

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
NOVEMBER 14, 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 two side yard variances to construct a single family home.
2. 17-28... A request by James F. Lewis, 1189 Chemung Drive, for a side yard variance to construct an attached garage.

Administrative Business:

1. Approval of minutes for the October 17, 2017 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



# GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

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

Case # 17-22

Meeting Date: Sept. 19

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: ANDREW LUZOD

Property Address: 4798 Narrow Trail Phone: 313-595-9499

Present Zoning: LDR Tax Code: 4711-26-301-001

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: Minimum yard setback - all other setbacks are in compliance.

2. Intended property modifications: Requesting 10' sideyard on N/S of site

a. Unusual topography/shape of land (explain): long, narrow lot - new house will be in same approx. location as existing cabin.

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: [Signature]

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

**Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the Zoning Board of Appeals (ZBA).**

**After the decision is made regarding your Variance approval a land use permit will be required.**



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 8, 2017  
**RE:** ZBA 17-22

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

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### STAFF REPORT

**File Number:** ZBA#17-22  
**Site Address:** 4798 Narrow Trail Brighton 48116  
**Parcel Number:** 4711-26-301-001  
**Parcel Size:** .953 Acre  
**Applicant:** Andrew Luzod, 6578 Forest Beach Drive Brighton 48116  
**Property Owner:** Same as applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a two side yard variances to construct a single family home.

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

**Other:**

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

- Assessing records indicate the existing home was constructed in 1952.
- See Record Card.
- The property is serviced by well and septic.
- Request was tabled at the October 17, 2017 Zoning Board of Appeals meeting. (See attached minutes)

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

The applicant is proposing to demolish the existing home and construct a new single family home. In order to construct the proposed home, the applicant is requesting to obtain two side yard variances. The applicant submitted a new site plan, elevation drawings and an email from the Brighton Area Fire Department. The applicant has stated that he met with the Fire Department in regards to access concerns on the parcel. (See attached email)

The Finding of Facts from the staff report included in the October packet still apply. (See attached report)

**Revised Recommended Conditions**

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

1. The home will guttered with downspouts with water remaining on site draining toward the lake.
2. Applicant shall submit letter of BAFA approval prior of Certificate of Occupancy.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 17, 2017 6:30 PM**

**MINUTES**

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

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

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

**Approval of the Agenda:**

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

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

1. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for a side-yard variance to construct a new single-family home.

Ms. Marlene Luzod was present and stated she and her husband are requesting two side-yard variances to construct a new home. They are requesting a variance of 10 feet on one side and 15 feet on the other side. This is their retirement home and would like to be as close to the lake as possible. They meet the front yard and waterfront setbacks.

Most homes in the area have been given variances for less side-yard setbacks. If the home was put within the building envelope and met the side-yard setbacks, it would be on the back side of a large hill.

Board Member McCreary is concerned about the access on the site. She had difficulty getting over the large hill and is questioning how a fire truck would maneuver. Ms. Luzod stated they will be moving dirt on the site to change the grade.

Board Member McCreary spoke to the Fire Marshall, and he stated they can review the plans to ensure that they meet their code. She does not believe this site will meet their requirements, but would like for them to review the plans and provide their approval. She is also concerned with the owners' as well as their visitors' safety when entering and exiting the property. She feels it is a beautiful piece of property and a gorgeous view; however, she cannot vote to approve this variance with the information that is being provided. The plan does not show the

driveway, well or septic locations. Additionally, the gravel path shown for their access to the lake runs through their neighbor's property. Ms. Luzod stated they will not be using the gravel path to access the lake. They will be keeping it; however, they will be accessing the lake from the other side of the property as it is not as steep.

She also would like to see a grading plan from an engineer if the applicant is proposing to move dirt around on the site.

Ms. Ruthig noted that any retaining walls being proposed should be shown on the plans so the Township can ensure they meet their requirements.

The call to the public was made at 7:00 pm.

Lisa Izant of 6275 Brighton Road owns the properties on both sides of this property. She is in favor of granting these variances. She noted there is also a life estate attached to this property, which means that the person who sold the home has the right to live here until he or she passes. In order for Mr. and Mrs. Luzod to build a new home, a clear title must be obtained.

Ron Stanaway of 4790 Narrow Trail stated he is the neighbor to the east of this property. He knew there would be concerns due to the topography of the site; however, he believes these can be addressed.

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

**Moved** by McCreary, seconded by Ledford, to table Case #17-22 for 4798 Narrow Trail by Andrew Luzod until the next regularly-scheduled Zoning Board of Appeals meeting on November 14, 2017 so the applicant review the requests that were mentioned today; specifically, grading, retaining walls, driveway location, well and septic locations, the fire department's review of the property for safety of specifications, and a clear title..

2. 17-26 ... A request by Max Collins, 566 Hilltop Drive, for a variance to construct a new detached accessory structure in the front yard.

Mr. Collins was present. He would like to put a detached garage in the front yard. They are on a residential lake-front property. He will be removing the existing garage and anticipates this to be done in the spring of next year. It meets the size and height requirements. This garage will be further away from the road than the existing one. He cannot put the garage in the back yard because there is a steep hill at the rear of his site. He noted that there are garages in the neighborhood that are closer to the road than what he is proposing.

Mr. Collins noted that he will be relocating the existing chain link fence from the rear of the new garage to the other side of his property. Ms. Ruthig stated that fences in the front yard are only allowed to be three-feet high and they cannot be chain link; however, since the existing fence is

Kelly,

I met with Andrew Luzod regarding access to his new proposed residence on Narrow Trail. I advised him that private nature of the driveway, and the fact that it is not shared, limits our jurisdiction over enforcement.

He realizes the benefit of meeting our needs and I did advise him of a number of requirements that would be enforced: a minimum width of 20', clear height of 13.5' and approach angle and slope, as well as turnaround location and size.

We came to an agreement of what the bare minimum we would like to see is. He agreed to provide us with a 16' wide drive, clear height of 13.5', a turnaround area of 30 or so feet in front of the house and improvement of the slope of some areas of the driveway that could pose a hazard.

Let me know if this will suffice or if you would like an actual review letter.

Rick Boisvert, CFPS, IAAI-FIT

Fire Marshal

Brighton Area Fire Authority

615 W. Grand River

Brighton, MI 48116

Main: (810)229-6640

Direct: (810)299-0033

Fax: (810)229-1619

Cell: (248)762-7929

[rboisvert@brightonareafire.com](mailto:rboisvert@brightonareafire.com)



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** July 10, 2017  
**RE:** ZBA 17-22

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

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**Background**

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- See Record Card.
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**SUPERVISOR**

Bill Rogers

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Paulette A. Skolarus

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Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal



The applicant is proposing to demolish the existing home and construct a new single family home. In order to construct the proposed home, the applicant is requesting to obtain two side yard variances.

**Variance Requests**

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

**Table 3.04.01 (LDR District):**

|                                    |           |                                    |           |
|------------------------------------|-----------|------------------------------------|-----------|
| <b>Side Yard Setback:</b>          | <b>30</b> | <b>Side Yard Setback:</b>          | <b>30</b> |
| <b>Proposed Side Yard Setback:</b> | <b>10</b> | <b>Proposed Side Yard Setback:</b> | <b>15</b> |
| <b>Proposed Variance Amount:</b>   | <b>20</b> | <b>Proposed Variance Amount:</b>   | <b>15</b> |

**Summary of Findings of Fact- After reviewing the application and materials provided, I offer the following 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.

