

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
SEPTEMBER 19, 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. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for a side yard variance to construct a new single family home.
2. 17-23 ... A request by Lori D. Cook, 4358 Skusa Drive, for a front and waterfront yard variance to construct a new single family home.
3. 17-24 ... A request by Carol and Brian Morgan, 1054 Sunrise Park, for a rear yard variance to construct an attached garage and a variance to construct a deck in the front yard.
4. 17-25... A request by Tim Chouinard, 1254 Sunrise Park, for a front and rear yard variance and a wetland buffer variance to construct a new single family home.

Administrative Business:

1. Approval of minutes for the July 18, 2017 and August 15, 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

**Amy Ruthig**

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**From:** Andrew Luzod <andrew.luzod@yahoo.com>  
**Sent:** Wednesday, September 13, 2017 11:20 AM  
**To:** Amy Ruthig  
**Subject:** 4798 Narrow Trail

We would like to table our zoning request to the October 17 meeting due to some changes we are making to the site plan.

Please confirm our request.

Thank you!

Sent from Yahoo Mail for iPhone



**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

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

Case # 17-203 Meeting Date: 9/19/17 @ 6:30

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: LORI D. COOK

Property Address: 4358 SKUSA DR. Phone: 810-220-0580

Present Zoning: LRR Tax Code: 4711-27-103-011 (HSE ON 4358)  
4711-27-103-010 (VACANT)

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: GARAGE OUTSIDE OF SETBACKS, YET APPROX 9' FURTHER BACK FROM ROAD THAN NEXT DOOR NEIGHBOR @ 4350 SKUSA.
- 2. Intended property modifications: BUILD NEW HOUSE

a. Unusual topography/shape of land (explain): N/A

b. Other (explain): N/A

**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: 9/22/17 Signature: Lori Cook

**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.**

August 24, 2017

GENOA CHARTER TOWNSHIP  
2911 Dorr Road  
Brighton, Michigan 48116

RE: Application for Variance at 4358 Skusa Drive, Brighton, MI 48116

Dear Sir or Madam:

Attached is my application package on the above property. Attachments include the following for your review.

- 1) Completed Variance Application
- 2) One (1) 24 x 36 site plot plan showing all required information
- 3) Copy of most recent proposed residential floor plan (1/8" scale)
- 4) Copy of most recent proposed 3D road and lakeside elevations
- 5) Copy of "Supervisor's Plat of Conrad's Subdivision, showing the three lots proposed residence will be built on, highlighted
- 6) Check for \$125.00 for Variance Fee

The property lines and home has been staked and I am hoping to get on the agenda for the ZBA Meeting Schedule to be held September 19, 2017 @ 6:30 pm, which I do plan to attend.

Thank you for your time and consideration. Should you need to contact me, please send email to "[loridcook@mac.com](mailto:loridcook@mac.com)" or call my cell at 810-623-4142 or my home at 810-220-0580.

Best Regards,



Lori Daymon Cook



## Amy Ruthig

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**From:** Lori Cook <loridcook@mac.com>  
**Sent:** Thursday, August 24, 2017 8:47 PM  
**To:** Amy Ruthig  
**Cc:** Hallett Todd; Mike Latimer; Cook Lori Daymon  
**Subject:** 4358 Skusa Drive, Brighton, MI 48116 - Variance application

Hi Amy,

It was nice to see you today. I apologize for my ignorance of the rules/requirements. The process makes sense and is good for all.

Luckily, my architect Todd Hallett of TK Design is familiar with the rules and he gave me the following explanation for requesting the variance.

- (a) Practical Difficulty/Substantial Justice - Strict compliance with the front yard setback would prevent applicant from constructing garage and/or screened porch. Granting the requested variance would do substantial justice to the applicant as well as to the other property owners in the district.
- (b) Extraordinary Circumstances - The exceptional or extraordinary condition of the property is the topography of the lot.
- (c) Public Safety and Welfare - The granting of this 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 of 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.

I hope this is sufficient. Please let me know at your earliest convenience if there is anything else needed to submit, as tomorrow is the deadline for the September meeting.

Thank you for your consideration,

Lori Daymon Cook



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** September 12, 2017  
**RE:** ZBA 17-23

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### STAFF REPORT

**File Number:** ZBA# 17-23

**Site Address:** 4358 Skusa

**Parcel Number:** 4711-27-103-010, 11-27-103-011

**Parcel Size:** 11-27-103-010 - .076  
11-27-103-011 - .178

**Applicant:** Lori D. Cook

**Property Owner:** Same as applicant

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

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a front yard variance and a waterfront yard variance to construct a new home with attached garage.

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

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday September 3, 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 1935.
- See Real Estate Summary and Record Card.

The proposed project is to construct a new home with an attached garage. In order to do this the applicant would be required to obtain a front yard variance and a waterfront yard variance to construct the new home. The applicant is aware that the parcels would need to be combined before land use permit issuance.

### **Variance Requests**

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

#### **Table 3.04.01 (LRR District):**

|                                     |            |                                     |               |
|-------------------------------------|------------|-------------------------------------|---------------|
| <b>Required Front Yard Setback:</b> | <b>35'</b> | <b>Required Waterfront Setback:</b> | <b>44.60'</b> |
| <b>Proposed Front Yard Setback:</b> | <b>27'</b> | <b>Proposed Waterfront Setback:</b> | <b>41.40'</b> |
| <b>Proposed Variance Request:</b>   | <b>8'</b>  | <b>Proposed Variance Request:</b>   | <b>3.20'</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 and waterfront yard variance would prevent the applicant from constructing the proposed home with an attached garage. Approval would offer substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the topography and shallow lot depth of the property. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of these variances 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 variances 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 addition shall be guttered with downspouts directing runoff to the lake.



SKUSA



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

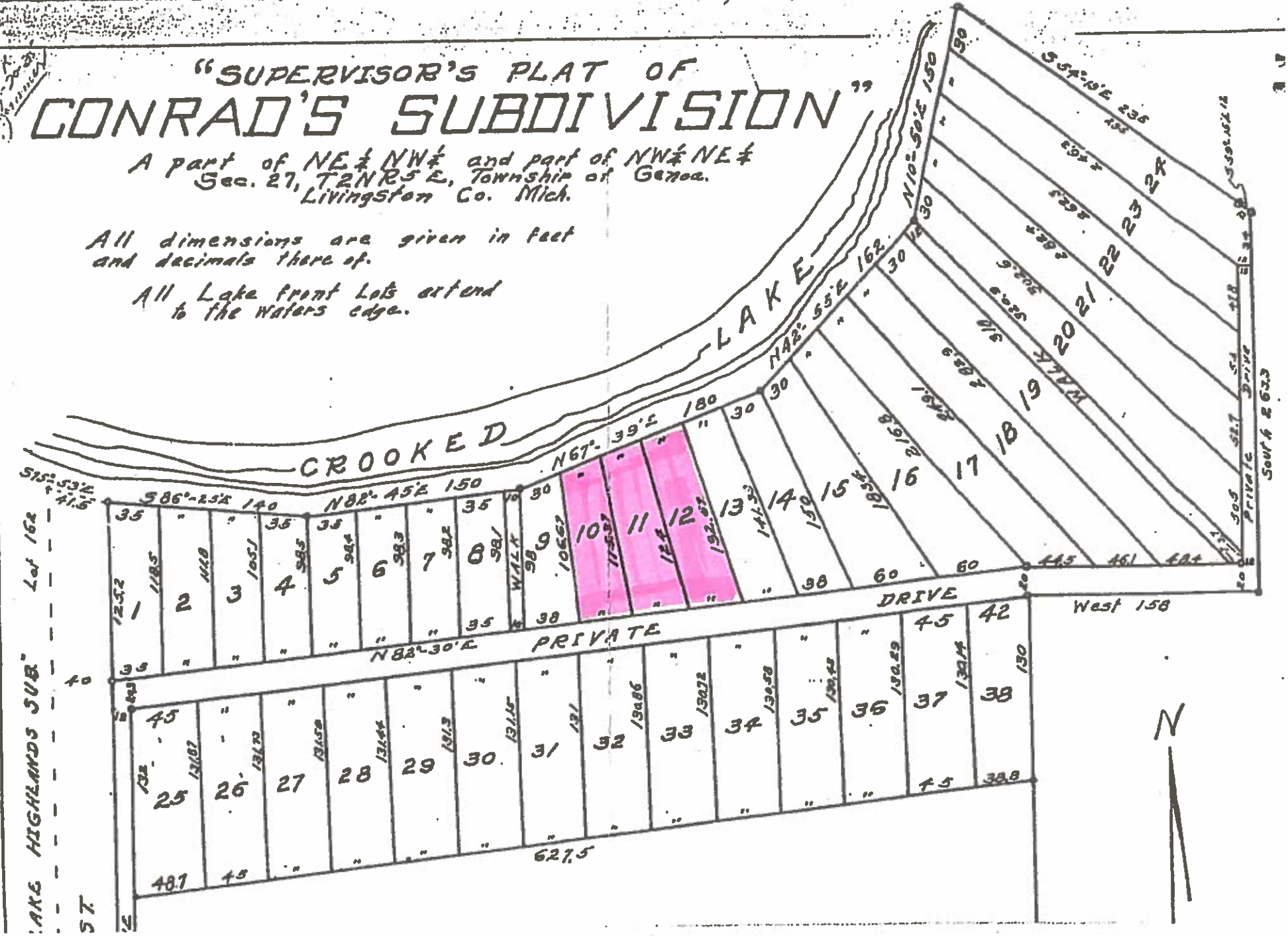


# "SUPERVISOR'S PLAT OF CONRAD'S SUBDIVISION"

A part of NE 1/4 NW 1/4 and part of NW 1/4 NE 1/4  
 Sec. 27, T2N R5 E, Township of Genoa,  
 Livingston Co. Mich.

All dimensions are given in feet  
 and decimals thereof.

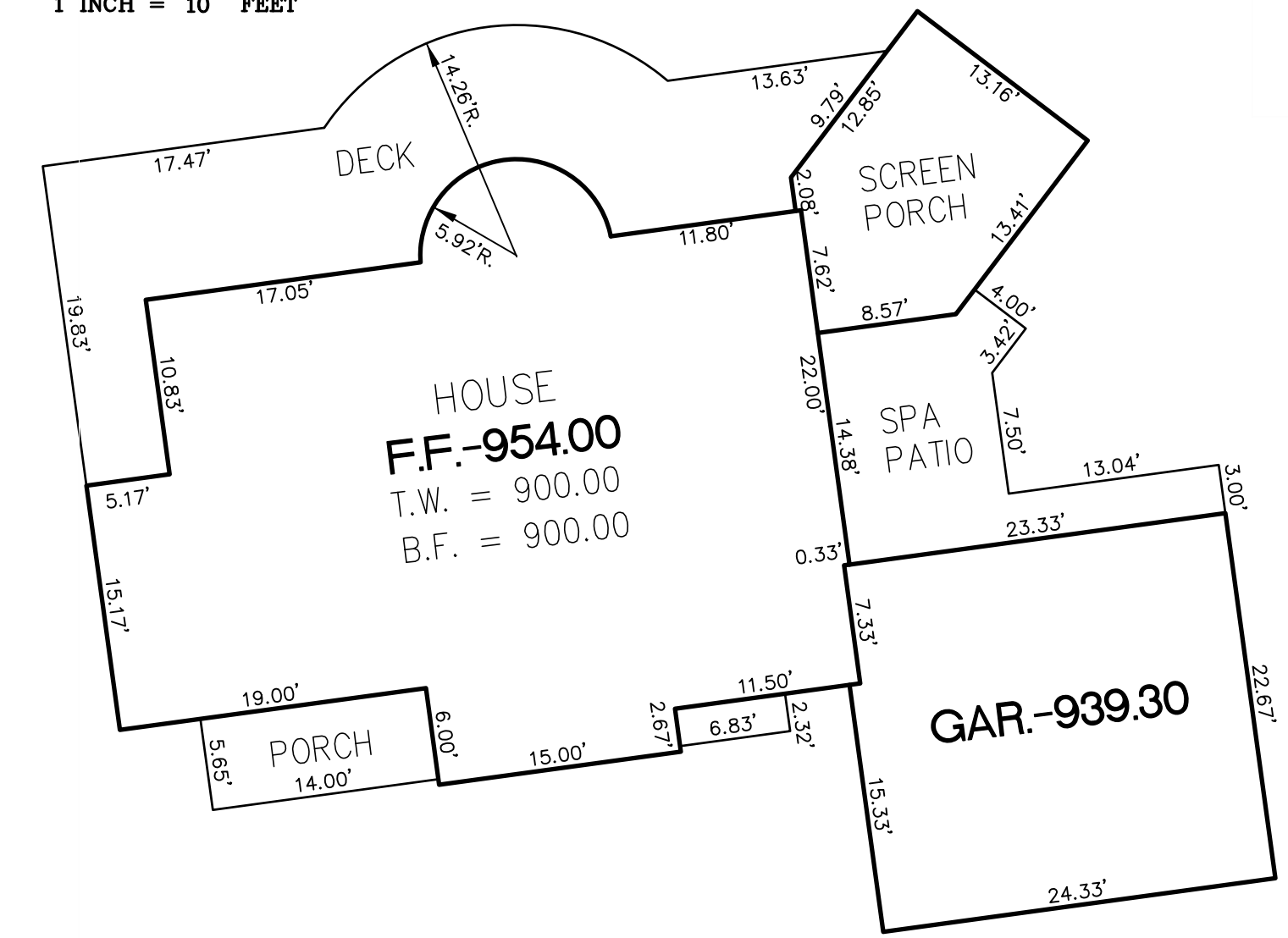
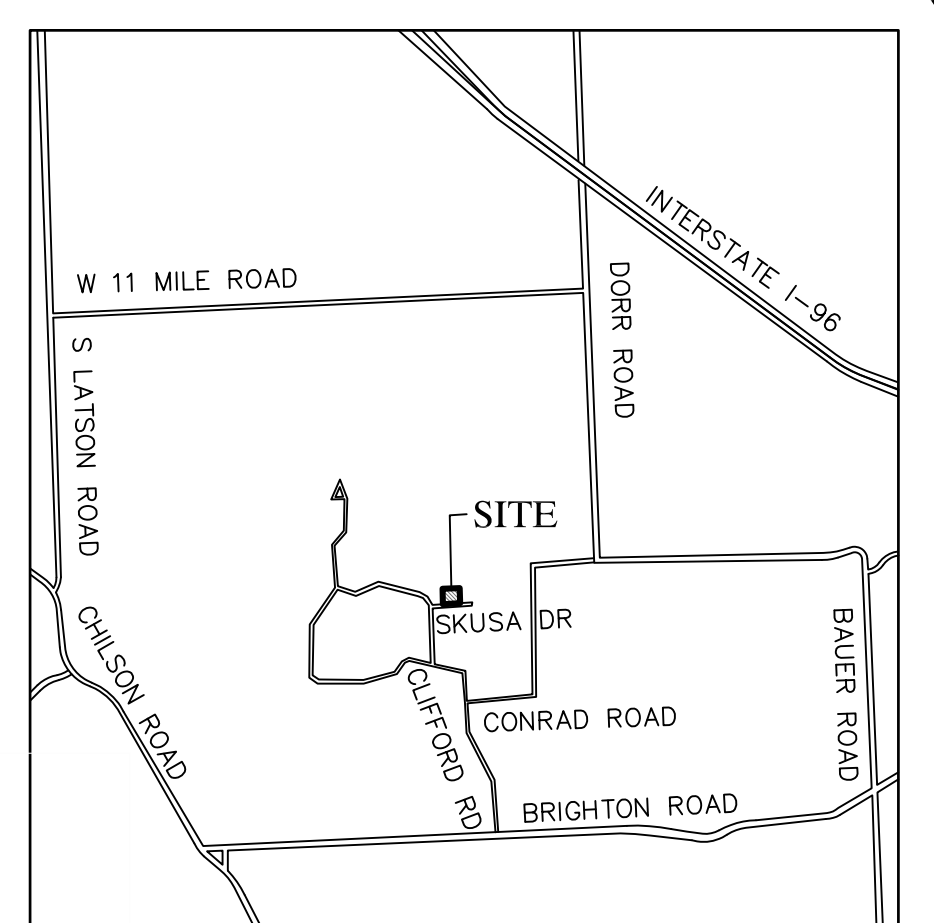
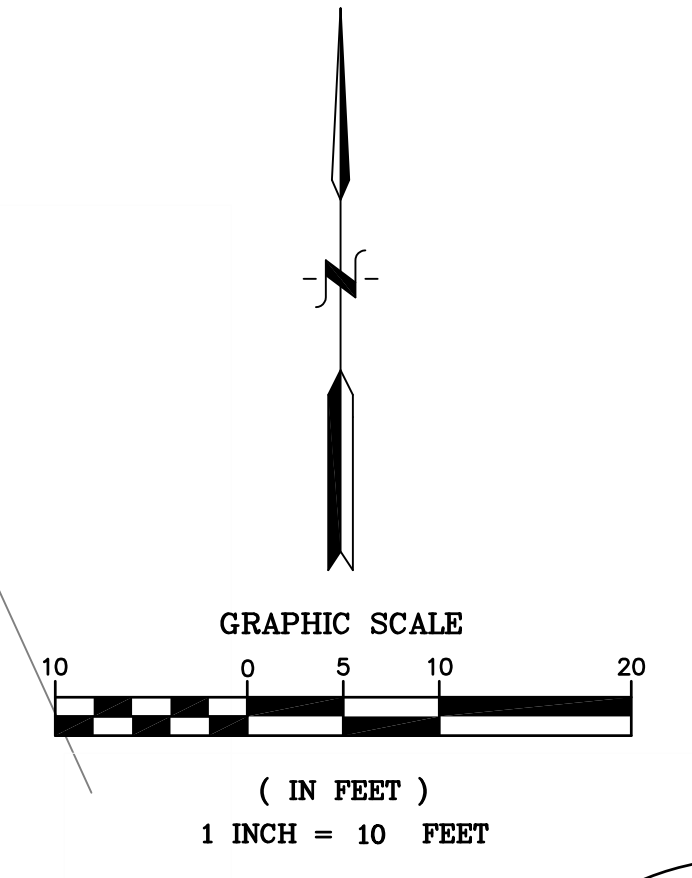
All Lake front Lots extend  
 to the Waters edge.





