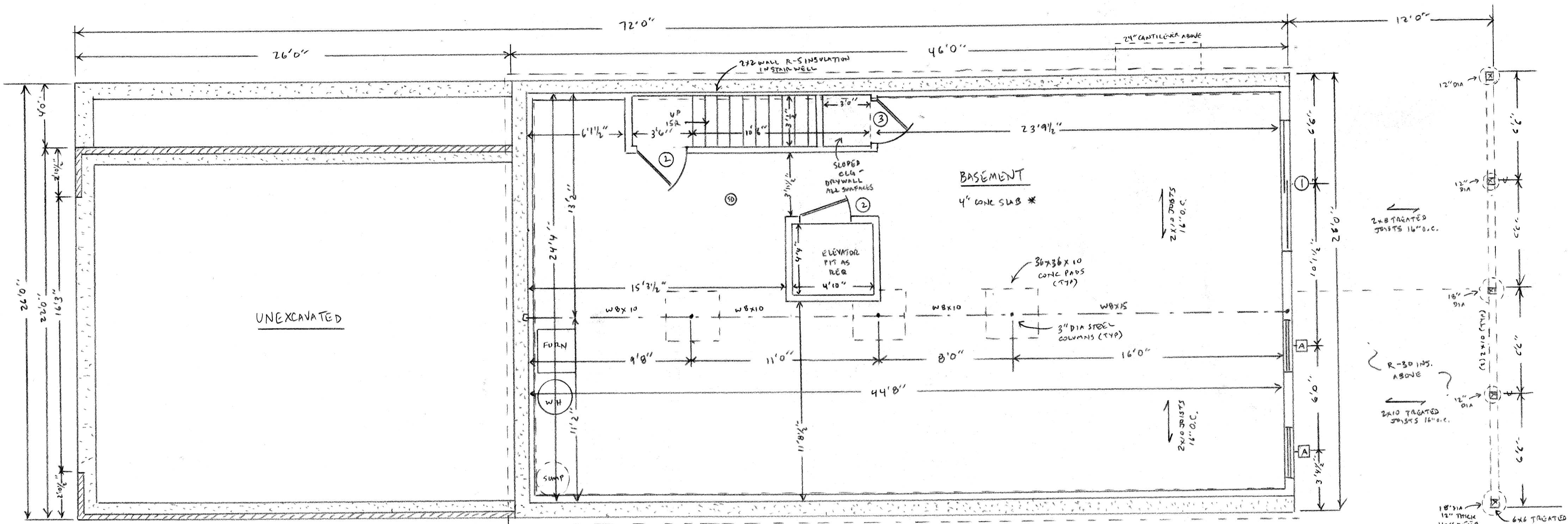
LEFT ELEVATION  
SCALE: 3/16" = 1' 0"



RIGHT ELEVATION  
SCALE: 1/8" = 1' 0"



REAR ELEVATION (LAKE)  
SCALE: 1/4" = 1' 0"



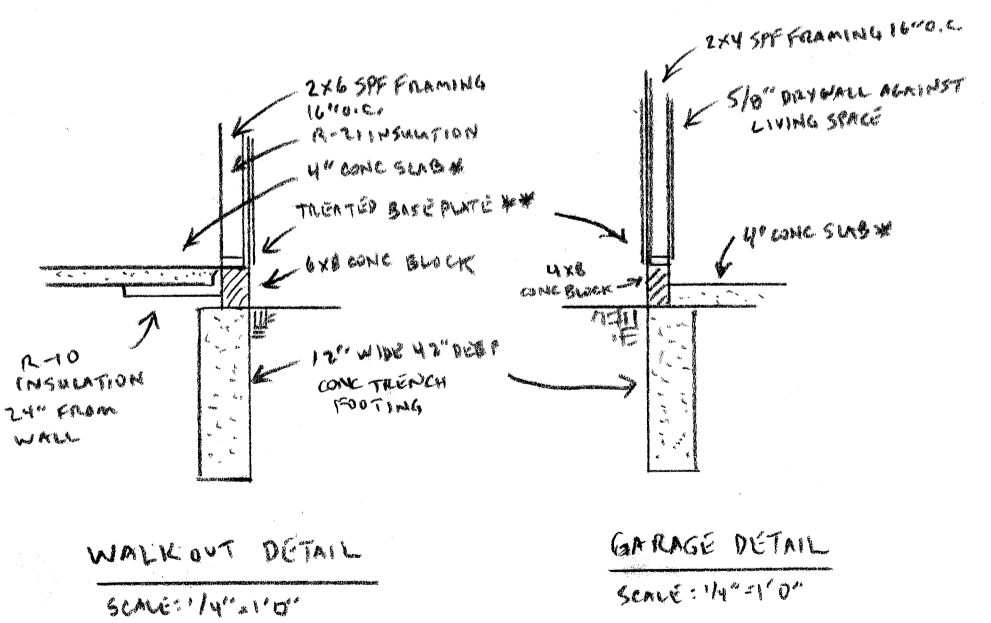
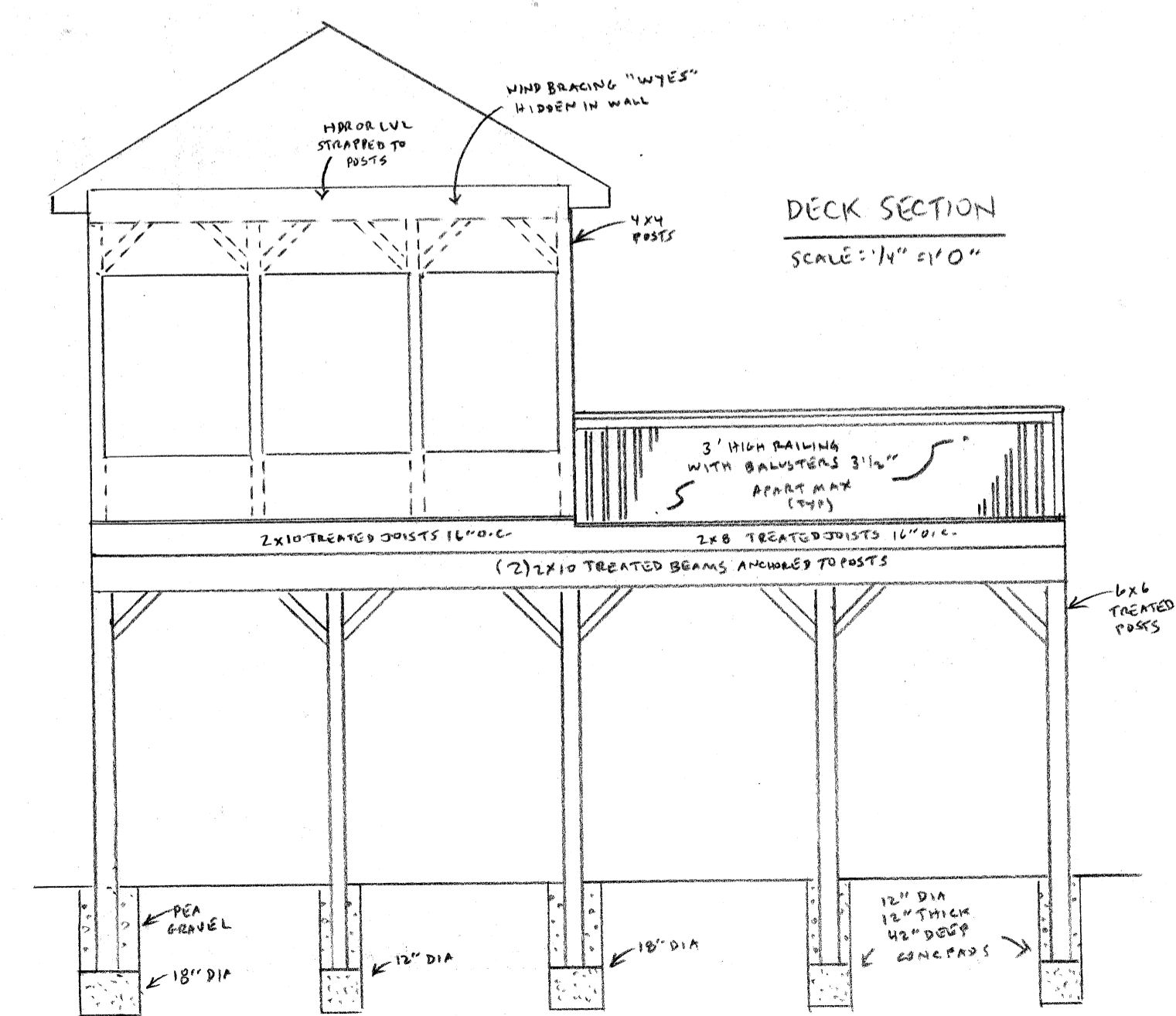
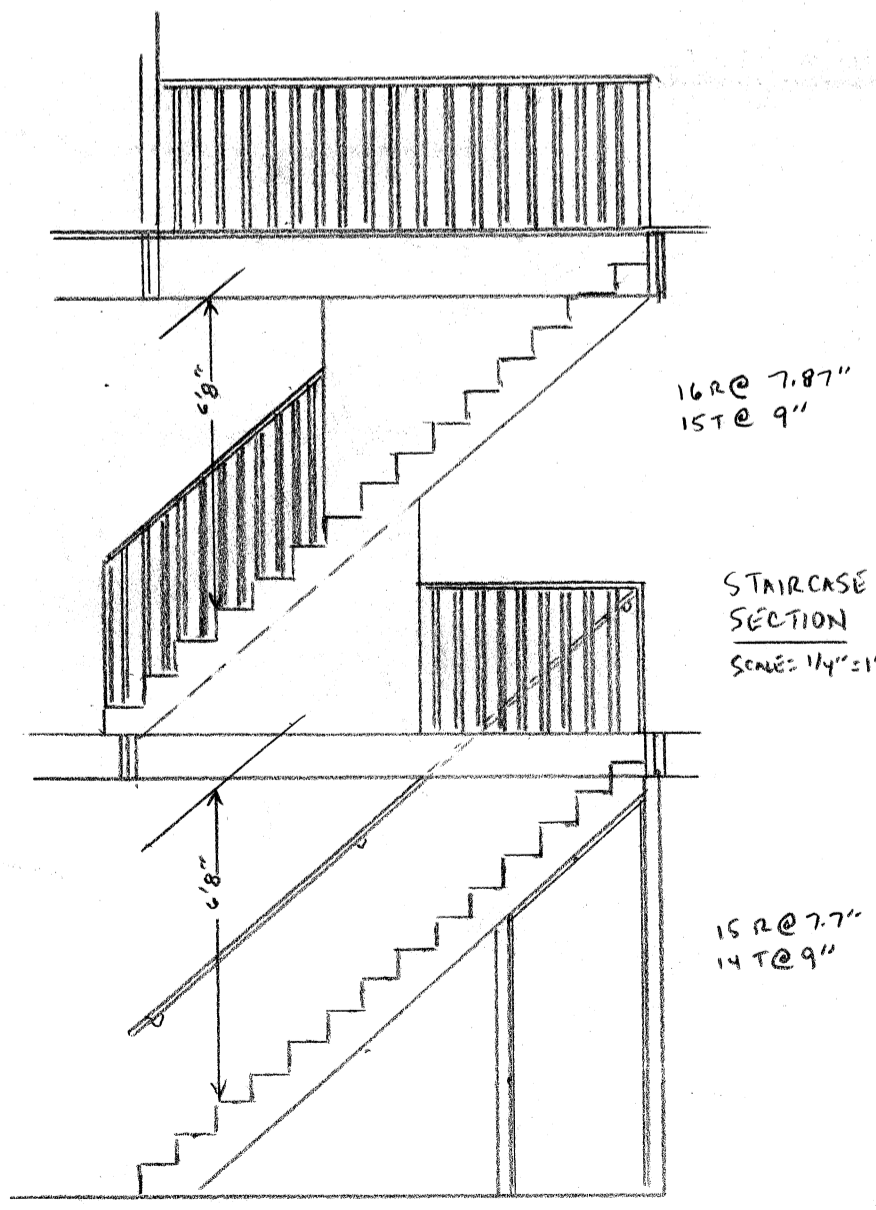
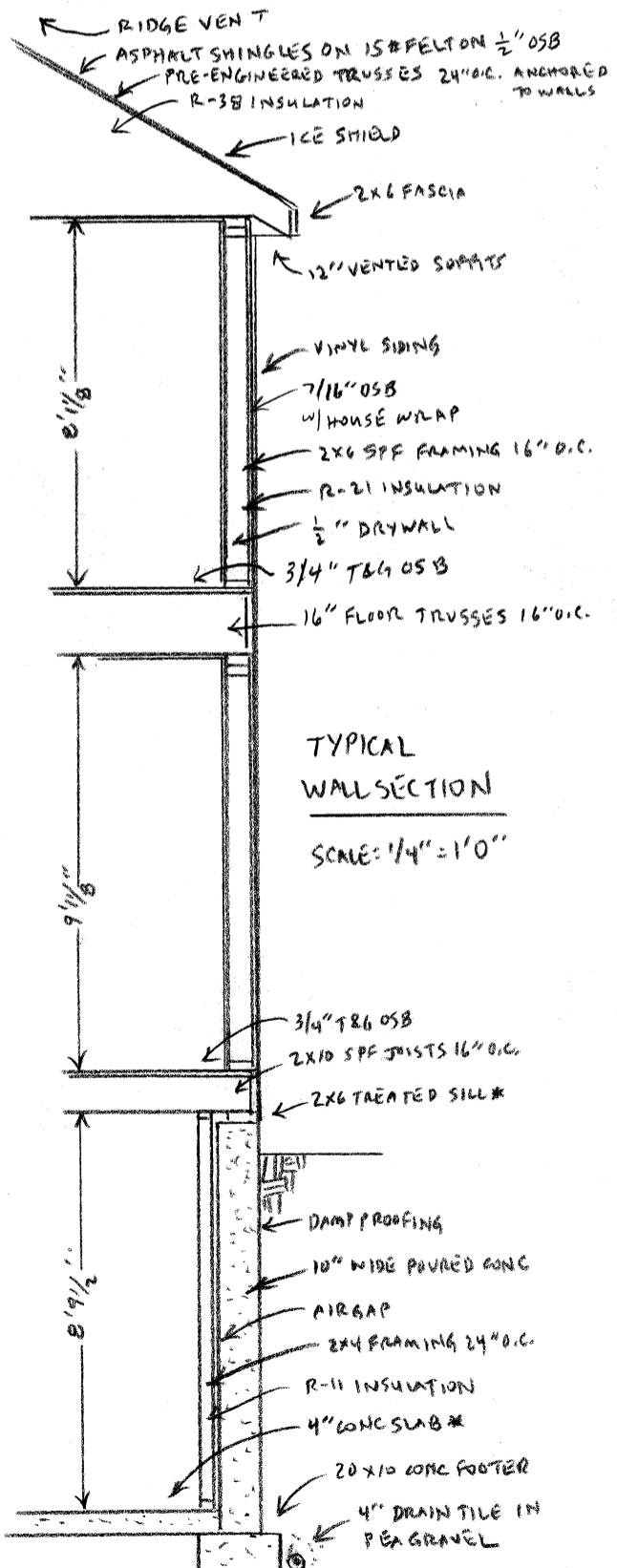
**FOUNDATION PLAN**