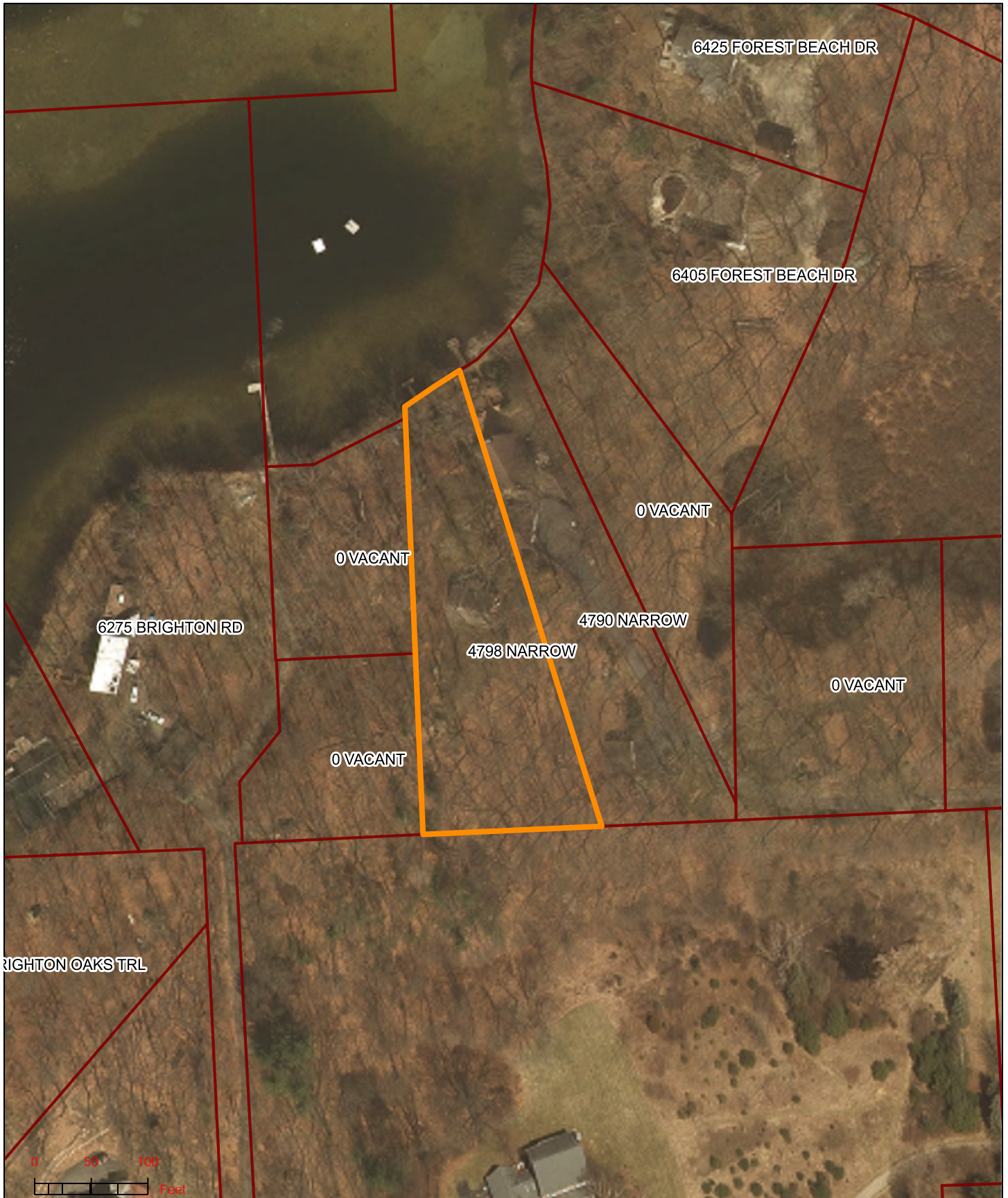
- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the side yard setbacks for the LDR zoning would prevent the applicant from constructing the proposed building at the northern end of the lot. The building envelope is wide enough at the southern end of the lot to accommodate the home. Compliance with ordinance does not prevent use of the property. There are homes in the vicinity that are located closer to the lake with similar side yard setbacks therefore you could argue granting the variance provides substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the long pie shaped lot. The need for the variance is due to the narrowness of the lot at the northern end. The need for the variance is self-created. Granting the variance would allow the home to be positioned similarly from the lake as other waterfront homes on the lake.
- (c) Public Safety and Welfare** – The granting of the variances would not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa. The proposed structure would be of sufficient distance from adjacent structures to not create any fire or other safety hazards.
- (d) Impact on Surrounding Neighborhood** – The proposed 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 home will guttered with downspouts with water draining toward the lake.

# GENOA TOWNSHIP



GENOA TOWNSHIP

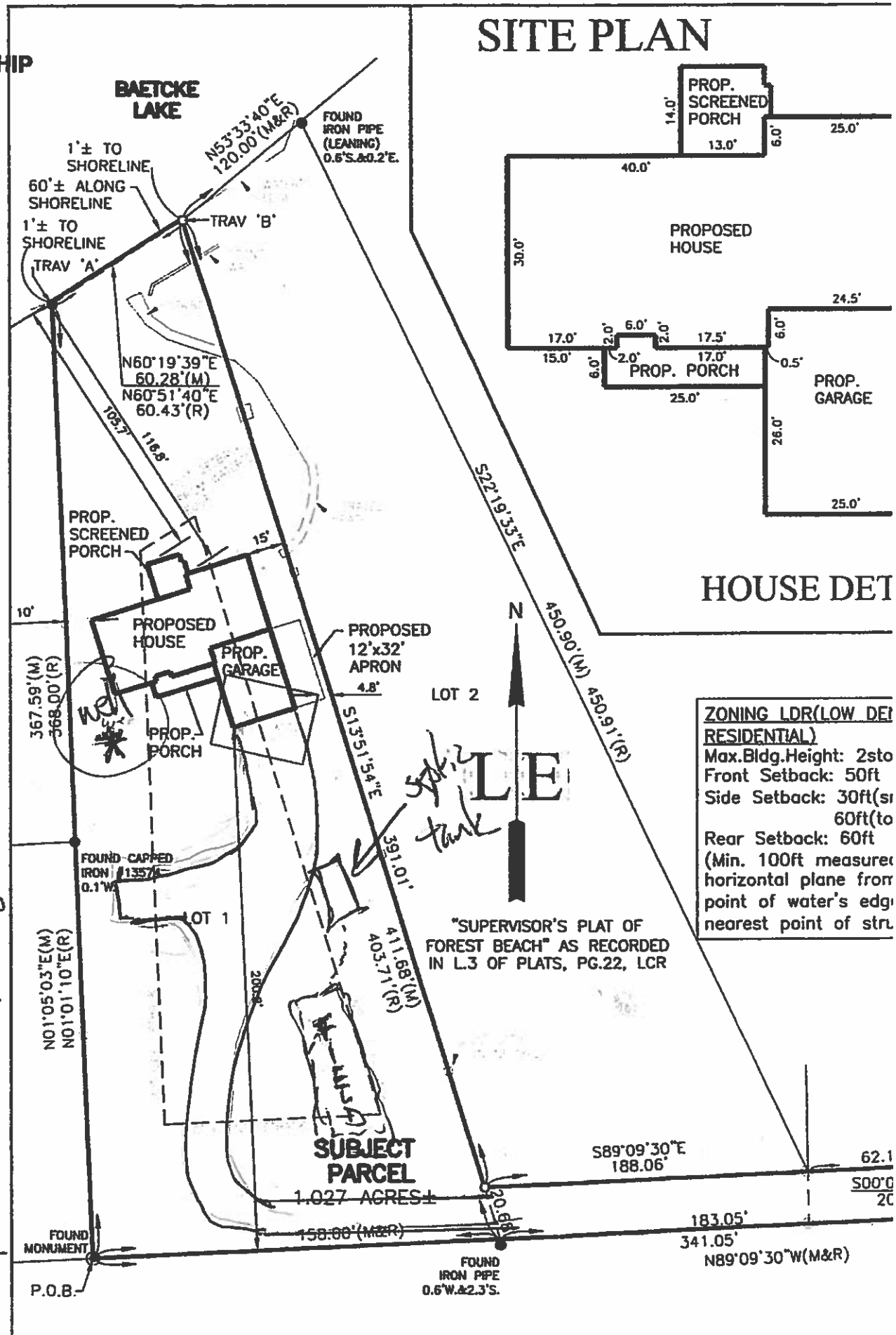
NOV - 7 2017

RECEIVED







# SITE PLAN

*distance from well to septic tank approx. 70'*

*driveway to be min. 16' wide panel*



**ZONING LDR (LOW DENSITY RESIDENTIAL)**  
 Max. Bldg. Height: 2sto  
 Front Setback: 50ft  
 Side Setback: 30ft (sr)  
 60ft (to  
 Rear Setback: 60ft  
 (Min. 100ft measure horizontal plane from point of water's edge nearest point of str.)