NOTE:  
HOUSE AT 4374 SKUSA DRIVE  
MEASURES 33.8' FROM WATER'S EDGE

HOUSE AT 4382 SKUSA DRIVE  
MEASURES 34.5' FROM WATER'S EDGE



HOUSE DETAIL  
SCALE: 1in. = 10ft.

**BENCHMARK**  
DATUM BASED ON NGS OPUS SOLUTION  
REPORT DATED AUGUST 28, 2015 AT  
12:18 PM.

BENCHMARK:  
SPIKE IN THE NORTH SIDE OF AN  
UTILITY POLE, LOCATED NEAR THE  
SOUTHWEST CORNER OF LOT 10 OF  
"CONRAD'S SUBN."  
ELEVATION = 954.53 (NAVD 88)  
REF: POINT #15

- TREE SCHEDULE**
- 1 48" OAK
  - 2 12" PINE
  - 3 36" MAPLE
  - 4 36" MAPLE
  - 5 ~~8" PINE~~ REMOVE
  - 6 ~~32" HICKORY~~ REMOVE
  - 7 28" OAK
  - 8 ~~28" HICKORY~~ REMOVE
  - 9 28" HICKORY

**LEGAL DESCRIPTION**

Reference: Tax Roll August 2015

Lots 10, 11 and 12 of "Conrad's Subdivision," a Subdivision of part of the Northeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 of the Northeast 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 3 of Plats, Page 46, Livingston County Records. Containing \_\_\_ acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

Tax ID: 4711-27-103-010 (Lot 10)  
Also known as: Vacant Land  
Tax ID: 4711-27-103-011 (Lots 11 & 12)  
Also known as: 4358 Skusa Drive, Brighton, MI 48116

Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the described above parcel.

- LEGEND**
- = MISC. STRUCTURE (AS LABELED)
  - = SURVEYOR'S MONUMENTATION (AS LABELED)
  - = WELL / MONITOR WELL
  - = BOLLARD
  - = SIGN
  - = FLAG POLE
  - = SOL. BORING / BENCHMARK W/IDENTIFIER
  - = LIGHT BASE
  - = STREET LIGHT
  - = OVERHEAD TRAFFIC SIGNAL
  - = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX)
  - = AIR CONDITIONER UNIT
  - = UTILITY MANHOLE (AS LABELED)
  - = UTILITY POLE W/GUY WIRE
  - = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
  - = U/G UTILITY LINES (ELECTRIC/PHONE/CABLE)
  - = DECIDUOUS TREE W/IDENTIFIER
  - = CONIFEROUS TREE W/IDENTIFIER
  - = FENCE (CHAIN LINK UNLESS OTHERWISE STATED)
  - = EDGE OF GRAVEL
  - = EDGE OF WATER
  - = SANITARY SEWER MANHOLE W/IDENTIFIER
  - = SANITARY SEWER PIPE
  - = CLEAN OUT
  - = STORM WATER MANHOLE W/IDENTIFIER
  - = CATCH BASIN W/IDENTIFIER
  - = CONTROL STRUCTURE
  - = FLARED END SECTION
  - = STORM WATER DRAINAGE PIPE
  - = HYDRANT
  - = WATER SHUT OFF
  - = WATER VALVE
  - = WATER VALVE BOX
  - = WATER MAIN
  - = GAS/GASOLINE COVER
  - = GAS SHUT OFF
  - = U/G GAS
  - = SPOT ELEVATION
  - = 1' CONTOUR
  - = 5' CONTOUR
  - = FLOOD PLAN CONTOUR

**811**  
Know what's below.  
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(TOLL FREE)  
OR VISIT CALL811.COM

**DESIGN INC.**  
(810) 227-9533  
CIVIL ENGINEERS  
LAND SURVEYORS  
2183 PLESS DRIVE  
BRIGHTON, MICHIGAN 48114

| DESIGN:SES               | REVISION # | DATE    | REVISION-DESCRIPTION                                  | REVISION # | DATE | REVISION-DESCRIPTION |
|--------------------------|------------|---------|---|------------|------|----------------------|
| DRAFT: SES<br>CHECK: JMB | 1          | 10-7-16 | REVISED HOUSE PER CLIENT                              |            |      |                      |
|                          | 2          | 8-16-17 | REVISED HOUSE PER CLIENT                              |            |      |                      |
|                          | 3          | 8-25-17 | ADDED DIMENSIONS TO EDGE OF WATER FOR ADJACENT HOUSES |            |      |                      |

**PLOT PLAN**

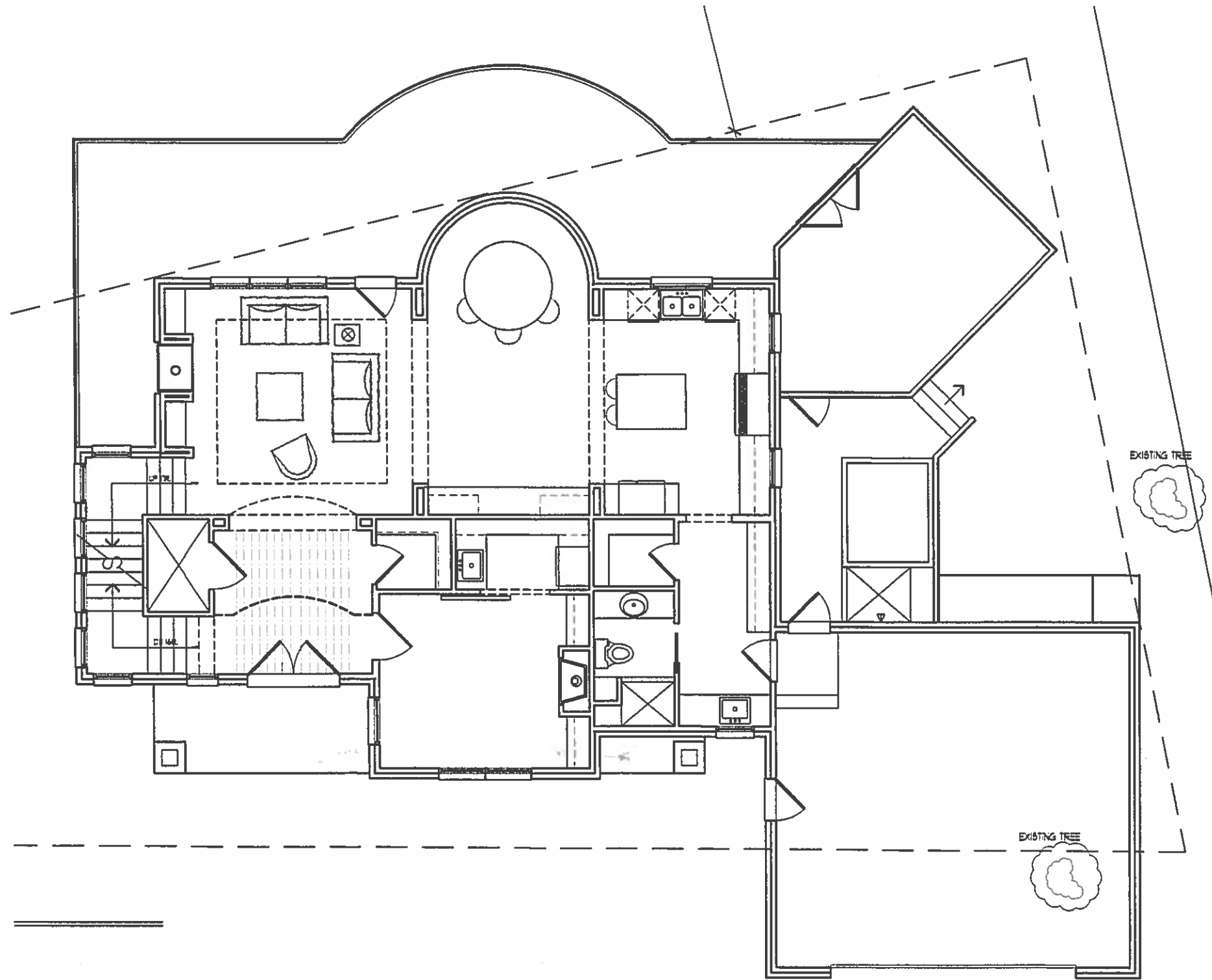
4358 SKUSA DRIVE  
BRIGHTON, MI 48116

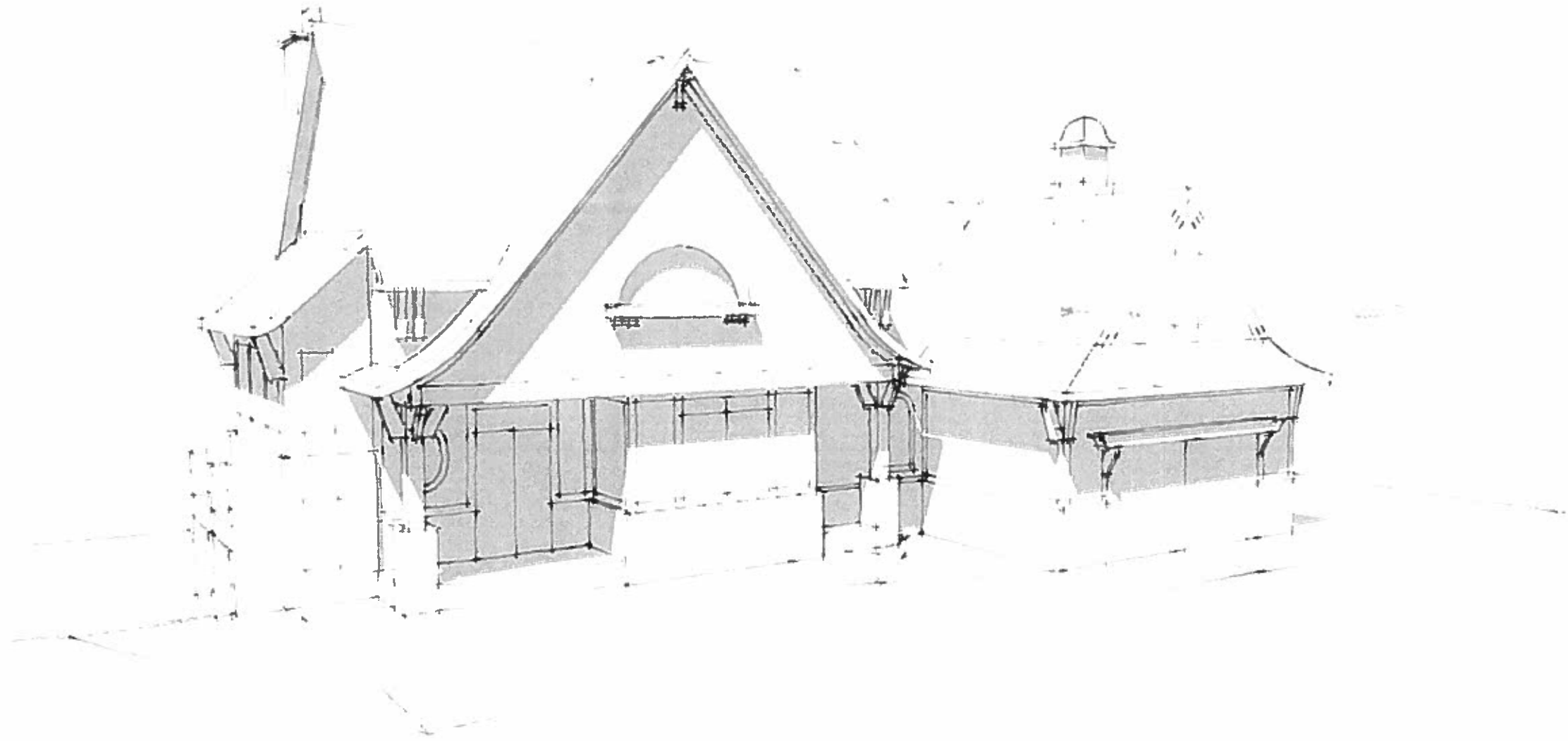
CLIENT:  
LORI COOK

3588 SKUSA DRIVE  
BRIGHTON, MI 48166  
810.220.0580

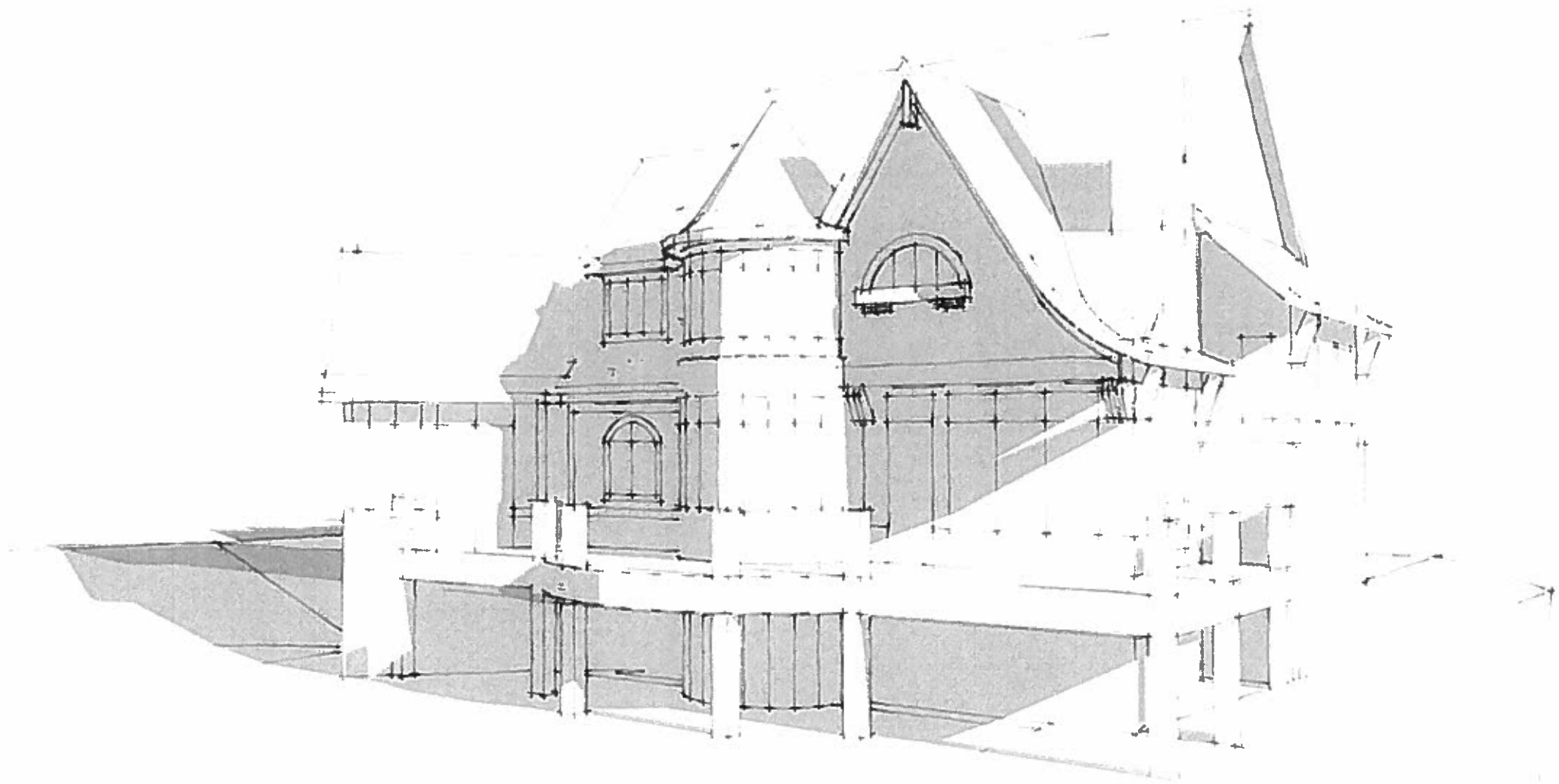
SCALE: 1 IN = 10 FT  
PROJECT No.: 152694  
DWG NAME: 2894 PP  
ISSUED: AUG. 25, 2017