SCALE: 1/4" = 1'0"

NOTE: SMOKE DETECTORS / CO MONITORS WIRED IN SERIES W/BATTERY BACKUP

NOTE: FURN, WH & SUMP TBD BY BUILDER

KOI	SIZE	QTY	DESC
DOOR SCHEDULE			
1	8'0" x 8'0"	1	SLIDING GLASS
2	3'0" x 8'0"	2	INT. SWING
3	2'6" x 8'0"	1	INT. SWING
WINDOW SCHEDULE			
A	3'3" x 3'3"	2	TWIN CASSEMENT



\* ON ELEVATOR BARRIER ON COMPACTED SAND

\*\* ANCHORED 12" FROM CORNERS & 72" O.C.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
MILNE, DOUGLAS	MYERS JOHN & WENDY	70,000	11/16/2016	WD	ARMS-LENGTH	206R-037788	BUYER	100.0			
Property Address		Class: 402 RESIDENTIAL-VA		Zoning: LDR	Building Permit(s)	Date	Number	Status			
6505 FOREST BEACH DR		School: BRIGHTON									
Owner's Name/Address		P.R.E. 0%									
MYERS JOHN & WENDY 6211 GOLF CLUB RD HOWELL MI 48843		MAP #: V17-09									
Tax Description		2018 Est TCV Tentative									
SEC. 26 T2N, R5E, SUPERVISOR'S PLAT OF FOREST BEACH LOT 19		Improved	X	Vacant	Land Value Estimates for Land Table 00026.FOREST BEACH						
Comments/Influences		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		LAKE FRONT	57.00	463.00	1.0000	1.0000	2100	100	119,700
		Paved Road		57 Actual Front Feet, 0.61 Total Acres				Total Est. Land Value =		119,700	
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value			
Who		When	What	2018	Tentative	Tentative	Tentative		Tentative		
				2017	59,900	0	59,900		59,900S		
				2016	59,900	0	59,900		10,056C		
				2015	59,900	0	59,900		10,026C		

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Licensed To: Township of Genoa, County of Livingston, Michigan

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





**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

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

Case # 17-10

Meeting Date: 5-18-17

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: Joe Tiano **Vacant Lot, Grand River Ave.**

Property Address: 5520 Wildwood Phone: 313 720 1234

Present Zoning: LRR Tax Code: 11-10-301-031

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: Shed on Lot 31 10x16  
vacant lot

2. Intended property modifications: addition of shed

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

**Located between 5481 and 5525 Grand River Ave.**

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: 4-20-17

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:** May 9, 2017  
**RE:** ZBA 17-10

---

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

## STAFF REPORT

**File Number:** ZBA#17-10  
**Site Address:** Vacant Lot, Grand River Ave.  
**Parcel Number:** 4711-10-301-031  
**Parcel Size:** .123  
**Applicant:** Joe Tiano, 5520 Wildwood Howell, MI  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a variance to place a 16 x 10 detached accessory structure on a vacant lot.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) The property is vacant.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday April 30, 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 lot is vacant.
- The lot provides driveway access from Grand River Ave. to the home located at 5520 Wildwood.
- In 2004, a land use permit was issued for a new single family home at 5520 Wildwood.
- 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

The applicant is seeking a variance to place a 16 X 10 detached accessory structure on a vacant parcel. The parcel allows access for 5520 Wildwood from Grand River Ave. Since publication date, it has been determined that a lot coverage variance was not required.

### **Variance Requests**

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

11.04.01       **Accessory Buildings, Structures and Uses in General** Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

### **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 ordinance would prevent the 16 x 10 detached accessory structure to be placed on a vacant lot. The lot cannot be combined with 5520 Wildwood due to the platted pathway. Granting the variance would not offer substantial justice and is not necessary for preservation and substantial property right.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is that the lots cannot be combine due to the lots are part of a platted subdivision. The need for this variance is self-created. The variance will not make the property consistent with the surrounding area.
- (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 may have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Recommended Conditions**

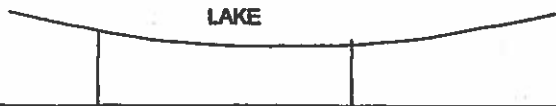
If the Zoning Board of Appeals grants the variance requests staff recommends the following conditions be placed on the approval.

1. No other additional structures are allowed on lot.
2. Deed restrictions requiring vacant lot cannot be sold separately from 5520 Wildwood.