- LEGEND**
-  SECTION CORNER
  -  SET IRON ROD
  -  FOUND MONUMENT
  -  FENCE
  -  FOUND IRON ROD/PIPE
  -  SOIL BORING

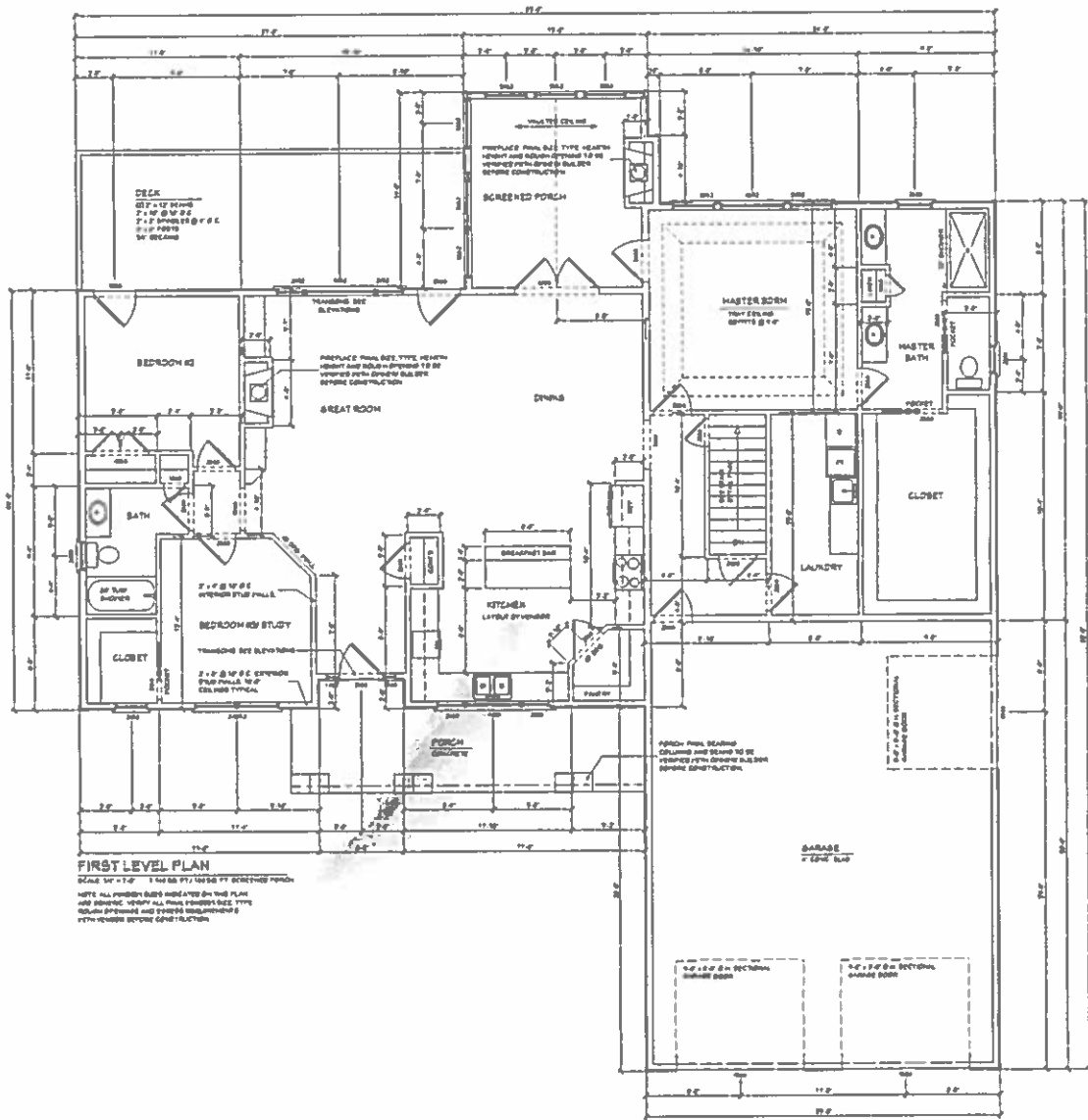


UTILITY WARNING

CONSTRUCTION OF THIS PROJECT MAY AFFECT THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

GENERAL PLAN NOTES

- 1. Contractor shall coordinate with the Village Planning Dept regarding the placement of the structure on the lot and the utility easements.
2. Contractor shall verify the location of all existing utilities and structures on the lot and the utility easements.
3. Contractor shall verify the location of all existing utilities and structures on the lot and the utility easements.
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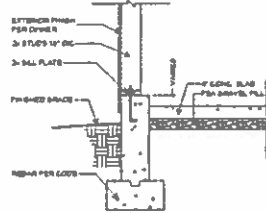
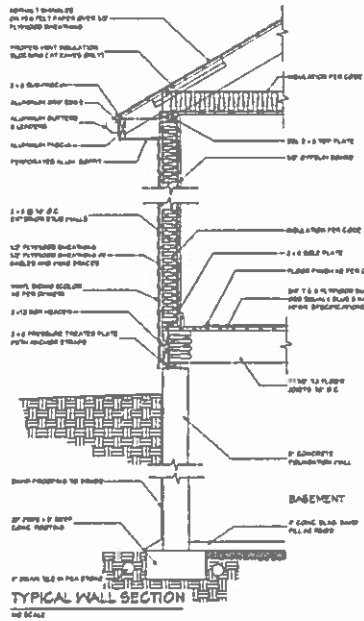
M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS
PHONE: 815.331.4477
FAX: 815.331.4478
EMAIL: mas@masdesign.com

BELANGER BUILDERS, INC.
PHONE: 815.234.6118

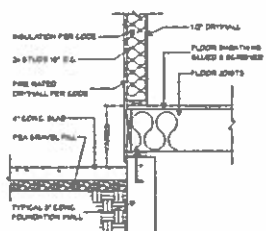
LUZOD (1966-17)
RESIDENTIAL HOUSE PLAN

19-13-2017
PLOT DATE

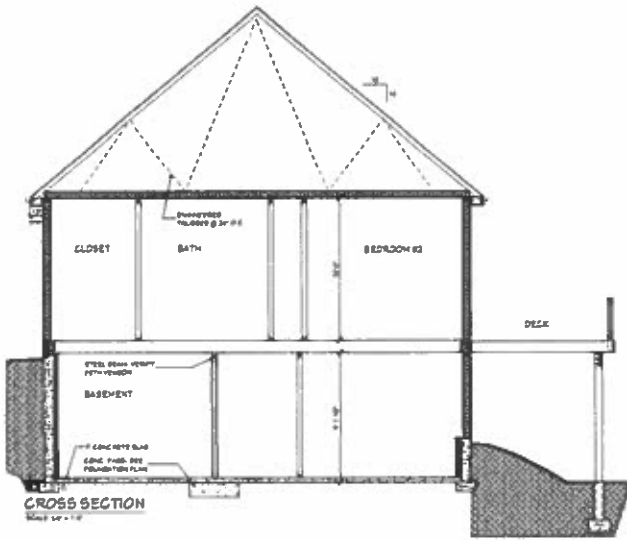
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1966-17