**PP**









| Grantor   | Grantee                   | Sale Price                | Sale Date  | Inst. Type   | Terms of Sale      | Liber & Page   | Verified By    | Prcnt. Trans.   |                |               |
|---|---------------------------|---------------------------|------------|--|--------------------|----------------|----------------|-----------------|----------------|---------------|
| COOK LORI   | COOK LORI REVOCABLE TRUST | 0                         | 01/10/2007 | QC   | INVALID SALE       | 2007R-008702   | BUYER          | 0.0             |                |               |
| COOK, JOHN C.   | COOK LORI                 | 0                         | 09/01/2006 | QC   | INVALID SALE       | 2006R-018476   | BUYER          | 0.0             |                |               |
| COOK, JOHN C.   | COOK                      | 0                         | 02/01/1997 | QC   | QUIT CLAIM         | 2153-0121      | BUYER          | 0.0             |                |               |
| HIGHT, CARL & PATRICIA  |                           | 215,000                   | 11/11/1996 | WD   | ARMS-LENGTH        | 2112-0886      | BUYER          | 100.0           |                |               |
| Property Address  |                           | Class: 401 RESIDENTIAL-IM |            | Zoning: LRR  | Building Permit(s) |                | Date           | Number          | Status         |               |
| 4358 SKUSA  |                           | School: BRIGHTON          |            |  |                    |                |                |                 |                |               |
| Owner's Name/Address  |                           | P.R.E. 0%                 |            |  |                    |                |                |                 |                |               |
| COOK LORI REVOCABLE TRUST<br>#7 OAK POINT LANDING<br>HILTON HEAD ISLAND SC 29928                            |                           | MAP #: V17-23             |            |  |                    |                |                |                 |                |               |
| Tax Description   |                           | 2018 Est TCV Tentative    |            | Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT         |                    |                |                |                 |                |               |
| SEC. 27 T2N, R5E, SUPERVISOR'S PLAT OF<br>CONRAD'S SUBDIVISION LOTS 11 & 12                                 |                           | X                         | Improved   | Vacant   | * Factors *        |                |                |                 |                |               |
| Comments/Influences   |                           | Public Improvements       |            | Description Frontage Depth Front Depth Rate %Adj. Reason Value         |                    |                |                |                 |                |               |
|                           |                           | Dirt Road                 |            | A LAKE FRONT 50.00 129.00 1.0000 1.0000 3000 100 150,000               |                    |                |                |                 |                |               |
|   |                           | Gravel Road               |            | B EXC W CR LK 10.00 129.00 1.0000 1.0000 1500 100 15,000               |                    |                |                |                 |                |               |
|   |                           | Paved Road                |            | 60 Actual Front Feet, 0.18 Total Acres Total Est. Land Value = 165,000 |                    |                |                |                 |                |               |
|   |                           | 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               |            |  |                    |                |                |                 |                |               |
|   |                           | X                         | REFUSE     | Year   | Land Value         | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |
| The Equalizer. Copyright (c) 1999 - 2009.<br>Licensed To: Township of Genoa, County of Livingston, Michigan |                           | Who                       | When       | What   | 2018               | Tentative      | Tentative      | Tentative       |                | Tentative     |
|   |                           | CG                        | 07/06/2016 | REVIEWED R   | 2017               | 80,500         | 43,600         | 124,100         |                | 81,847C       |
|   |                           |                           |            |  | 2016               | 59,300         | 41,400         | 100,700         |                | 81,117C       |
|   |                           |                           |            |  | 2015               | 56,700         | 40,400         | 97,100          |                | 80,875C       |

\*\*\* 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<br>Mobile Home<br>Town Home<br>Duplex<br>A-Frame  |  | Eavestrough<br>Insulation<br>0 Front Overhang<br>0 Other Overhang | X  | Gas<br>Wood         |     | Oil<br>Coal  |  | Elec.<br>Steam |  | Appliance Allow.<br>Cook Top<br>Dishwasher<br>Garbage Disposal<br>Bath Heater<br>Vent Fan<br>Hot Tub<br>Unvented Hood<br>Vented Hood<br>Intercom<br>Jacuzzi Tub<br>Jacuzzi repl.Tub<br>Oven<br>Microwave<br>Standard Range<br>Self Clean Range<br>Sauna<br>Trash Compactor<br>Central Vacuum<br>Security System |  | Interior 1 Story<br>Interior 2 Story<br>2nd/Same Stack<br>Two Sided | 1 | Exterior 1 Story<br>Exterior 2 Story<br>Prefab 1 Story<br>Prefab 2 Story<br>Heat Circulator<br>Raised Hearth<br>Wood Stove<br>Direct-Vented Gas | Area<br>192<br>380 | Type<br>WPP<br>Treated Wood | Year Built:<br>Car Capacity:<br>Class:<br>Exterior:<br>Brick Ven.:<br>Stone Ven.:<br>Common Wall:<br>Foundation:<br>Finished ?:<br>Auto. Doors:<br>Mech. Doors:<br>Area:<br>% Good:<br>Storage Area:<br>No Conc. Floor: |
| X                    | Wood Frame  |  | Drywall<br>Paneled  |  | Plaster<br>Wood T&G |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
| Building Style:<br>C |   | Trim & Decoration  |   | Central Air<br>Wood Furnace  |                     |     | (12) Electric  |  |                | Stories Exterior Foundation  |   |  | Rate Bsmnt-Adj Heat-Adj   |   |   | Size Cost          |                             |   |
| Yr Built<br>1935     | Remodeled<br>0  | Ex   | X   | Ord  |                     | Min | No./Qual. of Fixtures  |  |                | 1 Story Siding   |   |  | 68.52 0.00 0.00   |   |   | 908 62,216         |                             |   |
| Condition: Good      |   | Size of Closets  |   | 0 Amps Service   |                     |     | No. of Elec. Outlets   |  |                | Other Additions/Adjustments  |   |  | Rate  |   |   | Size Cost          |                             |   |
| Room List            |   | (5) Floors   |   | Kitchen:<br>Other:<br>Other:   |                     |     | Many   |  |                | (14) Water/Sewer   |   |  | 1162.00   |   |   | 1 1,162            |                             |   |
|                      | Basement<br>1st Floor<br>2nd Floor<br>2 Bedrooms  | Kitchen:<br>Other:<br>Other:   |   | Basement: 908 S.F.<br>Crawl: 0 S.F.<br>Slab: 0 S.F.<br>Height to Joists: 0.0         |                     |     | Average Fixture(s)<br>1 3 Fixture Bath<br>2 Fixture Bath<br>Softener, Auto<br>Softener, Manual<br>Solar Water Heat<br>No Plumbing<br>Extra Toilet<br>Extra Sink<br>Separate Shower<br>Ceramic Tile Floor<br>Ceramic Tile Wains<br>Ceramic Tub Alcove<br>Vent Fan |  |                | (15) Built-Ins & Fireplaces  |   |  | 4975.00   |   |   | 1 4,975            |                             |   |
| (1) Exterior         |   | (7) Excavation   |   | (8) Basement   |                     |     | (13) Plumbing  |  |                | (16) Porches   |   |  | 10.86   |   |   | 192 2,085          |                             |   |
| X                    | Wood/Shingle<br>Aluminum/Vinyl<br>Brick   | Basement: 908 S.F.<br>Crawl: 0 S.F.<br>Slab: 0 S.F.<br>Height to Joists: 0.0 |   | (9) Basement Finish  |                     |     | (14) Water/Sewer   |  |                | (16) Deck/Balcony  |   |  | 6.47  |   |   | 380 2,459          |                             |   |
|                      | Insulation  | Recreation SF<br>Living SF<br>Walkout Doors<br>No Floor SF                   |   | (10) Floor Support   |                     |     | Public Water<br>1 Public Sewer<br>1 Water Well<br>1000 Gal Septic<br>2000 Gal Septic   |  |                | (16) Deck/Balcony<br>Treated Wood,Standard   |   |  | 6.47  |   |   | 380 2,459          |                             |   |
| (2) Windows          |   | Conc. Block<br>Poured Conc.<br>Stone<br>Treated Wood<br>Concrete Floor       |   | Joists:<br>Unsupported Len:<br>Cntr.Sup:   |                     |     | Lump Sum Items:  |  |                | Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0,<br>ECF (4306 TRI LAKES LAKE FRONT) |   |  | Depr.Cost =<br>1.700 => TCV of Bldg: 1 =                            |   |   | 52,166<br>88,683   |                             |   |
| X                    | Many<br>Avg.<br>Few   | X  | Large<br>Avg.<br>Small  | Public Water<br>1 Public Sewer<br>1 Water Well<br>1000 Gal Septic<br>2000 Gal Septic |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
|                      | Wood Sash<br>Metal Sash<br>Vinyl Sash<br>Double Hung<br>Horiz. Slide<br>Casement<br>Double Glass<br>Patio Doors<br>Storms & Screens |  |   |  |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
| (3) Roof             |   |  |   |  |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
| X                    | Gable<br>Hip<br>Flat  |  | Gambrel<br>Mansard<br>Shed  |  |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
| X                    | Asphalt Shingle   |  |   |  |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |
| Chimney: Brick       |   |  |   |  |                     |     |  |  |                |  |   |  |   |   |   |                    |                             |   |

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

| Grantor  | Grantee                   | Sale Price                | Sale Date  | Inst. Type                             | Terms of Sale  | Liber & Page    | Verified By    | Prcnt. Trans.           |      |        |        |        |
|--|---------------------------|---------------------------|------------|--|--|-----------------|----------------|-------------------------|------|--------|--------|--------|
| COOK LORI  | COOK LORI REVOCABLE TRUST | 0                         | 01/10/2007 | QC                                     | INVALID SALE   | 2007R-008702    | BUYER          | 0.0                     |      |        |        |        |
| COOK, JOHN C.  | COOK LORI                 | 0                         | 09/01/2006 | QC                                     | INVALID SALE   | 2006R-018476    | BUYER          | 0.0                     |      |        |        |        |
| COOK, JOHN C.  | COOK                      | 0                         | 02/01/1997 | QC                                     | QUIT CLAIM   | 2153-0121       | BUYER          | 0.0                     |      |        |        |        |
| HIGHT, CARL & PATRICIA   |                           | 215,000                   | 11/11/1996 | WD                                     | ARMS-LENGTH  | 2112-0886       | BUYER          | 100.0                   |      |        |        |        |
| Property Address   |                           | Class: 402 RESIDENTIAL-VA |            | Zoning: LRR                            | Building Permit(s)   | Date            | Number         | Status                  |      |        |        |        |
| VACANT   |                           | School: BRIGHTON          |            |  |  |                 |                |                         |      |        |        |        |
|  |                           | P.R.E. 0%                 |            |  |  |                 |                |                         |      |        |        |        |
| Owner's Name/Address   |                           | MAP #: V17-23             |            |  |  |                 |                |                         |      |        |        |        |
| COOK LORI REVOCABLE TRUST<br>#7 OAK POINT LANDING<br>HILTON HEAD ISLAND SC 29928 |                           | 2018 Est TCV Tentative    |            |  |  |                 |                |                         |      |        |        |        |
|  |                           | Improved                  | X          | Vacant                                 | Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT |                 |                |                         |      |        |        |        |
| Tax Description  |                           | Public Improvements       |            | * Factors *                            |  |                 |                | Value                   |      |        |        |        |
| SEC. 27 T2N, R5E, SUPERVISOR'S PLAT OF CONRAD'S SUBDIVISION LOT 10               |                           | Dirt Road                 |            | Description                            | Frontage   | Depth           | Front          | Depth                   | Rate | %Adj.  | Reason | Value  |
| Comments/Influences  |                           | Gravel Road               |            | A LAKE FRONT                           | 30.00  | 111.00          | 1.0000         | 1.0000                  | 3000 | 100    |        | 90,000 |
|  |                           | Paved Road                |            | 30 Actual Front Feet, 0.08 Total Acres |  |                 |                | Total Est. Land Value = |      | 90,000 |        |        |
|  |                           | 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       | 45,000                                 | 0  | 45,000          |                | 23,824C                 |      |        |        |        |
|  |                           |                           | 2016       | 30,700                                 | 0  | 30,700          |                | 23,612C                 |      |        |        |        |
|  |                           |                           | 2015       | 30,700                                 | 0  | 30,700          |                | 23,542C                 |      |        |        |        |

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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 # 17-24 Meeting Date: 9-19-17

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: CAROL + BRIAN MORGAN

Property Address: 1054 SUNRISE PARK Phone: 734-660-9891

Present Zoning: LRR Tax Code: 11-09-201-150

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

1. Variance requested: rear yard variance + front yard variance

2. Intended property modifications: addition for garage + deck

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

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: 8/25/17 Signature: Carol Morgan

**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.**



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** September 12, 2017  
**RE:** ZBA 17-24

---

**File Number:** ZBA#17-24

**Site Address:** 1054 Sunrise Park Drive

**Parcel Number:** 4711-09-201-150

**Parcel Size:** 0.196

**Applicant:** Carol and Brian Morgan, 1054 Sunrise Park Drive, Howell 48843

**Property Owner:** Same as applicant

**Information Submitted:** Application, site plan, building plans

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a rear yard variance to construct an attached garage and a variance to allow a deck in the front yard.

**Zoning and Existing Use:** LRR (Lake Resort Residential), Single Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday September 3, 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 date of the home being built is 1945.
- In 2005 an addition was constructed by the previous owner.
- See Real Estate Summary and 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 applicant is requesting a rear yard variance to construct an attached garage and a variance to allow a deck in the front yard. Since publication, it has been determined that a lot coverage variance is not needed. The Zoning Ordinance does not reference decks located in the front yard. The applicant accesses their home off of the alley in the rear of house. This property is located in a platted subdivision and the alley that they use for access is not platted making Sunrise Park Drive the front yard.

## Variance Requests

The following are the various sections of the zoning ordinance that variances are being requested from:

### **Table 3.04.01: LRR District**

**Required Rear Yard Setback: 40' Proposed Rear Yard Setback: 11'3" Proposed Variance Amount: 28'9"**

### **11.04.02 Decks**

- (a) Attached or unattached uncovered decks and porches without a roof, walls or other form of enclosure shall be permitted to extend a maximum of twenty five (25) feet from the rear building line of the principal building, provided they shall be at least four (4) feet from any side lot line and ten (10) feet from any rear lot line. Covered or enclosed decks and porches with a roof or walls shall be considered to be part of the principal building for purposes of determining setbacks. One pergola or gazebo as regulated in (d) is permitted.