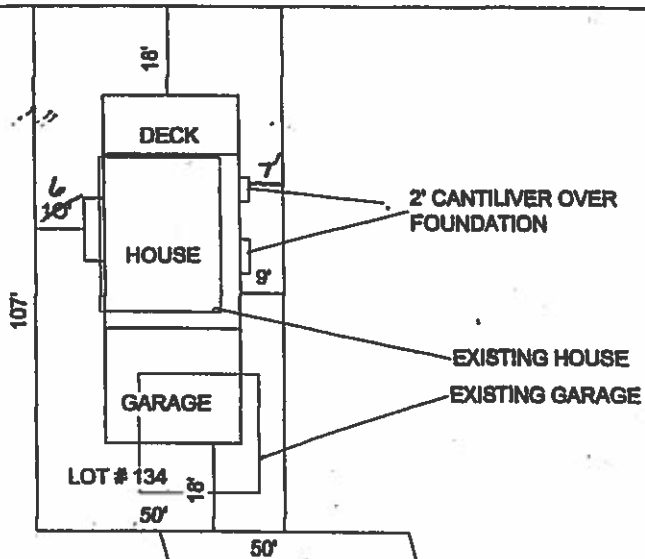
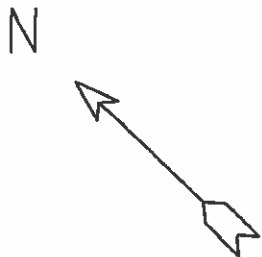
# GENOA TOWNSHIP





LAKE

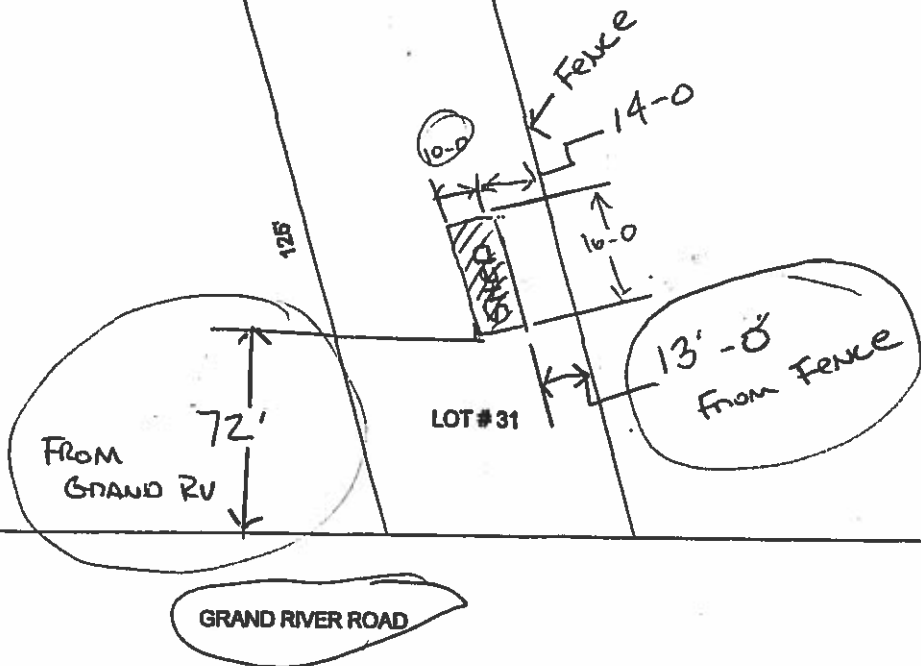
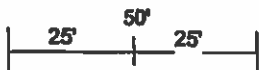
WEST LAKE DRIVE



LOT # 134

JOSEPH TIANO  
PROPOSED SITE PLAN  
11/17/04

SCALE

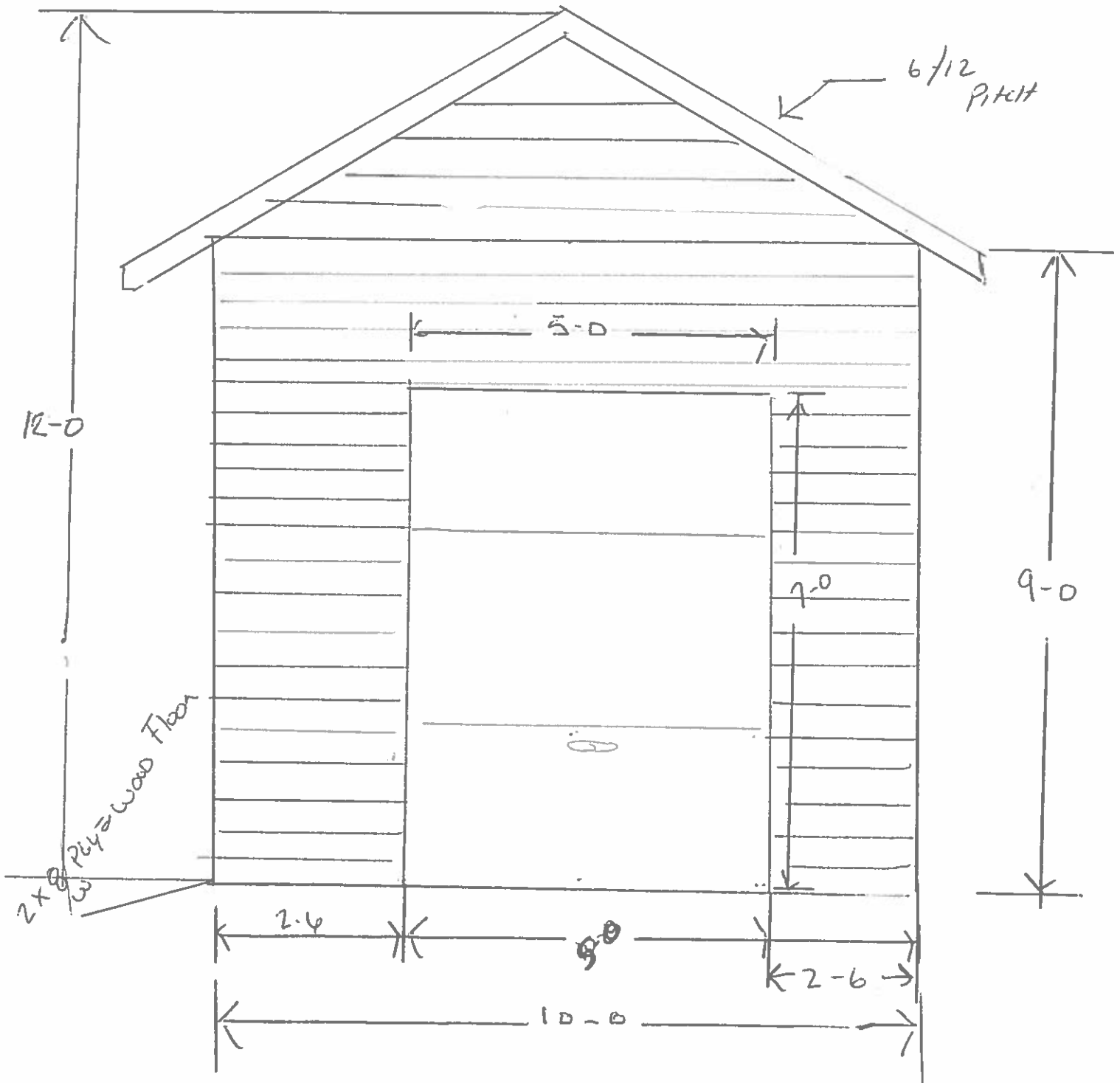


LOT #31

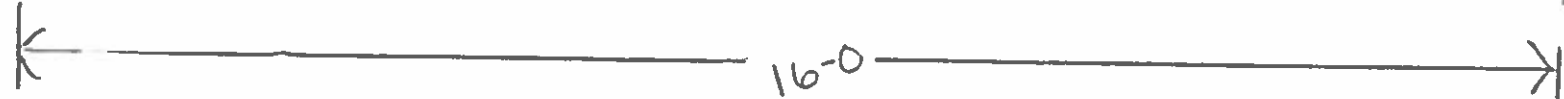
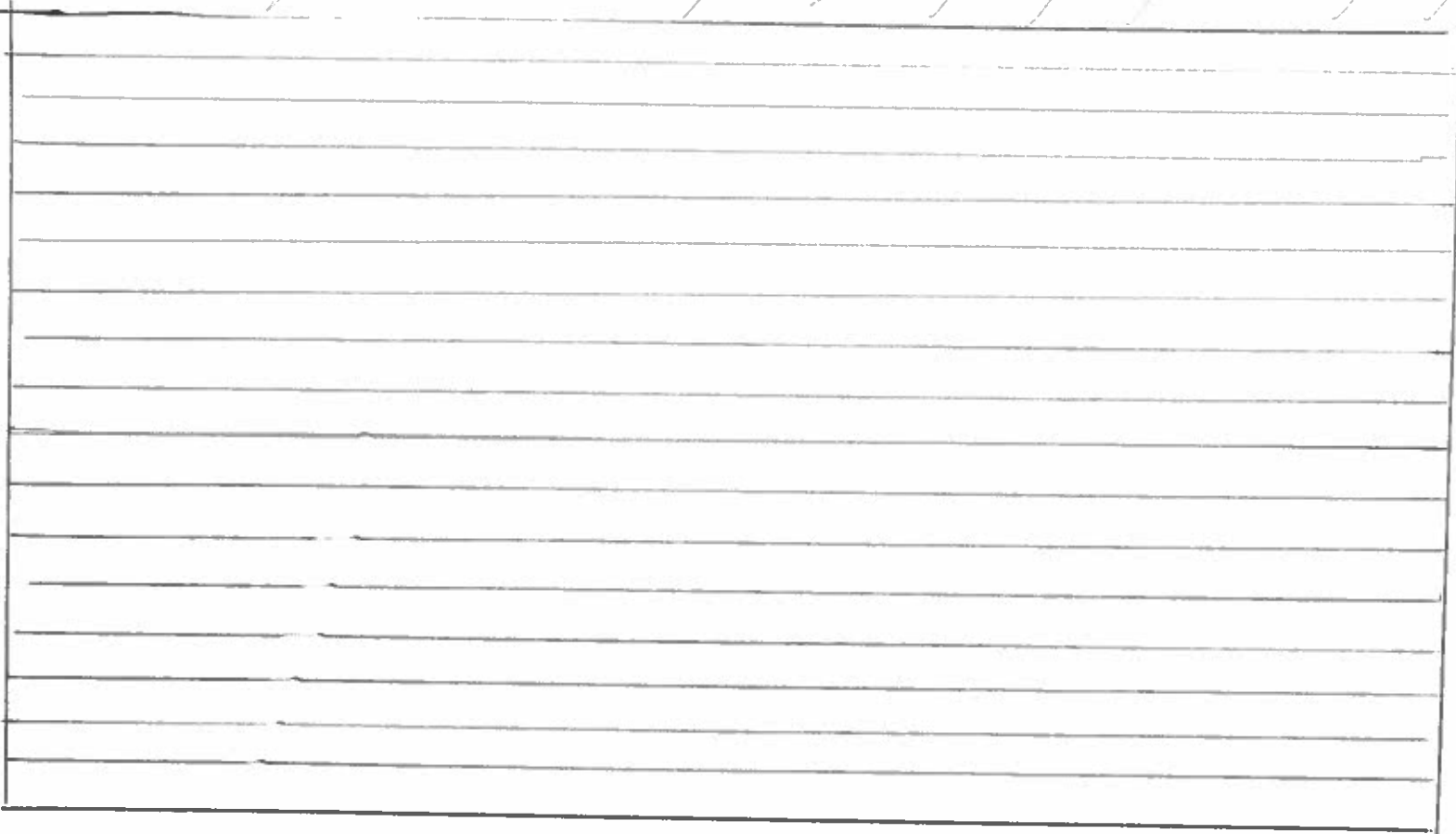
GRAND RIVER ROAD