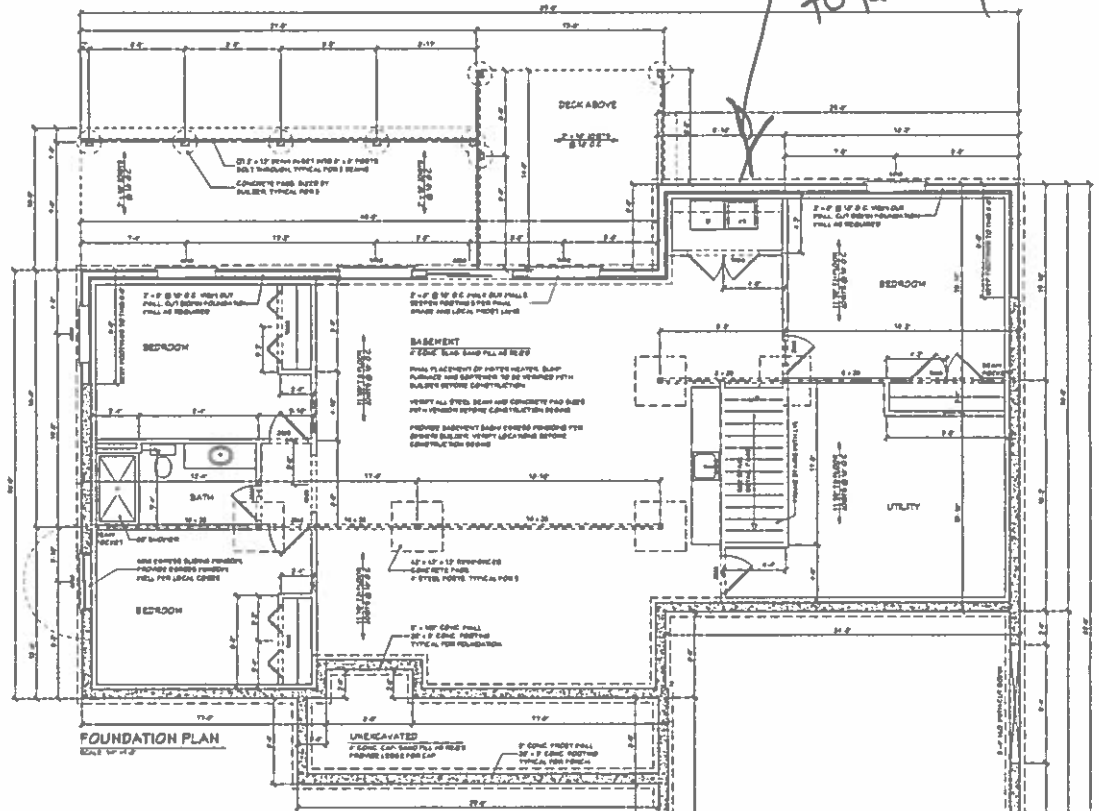
TYPICAL GARAGE  
EXTERIOR  
NO SCALE



TYPICAL HOUSE TO  
GARAGE DETAIL  
NO SCALE



CROSS SECTION  
SCALE 1/4\"/>



FOUNDATION PLAN  
SCALE 1/4\"/>

**GENERAL FOUNDATION PLAN NOTES**

1. All not every floor finished, but wherever finished on the drawings use those walls of the design with any alterations or notes that are shown on the drawings and be checked by the owner's representative. Details of floor slabs or other surfaces to governing dimensions will not be provided.
2. Bottom of all footing exposed to fill shall be minimum of 8" from ground. Verify depths.
3. During construction, the contractor shall provide for footing of wall sections and foundation connections or footing locations. Working notes as per notes by a State Engineer Bureau in the State of Michigan. Engineer shall submit required footing and foundation plans for foundation and approval based on foundation.
4. Footing dimensions shall agree to design unless otherwise shown on drawings. Footing dimensions shall be checked by the owner's representative. Footing depth shall be 12" for 12" x 12" and 18" for 18" x 18" and 24" for 24" x 24".
5. All foundation plans must have adequate compaction bearing capacity beneath to avoid settling. Temporary bracing shall be provided with wall to continuously placed.
6. Required procedures of base preparation for footing and footing excavation must be used by major contractor. Existing footing excavations shall be done as soon as possible to prevent footing from curing.
7. Precision 100' Cassini coordinate projection same as state wide grid including foundation lines. All foundation plans must be prepared and verified on manufacturer's specific data requirements.
8. Section joints. Provide bearing walls and vertical beams with 4" to 6" diameter and cross-sections.
9. If 2" diameter hole and cross-section is shown. See note must be made with 12" from edge and bear vertically clear on 1/4" each of each direction.
10. Section floor walls in cross-section.
11. Primary footing joints to their ends of beams must be located 28" x 28".
12. Primary footing joints to corner ends of beams must be located 18" x 18".
13. Primary footing joints to exterior ends of beams must be located 18" x 18".
14. Foundation.
15. Section joints. Section joints of 4" diameter.
16. Primary 18" diameter beams of 4" diameter foundation. Minimum 2" hole for wall and 18" hole for beam for more than 12" from end of joint.
17. Primary section for utility (Heating, Cooling, Gas, TV, Telephone), walls in section.
18. Points in corners must show reference to base grid when with 4" diameter beams.
19. Precision 100' Cassini coordinate projection same as state wide grid including foundation lines. All foundation plans must be prepared and verified on manufacturer's specific data requirements.

*not sink to laundry*

M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS  
 PHONE 810 544-5075  
 13  
 13  
 PHONE 810 544-5075  
 13  
 13  
 PHONE 810 544-5075

BELANGER BUILDERS, INC.  
 PHONE 810 544-5075  
 13  
 13  
 PHONE 810 544-5075

LUZOD (1966-17)  
 BELANGER HOME OWNERS

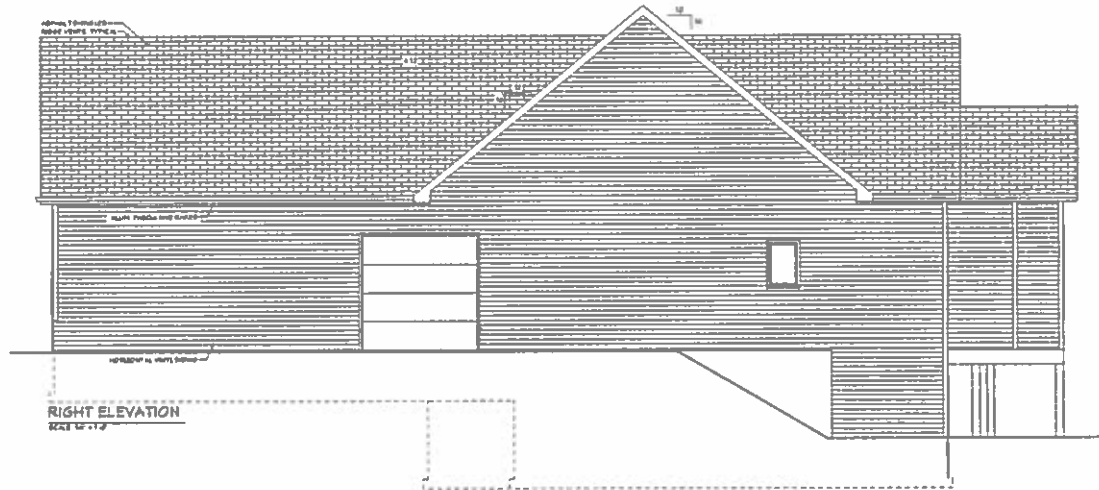
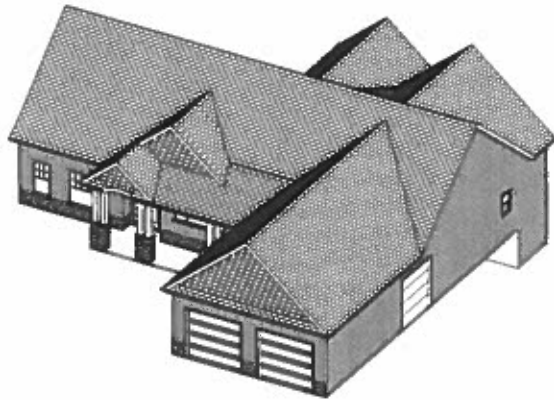
18-13-20-11

PLAT DATE

2  
 1966-17



**FRONT ELEVATION**  
Scale: 1/8" = 1'-0"



**RIGHT ELEVATION**  
Scale: 1/8" = 1'-0"

**M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS**  
 PHONE: 817-444-1078  
 FAX: 817-444-1079  
 EMAIL: MAS@MASPLAN.COM  
 1730 W. STATE ST. SUITE 200 FORT WORTH, TX 76102

**BELANGER BUILDERS, INC.**  
 PHONE: 817-377-8113  
 1730 W. STATE ST. SUITE 200 FORT WORTH, TX 76102

These drawings are prepared for the use of the owner and are not to be used for any other purpose without the written consent of the designer. The designer is not responsible for any errors or omissions in these drawings. The owner is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. The designer is not responsible for any construction delays or cost overruns. The designer is not responsible for any damage to the property or any injury to persons. The designer is not responsible for any environmental or safety issues. The designer is not responsible for any other matters not specifically mentioned in these drawings.

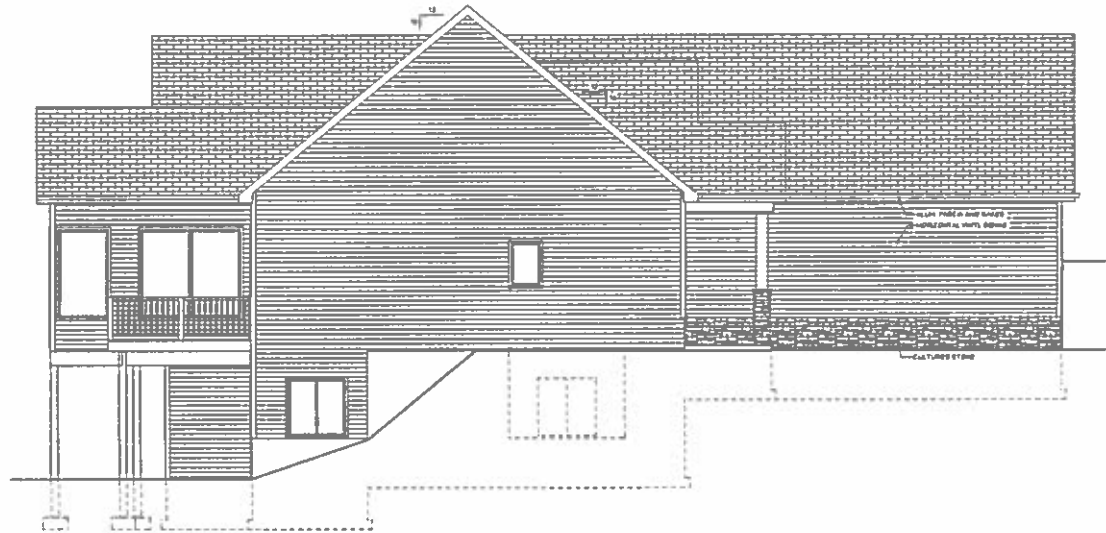
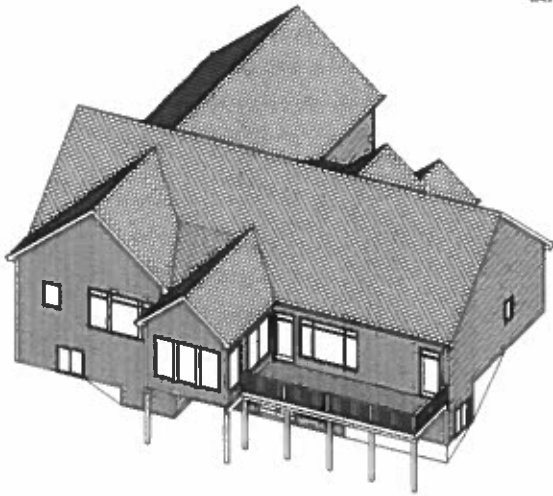
**LUZOD**  
 (1966-17)  
 RESIDENTIAL HOME DESIGN