### **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 and deck requirements would prevent the applicant from constructing an attached garage capable of housing a vehicle and the proposed deck and would prevent them from having a deck with a lake view. Construction of the garage and deck would give the applicant substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small size of the lot, the non-conforming location of the existing home and the rear accessed lot with lake view front yard. 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 variances 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 request staff recommends the following conditions be placed on the approval.

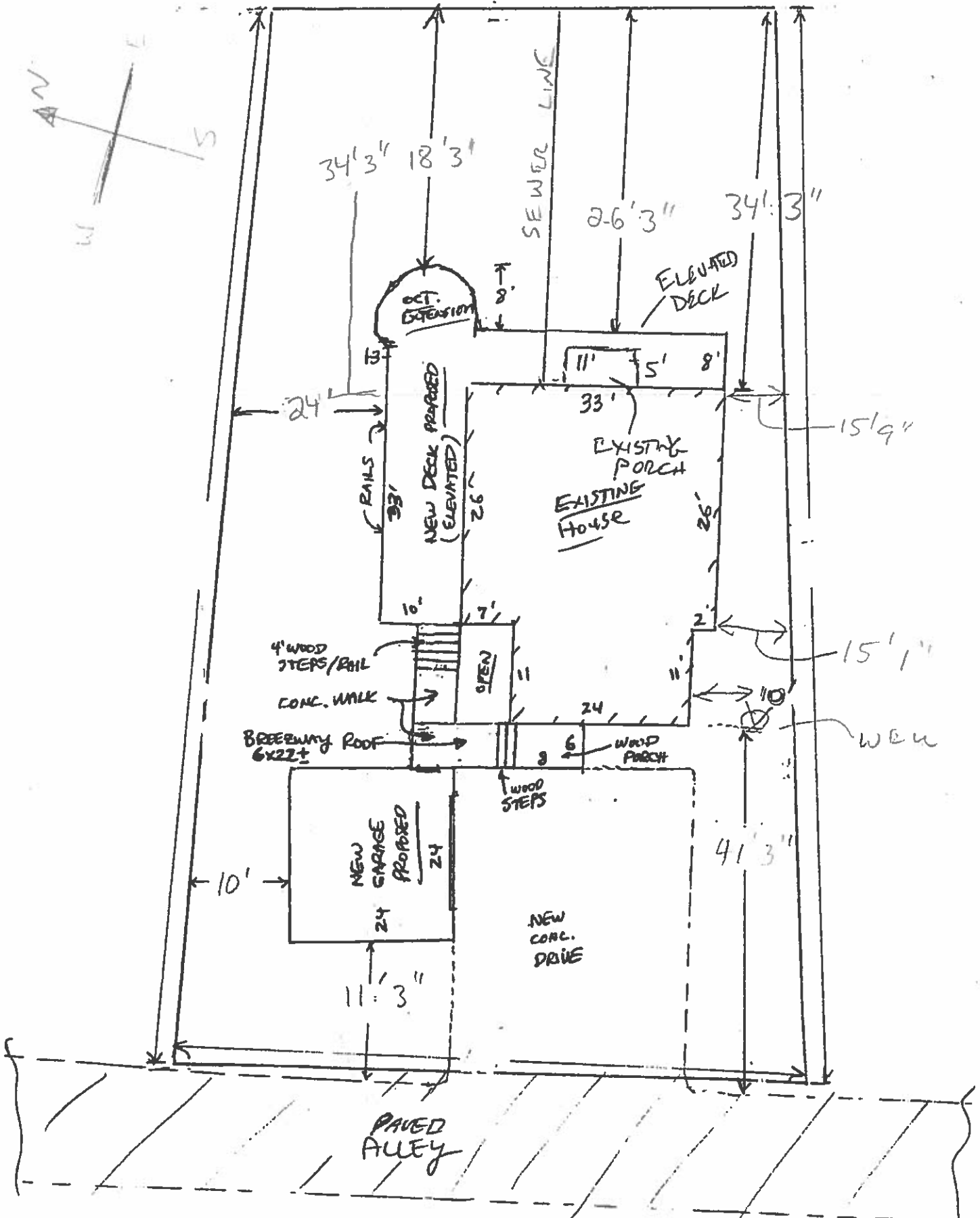
1. Drainage from the proposed structure must be maintained on the lot.
2. Structure must be guttered with downspouts.

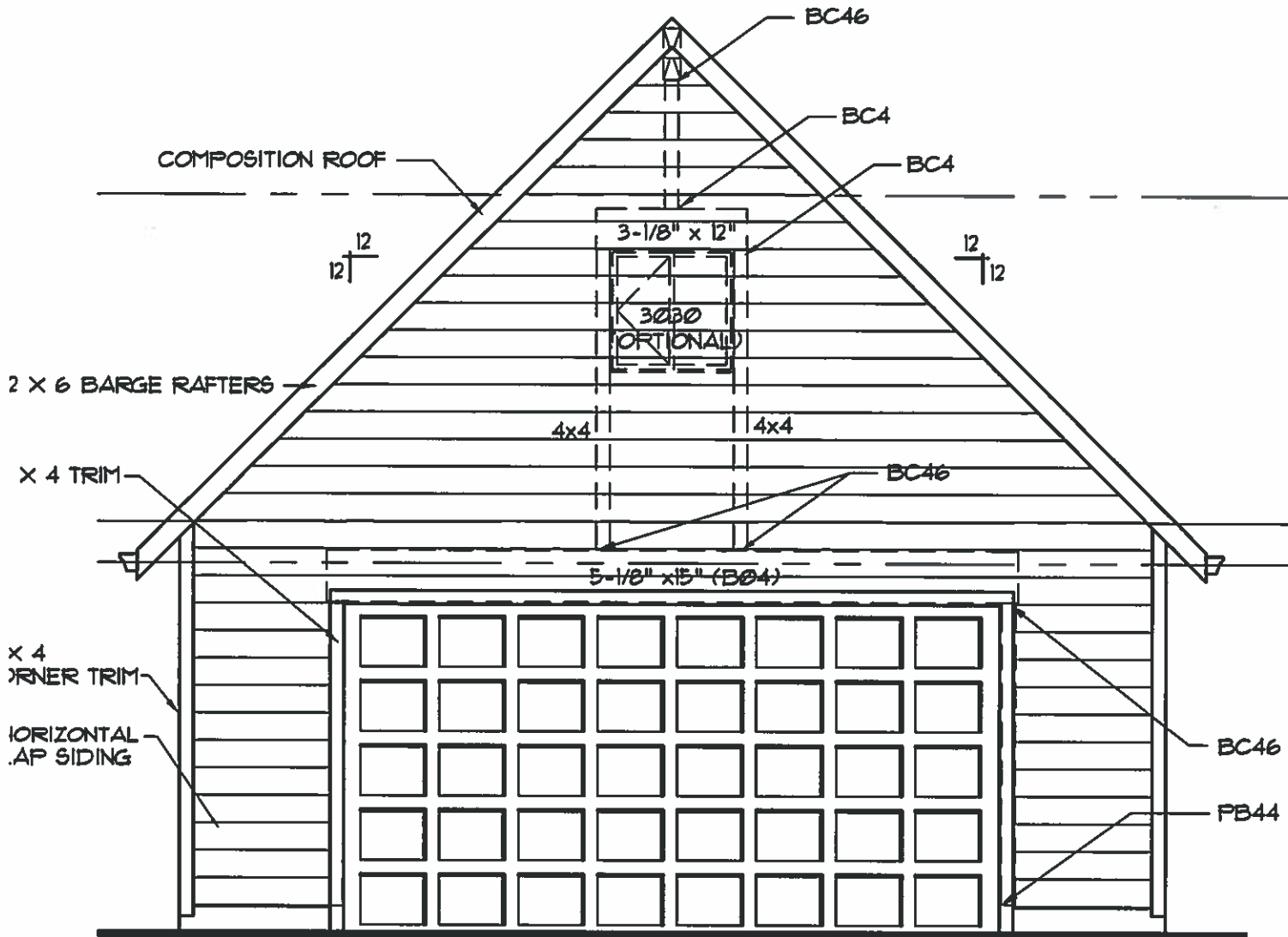


# GENOA TOWNSHIP



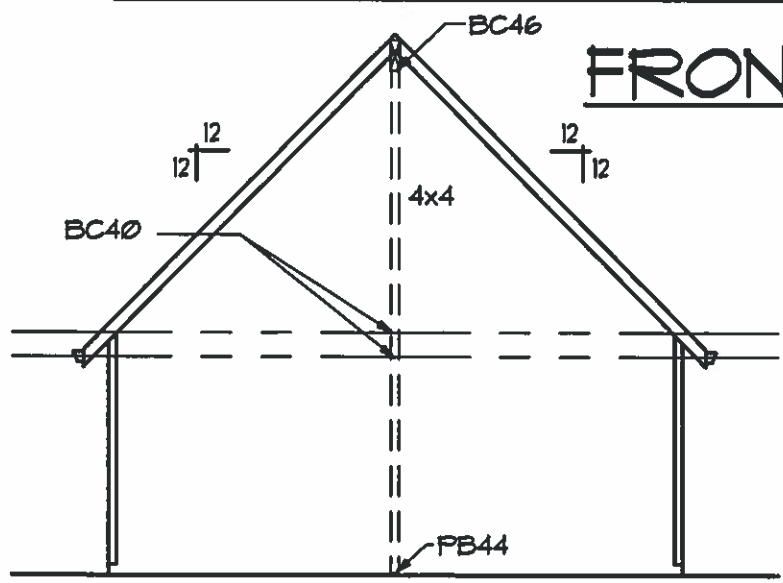
LOT PLAN 1054 SUNRISE PARK - HOWELL





# FRONT ELEVATION

1/4" = 1'-0"



# REAR ELEVATION

1/8" = 1'-0"

CAD NORTHWEST IS NOT RESPONSIBLE FOR ANY COSTS OR CHARGES DUE TO ERRORS OR OMISSIONS ON THESE PLANS. YOU ARE ENCOURAGED TO HAVE THESE PLANS EVALUATED FOR YOUR AREA BY A PROFESSIONAL ENGINEER.







NEVER STOP  
**IMPROVING.**

**DECK DESIGNER**

powered by  DIY Technologies



Lowe's Deck Design

## Design 1

Print this document and take it to the Doors and Windows desk or Commercial Sales desk at your local Lowe's store.

One of our associates will help you find the materials you need.

Your Deck Design's Project ID is:

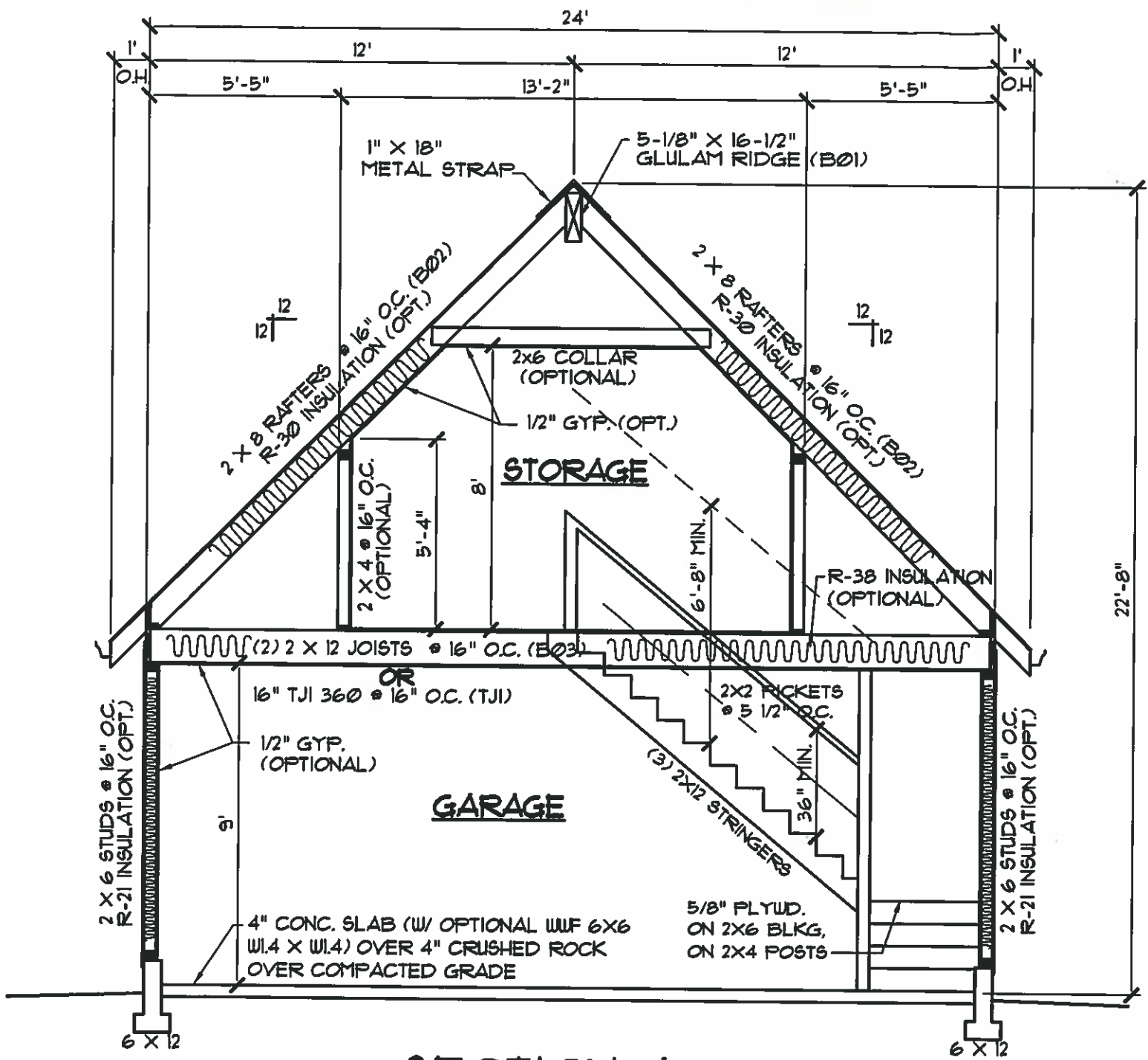
703720792

Created on Jul-03-2017

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Project ID: 703720792

Store# 0734

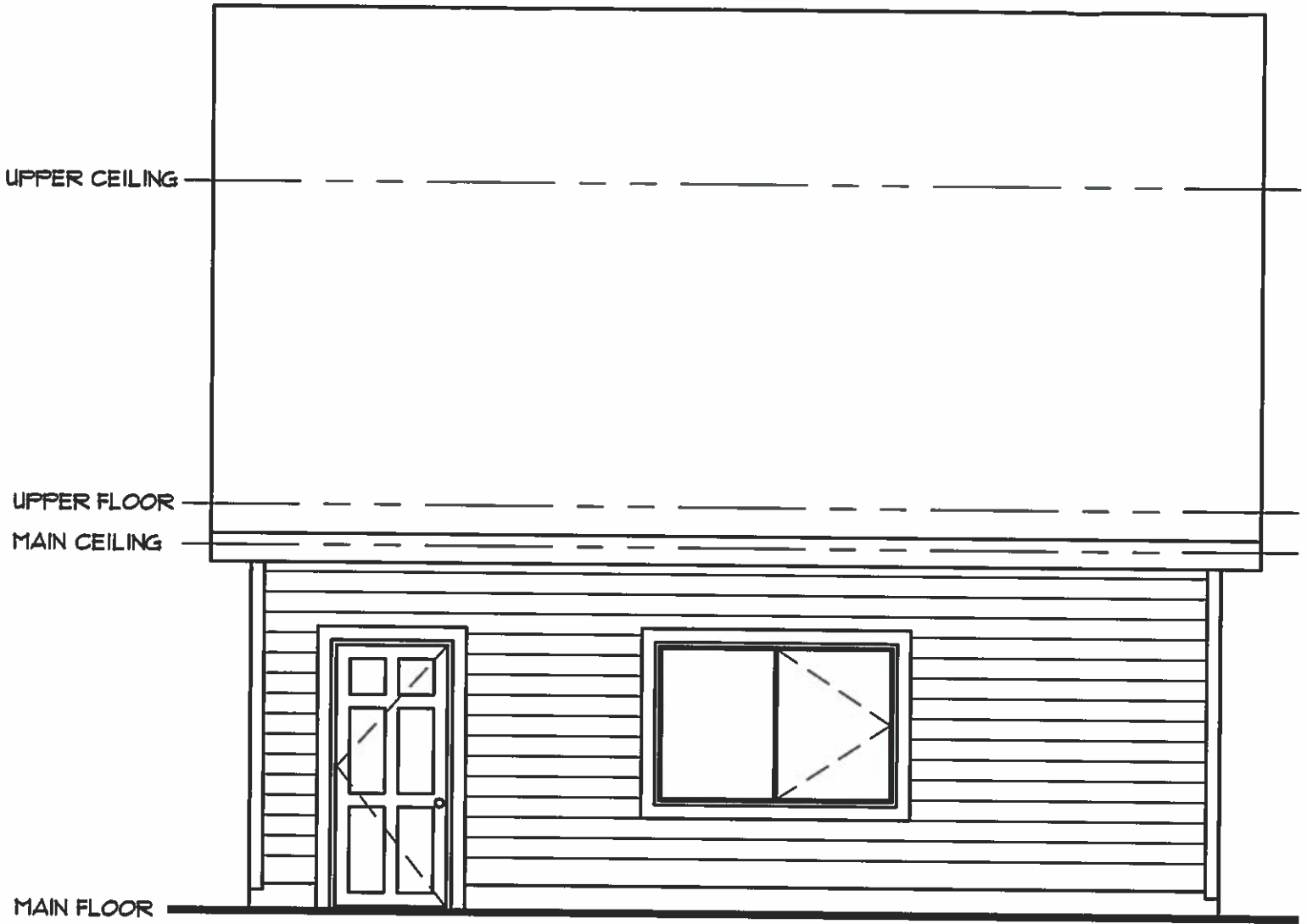


# SECTION A

**NOTE:**  
 OPTIONAL TRUSSES  
 MAY BE USED. THIS WILL  
 ELIMINATE THE GLULAM RIDGE,  
 RAFTERS, JOISTS,  
 BEAMS, POSTS, AND  
 THE GLULAM FOOTINGS.  
 TRUSS SPECIFICATIONS  
 ARE PROVIDED BY OTHERS.

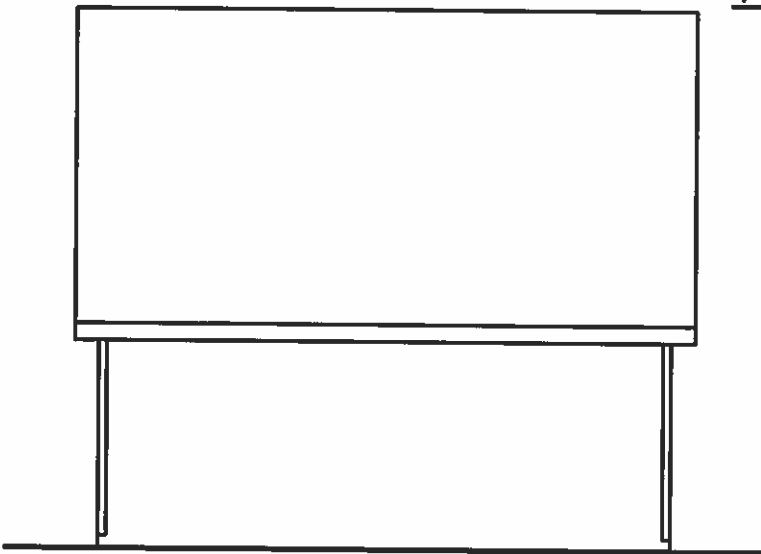
1/4" = 1'-0"  
 FRAMED ROOF (SUPPORT RIDGE OPTION)

CAD NORTHWEST IS NOT RESPONSIBLE FOR ANY COSTS OR  
 CHARGES DUE TO ERRORS OR OMISSIONS ON THESE PLANS.  
 YOU ARE ENCOURAGED TO HAVE THESE PLANS EVALUATED  
 FOR YOUR AREA BY A PROFESSIONAL ENGINEER.



# RIGHT ELEVATION

1/4" = 1'-0"



# LEFT ELEVATION

1/8" = 1'-0"

CAD NORTHWEST IS NOT RESPONSIBLE FOR ANY COSTS OR CHARGES DUE TO ERRORS OR OMISSIONS ON THESE PLANS. YOU ARE ENCOURAGED TO HAVE THESE PLANS EVALUATED FOR YOUR AREA BY A PROFESSIONAL ENGINEER.

## Amy Ruthig

---

**From:** jrhill1@aol.com  
**Sent:** Tuesday, September 12, 2017 1:07 AM  
**To:** Amy Ruthig  
**Subject:** Variance request

Hello,

Brian and Carol Morgan at 1054 Sunrise Park have applied for a variance. I am ok with this request and support completion of their projects.

John Hull  
1065 Sunrise Park

734 564 3030



## Amy Ruthig

---

**From:** Michael Suciu <uicusm@yahoo.com>  
**Sent:** Wednesday, September 06, 2017 4:29 PM  
**To:** Amy Ruthig  
**Subject:** 1054 Sunrise Park Dr

Hi Amy

I live at 1071 Sunrise Park Dr and my wife and I are very much in favor of Carol and Brian Morgan building their garage and deck which will improve the value of their home and the neighbor hood.

As Always

Michael P Suciu

| Grantor   | Grantee                    | Sale Price                | Sale Date  | Inst. Type                             | Terms of Sale | Liber & Page   | Verified By    | Prcnt. Trans.   |                |               |           |        |  |            |  |        |  |        |  |
|---|----------------------------|---------------------------|------------|--|---------------|--|----------------|-----------------|----------------|---------------|-----------|--------|--|------------|--|--------|--|--------|--|
| FEDERAL NATIONAL MORTGAGE   | MORGAN BRIAN & CAROL       | 65,250                    | 09/30/2009 | TA                                     | FORECLOSURE   | 2009R-028035   | BUYER          | 100.0           |                |               |           |        |  |            |  |        |  |        |  |
| IID, JEFFREY A. & ELIZABET  | FEDERAL NATIONAL MORTGAGE  | 197,969                   | 03/17/2009 | IV                                     | FORECLOSURE   | 2008R-027751   | BUYER          | 0.0             |                |               |           |        |  |            |  |        |  |        |  |
| WESLEY, DONALD J.   | IID, JEFFREY A. & ELIZABET | 132,000                   | 08/15/2003 | WD                                     | ARMS-LENGTH   | 4122-0452  | BUYER          | 100.0           |                |               |           |        |  |            |  |        |  |        |  |
| THIREY TRUST  | WESLEY, DONALD J.          | 40,000                    | 08/15/2003 | WD                                     | L.C.P.O.      | 4122-0451  | BUYER          | 0.0             |                |               |           |        |  |            |  |        |  |        |  |
| Property Address  |                            | Class: 401 RESIDENTIAL-IM |            | Zoning: LRR                            |               | Building Permit(s)                                     |                | Date            | Number         | Status        |           |        |  |            |  |        |  |        |  |
| 1054 SUNRISE PARK   |                            | School: HOWELL            |            | ADDITION                               |               | 05/19/2005   |                | 05-157          | NO START       |               |           |        |  |            |  |        |  |        |  |
| Owner's Name/Address  |                            | P.R.E. 100% 09/30/2009    |            | MAP #: V17-24                          |               | 2018 Est TCV Tentative                                 |                |                 |                |               |           |        |  |            |  |        |  |        |  |
| MORGAN BRIAN & CAROL<br>1054 SUNRISE PARK<br>HOWELL MI 48843      |                            | X Improved                |            | Vacant                                 |               | Land Value Estimates for Land Table 00006.SUNRISE PARK |                |                 |                |               |           |        |  |            |  |        |  |        |  |
| Tax Description   |                            | Public Improvements       |            | * Factors *                            |               |  |                |                 |                |               |           |        |  |            |  |        |  |        |  |
| SEC. 9 T2N, R5E, SUNRISE PARK S 1/2 OF LOT 138 AND ALL OF LOT 139 |                            | Dirt Road                 |            | Description                            |               | Frontage   |                | Depth           |                | Front         |           | Depth  |  | Rate %Adj. |  | Reason |  | Value  |  |
| Comments/Influences   |                            | Gravel Road               |            | C NON LF                               |               | 75.00  |                | 114.00          |                | 1.0000        |           | 1.0000 |  | 950        |  | 100    |  | 71,250 |  |
|   |                            | Paved Road                |            | 75 Actual Front Feet, 0.20 Total Acres |               | Total Est. Land Value =                                |                |                 |                |               |           |        |  |            |  |        |  | 71,250 |  |
|   |                            | 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               |            |  |               |  |                |                 |                |               |           |        |  |            |  |        |  |        |  |
|   |                            | X REFUSE                  |            | Year                                   | Land Value    | Building Value   | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |           |        |  |            |  |        |  |        |  |
|   |                            | Who                       | When       | What                                   | 2018          | Tentative  | Tentative      | Tentative       |                |               | Tentative |        |  |            |  |        |  |        |  |
|   |                            |                           |            |  | 2017          | 33,800   | 52,800         | 86,600          |                |               | 71,460C   |        |  |            |  |        |  |        |  |
|   |                            |                           |            |  | 2016          | 33,800   | 52,200         | 86,000          |                |               | 70,823C   |        |  |            |  |        |  |        |  |
|   |                            |                           |            |  | 2015          | 33,800   | 52,400         | 86,200          |                |               | 70,612C   |        |  |            |  |        |  |        |  |



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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 # 17-25

Meeting Date: Sept 9, 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: TIM CHOUINARD

Property Address: 1254 SUNRISE PARVIST Phone: 517-546-6587

Present Zoning: LR R Tax Code: 4711-09-201-175

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 YARD REAR YARD FRONT YARD

2. Intended property modifications: REMOVE EXISTING HOME BUILD NEW 1834<sup>2</sup> HOME WITH GARAGE UNDER HOME

a. Unusual topography/shape of land (explain): BECAUSE OF THE IRREGULAR SHAPE AND THE SIZE OF THE LOT THE BUILDING ENVELOPE IS TOO SMALL

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: 8-24-17 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.**



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** September 11, 2017  
**RE:** ZBA 17-25

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**File Number:** ZBA#17-25

**Site Address:** 1254 Sunrise Park Drive

**Parcel Number:** 4711-09-201-175

**Parcel Size:** 0.160 Acres

**Applicant:** Tim Chouinard, Chouinard Home Builders

**Property Owner:** Hope Family Trust, 1253 Sunrise Park Dr. Howell, MI 48843

**Information Submitted:** Application, site plan, building plans

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a front and rear yard variance and wetland setback variance to construct a new single family home.

**Zoning and Existing Use:** LRR (Lake Resort Residential), Single Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday September 3, 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 parcel has an existing single family dwelling built in 1945.
- The property utilizes public sewer and has an existing well.
- See Real Record Card.
- The detached accessory structure will remain.

**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 demolish the existing home to construct a new single family home. In order to do this the applicant will need front and rear yard variances and a wetland setback variance.

**Variance Requests**

The following are the various sections of the zoning ordinance that variances are being requested from:

**Table 3.04.01: LRR District**

|                                     |            |                                     |             |                                  |             |
|-------------------------------------|------------|-------------------------------------|-------------|----------------------------------|-------------|
| <b>Required Front Yard Setback:</b> | <b>35'</b> | <b>Proposed Front Yard Setback:</b> | <b>28'</b>  | <b>Proposed Variance Amount:</b> | <b>7'</b>   |
| <b>Required Rear Yard Setback:</b>  | <b>40'</b> | <b>Proposed Rear Yard Setback:</b>  | <b>34.5</b> | <b>Proposed Variance Amount:</b> | <b>5.5'</b> |

**13.02.04 Genoa Township Wetland Protection Standards (d)**

|                                  |            |                          |           |                                  |            |
|----------------------------------|------------|--------------------------|-----------|----------------------------------|------------|
| <b>Required Natural Setback:</b> | <b>25'</b> | <b>Proposed Setback:</b> | <b>5'</b> | <b>Proposed Variance Amount:</b> | <b>20'</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 ordinance would prevent the applicant from constructing a new home. Granting of these variances would offer substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small shallow lot size, location of the wetlands, and location of the existing detached accessory structure which will remain. The need for these variances is not self-created. The variance would make the property consistent with the surrounding area.
- (c) Public Safety and Welfare** – The granting of these variances would not have an impact on 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 variances would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Regarding 13.02.05- Wetland Setback**

- (a)** The applicant should demonstrate that the setback is not necessary to preserve the ecological and aesthetic value of the wetland. They should provide information on construction methods and what efforts will be made to protect and preserve the wetland.
- (b)** The natural drainage pattern to the wetland will not be affected due to the location of the current home and detached accessory on the lot. However the proposed location of the new home would be located closer to the wetlands.
- (c)** The variance could increase the potential for erosion during and after construction. The applicant should discuss efforts to address any erosion, which should include the utilization of silt fencing and obtaining any necessary permits from the Livingston County Drain Commissioner. They should also consider using rain gardens or bioswales to slow the rate of downspout runoff to the wetlands.
- (d)** There is no feasible or prudent alternative that exists due to the location of the wetlands on the property. If the 25 foot natural buffer is observed that lot would be unbuildable. The variance is the minimum necessary to allow the project to proceed.

### **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 structure must be maintained on the lot.
2. Structure must be guttered with downspouts.
3. No other additional structures or impervious surfaces will be allowed due to lot coverage.
4. Applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
5. Silt fencing must be utilized and soil/disturbed area impacts will be minimized along the wetland.
6. Bioswales or rain gardens shall be used to capture and slow release stormwater. A vegetative buffer shall be created and maintained adjacent to the wetland. Township staff shall review and approve wetland protection enhancement prior to issuance of a land use permit.