10 X 16 SHED WITH VINYL SIDING  
TO MATCH HOUSE

FRONT & REAR  
ELEVATION



10x16 SHED to MATCH HOUSE  
SHINGLE ROOF



SIDE ELEVATION  
BOTH SIDES

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
BARRINGER, WILLIAM & DIANE	TIANO, JOSEPH	180,000	03/29/2001	WD	ARMS-LENGTH	2968-0520	BUYER	100.0
MYRUS, RICHARD & PEGGY LEE		22,000	05/10/1994	WD	ARMS-LENGTH	18270169	BUYER	0.0
		0	11/09/1993	IV	INVALID SALE	17630620	BUYER	0.0

Property Address	Class: 402 RESIDENTIAL-VA	Zoning: LRR	Building Permit(s)	Date	Number	Status						
VACANT	School: HOWELL											
	P.R.E. 100% 04/18/2001											
Owner's Name/Address	MAP #: V17-10											
TIANO, JOSEPH 5520 WILDWOOD HOWELL MI 48843	2018 Est TCV Tentative											
	Improved	X	Vacant	Land Value Estimates for Land Table 00005.WEST LAKE CHEMUNG								
	Public Improvements			* Factors *								
				Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
				NON LAKE FRONT	50.00	125.00	1.0000	1.0000	800	100		40,000
				50 Actual Front Feet, 0.14 Total Acres Total Est. Land Value = 40,000								
Tax Description	Dirt Road											
SEC. 10 T2N, R5E, GLEN ECHO LOT 31	Gravel Road											
Comments/Influences	Paved Road											
	Storm Sewer											
	Sidewalk											
	Water											
	Sewer											
	Electric											
	Gas											
	Curb											
	Street Lights											
	Standard Utilities											
	Underground Utils.											
	Topography of Site											
	Level											
	Rolling											
	Low											
	High											
	Landscaped											
	Swamp											
	Wooded											
	Pond											
	Waterfront											
	Ravine											
	Wetland											
	Flood Plain											
	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value					
	Who	When	What	2018	Tentative	Tentative	Tentative					
				2017	20,000	0	20,000					
				2016	20,000	0	20,000					
				2015	20,000	0	20,000					

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





**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 17-11 Meeting Date: 5-16-17

PAID Variance Application Fee @ 6:30  
(\$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: JANET EVANS (GRISCOM)

Property Address: 4276 HIGHEST DR. Phone: 810-623-2768

Present Zoning LRR Tax Code: 11-22-302-185

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: TO BUILD CLOSER TO STREET SIDE PROPERTY LINE; LESS THAN 35' SETBACK FOR GARAGE

2. Intended property modifications: ADDITION OF ATTACHED GARAGE

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

b. Other (explain): SAME AS ABOVE

**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: 4.20.2017 Signature: Janet Evans

**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:** May 10, 2017

**RE:** ZBA 17-11

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

---

### STAFF REPORT

**File Number:** ZBA#17-11  
**Site Address:** 4276 Highcrest Drive  
**Parcel Number:** 4711-22-302-185  
**Parcel Size:** .285  
**Applicant:** Janet Evans (Griscom), 4276 Highcrest Brighton  
**Property Owner:** Same as Applicant

**Information Submitted:** Application, site plan, conceptual drawings

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a front 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 April 30, 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 1920 and remodeled in 2011.
- See Assessing Record Card.
- Please note that the plans are labeled as the Carlson Residence however the address is correct.

**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 a garage and guest suite to an existing single family home. In order to construct the addition as proposed, the applicant is required to obtain a front yard variance. The location of the front (road side) property line on the drawing varies considerably from the parcel aerial overlay on the GIS map provided. Although not 100% accurate staff has found these GIS files to be mostly reliable and in this situation a survey verifying the property line and roadway locations may be appropriate. Since the publication date, it has been determined that a lot coverage variance is not required.

## 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 Front Yard Setback:</b>	<b>35</b>
	<b>Proposed Front Yard Setback:</b>	<b>12.1</b>
	<b>Proposed Variance Amount:</b>	<b>22.9</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 front yard setback would prevent the applicant from constructing the addition to the existing single family home as proposed. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the non-conforming location of the existing home and narrow lot. Granting of the variance would make it consistent with many homes in the vicinity. 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. It might cause an increase in congestion to the public streets. The location of the property on the curve of Highcrest and the fact that the road is located very close to the property line could cause an increase in congestion and create public safety concern due to a vehicle backing out of the driveway that could possibly not be seen to oncoming traffic. In addition, the plans indicate the 2<sup>nd</sup> floor of the addition to be used as a guest suite while the addition will occupy the available on-site parking. The applicant should demonstrate there will be sufficient on-site parking.
- (d) Impact on Surrounding Neighborhood** – Providing the parking concerns are addressed, the proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

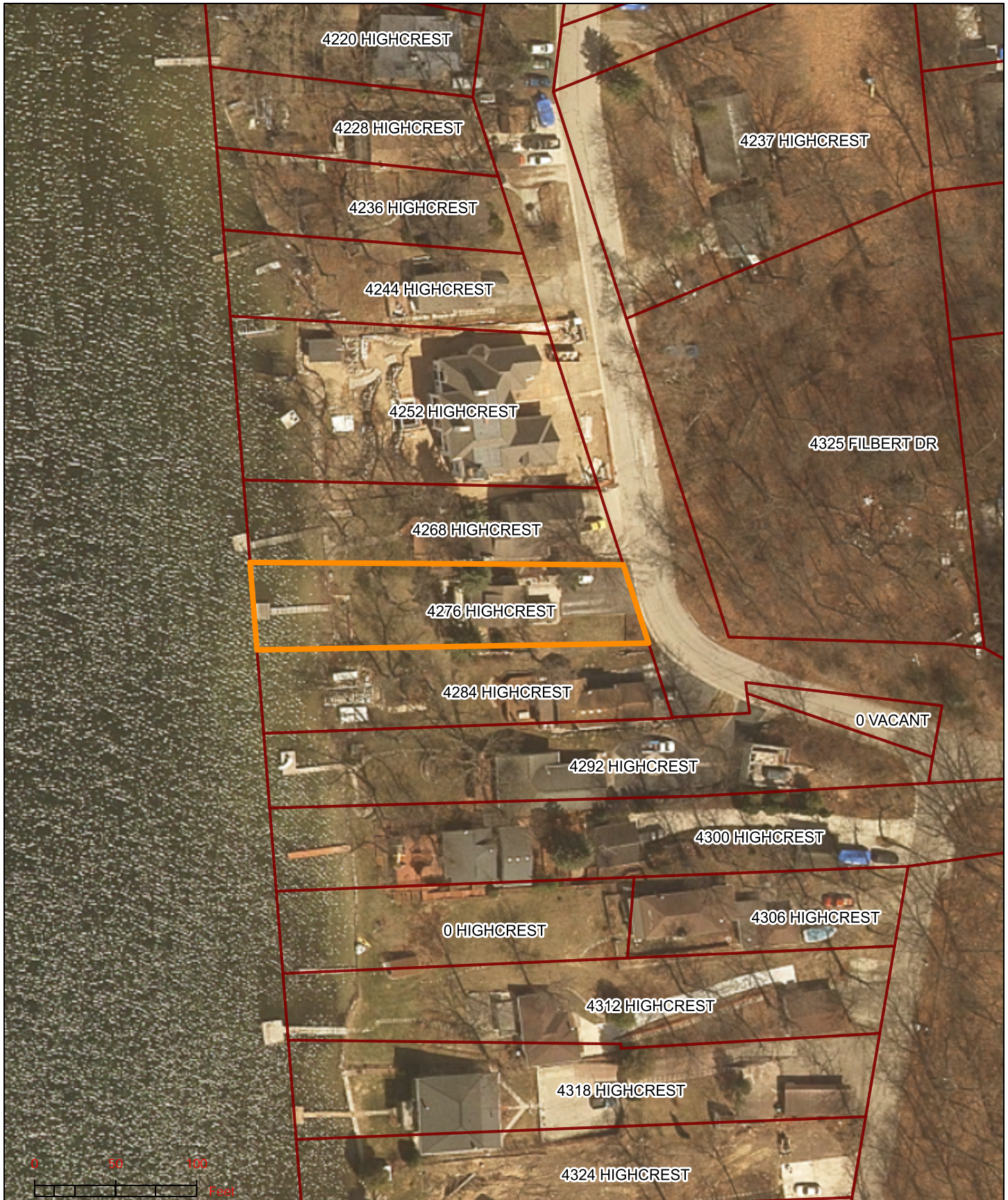
## Recommended Conditions

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

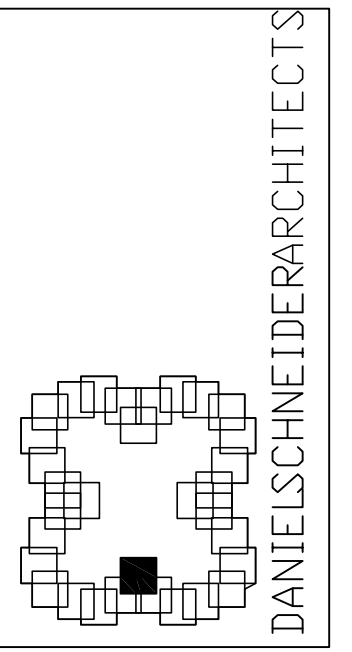


1. Drainage from the home must be maintained on the lot.
2. Structure must be guttered with downspouts.
3. Applicant should obtain survey documenting location of front lot line and edge of roadway.
4. Sufficient on-site parking shall be maintained at all times.