10-13-2017  
 PLOT DATE

**3**  
 1966-17



**BACK ELEVATION**  
Scale 1/8" = 1'-0"



**LEFT ELEVATION**  
Scale 1/8" = 1'-0"

**M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS**  
 1500 W. 10TH ST. SUITE 100  
 DENVER, CO 80202  
 PHONE (303) 441-1070  
 FAX (303) 441-1071  
 WWW.MASDESIGNERS.COM

**BELANGER BUILDERS, INC.**  
 1500 W. 10TH ST. SUITE 100  
 DENVER, CO 80202  
 PHONE (303) 271-8113  
 WWW.BELANGERBUILDERS.COM

THIS SET OF ARCHITECTURAL DRAWINGS IS THE PROPERTY OF M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS. ANY UNAUTHORIZED USE OF THESE DRAWINGS IS STRICTLY PROHIBITED. M.A.S. RESIDENTIAL HOUSE PLAN DESIGNERS ASSUMES NO LIABILITY FOR ANY DAMAGE, INJURY, OR LOSS OF ANY KIND, ARISING FROM THE USE OF THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS AND AGREEMENTS FROM THE APPROPRIATE PARTIES. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES FROM THE APPROPRIATE UTILITIES AND SERVICE PROVIDERS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND SUPPLIES FROM THE APPROPRIATE SUPPLIERS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AND SERVICES FROM THE APPROPRIATE CONTRACTORS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONTRACTS AND AGREEMENTS FROM THE APPROPRIATE PARTIES. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES FROM THE APPROPRIATE UTILITIES AND SERVICE PROVIDERS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND SUPPLIES FROM THE APPROPRIATE SUPPLIERS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AND SERVICES FROM THE APPROPRIATE CONTRACTORS.

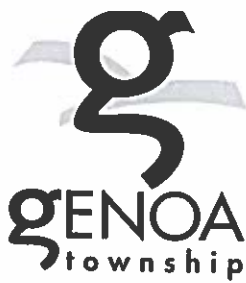
**LUZOD**  
 (1466-11)  
 REGISTERED HOME OWNER

10-13-2015

PLOT DATE

**4**

1466-11



**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**  
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 17-28 Meeting Date: 11-14-17

PAID Variance Application Fee  
\$125.00 for Residential | \$300.00 for Commercial/Industrial

Applicant/Owner: James F Lewis

Property Address: 1189 Chemung Dr. Phone: 517-672-9118

LRR  
Present Zoning: Residential Tax Code: 11-10-201-085

**ARTICLE 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals (see attached).

Each application for Variance is considered individually by the ZBA. The ZBA is board of limited power; it cannot change the Zoning Ordinance or grant relief when it is possible to comply with the Zoning Ordinance. It may provide relief where due to unique aspects of the property with strict application of the zoning ordinance to the land results in practical difficulties or unnecessary hardship.

The applicant is responsible for presenting the information necessary to support the relief requested. While much of the necessary information is gathered through the completed applicant, other information may be gathered by on-site visits, other sources, and during the ZBA meeting. ZBA members may visit the site without prior notification to property owners.

**Failure to meet the submittal requirements and properly stake the property showing all proposed improvements may result in postponement or denial of this petition.**

Please explain the proposed variance below:

1. Variance requested: Needed For 12 FT. Wide x 27'4" Deep Garage - 3'-4" inches FROM PROPERTY LINE

2. Intended property modifications: Attached Garage -



The following is per Article 23.05.03:

**Criteria Applicable to Dimensional Variances.** No variance in the provisions or requirements of the Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

Under each please indicate how the proposed project meets each criteria.

**Practical Difficulty/Substantial Justice.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

This is the only place to put a garage, still at least 10 ft from another structure. Would raise value of mine and other property values in area

**Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

Might be able to have a smaller detached garage if the well were moved and trees were cut down

**Public Safety and Welfare.** 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.

Garage would be over 10 ft from the closest building

**Impact on Surrounding Neighborhood.** The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

It would benefit the area by looks and value

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 with additional site plan and construction plans.

Date: 10-19-17 Signature: James H. Lewis



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:** November 1, 2017  
**RE:** ZBA 17-28

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**File Number:** ZBA#17-28  
**Site Address:** 1189 Chemung Drive  
**Parcel Number:** 4711-10-201-085  
**Parcel Size:** 0.200  
**Applicant:** James F. Lewis, 1189 Chemung Drive Howell 48843  
**Property Owner:** Same as applicant  
**Information Provided:** Application, site plan, building plans  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a side yard variance to construct an attached garage.  
**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 October 29, 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 2002.
- A variance was approved in 2001 for the parcel to be split into two lots, which was previously combined into one by the previous owner. (See attached minutes)
- In 2001, a permit was issued for construction of a new home. (See attached permit)
- 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 side yard variance to construct an attached garage.

## 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 Side Yard Setback: 5' Proposed Side Yard Setback: 3'4" Proposed Variance Amount: 1'8"**

## **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 side yard setback would prevent the applicant from constructing an attached garage capable of housing a vehicle. Construction of the garage would give the applicant substantial justice in regard to the ability to have a garage.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small size of the lot, the location of the existing home, the well location, and the large elm tree. Placement of the well and desire to save large tree prevent the applicant from placing a detached garage in the rear yard. The need for the variance is was self-created by the prior owners.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

## **Recommended Conditions**

If the Zoning Board of Appeals grants the variance 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



the church from Chilson Road and will enhance the aesthetic character of the church. The motion carried unanimously.

***01-29...A request by Bradley Rutkowski, Section 31, 2440 Brighton Road, is for a 27-foot side yard setback to construct a pole barn.***

A Call to the Public was made with no response. Moved by Ledford, supported by Stornant, to grant a 27' side yard variance for construction of a 28' x 26' garage with a loft measuring 28' x 13', and 6' in height. The practical difficulty is the unusual topography and elevation of the land that will not allow construction in any other area. The motion carried unanimously.

***01-30...A request by Craig and Elizabeth Hagen, Section 22, 4191 Highcrest Dr., is for a 9-foot side, 72-foot waterfront and 2-foot height variance to construct a new home.***

A Call to the Public was made with no response. After lengthy discussion, the petitioner asked to table his request to review the house plans with the architect. Board members were concerned with the size and variance of the garage as well as the request for a height variance. Moved by Skolarus, supported by Hensick, to table the petition until the next regular meeting of the board. The motion carried unanimously.

***01-31...A request by Jerry Veilleux, Section 20, 3629 Westphal, is for a 25-foot side yard variance and a variance to allow a pole barn to be constructed in the front yard.***

A Call to the Public was made with no response. Moved by Hensick, supported by Ledford, to grant a 25' north side variance to construct a detached pole barn in the front yard contingent upon the following: removal of the existing shed, and limiting the proposed garage/pole barn to 900 sq. feet in area. The hardship is the location of the existing home at the rear of the property and the location of the septic and mature trees behind the house. The motion carried unanimously.

***01-32...A request by Mitchell Building Co., Section 10, Lot 44 and 47 James R. Road, is for a variance to split two lots, previously combined into one.***

A Call to the Public was made with the following response: Loran Lankford - I would appreciate a home being constructed on that parcel. Moved by Ledford, supported by Hensick, to approve the request to split the property according to the plan submitted. A variance from the zoning ordinance is granted for the creation of a parcel that does not meet the requirements of the township-zoning ordinance. A variance of 22' is granted to the width requirement of 80' and a variance of 4,100-sq. ft. is granted to the 12,000-sq. ft. requirement in the LRR district. The motion carried as follows: Ayes Ledford, Hensick and Stornant. Nay Skolarus and Figurski.