# GENOA TOWNSHIP





# BOUNDARY/TOPOGRAPHICAL SURVEY & PLOT PLAN

### LEGEND

- 900 — EXISTING CONTOUR
- 922.00 EXISTING SPOT ELEVATION
- P — POWER POLE
- ELECTRICAL RISER
- ⊙ ELECTRICAL METER
- ⊠ AIR CONDITIONING UNIT
- ☆ LIGHT POLE
- WELL
- MANHOLE
- ⊙ GAS METER
- ⊠ GAS VALVE
- DECIDUOUS TREE
- CAPPED 1/2" STEEL ROD SET
- STEEL ROD/PIPE FOUND
- ⊙ MONUMENT FOUND
- OH — OVERHEAD WIRES
- L. LIBER
- P. PAGE
- L.C.R. LIVINGSTON COUNTY RECORDS
- (R&M) RECORD AND MEASURED

### GENERAL SURVEY NOTES:

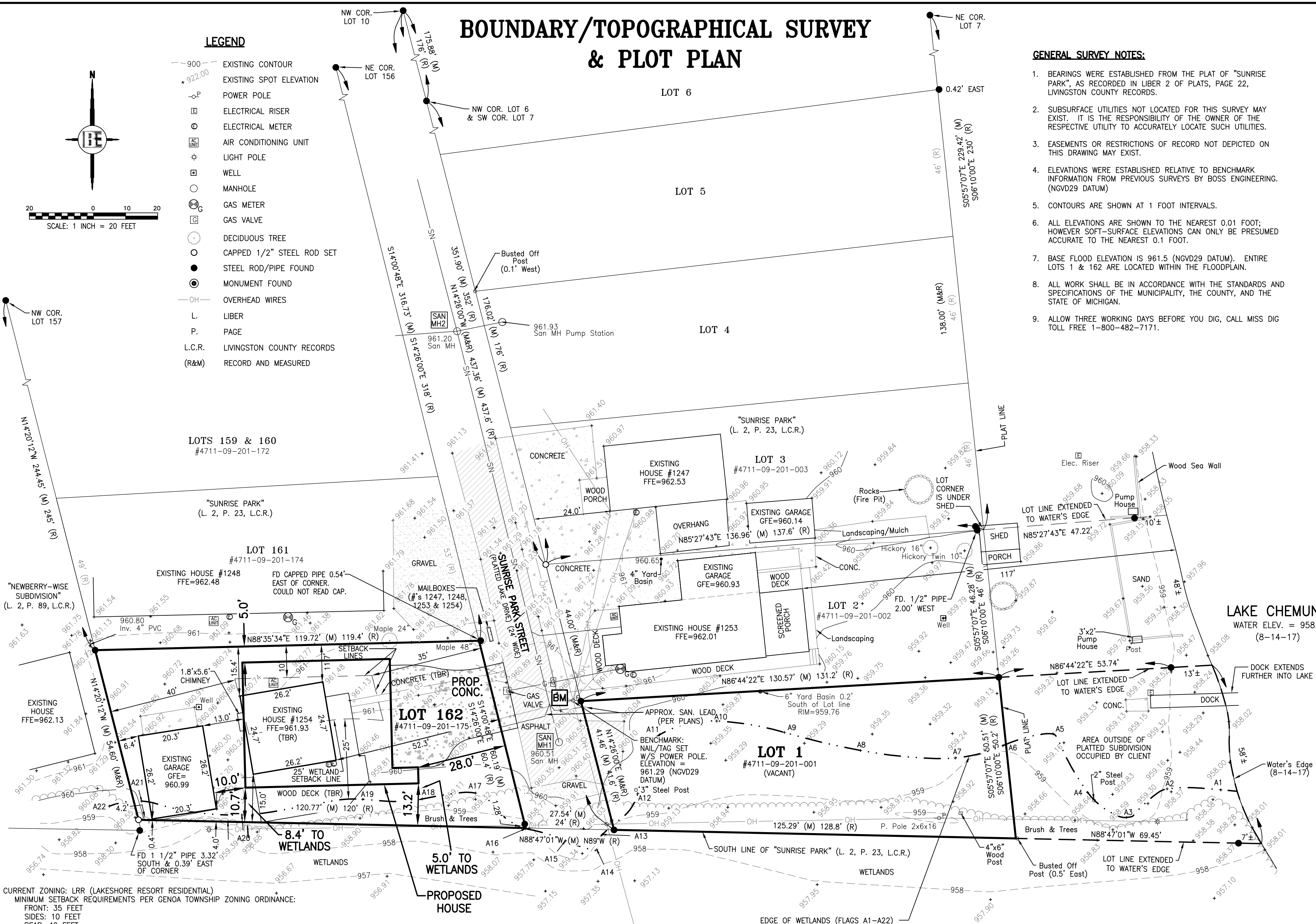
1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 22, LIVINGSTON COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
4. ELEVATIONS WERE ESTABLISHED RELATIVE TO BENCHMARK INFORMATION FROM PREVIOUS SURVEYS BY BOSS ENGINEERING. (NGVD29 DATUM)
5. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
6. ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
7. BASE FLOOD ELEVATION IS 961.5 (NGVD29 DATUM). ENTIRE LOTS 1 & 162 ARE LOCATED WITHIN THE FLOODPLAIN.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
9. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

**BOSS**  
Engineering  
Planners Landscape Architects  
Engineers Surveyors

3121 E. GRAND RIVER AVE.  
HOWELL, MI. 48843  
800.246.6735 FAX 517.548.1670

**LOTS 1 & 162 OF "SUNRISE PARK"**  
**CHOUINARD CUSTOM HOMES**  
422 E. GRAND RIVER  
HOWELL, MI 48843  
517-404-6527

**BOUNDARY/TOPOGRAPHICAL SURVEY & PLOT PLAN**



CURRENT ZONING: LRR (LAKESHORE RESORT RESIDENTIAL)  
MINIMUM SETBACK REQUIREMENTS PER GENOA TOWNSHIP ZONING ORDINANCE:  
FRONT: 35 FEET  
SIDES: 10 FEET  
REAR: 40 FEET  
NATURAL FEATURES/WETLANDS SETBACK = 25 FEET  
SHORELINE SETBACK FOR SITES CONNECTED TO PUBLIC SEWER:  
Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.  
NOTE: THE DISTANCE FROM EXISTING HOUSE #1253 (LOCATED ADJACENT TO AND NORTH OF LOT 1) TO THE WATER'S EDGE IS 117 FEET, MORE OR LESS. THERE IS NO HOUSE ON THE PARCEL ADJACENT TO AND SOUTH OF LOT 1, THEREFORE THE SHORELINE DISTANCE WAS ESTABLISHED BY USING THE DISTANCE TO THE WATER'S EDGE FROM HOUSE #1253. ESTABLISHED SHORELINE SETBACK DISTANCE = 117 FEET  
MAX. LOT COVERAGE = 35% (BUILDING); 50% (IMPERVIOUS SURFACE)  
PROPOSED LOT COVERAGE = 35% (BUILDINGS) & 50% (IMPERVIOUS SURFACE)  
AREAS USED FOR DETERMINING LOT COVERAGE:  
(LOT AREA = 6693 SQ.FT.±); (BUILDINGS = 2366 SQ.FT.±);  
(EX. CONC. = 104 SQ.FT.±); (PROP. CONC. = 870 SQ.FT.±)

**PROPOSED HOUSE DETAIL**

46.00' x 34.00' x 54.00' x 39.00' x 8.00' x 5.00'

**SANITARY SEWER STRUCTURES:**

|   |  |
|---|--|
| MANHOLE #1<br>RIM = 960.51<br>INV. N = 954.61 | MANHOLE #2<br>RIM = 961.20<br>INV. S = 954.25<br>INV. W = 954.10<br>INV. N = 954.05<br>INV. E = 954.00 |
|---|--|

**DESCRIPTION OF PROPERTY:**  
Lots 1 & 162 of "Sunrise Park", a subdivision of part of the Northeast 1/4 of Section 9 and a part of the Southeast 1/4 of Section 4, T2N-R5E, Genoa Township, Livingston County, Michigan, as recorded in Liber 2 of Plats, Page 23, Livingston County Records.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

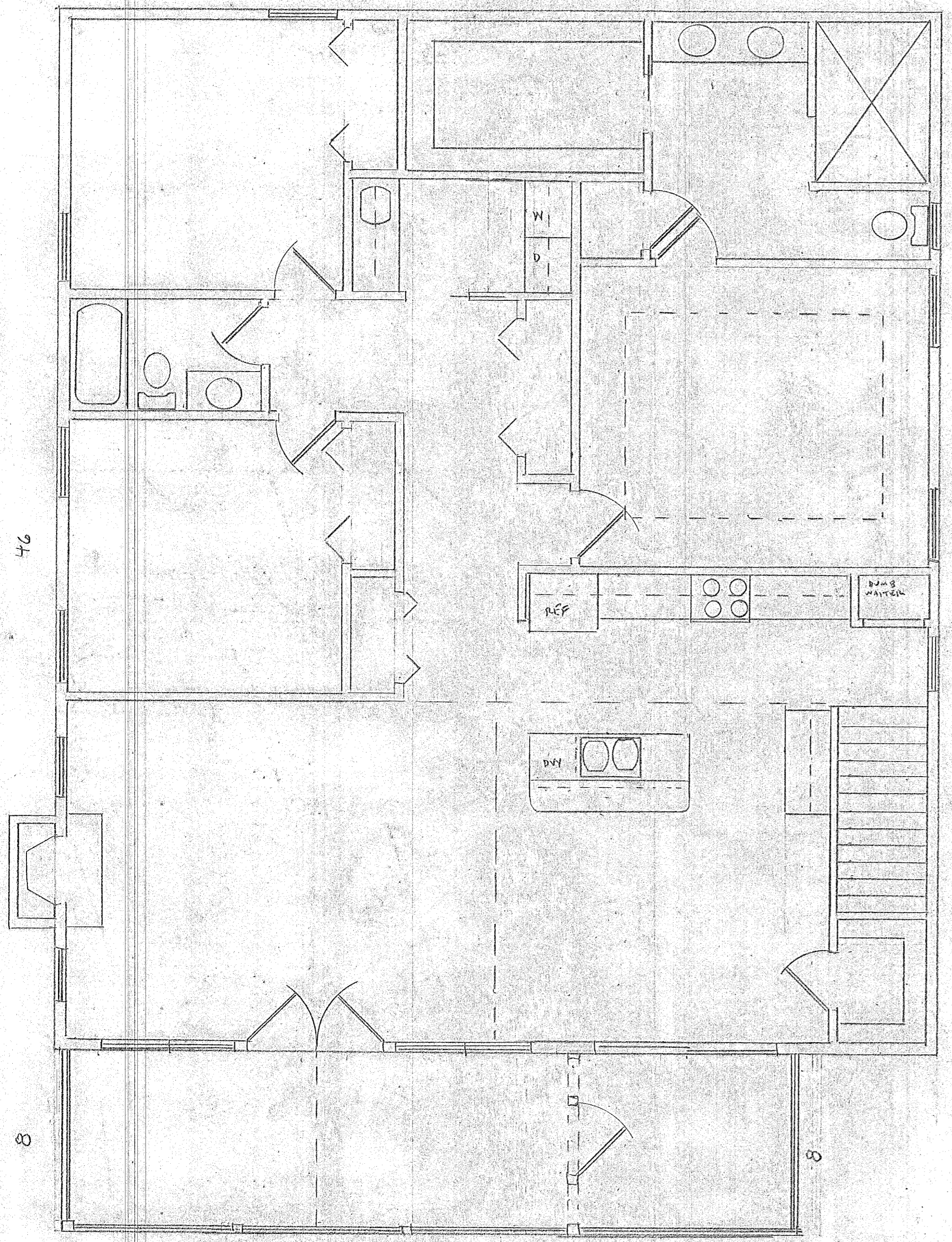
3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
FOR THE LOCATION OF UNDERGROUND UTILITIES

| NO | BY  | REVISION PER           | DATE    |
|----|-----|------------------------|---------|
| 2  | AEB | DIMENSIONS TO WETLANDS | 9-11-17 |
| 1  | AEB | WETLANDS & PROP. HSE.  | 8-29-17 |
| NO | BY  | REVISION PER           | DATE    |

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: AEB  
CHECKED BY: \_\_\_\_\_  
SCALE 1" = 20'  
JOB NO. 16-065-1  
DATE 8-17-17  
SHEET NO. **1 OF 1**



39

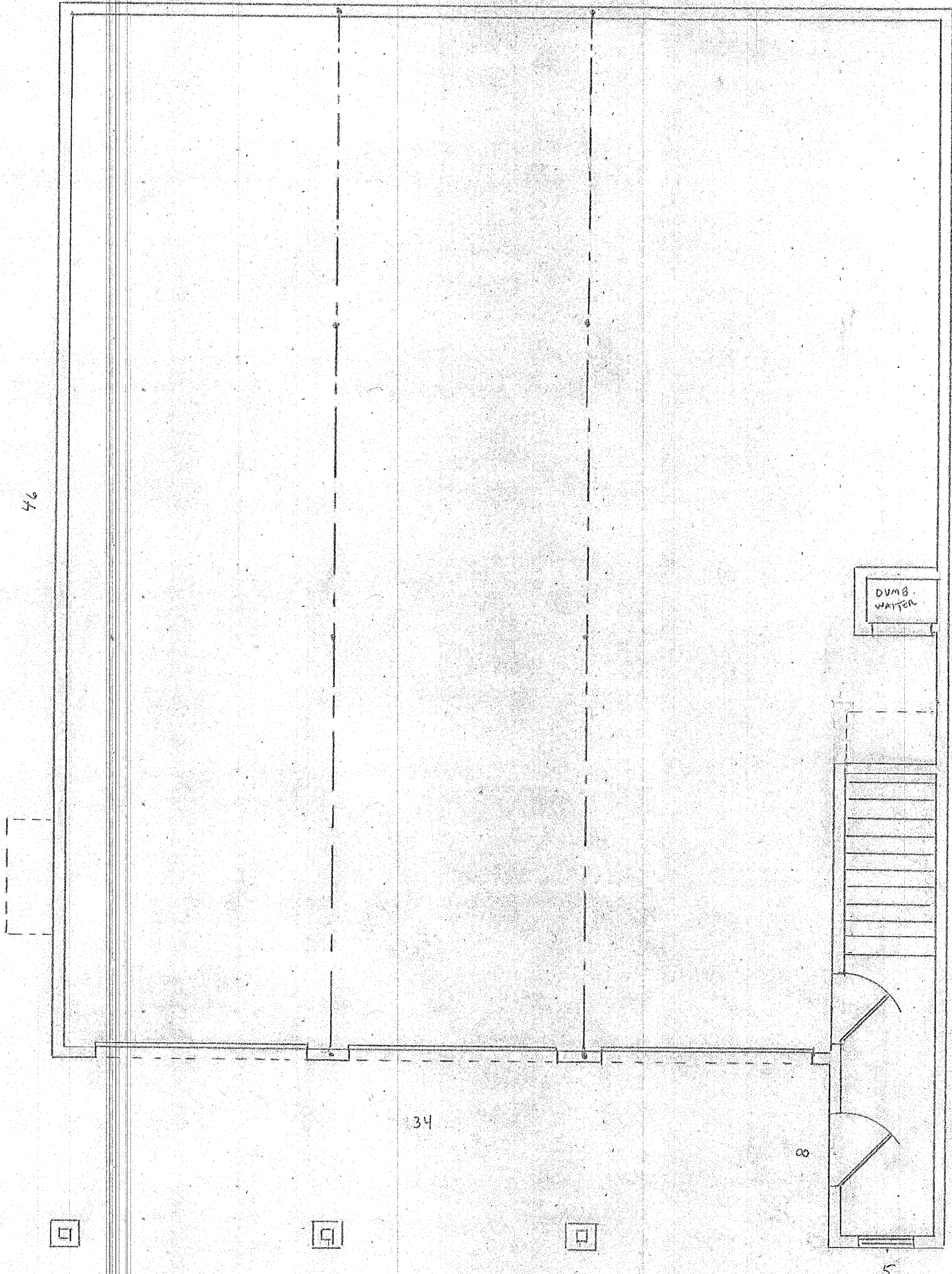


33

1794 A



39



46

54

34

8

5



| Grantor                     | Grantee                    | Sale Price | Sale Date  | Inst. Type | Terms of Sale | Liber & Page | Verified By | Prcnt. Trans. |
|-----------------------------|----------------------------|------------|------------|------------|---------------|--------------|-------------|---------------|
| LINDHOLM WILLIAM & PATRICI  | HOPE FAMILY TRUST          | 250,000    | 08/10/2017 | WD         | ARMS-LENGTH   | 2017R-024017 | BUYER       | 100.0         |
| LINDHOLM, WILLIAM & PATRICI | LINDHOLM WILLIAM & PATRICI | 0          | 10/10/2000 | QC         | INVALID SALE  | 2015R-002340 | BUYER       | 0.0           |

| Property Address  | Class: 401 RESIDENTIAL-IM | Zoning: LRR | Building Permit(s) | Date | Number | Status |
|---|---------------------------|-------------|--------------------|------|--------|--------|
| 1254 SUNRISE PARK   | School: HOWELL            |             |                    |      |        |        |
|   | P.R.E. 0%                 |             |                    |      |        |        |
| Owner's Name/Address                                      | MAP #: V17-25             |             |                    |      |        |        |
| HOPE FAMILY TRUST<br>1253 SUNRISE PARK<br>HOWELL MI 48843 | 2018 Est TCV Tentative    |             |                    |      |        |        |

| Tax Description                       | X | Improved | Vacant | Land Value Estimates for Land Table 00006.SUNRISE PARK                |          |        |        |        |            |        |       |        |
|---------------------------------------|---|----------|--------|---|----------|--------|--------|--------|------------|--------|-------|--------|
|                                       |   |          |        | Description   | Frontage | Depth  | Front  | Depth  | Rate %Adj. | Reason | Value |        |
| SEC. 9 T2N, R5E, SUNRISE PARK LOT 162 |   |          |        | C NON LF  | 58.00    | 120.00 | 1.0000 | 1.0000 | 950        | 100    |       | 55,100 |
| Comments/Influences                   |   |          |        | 58 Actual Front Feet, 0.16 Total Acres Total Est. Land Value = 55,100 |          |        |        |        |            |        |       |        |

Public Improvements  
 Dirt Road  
 Gravel Road  
 Paved Road  
 Storm Sewer  
 Sidewalk  
 Water  
 Sewer  
 Electric  
 Gas  
 Curb  
 Street Lights  
 Standard Utilities  
 Underground Utils.