# GENOA TOWNSHIP







Seal and Signature

**Carlson Residence**  
Garage Addition and Renovation Project  
4276 HIGHEST DRIVE, BRIGHTON, MI 48116

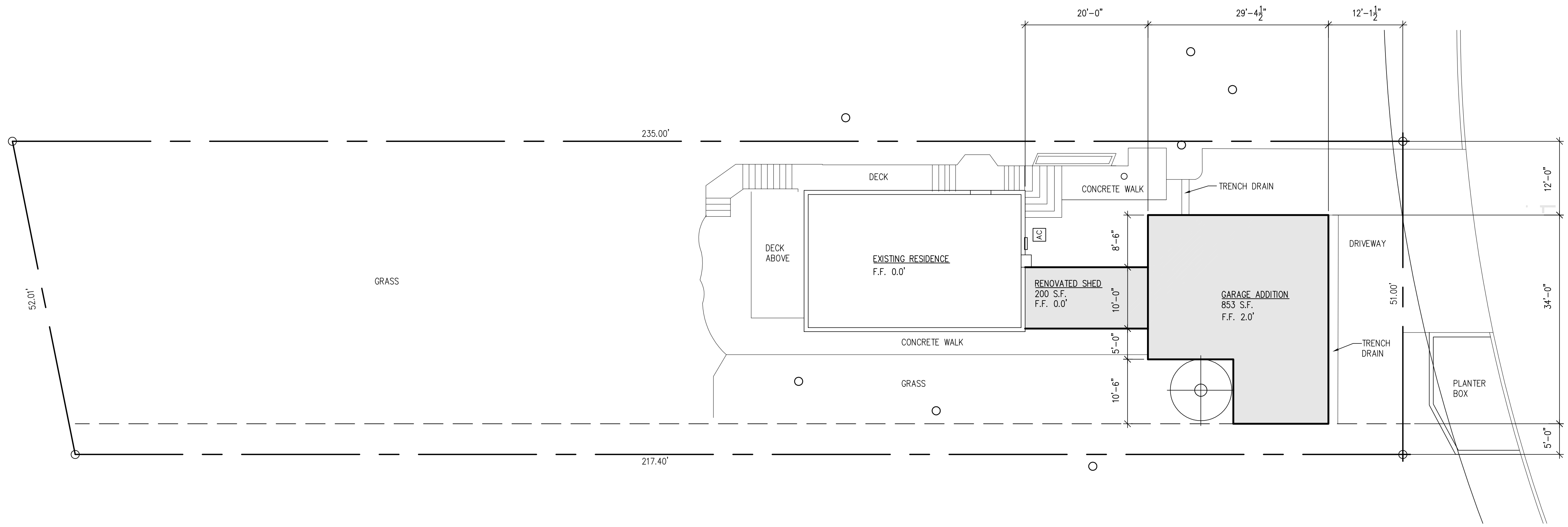
Issued for:	Date:
VARIANCE SUBMITTAL	04.21.17

Scale: AS NOTED

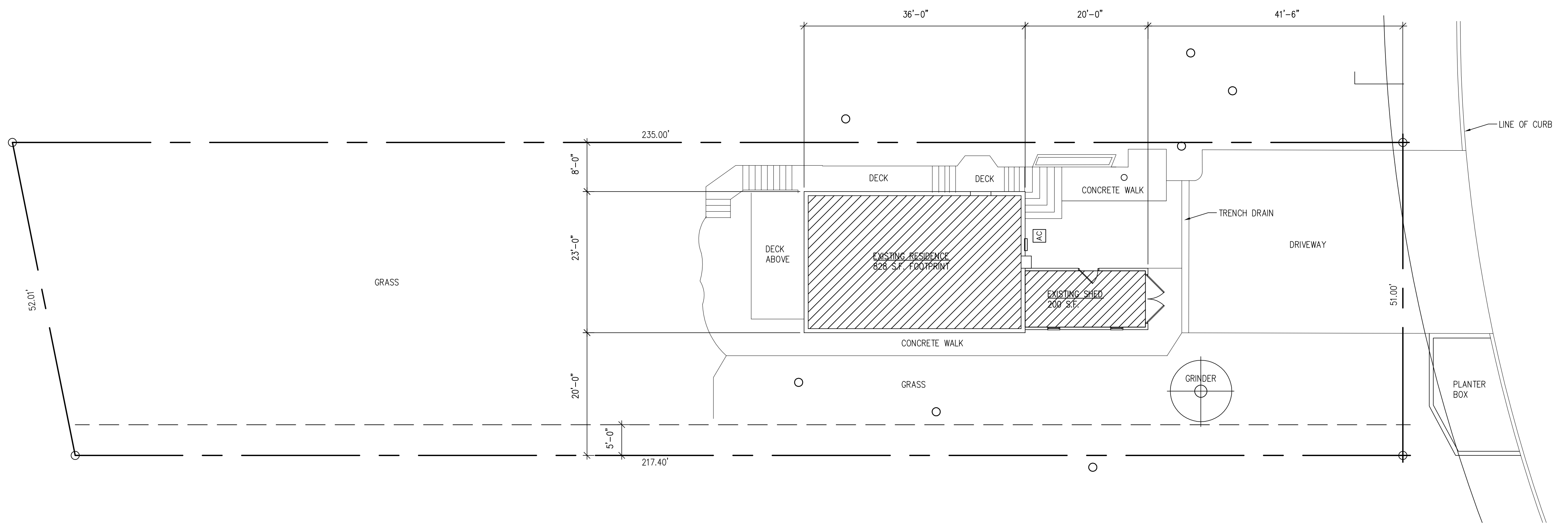
Project No. 10102

Drawing Title:  
**SITE PLANS**

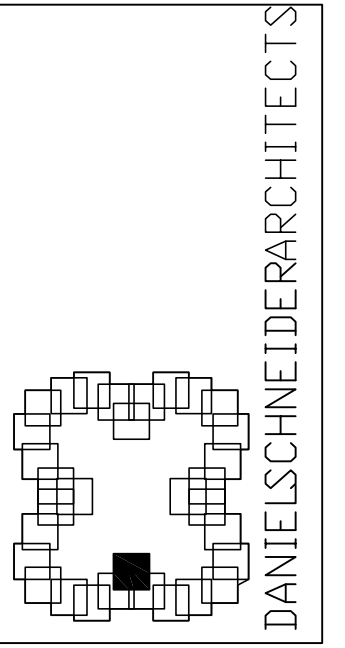
A100



ARCHITECTURAL  
SITE PLAN - PROPOSED  
SCALE: 3/32" = 1'-0"



ARCHITECTURAL  
SITE PLAN - EXISTING  
SCALE: 3/32" = 1'-0"



Seal and Signature

Carlson Residence  
Garage Addition and Renovation Project  
4276 HIGHEST DRIVE, BRIGHTON, MI 48116

Issued for: \_\_\_\_\_ Date: \_\_\_\_\_

VARIANCE SUBMISSION 04.21.17

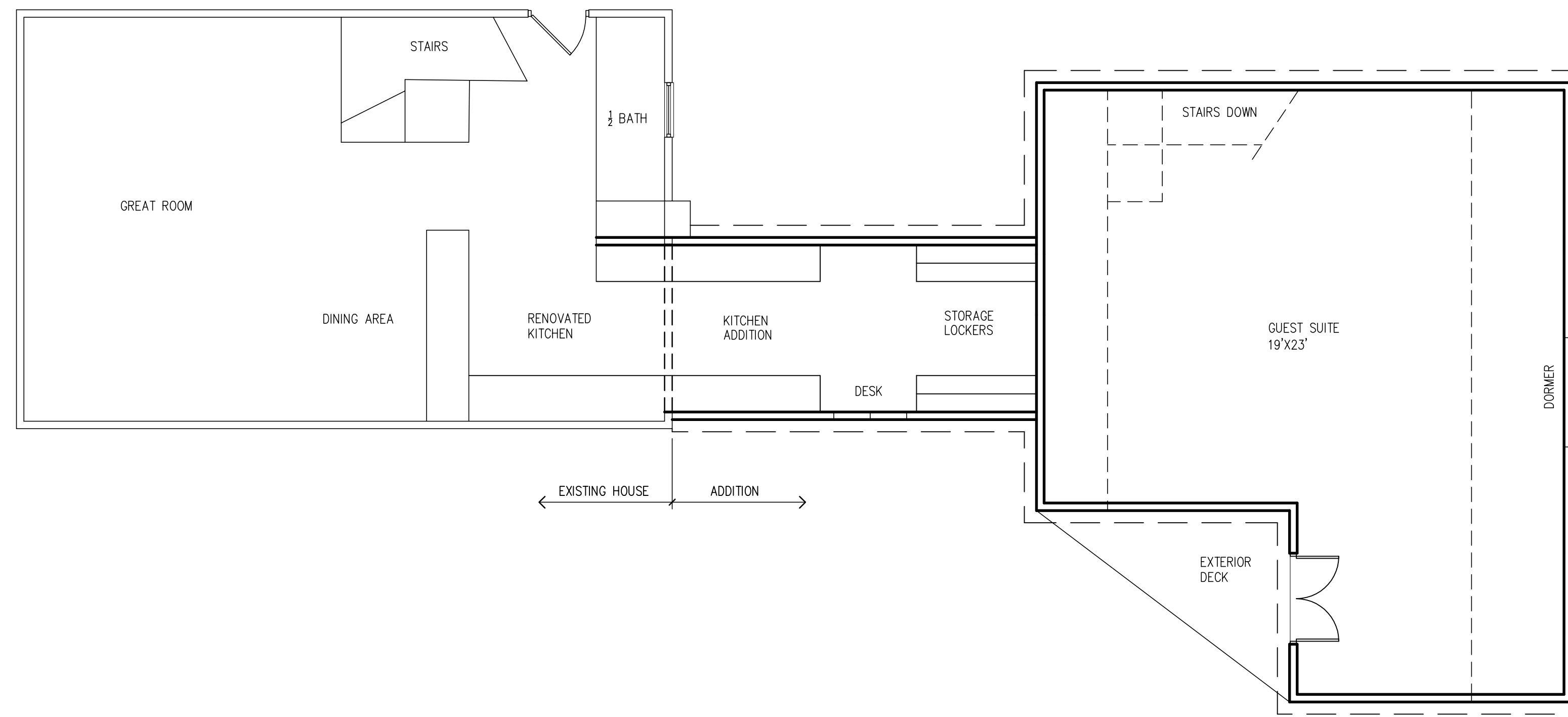

Scale: 1/4" = 1'-0"