***01-33...A request by Craig Lesley, Section 22, 5639 Kenmar, is for a variance to split a lot.***

LAND USE PERMIT

GENOA TOWNSHIP

2911 Dorr Road • Brighton, MI 48116
(810) 227-5225 • Fax (810) 227-3420



Permit No. 01-439 Date 7-30-01
Owner Mitchell Bldg. Co Telephone
Site Address 1189 Chemung Dr City Howell Zip 48843
Contractor Mitchell Bldg. Co Telephone (810) 227-2785
Address 301 W. Grand River City Brighton Zip 48116
Subdivision McNamaras Lot No. 44
Size of Lot: Front 58' Rear 58' Side 150' Side 150'
Acreage none Zoning Classification residential
Tax Code No. 11-10-201-085

Application is made to Construct new home - single family

- Checked: Dwelling, Sewer Connection, Water Connection
Other options: Deck, Swimming Pool, Accessory Bldg, Mobile Home, Commercial, Industrial, Sign

Type of Construction: Checked Frame, other options: Brick, Stone, Cinder Block, Steel, Other

Foundation: Checked Block, other options: Basement, Full, Part, Poured, Walkout, Conventional, Crawlspace, Slab

Size of Building: Front 26' Rear 26' Deep 42' Height 2 story

Estimate Value \$ 100,000 Total Square Feet 1092 1680

Building Setback: 55' feet from front property line. 55' feet from rear line. 300 waterfront.
16' feet least side. 16' feet side line.

- Attach drawing showing the following: dimensions of property; all roads adjacent to property; easements; wetlands; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building including building elevations.
For sign, attach drawing showing dimensions of sign, and for a wall sign, the facade to which it will be attached.
Attach proof of ownership of property.

I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I understand that there may be deed restrictions that may apply to this project that are not under the purview of the Genoa Township Zoning Ordinance. Private covenants and restrictions are potentially enforceable by private parties. A Land Use Permit is valid for a period of 12 months from the date of issue. Any modification to location, size, or dimensions must be approved by Genoa Township.

Applicant Signature Emily Mitchell Date 7-25-01

Approved Disapproved Date 7/25/01

Conditional per 7-10-01 ZBA approval KK

add 10 x 10 front deck 9/12/01

Zoning Inspector [Signature]

Copies: White-Township Canary-Assessor Pink-Applicant

Table with Fees: Land use 7500, Connection-water sewer 9037.50, Meter, Total Paid \$9112.50 #2333

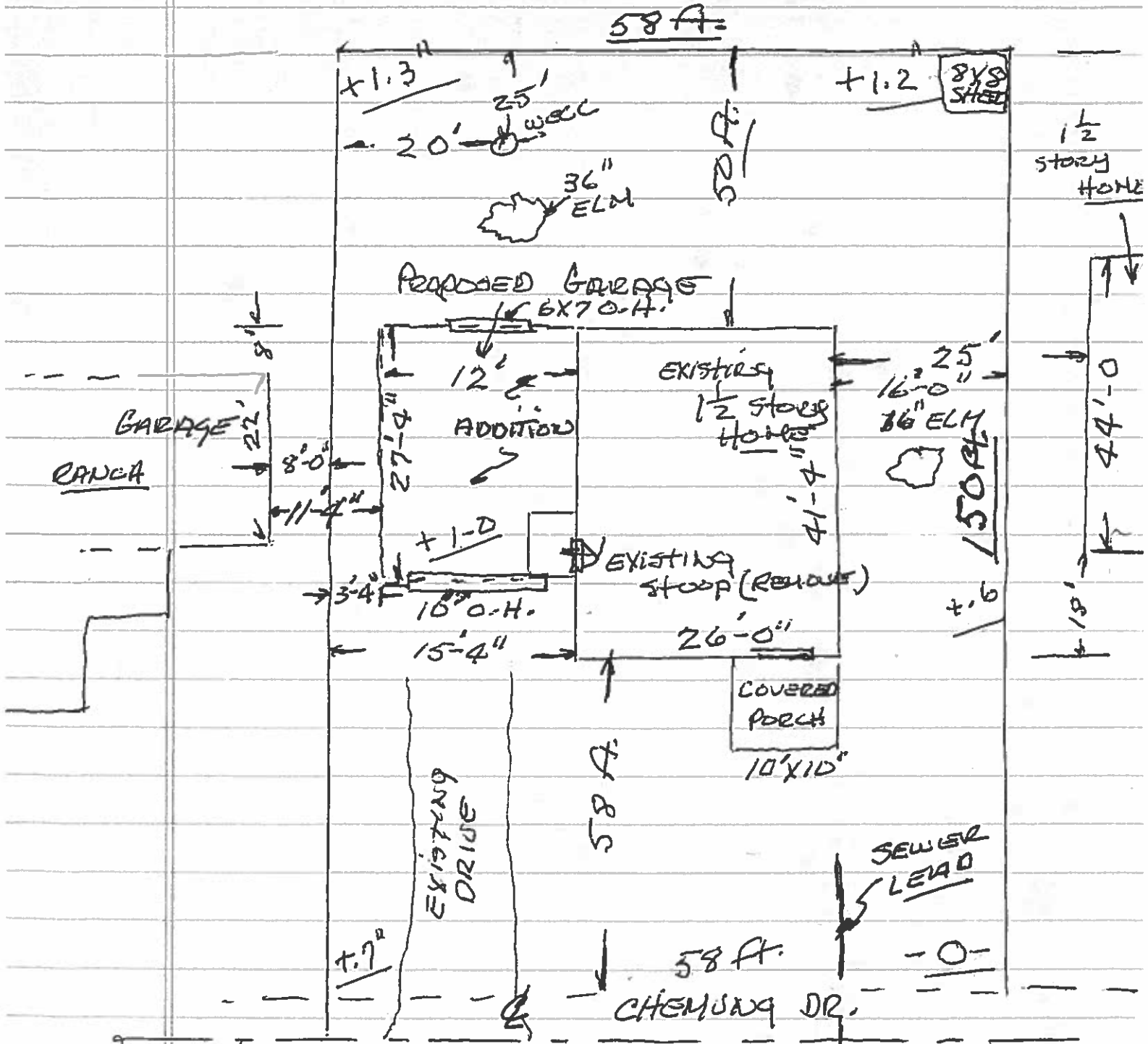
w/L.O. 01-440

VARIOUS  
APP.

JIM LEWIS  
1189 CHEUNG DR.