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

| Topography of Site |        |            |             | Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |
|--------------------|--------|------------|-------------|------|------------|----------------|----------------|-----------------|----------------|---------------|
| X                  | Level  | Rolling    | Low         | 2018 | Tentative  | Tentative      | Tentative      |                 |                | Tentative     |
|                    | High   | Landscaped | Swamp       | 2017 | 26,100     | 23,200         | 49,300         |                 |                | 39,354C       |
|                    | Wooded | Pond       | Waterfront  | 2016 | 26,100     | 22,900         | 49,000         |                 |                | 39,003C       |
|                    | Ravine | Wetland    | Flood Plain | 2015 | 26,100     | 23,000         | 49,100         |                 |                | 38,887C       |
|                    | REFUSE |            |             |      |            |                |                |                 |                |               |

\*\*\* 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<br>Mobile Home<br>Town Home<br>Duplex<br>A-Frame |  | Eavestrough<br>Insulation<br>0 Front Overhang<br>0 Other Overhang | X  | Gas<br>Wood         | Oil<br>Coal | Elec.<br>Steam  |  | Appliance Allow.<br>Cook Top<br>Dishwasher<br>Garbage Disposal<br>Bath Heater<br>Vent Fan<br>Hot Tub<br>Unvented Hood<br>Vented Hood<br>Intercom<br>Jacuzzi Tub<br>Jacuzzi repl.Tub<br>Oven<br>Microwave<br>Standard Range<br>Self Clean Range<br>Sauna<br>Trash Compactor<br>Central Vacuum<br>Security System |   | Interior 1 Story<br>Interior 2 Story<br>2nd/Same Stack<br>Two Sided<br>Exterior 1 Story<br>Exterior 2 Story<br>Prefab 1 Story<br>Prefab 2 Story<br>Heat Circulator<br>Raised Hearth<br>Wood Stove<br>Direct-Vented Gas | Area<br>126<br>817 | Type<br>CSEP (1 Story)<br>Pine           | Year Built:<br>Car Capacity:<br>Class: D<br>Exterior: Siding<br>Brick Ven.: 0<br>Stone Ven.: 0<br>Common Wall: Detache<br>Foundation: 42 Inch<br>Finished ?:<br>Auto. Doors: 0<br>Mech. Doors: 0<br>Area: 520<br>% Good: 0<br>Storage Area: 0<br>No Conc. Floor: 0 |   |  |
| X   | Wood Frame   |  | Drywall<br>Paneled  |  | Plaster<br>Wood T&G |             |   |  |   |   |  |                    |  |  |   |  |
| Building Style:<br>D  |  | Trim & Decoration  |   | X  |                     |             | Space Heater<br>Wall/Floor Furnace<br>Forced Heat & Cool<br>Heat Pump<br>No Heating/Cooling |  |   | Class: D<br>Effec. Age: 55<br>Floor Area: 736<br>Total Base Cost: 54,298<br>Total Base New : 81,990<br>Total Depr Cost: 36,895<br>Estimated T.C.V: 47,964 |  |                    | CntyMult<br>X 1.510<br>E.C.F.<br>X 1.300 |  | Bsmnt Garage:<br>Carport Area:<br>Roof: |  |
| Yr Built<br>1945  | Remodeled<br>0   | Size of Closets  |   | Lg X Ord Small   |                     |             | Central Air<br>Wood Furnace   |  |   | Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj   |  |                    | Size Cost                                |  |   |  |
| Condition: Good   |  | Doors: Solid X H.C.  |   | (5) Floors   |                     |             | (12) Electric   |  |   | Rate  |  |                    | Size Cost                                |  |   |  |
| Room List   |  | Kitchen:<br>Other:<br>Other:   |   | No./Qual. of Fixtures  |                     |             | 0 Amps Service  |  |   | 1 Story Siding Crawl Space 57.65 -10.05 -1.89   |  |                    | 99 4,525                                 |  |   |  |
| Basement<br>1st Floor<br>2nd Floor<br>2 Bedrooms  |  | (6) Ceilings   |   | Ex. X Ord. Min   |                     |             | 1.5 Story Siding Crawl Space 73.50 -10.05 -2.83   |  |   | Other Additions/Adjustments Rate  |  |                    | Size Cost                                |  |   |  |
| (1) Exterior  |  | (7) Excavation   |   | Many X Ave. Few  |                     |             | (14) Water/Sewer  |  |   | Well, 200 Feet 4400.00  |  |                    | 1 4,400                                  |  |   |  |
| X   | Wood/Shingle<br>Aluminum/Vinyl<br>Brick                        | Basement: 0 S.F.<br>Crawl: 524 S.F.<br>Slab: 0 S.F.<br>Height to Joists: 0.0 |   | (13) Plumbing  |                     |             | (16) Porches  |  |   | 1000 Gal Septic 2720.00   |  |                    | 1 2,720                                  |  |   |  |
| Insulation  |  | Average Fixture(s)   |   | 1 3 Fixture Bath   |                     |             | (16) Deck/Balcony   |  |   | CSEP (1 Story), Standard 28.92  |  |                    | 126 3,644                                |  |   |  |
| (2) Windows   |  | 2 Fixture Bath   |   | Softener, Auto   |                     |             | (17) Garages  |  |   | Pine, Standard 4.45   |  |                    | 817 3,636                                |  |   |  |
| X   | Many Avg. Few  | X  | Large Avg. Small  | Softener, Manual   |                     |             | Class:D Exterior: Siding Foundation: 42 Inch (Unfinished)                                   |  |   | Base Cost 18.48   |  |                    | 520 9,610                                |  |   |  |
| Wood Sash<br>Metal Sash<br>Vinyl Sash<br>Double Hung<br>Horiz. Slide<br>Casement<br>Double Glass<br>Patio Doors<br>Storms & Screens |  | Conc. Block<br>Poured Conc.<br>Stone<br>Treated Wood<br>Concrete Floor       |   | Solar Water Heat<br>No Plumbing<br>Extra Toilet<br>Extra Sink<br>Separate Shower<br>Ceramic Tile Floor<br>Ceramic Tile Wains<br>Ceramic Tub Alcove<br>Vent Fan |                     |             | Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/45.0, Depr.Cost = 36,895                        |  |   | ECF (4305 SUNRISE PARK NON LAKEFRONT) 1.300 => TCV of Bldg: 1 = 47,964  |  |                    |  |  |   |  |
| (3) Roof  |  | (9) Basement Finish  |   | (14) Water/Sewer   |                     |             |   |  |   |   |  |                    |  |  |   |  |
| X   | Gable<br>Hip<br>Flat   | Gambrel<br>Mansard<br>Shed   | Recreation SF<br>Living SF<br>Walkout Doors<br>No Floor SF        | (10) Floor Support   |                     |             | Public Water<br>Public Sewer<br>1 Water Well<br>1 1000 Gal Septic<br>2000 Gal Septic        |  |   |   |  |                    |  |  |   |  |
| X   | Asphalt Shingle  | Joists:<br>Unsupported Len:<br>Cntr.Sup:                                     |   | Lump Sum Items:  |                     |             |   |  |   |   |  |                    |  |  |   |  |
| Chimney: Brick  |  |  |   |  |                     |             |   |  |   |   |  |                    |  |  |   |  |

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
July 18, 2017 6:30 PM**

**MINUTES**

**Call to Order:** Vice Chairperson McCreary 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: Jean Ledford, Barb Figurski, Dean Tengel and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent was Jeff Dhaenens.

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

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

1. 17-11 ... A request by Janet Evans, 4276 Highcrest, for a front yard variance to construct an addition.

Ms. Janet Evans, the owner, and Mr. Mark Carlson, the builder, were present. After receiving comments from the Board in May, they have pushed the entire building back five feet to allow more room for parking. They are now requesting a front yard setback of 17.1 feet for a variance amount of 17.9 feet. They believe they will be able to park four to five cars in the driveway.

Vice-Chairperson McCreary asked Ms. Evans to explain the hardship that is causing the need for the variance. Ms. Evans stated in order to add a garage they would need a variance. There is still 24 feet from the face of the garage to the curb and a normal parking space is nine feet.

Mr. Carlson stated that the well, the grinder pump, the air conditioner, and the gas line are in the north end of the walkway area.

Ms. Evans showed pictures that she took of other homes in the neighborhood showing the length of those driveways and how hers would be very similar.

Vice-Chairperson McCreary is still concerned with the site visibility when vehicles will be pulling out of the driveway as well as for vehicles approaching the home. Mr. Carlson stated there is still five to eight feet before the front of the vehicle is to the curb line because all of the cars will be side by side and not two deep in the driveway. He noted that his neighbor's garage is closer to the road by two feet than what they are proposing.

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

Mr. Dan Mancini of 4212 Highcrest Drive stated that Ms. Evans will have more room for cars than he has.

Ms. Pepper Bergin 4292 Highcrest agrees with what Ms. Evans wants to do. She does not have a lot of visibility pulling out of her driveway and she has never had a problem.

Tom Rafferty 4244 Highcrest feels this is a perfect addition to the neighborhood.

The call to the public was closed at 6:50 pm

Vice-Chairperson McCreary stated that two letters in support were received. One from Blair Bowman of 4252 Highcrest and one from Vince Parlove of 4284 Highcrest.

**Moved** by Ledford, seconded by Tengel, to approve Case #17-11 for 4276 Highcrest Drive, petitioned by Janet Evans, for a front-yard setback variance of 17.1 feet from the required 35 feet for a front-yard setback of 17.9 feet to construct a 29 x 34 addition to an existing home, based on the following findings of fact:

- Strict compliance with the front-yard setback would prevent the construction of an addition to the existing single-family home; however, there are other homes in the area with reduced front-yard setbacks that would support substantial justice for the applicant and make it consistent with the other homes in the area.
- The need for the variance is not self-created.
- The extraordinary circumstances are the non-conforming location of the existing home and the narrow lot.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties and will have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood. Since the location of the property on the curve of Highcrest and the road being located very close to the property line, an increase in congestion and public safety is a concern due to a vehicle backing out of the driveway that could possibly not be seen by oncoming traffic.
- Construction of the second-floor addition will occupy the on-site parking area. The applicant is to ensure that there will be sufficient on-site parking.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the home must be maintained on the lot.
- Sufficient on-site parking shall be maintained at all times.
- The applicant should obtain a survey documenting the location of the front lot line and the edge of the roadway.

**The motion carried unanimously.**

2. 17-12 ... A request by Brice Nelson, vacant lot Forest Beach Drive, Parcel #11-26-301-024, for two side-yard variances to construct a single-family home.

Mr. Brice Nelson was present. He stated that he has clarified his lot lines and is now only requesting 10-foot setbacks on each side, instead of eight feet on one side he originally requested.

He presented a PowerPoint showing homes in the area, noting that these homes were originally cottages but most of them have been remodeled and increased in size. He believes that what he is proposing is consistent with the neighborhood, and, in fact, his home is more modest than most of these.

He showed a spreadsheet outlining the variances that have been granted to twelve other homes in his neighborhood. The hardship is the narrowness of all of the lots. Every home in the neighborhood needed a variance to build or remodel their homes. Eleven of the twelve homes he presented were granted larger variances than he is requesting.

Additional slides and pictures showed the distance between homes in the area, which included many locations where it is 23 feet, 21 feet, 15 feet, and 12 feet. The home he is proposing will be 25 feet from one neighbor and 75 feet from the other. The homeowner's association is in support of his plan.

Mr. Nelson stated that the size of his lot is non-conforming within the LDR Zoning District because it is less than one acre. It is very narrow lot. What he is proposing is consistent with the neighborhood and will not have a negative impact on his neighbors.

Vice-Chairman McCreary noted that other homes in the neighborhood have detached their garage, which required them to get a smaller variance than what Mr. Nelson is requesting.

Board Member Tengel stated that Mr. Nelson is going to need a variance if he attaches the garage or not. He agrees that what is being proposed is consistent with the neighborhood.

Board Member Figurski feels that the home should be smaller. She noted that the variances that were granted for the neighbors were given a very long time ago.

Ms. VanMarter stated that she reviewed Mr. Nelson's spreadsheet and made some notations so the Board would have complete information. Her information shows when the variance was granted, the width of the homes built, etc. Additionally, some of the homes were eventually built with less of a variance than what was granted.

The call to the public was made at 7:20 pm.

Mike Morgan of 6483 Forest Beach Drive, the President of the Homeowner's Association, stated that the Board reviewed Mr. Nelson's plans and ideas and none of the members had issues with what is being proposed. There was no negative feedback.

The call to the public was closed at 7:21 pm.

Vice-Chairperson McCreary does see the hardship being the size of the lot and it being non-conforming to the LDR Zoning District; however, other homes in the area have accommodated the width of their homes and built detached garages. She would like to have seen some accommodations from the original house plans presented last month.



Mr. Nelson requested that his reason given for needing the variance stated at the previous meeting be stricken from the record. He likes the home that he is proposing because it is more energy efficient and they will be able to save many of the trees on the lot. He added that there is living space behind the garage so it would not be feasible to detach it from the home.

Mr. Tengal stated that the Board's concern is that a variance would be granted that would be detrimental to the neighbors, surrounding neighborhood, or the Township and he does not see Mr. Nelson's proposal doing that.

**Moved** by Tengal, seconded by Ledford, to approve Case #17-12 for Lot 24 and ½ of 25 of Forest Beach Drive (vacant), petitioned by Brice and Carrie Nelson, for two side-yard setback variances of 20 feet from the required 30 feet for side-yard setbacks of 10 feet to construct a new home, based on the following findings of fact:

- Strict compliance with the side-yard setbacks for the LDR zoning district would make the lot unbuildable. The width of the proposed house is not typical for the narrow lake lot and would not be compatible with the adjacent homes; however the home proposed creates enough distances between the adjacent homes.
- The exceptional or extraordinary condition of the property is that it is a legal, non-conforming lot for the LDR zoning. The non-conformity is the size and width of the lot. The need for the variance is due to the narrowness of the lot. The proposed home could be altered; however, the maker of the motion does not feel it is necessary.
- The need for the variance is not self-created.
- Granting the variance 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 structure would be of sufficient distance from adjacent structures to no create any fire or other safety hazards.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
- Granting of this variance will offer substantial justice to the applicant.
- Approval of this variance is conditioned upon the following:
  - The home must be guttered with downspouts with water draining toward the lake.
  - A survey shall be conducted of the property.

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

3. 17-13... A request by Steve and Ann Davis, Cynthia and Richard Lukotch, and Michael and Laura Kipley, 867 Sunrise Park, for a side-yard variance and a variance from the principal structure to construct a detached accessory building.

Steve and Ann Davis, Cindy Lukotch, the owners, and Bob Miller, the contractor, were present.

Mr. Davis stated they would like to take down the old shed on the property and replace it with one new 20 x 24 building for storage. This home is not a full-time residence; it is a day cottage. They are asking for a five-foot variance from the principal structure and a five-foot side-yard setback variance.

If they move the building further away from the lot line, they lose the ability to park cars in this area.

The call to the public at 7:43 pm with no response.

**Moved** by Figurski, seconded by Ledford, to approve Case #17-13 for 867 Sunrise Park Drive, petitioned by Steve and Ann Davis, Cynthia and Richard Lukotch, and Michael and Laura Kipley, for a rear-yard setback variance of five feet from the required 10 feet for rear-yard setback of five feet and a setback from a principal structure variance of 5 feet from the required 10 feet to construct a 20 x 24 detached accessory structure, based on the following findings of fact:

- Strict compliance with the side-yard setback and setback from the principal building would not allow the applicant to construct the detached accessory structure in the desired location.
- The exceptional or extraordinary condition of the property is the location of the neighbor's shed that is non-conforming, which forces the 10-foot setback and the small narrow lot.
- The need for the variance is not self-created for the side-yard setback.
- The variance from the principal building could be eliminated if the proposed structure was smaller or located more centralized on the lot.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the detached structure must be maintained on the lot.
- The structure must be guttered with downspouts.
- Onsite parking will be provided
- Livingston County Building Department approval for a five-foot setback from a principal structure should be considered.