Project No. 10102

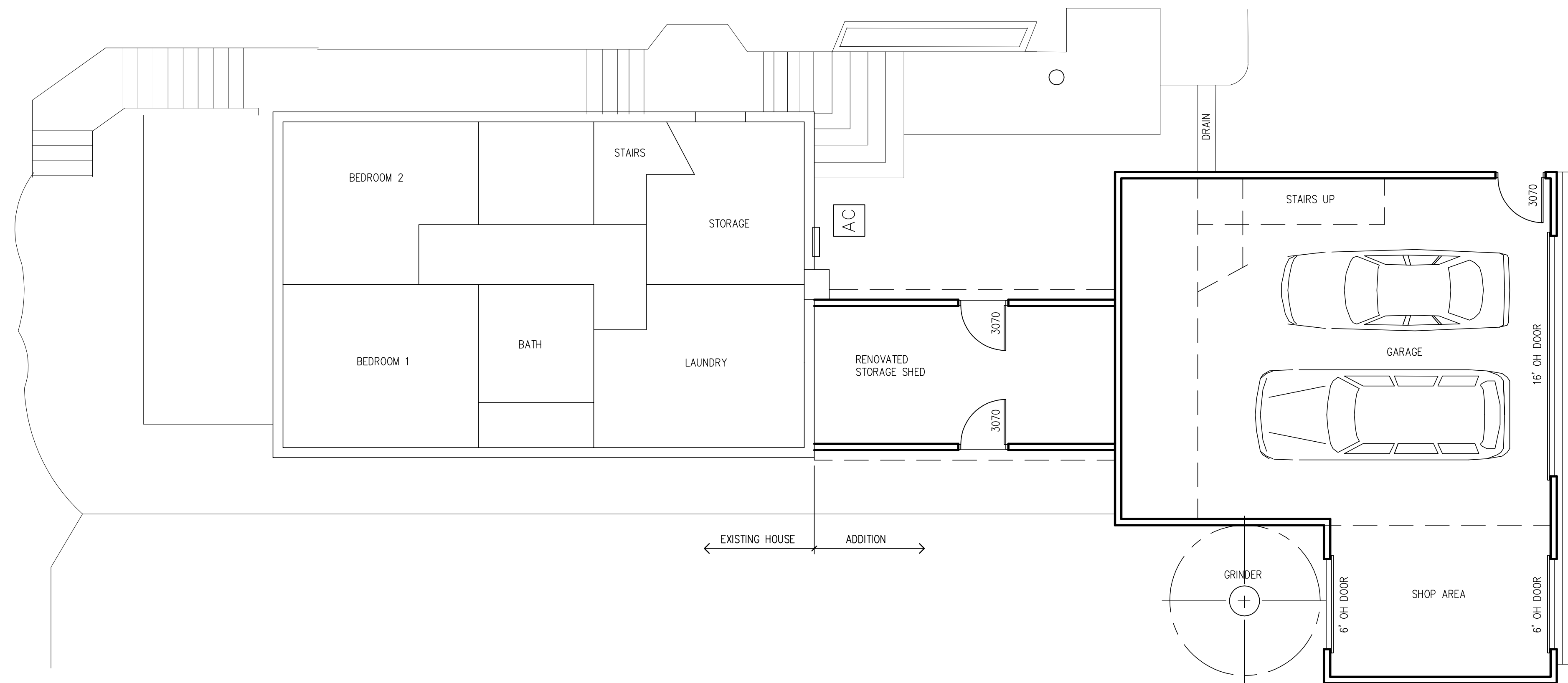
Drawing Title:

FLOOR PLANS

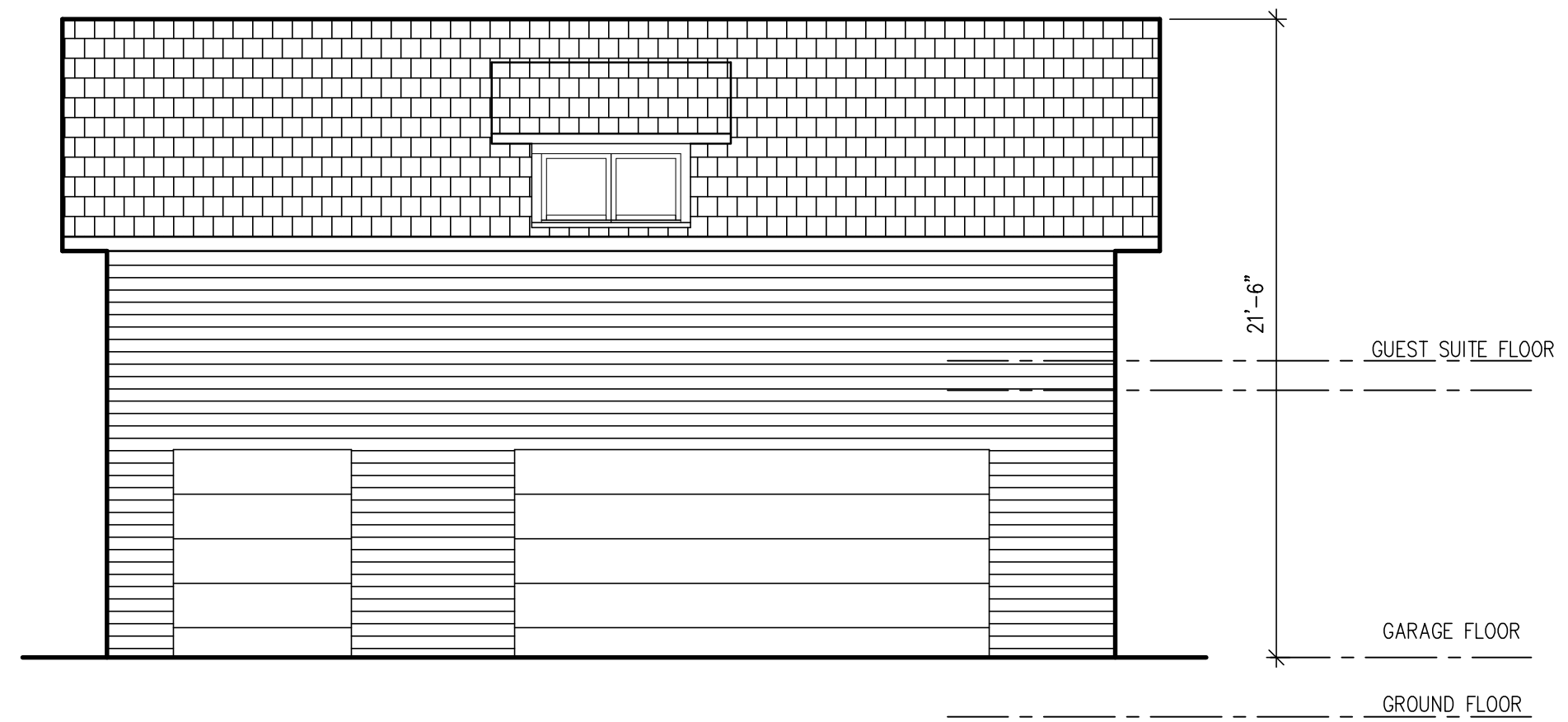
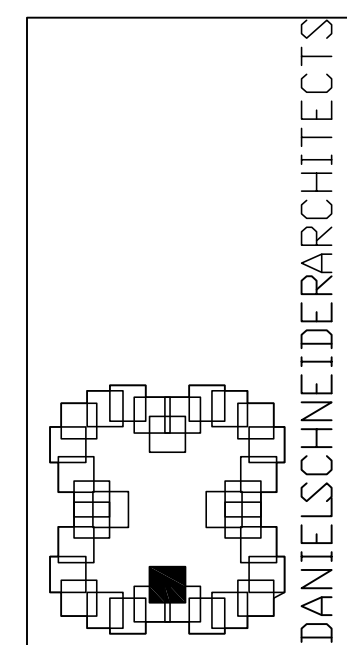
A200



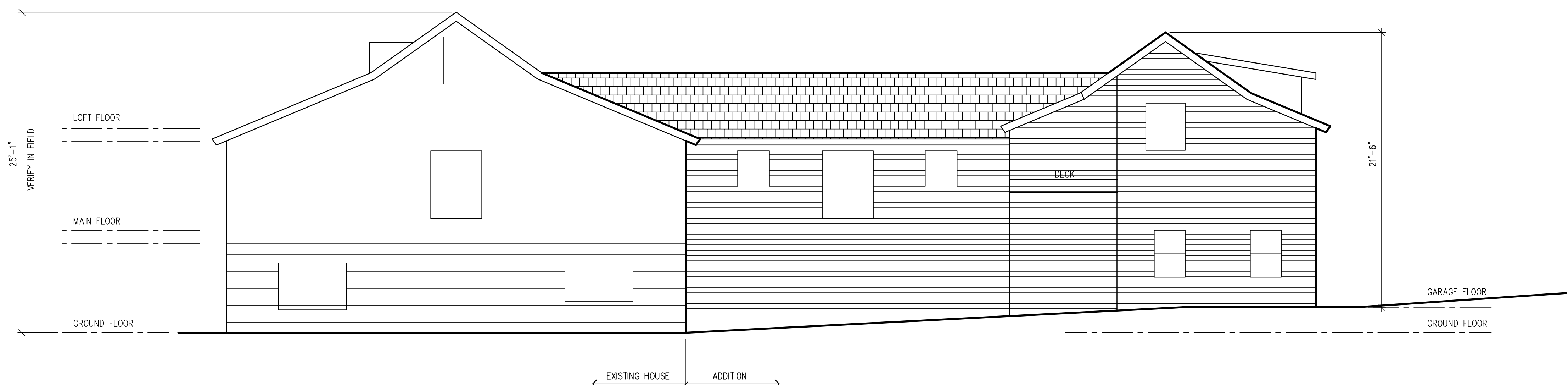
SECOND LEVEL FLOOR PLAN  
SCALE: 3/16" = 1'-0"