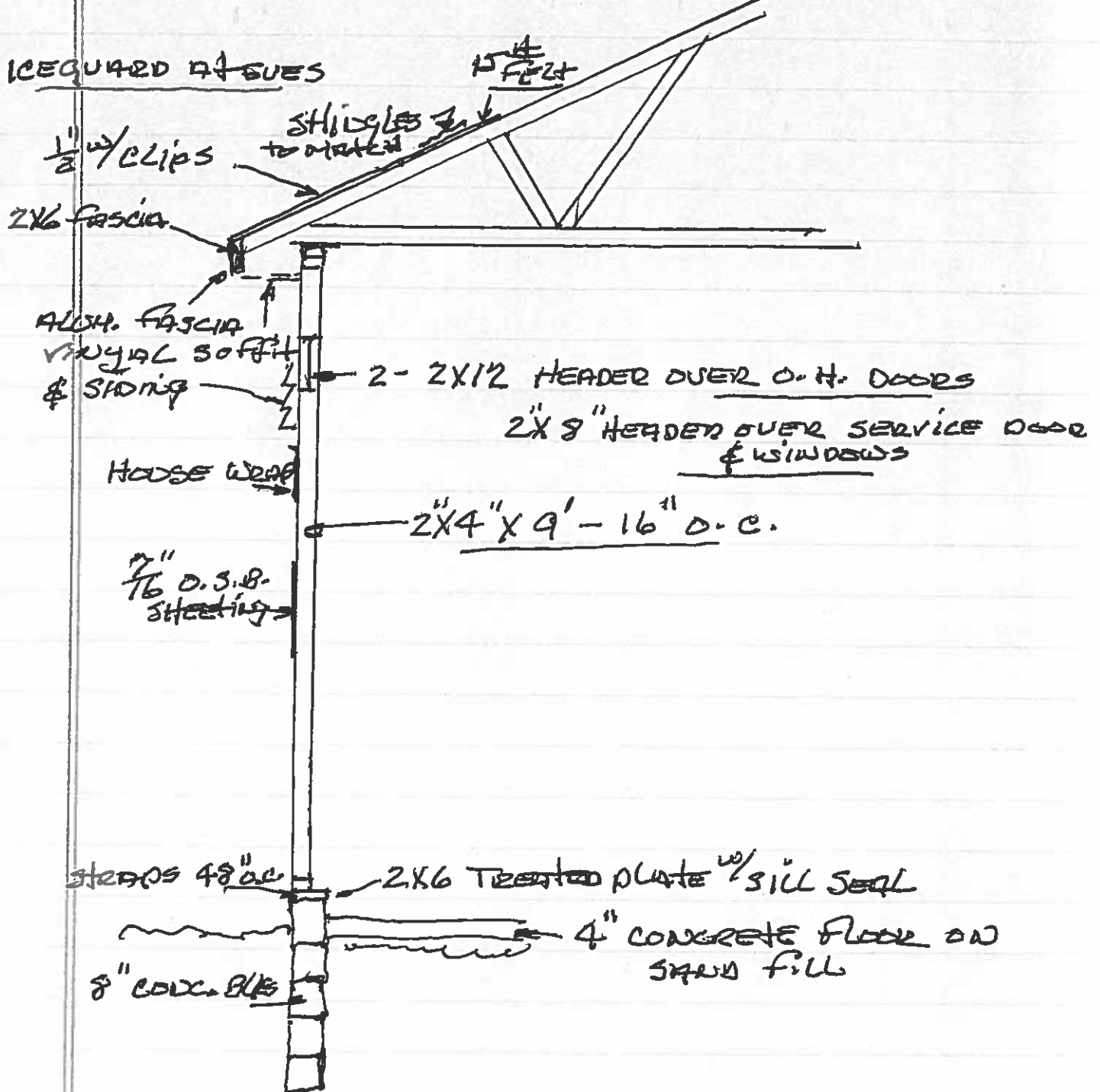
(517) 679-9118

HOWELL, MI.



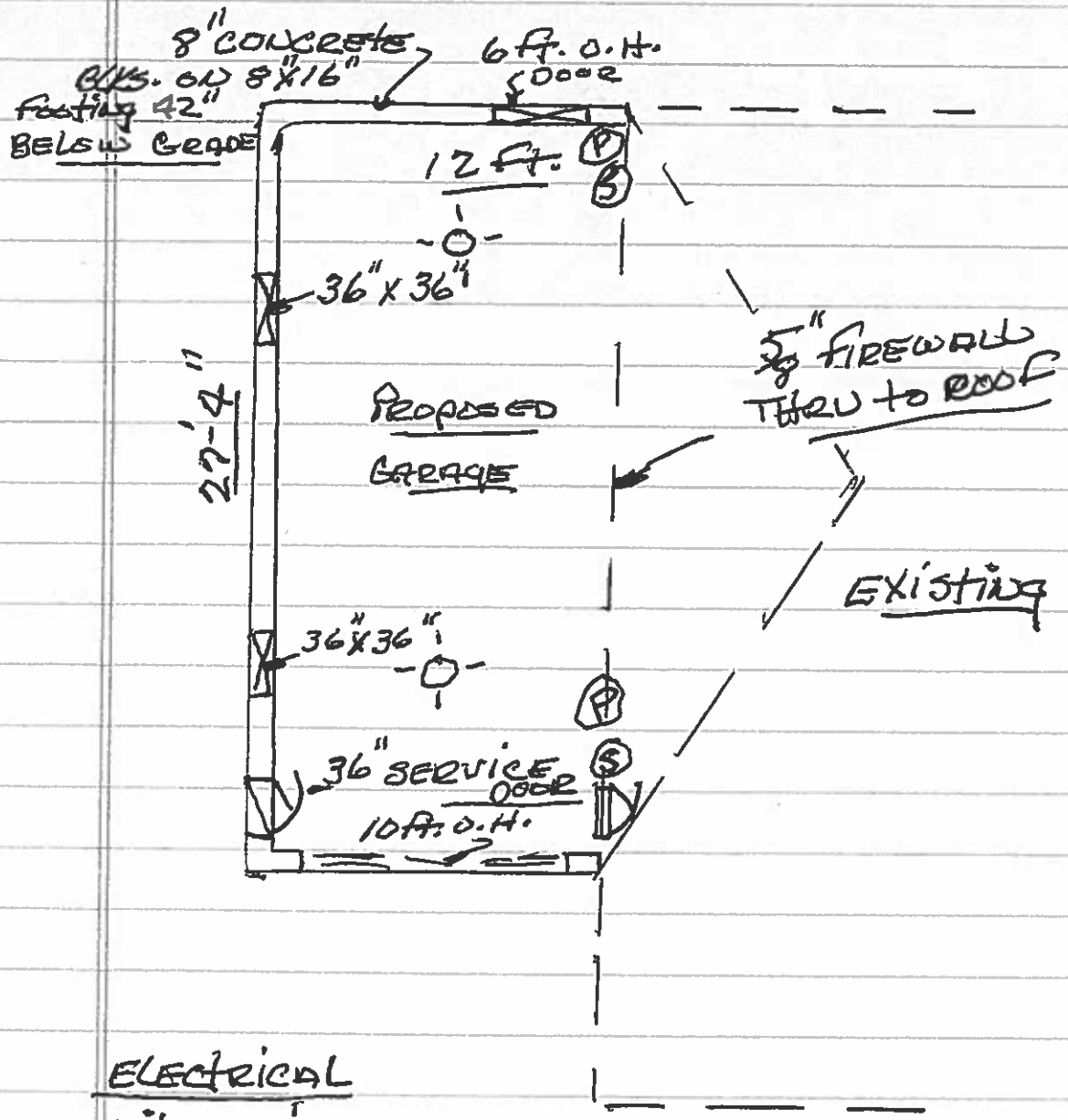
BUILDING PERMIT

# CROSS SECTION TYPICAL





Boulder  
Permit

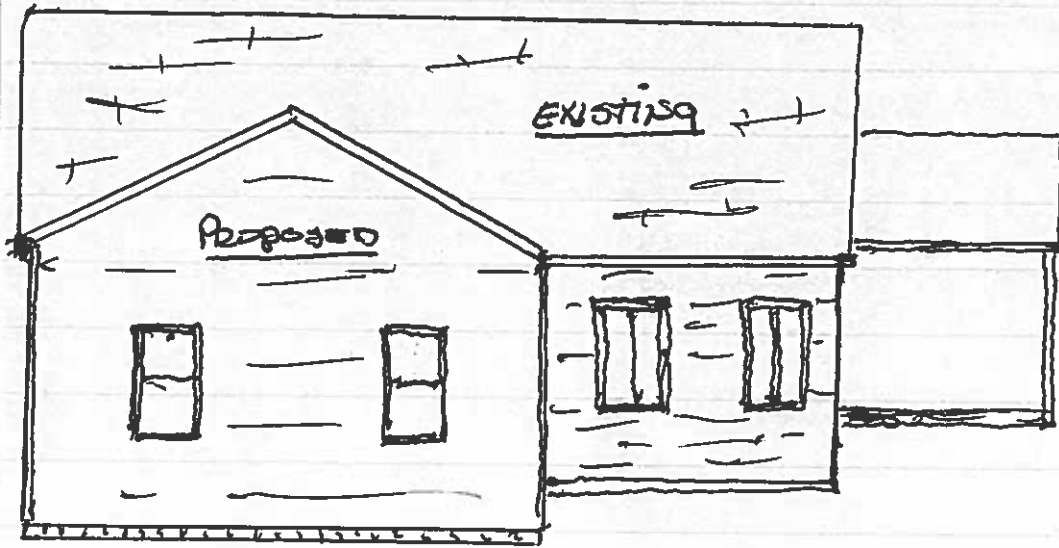



ELECTRICAL

- Lites - O -
- PLUGS (P)
- SWITCH (S)

APP

SIDE (WEST) ELEVATION  
FRONT ELEVATION  
1189 CHEMUNG DR.