**The motion carried unanimously.**

4. 17-14... A request by Bradley Varga, 3009 E. Schafer Road, for a side-yard variance to construct a detached accessory building.

Bradley and Jennifer Varga were present. They would like to build a 30x60 pole barn. If he was to comply with the setback requirements, the building would need to be put directly behind his home. If he moved it to one side, he would need to take down his fruit trees and the driveway is on the other side.

Vice-Chairperson McCreary noted that the property is 10 acres and questioned why the structure could not be put further back and to one side so it would not be directly behind the home. Mr. Varga stated that he only mows 2 acres of the property and the rest is hardwood. If the setback was met, he would be able to see the structure from every window in the back of the house.

Mr. Tengel noted that the property is 340 feet wide so there should be another location where the building could be built. He would not support this motion as he does not find that it meets

the requirements for granting a variance. Vice-Chairperson McCreary agrees. Mr. Varga stated he would have to take out a lot of trees to put it in a different location.

Board Member Ledford believes that Mr. Varga's request is acceptable.

The call to the public was made at 7:58 pm.

Mr. Doug McCray of 5962 Audubon Trail lives to the east of Mr. Varga. He does not have any objections to the request.

The call to the public was closed at 7:59 pm.

Board Member Ledford **moved** to approved Case #17-14 for 3009 E. Schafer Road, petitioned by Bradley Varga, for a side-yard setback variance of 20 feet from the required 40 feet for a side-yard setback of 20 feet to construct a 30 x 360 (18080 square feet) detached accessory structure, based on the following findings of fact:

- The applicant is not limited to the size of the structure due to the conforming Country Estates lot.
- The extraordinary circumstances of the property is the long narrow lot in the Country Estates zoning district, the location of the septic field behind the home, and the orientation of the existing home and driveway location on the lot.
- The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other country estate zoned parcels.
- There are some existing accessory structures in the immediate area that appear to have non-conforming setbacks.
- Granting the variance 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 residents of Genoa Township.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the structure must be maintained on the lot.
- The petitioner will comply with the accessory structure requirements.

**The motion failed for a lack of support.**

**Moved** by Tengel, seconded by Figurski, to deny Case #17-14 for 3009 E. Schafer Road, petitioned by Bradley Varga, for a side-yard setback variance of 20 feet from the required 40 feet for a side-yard setback of 20 feet to construct a 30 x 360 (18080 square feet) detached accessory structure, based on the following findings of fact:

- Strict complaint with eh side-yard setback would not unreasonably prevent the use of the property.
- The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other CE zoned parcels. There are some existing accessory structures in the immediate area that appear to have non-conforming setbacks.

- The exceptional or extraordinary condition is the property is the long narrow lot in the CE zoning district, the location of the septic field behind the home and the orientation of the existing home and driveway location on the lot; however, the need for the variance is self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property 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 Genoa Township.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

**The motion carried unanimously.**

17-15... A request by Martin and Jennifer Toomajian, 4377 Filbert, for front, side, and waterfront variances in order to construct a second story addition with an attached garage.

Martin and Jennifer Toomajian were present. They would like to build a garage and a second story addition to their existing home. The practical difficulty is that the existing stone home was built in 1926 and is already within the required setbacks. The second story addition will not be going beyond the existing footprint of the home.

Mr. Toomajian presented letters of support from his neighbors who could not be here this evening. He showed photographs of neighboring homes that are closer to the street than what they are proposing.

The call to the public was made at 8:18 pm with no response.

Vice-Chairperson McCreary noted that letters of support were received from Jim and Bar Whims of 4371 Filbert and Chris Sincic of 4383 Filbert.

**Moved** by Tengel, seconded by Ledford, to approve Case #17-15 for 4377 Filbert, petitioned by Martin and Jennifer Toomajian, for a front-yard setback variance of two feet from the required 35 feet for front-yard setback of thirty-three feet, side-yard setback variance of one foot from the required ten feet for a side-yard setback of nine feet, and a 22.6 foot waterfront setback variance from the required 270.7 feet for a waterfront setback of 248.1 feet to construct a second-story addition with an attached garage, based on the following findings of fact:

- Strict compliance with the front-yard setback and waterfront setback would prevent the applicant from constructing the proposed second-story addition and an attached garage.
- Granting the requested variances would do substantial justice to the applicant as well as to the other property owners in the district, with the exception of the waterfront variance.
- The exceptional or extraordinary conditions of the property are the location of the existing single-family home, which is non-conforming, and the narrowness of the lot.
- The variance would make the property consistent with the majority of other properties in the vicinity, with the exception of the waterfront variance.
- The need for the variance is not self-created for the side-yard setback.
- Granting the variance 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 Genoa Township.

- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- The building height will be limited to 25 feet.

**The motion carried unanimously.**

17-16... A request by Jonathan Bowling, 4800 Dillon Street, for a front-yard setback variance to construct a covered front porch.

Mr. Jonathan Bowling was present. They would like a covered porch to use for additional living space. The practical difficulty is the location of the existing home on the lot. It would increase the value of their home and increase the curb appeal which would indirectly increase the values of other homes. Their home is one of the lower valued homes in the neighborhood and the addition of this covered porch will bring their values closer to their neighbors'. It does not protrude far from their home that would negatively affect their neighbors.

Vice-Chairperson McCreary noted that some homes in the area are closer to the road that what Mr. Bowling is proposing.

The call to the public was made at 8:30 pm with no response.

**Moved** by Ledford, seconded by Figurski, to approve Case #17-16 for 4800 Dillon, petitioned by Jonathan Bowling, for a front-yard setback variance of three feet from the required 40 feet for front-yard setback of thirty-seven feet to construct a covered front porch, based on the following findings of fact:

- Strict compliance with the front-yard setback would prevent the applicant from constructing the covered porch to the existing single-family home.
- Granting this variance would offer substantial justice to the applicant.
- The exceptional or extraordinary condition of the property is the non-conforming shallow lot and the location of the existing home on the property.
- The need for the variance is not self-created.
- Granting the variance 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 residents of Genoa Township.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.

**The motion carried unanimously.**

17-17... A request by Jon and Bonnie Unruh, 4220 Highcrest Drive, for a front-yard variance to construct a two-story addition.

Jon Unruh, the property owner, and Kelly House-Seaman, the architect, were present. Mr. Unruh stated they would like to construct an attached garage with a bonus room on the second floor. The location of the existing home on the lot is already non-conforming. The current setbacks were not in place when the home was built. They attempted to design their home to be consistent with their neighbor to the north at 4212 Highcrest. The garage will allow for parking further from the road than the current cement pad. This project will not impede the flow of traffic and will improve the neighborhood.

The call to the public was made at 8:46 pm

David 4212 Highcrest lives next door to Mr. Unruh. The fence between their homes belongs to him and they just learned that it is actually on the property line. The fence will be removed.

The call to the public was closed 8:47.

**Moved** by Tengel, seconded by Ledford, to approve Case #17-17 for 4220 Highcrest Drive, petitioned by Jon and Bonnie Unruh, for a front-yard setback variance of 15 feet from the required 35 feet for a front-yard setback of 20 feet to construct an attached garage and bonus room to an existing single-family home, based on the following findings of fact:

- 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 to the applicant.
- The exceptional or extraordinary conditions of the property are the non-conforming location of the existing home and the narrow lot.
- Granting the variance would make it consistent with many homes in the vicinity.
- The need for the variance is not self-created.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties. It may cause an increase in congestion to the public streets with parking and the backing of vehicles into the street. The applicant should demonstrate there will be sufficient on-site parking; however, there will be more space than the current cement pad.
- Providing the parking concerns are addressed, the proposed variance would have a limited or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.
- Sufficient on-site parking shall be maintained at all times.
- The neighbor's fence shall be removed.
- Highland Avenue being vacated as noted on the engineer's drawing.

**The motion carried unanimously.**

17-18... A request by Tim Chouinard, 1253 Sunrise Park, for front, side, waterfront, and rear-yard variances and a lot coverage variance to demo the existing home and construct a new home.

**Moved** by Tengel, seconded by Figurski, to table Case #17-18 until the next regularly-scheduled meeting, at the applicant's request. **The motion carried unanimously.**

**Administrative Business:**

Approval of the minutes for the June 20, 2017 Zoning Board of Appeals Meeting

**Moved** by Figurski, seconded by Ledford, to approve the June 20, 2017 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

Correspondence – Ms. VanMarter had no correspondence.

Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on July 17, 2017.

Planning Commission Representative Report – Board Member Figurski stated there was no Planning Commission meeting in July.

Zoning Official Report – There were no items to report.

Member Discussion – Vice-Chairperson McCreary stated the ZBA is exploring the idea of having an alternate Board Member in the case where there would not be a quorum.

Adjournment

**Moved** by Figurski, seconded by Ledford, to adjourn the meeting at 9:02 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary



**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
August 15, 2017 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: Jean Ledford, Barb Figurski, Marianne McCreary Dean Tengel and Amy Ruthig, Zoning Official.

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

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

1. 17-19 ... A request by John Mullaney, 2166 Webster Park Drive, for a variance to exceed the 15 foot deck extension into the waterfront yard for an existing deck.

Mr. Mullaney was present. He stated that he has already put up the deck. He uses the area under the deck for storage of outdoor equipment, etc. He was not aware that there was a limit of 15-feet for the deck to extend into the yard. He extended the deck 20 feet so that he could see around one of his neighbor's home and his other neighbor's shed. He noted that if the stairs are not counted, then he would only need a five-foot variance. He could move the steps to the side of the deck; however, he would lose a parking space and parking is very difficult in that area.

The call to the public was made at 6:45 pm.

Mr. Tom Plane of 2115 Webster Park Drive is on the Board of the homeowner's association. He stated that Mr. Mullaney has made wonderful improvements to the home and keeping the deck in the existing location will not disrupt the neighbors or the lake.

Chairman Dhaenens stated that letters of support for the variance were received from Jim French, the Pardee Lake Homeowner's Association President, Marsha and Dale Noble of 2187 Webster Drive, Kelly Devine of 2172 Wester Park Drive, and Deborah Hall, a Parea Lake Homeowner's Association Trustee.

The call to the public was closed at 6:48 pm.

All Board Members agree that the deck is beautiful; however, they do not see a hardship.

Board Member Tengel asked staff for clarification of the ordinance. Ms. Ruthig stated that a deck is not allowed to extend more than 15 feet past the home on a lakefront lot and there must be 15 feet of greenspace between the deck and the shoreline.

Mr. Mullaney stated that he has 58 feet of lawn area between the deck and the lake at the narrowest point of his yard. At the deepest part, there is 110 feet. Most of the yard is very wet so having the deck will allow him to use his property.

Ms. Ruthig advised the Board that the plans submitted by the applicant show a gazebo being built on the deck in the future. She stated that if the variance is requested, it would then be a non-conforming structure and the gazebo would not be allowed. She asked the Board to consider this when determining if the variance should be approved or denied.

Mr. Mullaney stated that if he receives the variance, he would not build the gazebo. He is also willing to move the stairs to the side.

Board Member Tengel noted that the applicant has more than three times the amount of greenspace from the deck to the water's edge.

Board Member McCreary noted that the yard is very wet and approving the variance would allow the applicant to enjoy being outside.

**Moved** by Tengel, seconded by McCreary, to approve Case #17-19 for 2166 Wester Park Drive, petitioned by John Mullaney, for a variance to exceed the 15 foot deck extension into the waterfront yard to allow for an existing deck to project 26' 6" into the waterfront, based on the following findings of fact:

- The extra greenspace is three times what is required.
- Granting the variance will do the applicant substantial justice due to the wetness of the property.
- Granting 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

Conditioned upon no gazebo allowed in the 11.6 foot variance approved portion of the deck.

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

2. 17-20 ... A request by Brian Catrinar, Oak Tree Court Lot 23, for a rear yard variance to construct a single family home.

Mr. Catrinar was present. He stated that he would like to build a single-family home on the lot and he is asking for a variance in order to preserve the very large, old oak tree that is in the front of the property. There is also a utility easement on the north side of the property. These items limit the placement of the home. He noted that a variance of 9'9" was previously granted for this property and he is requesting a 3.6 foot variance.

The call to the public was made at 7:10 pm.

Mr. Gerald Ostach of 4624 Oak Tree Court asked how large the home would be and if the applicant has received approval from the homeowner's association.

Mr. Catrinar stated that he has submitted the plans to the association and the home is going to be almost 5,000 square feet.

The call to the public was closed at 7:12 pm.

**Moved** by Ledford, seconded by Figurski, to approve Case #17-20 for Oak Tree Court Lot 23 (Tax Code #4711-28-401-023), petitioned by Brian Catrinar of 556 Black Oak Trail, Howell, for an Oak Pointe PUD rear-yard setback variance of 3.6 feet from the required 50 feet for a rear-yard setback of 46.4 feet, to construct a new home, based on the following findings of fact:

- Strict compliance with the rear yard setback would not prevent the applicant from constructing a single family home. Based on a review of aerial photos it does appear that there are multiple homes in the immediate vicinity that do not meet the required 50 foot rear setback therefor granting the variance would provide substantial justice.
- Strict compliance with the side-yard setbacks for the LDR zoning district would make the
- Granting this variance would make the orientation of the property consistent with the majority of homes in the area.
- The exceptional circumstance of the property is to retain the existing oak tree at the entry of the property, the orientation of the lot with Brighton Road at the rear property line, and the existence of the utility easement to the north.
- The need for the variance was not self-created by the applicant.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- Dust control measures shall be taken during construction.
- The home must be guttered and the water must be maintained on the lot.

**The motion carried unanimously.**

3. 17-21 ... A request by Mark Szerlag, 2300 Genoa Business Park Drive, for a front yard variance for an existing building.

Mr. Szerlag was present. He represents both the seller and the buyer. He stated that the buyer was required to present a clear title so a survey was done. During the survey, it was determined that the building is 5 inches inside the front-yard setback. In order to meet the setback requirements and have a clear title, part of the front of the building will need to be removed. The location of the building is consistent with others in the area and the need for the variance was not created by the applicant.

The call to the public at 7:25 pm with no response.

**Moved** by Ledford, seconded by McCreary, to approve Case #17-21 for 2300 Genoa Business Parking Drive, petitioned by Mark Szerlag, for a rear-yard setback variance of five inches from the required 50 feet for a front-yard setback of 47'5", based on the following findings of fact:

- The need for the variance is not self-created.
- The current building is non-conforming and will bring the building into conformity.
- The location of the building has not proved to be a nuisance or threat to any occupants, tenants or visitors to the building currently or in the past.
- Substantial justice will be granted to the applicant by way of giving them complete title assurances for ownership of the property without limitations that could limit their ownership ability.
- The request for a five-inch variance is negligible in the scale of the project, but necessary for complete assurance to the buyer transfer now or in the future.
- Strict compliance with the side-yard setback and setback from the principal building.
- 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 a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**The motion carried unanimously.**

**Administrative Business:**

Approval of the minutes for the July 18, 2017 Zoning Board of Appeals Meeting

There was a brief discussion regarding the language of one of the motions. It was suggested to table the approval of the minutes and discuss it with the Community Development Director/Assistant Township Manager.

**Moved** by Figurski, seconded by McCreary, to table the approval of the July 18, 2017 Zoning Board of Appeals Meeting minutes until the next regularly-scheduled meeting. **The motion carried unanimously.**

Correspondence – Ms. Ruthig had no correspondence.

Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on August 7, 2017.

Planning Commission Representative Report – Board Member Figurski stated there was no Planning Commission meeting in August.

Zoning Official Report – There were no items to report.

Member Discussion – There were no items to discuss.

Adjournment

**Moved** by Figurski, seconded by Ledford, to adjourn the meeting at 7:35 pm. **The motion carried unanimously.**

08-15-17 ZBA Unapproved Minutes

Respectfully submitted:

Patty Thomas, Recording Secretary

UNAPPROVED