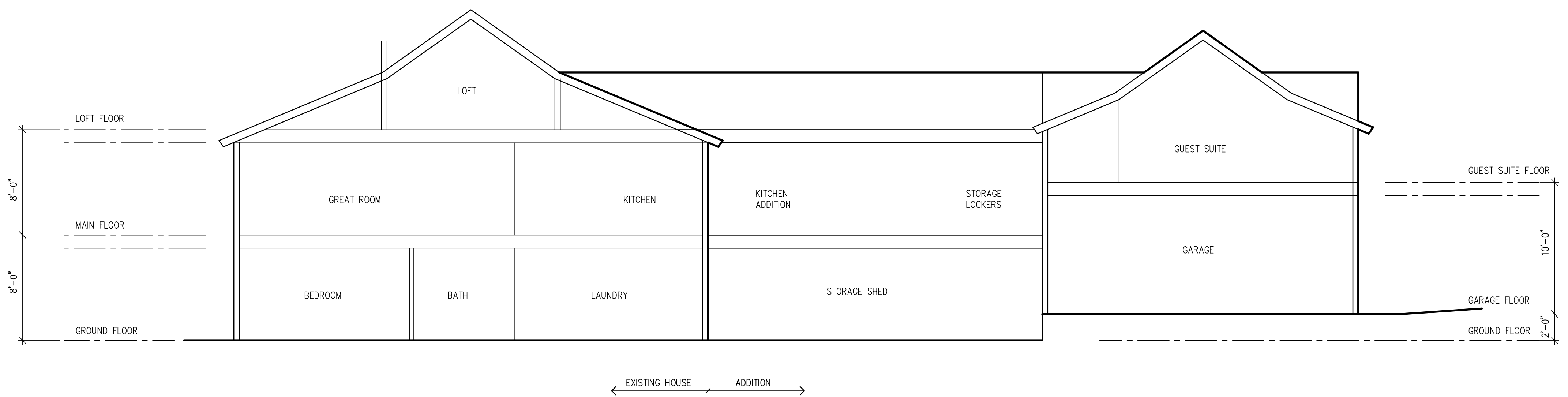
MAIN LEVEL FLOOR PLAN  
SCALE: 3/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"



**SCHEMATIC BUILDING SECTION**  
SCALE: 3/16" = 1'-0"

Seal and Signature

**Carlson Residence**  
Garage Addition and Renovation Project  
4276 HIGHEST DRIVE, BRIGHTON, MI 48116

Issued for:	Date:
VARIANCE SUBMISSION	04.21.17

Scale: 1/4" = 1'-0"

Project No. 10102

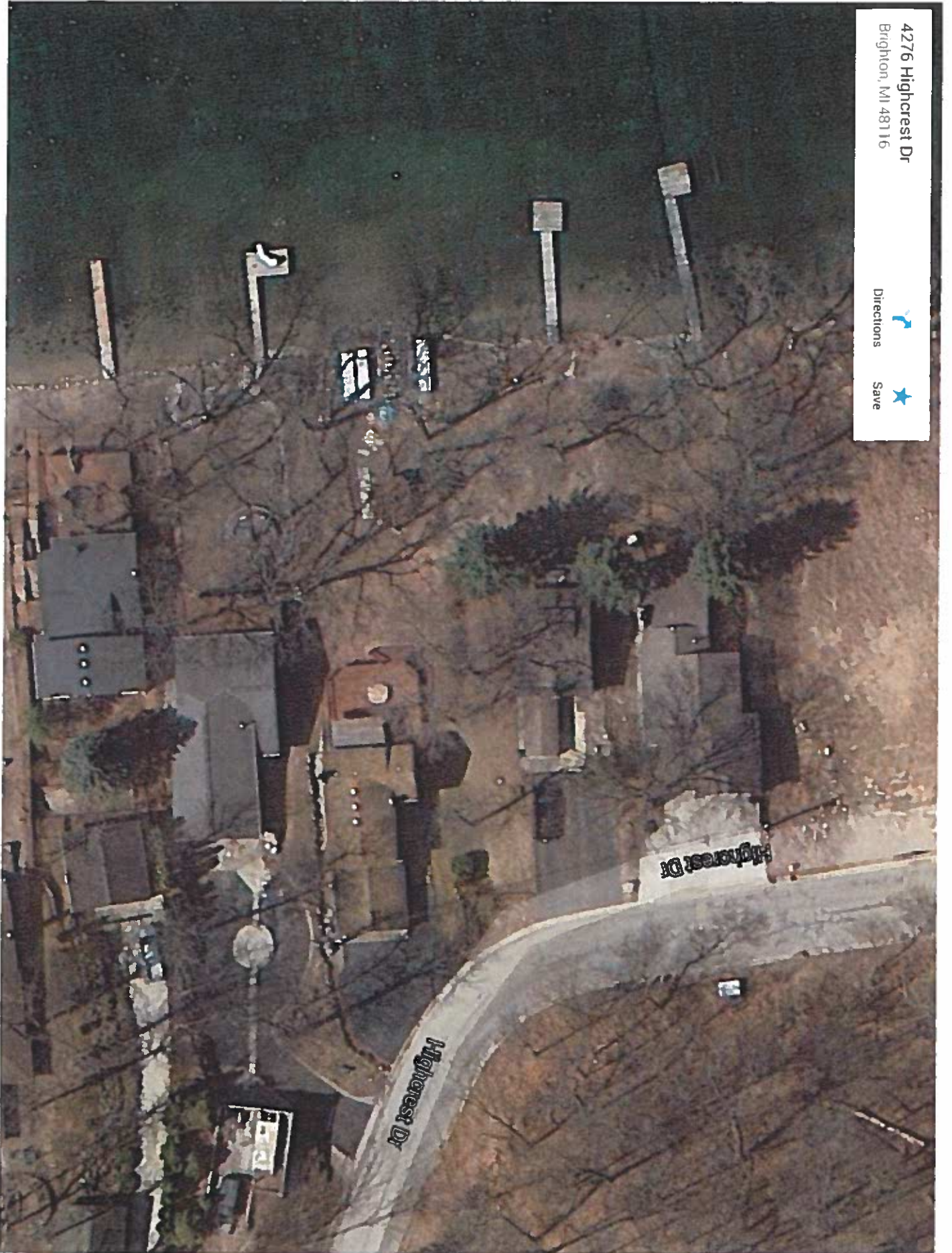
Drawing Title:  
**EXTERIOR ELEVATIONS**

A300

4276 Highcrest Dr  
Brighton, MI 48116

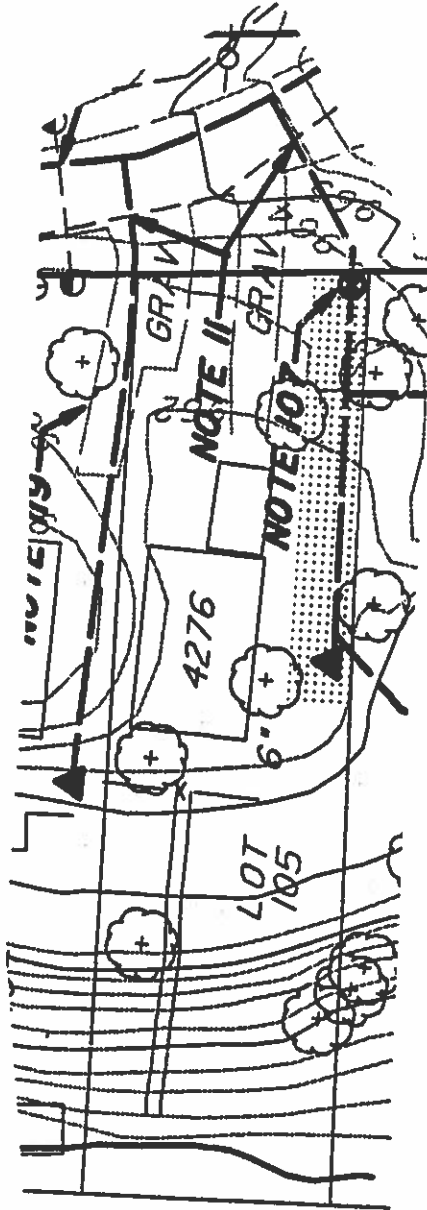
 Directions

 Save





HIGHCREST



PROPOSED UTILITY EASEMENT

McNAMEE, PORTER AND SEELEY CONSULTING ENGINEERS ANN ARBOR, MICHIGAN		GENOA TOWNSHIP, MICHIGAN RI-LAKES AREA PRESSURE SEWER SYSTEM  CROOKED LAKE LOT 105; #11-22-302-185  EASEMENT NO. <u>183</u>	CONTRACT <b>90-S-3</b>
SCALE <b>VARIES</b>	DATE <b>FEB 1991</b>		SHEET <b>2</b>
DRAWN	CHECKED <b>EJB</b>		OF <b>2</b>

*From the Desk of*  
***Blair M. Bowman***

---

May 2, 2017

Genoa Township Zoning Board of Appeals  
Attention: Amy Ruthig  
2911 Dorr Road  
Brighton, MI 48116

RE: Genoa Township Zoning Board of Appeals Meeting – 05/16/17  
4276 Highcrest Front Yard Variance Request

To Whom It May Concern:

I am in full support of the variance and addition and appreciate in advance your positive consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blair M. Bowman', with a long horizontal line extending to the right.

Blair M. Bowman  
4252 Highcrest  
Brighton, MI 48116

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.									
JAMES, MICHAEL	GRISCOM JANET E.	345,000	08/14/2014	WD	ARMS-LENGTH	2014R-025426	BUYER	100.0									
LINDSEY LEIGH & KRISTINE	JAMES MICHAEL	305,000	08/01/2012	WD	ARMS-LENGTH	2012R-028771	BUYER	100.0									
COOK, KRISTINE L. & LINDSEY	LINDSEY LEIGH & KRISTINE	0	10/21/2010	QC	INVALID SALE	2010R-031051	BUYER	0.0									
FITTERY	COOK	320,000	11/13/2002	WD	ARMS-LENGTH	3635-0687	BUYER	100.0									
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR		Building Permit(s)		Date	Number	Status							
4276 HIGHCREST		School: BRIGHTON		P.R.E. 100% 08/14/2014													
Owner's Name/Address		MAP #: V17-11		2018 Est TCV Tentative													
GRISCOM JANET E. 4276 HIGHCREST BRIGHTON MI 48116		X Improved		Vacant		Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT											
Tax Description		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason Value											
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 105		Dirt Road		A LAKE FRONT		50.00 230.00 1.0000 1.0000		3000 100		150,000							
Comments/Influences		Gravel Road		B EXC W CR LK		4.00 230.00 1.0000 1.0000		1100 100		4,400							
		Paved Road		54 Actual Front Feet, 0.28 Total Acres		Total Est. Land Value =				154,400							
		Storm Sewer		Land Improvement Cost Estimates		Description Rate CountyMult. Size %Good Cash Value											
		Sidewalk		D/W/P: 3.5 Concrete		2.98 1.00		284 48		406							
		Water		Shed: Wood Frame/Conc.		10.68 1.00		200 91		1,944							
		Sewer		Total Estimated Land Improvements True Cash Value =						2,350							
		Electric															
		Gas															
		Curb															
		Street Lights															
		Standard Utilities															
		Underground Utils.															
		Topography of Site															
		Level															
		Rolling															
		Low															
		High															
		Landscaped															
		Swamp															
		Wooded															
		Pond															
		Waterfront															
		Ravine															
		Wetland															
		Flood Plain															
		X REFUSE		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
		Who		When		What		2018		Tentative						Tentative	
		LM		08/20/2014		INSPECTED		2017		77,200		71,400		148,600		146,844C	
		LM		05/15/2013		REVIEWED R		2016		76,000		69,700		145,700		145,535C	
								2015		76,000		69,100		145,100		145,100S	



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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	Area 200 372	Type CSEP (1 Story) Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:	
X	Wood Frame		(4) Interior		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						1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas						
Building Style: D		Trim & Decoration		Central Air Wood Furnace						Class: D Effec. Age: 29 Floor Area: 1056 Total Base Cost: 77,262 Total Base New : 117,439 Total Depr Cost: 83,382 Estimated T.C.V: 138,413			CntyMult X 1.520 E.C.F. X 1.660			Bsmnt Garage: Carport Area: Roof:	
Yr Built 1920	Remodeled 2011	Size of Closets		(12) Electric						Total Base Cost: 77,262 Total Base New : 117,439 Total Depr Cost: 83,382 Estimated T.C.V: 138,413			CntyMult X 1.520 E.C.F. X 1.660			Bsmnt Garage: Carport Area: Roof:	
Condition: Good		Doors: Lg X Ord Small		0 Amps Service													
Room List		(5) Floors		No./Qual. of Fixtures			Stories Exterior			Foundation			Rate Bsmnt-Adj Heat-Adj			Size Cost	
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric			1.5 Story Siding			Basement			67.35 0.00 3.87			704 50,139	
(1) Exterior		(6) Ceilings		Ex. X Ord. Min			Other Additions/Adjustments			Rate						Size Cost	
X	Wood/Shingle Aluminum/Vinyl Brick			No. of Elec. Outlets			(9) Basement Finish			Basement Living Finish			14.75			678 10,001	
	Insulation	(7) Excavation		Many X Ave. Few			(13) Plumbing			Walk out Basement Door(s)			625.00			1 625	
(2) Windows		Basement: 704 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s)			(14) Water/Sewer			2 Fixture Bath			1100.00			1 1,100	
X	Many Avg. Few X Large Avg. Small	(8) Basement		1 3 Fixture Bath 1 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			(15) Built-Ins & Fireplaces			Fireplace: Exterior 1 Story			3050.00			1 3,050	
	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		(13) Plumbing			(16) Porches			CSEP (1 Story), Standard			24.15			200 4,830	
(3) Roof		(9) Basement Finish		1 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			(16) Deck/Balcony			Treated Wood, Standard			5.93			372 2,206	
X	Gable Hip Flat	Recreation SF Living SF 1 Walkout Doors No Floor SF		(14) Water/Sewer			Phy/Ab.Phy/Func/Econ/Comb.%Good= 71/100/100/100/71.0, ECF (4306 TRI LAKES LAKE FRONT)			1.660 => TCV of Bldg: 1 =			83,382 138,413			Depr.Cost = =	
X	Asphalt Shingle	678		(14) Water/Sewer													
Chimney: Brick		1 Walkout Doors No Floor SF		(14) Water/Sewer													
X	Gambrel Mansard Shed	10) Floor Support		1 Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic													
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:													

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
March 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 Kelly VanMarter, Community Development Director/Assistant Township Manager.

**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 Ledford, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:** The call to the public was made at 6:31 pm with no response.

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.

Ms. VanMarter stated the measurements were taken incorrectly by staff, so the side-yard setback is no longer needed as published. The agenda is correct.

Mr. and Mrs. Gierak were present. Mr. Gierak stated they would like to add a second-story to the home as well as expand the home toward the rear and the side; however, a variance is not needed for the side.

A call to the public was made at 6:38 pm. Lynn Hewitt of 837 Sunrise Park stated she is in support of the request. She would like for the improvements to be made so it can be a year-round home. The call to the public was closed at 6:39 pm.

**Moved** by Ledford, seconded by McCreary, to approve Case #17-06 for 921 Sunrise Park by Brett Gierak for a rear yard/lakefront variance of 11 feet for a rear yard/lakefront setback of 29 feet from the required 40 feet, to construct a second-story addition to a single-family home, based on the following findings of fact:

- Strict compliance with the rear yard setback would prevent the applicant from constructing the addition to the existing single family home.
- 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
- 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.

- The proposed variance would 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 contain gutters and downspouts
- Drainage must be directed toward the lake

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the February 21, 2017 Zoning Board of Appeals Meeting

**Moved** by Figurski, seconded by Ledford, to approve the February 21, 2017 Zoning Board of Appeals Meeting minutes with the changes discussed. **The motion carried unanimously.**

2. Correspondence –There were no correspondence to present this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on March 6<sup>th</sup> and March 20, 2017.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the March 13, 2017 Planning Commission meeting.
5. Zoning Official Report - Ms. VanMarter had nothing to report this evening.
6. Member Discussion - There were no member discussion items.
7. Adjournment

**Moved** by Figurski, seconded by McCreary, to adjourn the meeting at 7:02 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary





## Member Correspondence

April 26, 2017

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

Mr. Jon Okopski  
100 Chilson Road  
Howell, MI 48843

RE: GAAMPS Violation

Mr. Okopski,

On Monday April 24, 2017, a complaint was made to the Township office in regards to the burning of chicken bedding and manure over the past weekend. I have been in contact with the Michigan Department of Agricultural and Rural Development and they have advised that the burning of manure and bedding is a direct violation of the GAAMPS. Your use variance that was approved on October 18, 2016 requires compliance with GAAMPS. If it is determined that you are in violation of GAAMPS, Township staff will have no choice but to revoke the use variance. I have attached a copy of the minutes for your review.

Please contact me by May 5<sup>th</sup>, 2017 to discuss this issue.

Thank You,

Amy Ruthig  
Zoning Official

Cc: ZBA

Sharon Stone, Code Enforcement Officer

Encl.

**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

**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 proposing changes to the legislation to the Right to Farm Act.

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 livestock. 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



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS  
DIRECTOR

July 14, 2016

John and Pamela Okopski  
100 Chilson Road  
Howell, MI 48843

Dear Mr. and Mrs. Okopski:

On July 8, 2016, I met with you at 100 Chilson Road, Howell, Michigan. This meeting and inspection was conducted by the Michigan Department of Agriculture & Rural Development (MDARD) in response to an environmental complaint received by our office. The complaint concerned odor and noise from poultry in close proximity to neighboring homes.

As part of the Right to Farm complaint investigation process, MDARD conducted a site review for this property to determine the category of this site under the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMPs). This included a review of zoning information, the proximity of neighboring non-farm residences and an assessment of the site. The property at 100 Chilson Road, Howell, Michigan is zoned as suburban residential and does not allow agricultural uses by right and there are non-farm homes closer than 250 feet from any point on this property. Therefore, this site is primarily residential as defined by the Site Selection GAAMPs.

Sites where zoning does not allow agriculture by right and that are primarily residential in use are Category 4 sites and are not acceptable for the placement or keeping of any number of farm animals under the Site Selection GAAMPs. Your facility is not in conformance with the Site Selection GAAMPs. The complaint filed against your facility has been verified and MDARD's file has been closed. Pursuant to the requirements of Right to Farm Act, a copy of this letter is being sent to the city and county in which your property is located.

If you have any questions on this matter, please call me at (517) 242-1990.

Sincerely,

Kristin Esch  
Right to Farm Program

KE:ot

cc: Wayne Whitman, MDARD Environmental Stewardship Division  
Livingston County Clerk  
Genoa Township Clerk

## Amy Ruthig

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**From:** Nancy Green <ncg48843@live.com>  
**Sent:** Monday, April 24, 2017 8:50 AM  
**To:** Amy Ruthig  
**Subject:** 100 Chilson Rd.

Dear Amy,

I am writing you regarding 100 Chilson Rd. Howell, Mi 48843, Mr. and Mrs. Okopski. On Saturday April 22nd, 2017 I observed and took pictures of Mr. Okopski burning the chicken bedding approximately four feet from the Department of Human Services fencing inside his chicken run/garden area. On April 23rd, 2017 the whole Okopski family were again burning the chicken bedding/manure in the same spots. I called the Fire Department and let them know he was burning the chicken bedding/ manure and that he was told he could not do that. The Fire Department came but did not investigate other than talk to Pam Okopski at the front of the property. I called 911 back and the dispatcher stated the Mrs Okopski told them that they have a burn permit. I told the dispatcher that you don't need a burn permit to burn in Genoa Township. She said she would have the supervisor that came to the house call me back and explain. No call occurred.

Mr. Okopski's approved use variance states that he is to follow all GAAMPS. Per Kristen Esch, he was told he could not burn the chicken manure nor could he spread it anywhere others than where he intended to grow vegetation. Kristen Esch also recommended soil testing to be done on the soil where his garden is.

I have attached pictures of the document from Kristen Esch that was sent to Genoa Township stating how MDARD disposed of chicken bedding/manure. I have also attached the photo's of the Okopski's burning the bedding/manure.

I look forward to hearing back from you regarding this direct violation of the GAAMP's and the USE VARIANCE that the Genoa Township ZBA approved on October 18, 2016.