| Grantor  | Grantee                    | Sale Price                | Sale Date  | Inst. Type   | Terms of Sale | Liber & Page   | Verified By    | Prcnt. Trans.   |                |               |        |        |
|--|----------------------------|---------------------------|------------|--|---------------|--|----------------|-----------------|----------------|---------------|--------|--------|
| GEMUEND ROSS   | LEWIS JAMES                | 188,000                   | 01/19/2017 | WD   | ARMS-LENGTH   | 2017R-003685   | BUYER          | 100.0           |                |               |        |        |
| US BANK NATIONAL ASSOCIATI   | GEMUEND ROSS               | 127,500                   | 08/24/2016 | CD   | FORECLOSURE   | 2016R-026258   | BUYER          | 100.0           |                |               |        |        |
| US BANK NATIONAL ASSOC   | US BANK NATIONAL ASSOCIATI | 139,595                   | 09/18/2015 | SD   | FORECLOSURE   | 2015R-008372   | BUYER          | 0.0             |                |               |        |        |
| HAIGH, HENRY IV  | US BANK NATIONAL ASSOC     | 59,086                    | 06/01/2011 | SD   | FORECLOSURE   | 2011R-022172   | BUYER          | 0.0             |                |               |        |        |
| Property Address   |                            | Class: 401 RESIDENTIAL-IM |            | Zoning: LRR  |               | Building Permit(s)                                     |                | Date            | Number         | Status        |        |        |
| 1189 CHEMUNG DR  |                            | School: HOWELL            |            | RES MISCEL   |               | 06/13/2016   |                | W16-103         | NO START       |               |        |        |
|  |                            | P.R.E. 100% 01/20/2017    |            | HOME   |               | 07/30/2001   |                | 01-439          | NO START       |               |        |        |
| Owner's Name/Address   |                            | MAP #: V17-28             |            | 2018 Est TCV Tentative   |               |  |                |                 |                |               |        |        |
| LEWIS JAMES<br>1189 CHEMUNG DR<br>HOWELL MI 48843  |                            | X Improved                |            | Vacant   |               | Land Value Estimates for Land Table 00004.LAKE CHEMUNG |                |                 |                |               |        |        |
|  |                            | Public Improvements       |            | * Factors *  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            | Description  | Frontage      | Depth  | Front          | Depth           | Rate           | %Adj.         | Reason | Value  |
|  |                            |                           |            | C NON LF   | 58.00         | 150.00   | 1.0000         | 1.0000          | 800            | 100           |        | 46,400 |
|  |                            |                           |            | 58 Actual Front Feet, 0.20 Total Acres Total Est. Land Value = |               |  |                |                 |                |               |        | 46,400 |
| Tax Description  |                            | X                         |            |  |               |  |                |                 |                |               |        |        |
| SEC 10 T2N R5E MCNAMARAS SUB, LOT 44<br>SPLIT FR 047 8/01 PER ZBA APPROVAL CASE # 01-32                  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
| Comments/Influences  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|                        |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            |                           |            |  |               |  |                |                 |                |               |        |        |
|  |                            | X                         |            | Year   | Land Value    | Building Value   | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |        |        |
|  |                            | Who When What             |            | 2018   | Tentative     | Tentative  | Tentative      |                 |                | Tentative     |        |        |
| The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan |                            | JB 04/12/2017 INSPECTED   |            | 2017   | 23,200        | 63,900   | 87,100         |                 |                | 87,100S       |        |        |
|  |                            | LM 06/21/2016 INSPECTED   |            | 2016   | 23,200        | 54,300   | 77,500         |                 |                | 63,880C       |        |        |
|  |                            |                           |            | 2015   | 23,200        | 52,300   | 75,500         |                 |                | 63,689C       |        |        |

\*\*\* 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>100<br>25 | Type<br>WCP (1 Story)<br>WPP |  |  | 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 |             |                |  | Forced Air w/o Ducts<br>Forced Air w/ Ducts<br>Forced Hot Water<br>Electric Baseboard<br>Elec. Ceil. Radiant<br>Radiant (in-floor)<br>Electric Wall Heat<br>Space Heater<br>Wall/Floor Furnace<br>X Forced Heat & Cool<br>Heat Pump<br>No Heating/Cooling   |                 |  |                   |                              |  |  |   |  |
| Building Style:<br>C                             |   | Trim & Decoration  |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| Yr Built<br>2002                                 | Remodeled<br>2016   | Ex   | X   | Ord                  |                     | Min         |                |  |   |                 |  |                   |                              |  |  |   |  |
| Condition: Good                                  |   | Size of Closets  |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Lg   | X   | Ord                  |                     | Small       |                |  |   |                 |  |                   |                              |  |  |   |  |
| Room List  |   | Doors:   |   | Solid                | X                   | H.C.        |                |  |   |                 |  |                   |                              |  |  |   |  |
| Basement<br>1st Floor<br>2nd Floor<br>3 Bedrooms |   | (5) Floors   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Kitchen:   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Other:   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Other:   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| (1) Exterior                                     |   | (6) Ceilings   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| X  | Wood/Shingle<br>Aluminum/Vinyl<br>Brick   | No./Qual. of Fixtures  |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  | Insulation  | Ex.  | X   | Ord.                 |                     | Min         |                |  |   |                 |  |                   |                              |  |  |   |  |
| (2) Windows                                      |   | No. of Elec. Outlets   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| X  | Many<br>Avg.<br>Few   | X  | Avg.<br>Small   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  | 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 | (7) Excavation   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Basement: 0 S.F.<br>Crawl: 1092 S.F.<br>Slab: 50 S.F.<br>Height to Joists: 0.0   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| (3) Roof   |   | (8) Basement   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| X  | Gable<br>Hip<br>Flat  | Conc. Block<br>Poured Conc.<br>Stone<br>Treated Wood<br>Concrete Floor           |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| X  | Gambrel<br>Mansard<br>Shed  | (9) Basement Finish  |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| X  | Asphalt Shingle   | Recreation SF<br>Living SF<br>Walkout Doors<br>No Floor SF                       |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
| Chimney: Brick                                   |   | (10) Floor Support   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Joists:<br>Unsupported Len:<br>Cntr.Sup:   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Public Water<br>Public Sewer<br>Water Well<br>1000 Gal Septic<br>2000 Gal Septic |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Lump Sum Items:  |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj Size Cost                    |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | 1.5 Story Siding Crawl Space 83.54 -9.44 2.87 1092 84,051                        |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | 1 Story Siding Slab 65.62 -11.47 1.92 50 2,804                                   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Other Additions/Adjustments Rate Size Cost                                       |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | (13) Plumbing 3 Fixture Bath 2400.00 1 2,400                                     |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | (14) Water/Sewer Public Sewer 1162.00 1 1,162                                    |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Well, 200 Feet 4975.00 1 4,975   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | (16) Porches WCP (1 Story), Standard 29.00 100 2,900                             |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | WPP, Standard 27.05 25 676   |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | Phy/Ab.Phy/Func/Econ/Comb.%Good= 91/100/100/100/91.0, Depr.Cost = 135,992        |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |
|  |   | ECF (4300 LK CHEMUNG NON WATERFRONT) 0.970 => TCV of Bldg: 1 = 131,912           |   |                      |                     |             |                |  |   |                 |  |                   |                              |  |  |   |  |

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 17, 2017 6:30 PM**

**MINUTES**

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

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

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

**Approval of the Agenda:**

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

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

1. 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for a side-yard variance to construct a new single-family home.

Ms. Marlene Luzod was present and stated she and her husband are requesting two side-yard variances to construct a new home. They are requesting a variance of 10 feet on one side and 15 feet on the other side. This is their retirement home and would like to be as close to the lake as possible. They meet the front yard and waterfront setbacks.

Most homes in the area have been given variances for less side-yard setbacks. If the home was put within the building envelope and met the side-yard setbacks, it would be on the back side of a large hill.

Board Member McCreary is concerned about the access on the site. She had difficulty getting over the large hill and is questioning how a fire truck would maneuver. Ms. Luzod stated they will be moving dirt on the site to change the grade.

Board Member McCreary spoke to the Fire Marshall, and he stated they can review the plans to ensure that they meet their code. She does not believe this site will meet their requirements, but would like for them to review the plans and provide their approval. She is also concerned with the owners' as well as their visitors' safety when entering and exiting the property. She feels it is a beautiful piece of property and a gorgeous view; however, she cannot vote to approve this variance with the information that is being provided. The plan does not show the

driveway, well or septic locations. Additionally, the gravel path shown for their access to the lake runs through their neighbor's property. Ms. Luzod stated they will not be using the gravel path to access the lake. They will be keeping it; however, they will be accessing the lake from the other side of the property as it is not as steep.

She also would like to see a grading plan from an engineer if the applicant is proposing to move dirt around on the site.

Ms. Ruthig noted that any retaining walls being proposed should be shown on the plans so the Township can ensure they meet their requirements.

The call to the public was made at 7:00 pm.

Lisa Izant of 6275 Brighton Road owns the properties on both sides of this property. She is in favor of granting these variances. She noted there is also a life estate attached to this property, which means that the person who sold the home has the right to live here until he or she passes. In order for Mr. and Mrs. Luzod to build a new home, a clear title must be obtained.

Ron Stanaway of 4790 Narrow Trail stated he is the neighbor to the east of this property. He knew there would be concerns due to the topography of the site; however, he believes these can be addressed.

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

**Moved** by McCreary, seconded by Ledford, to table Case #17-22 for 4798 Narrow Trail by Andrew Luzod until the next regularly-scheduled Zoning Board of Appeals meeting on November 14, 2017 so the applicant review the requests that were mentioned today; specifically, grading, retaining walls, driveway location, well and septic locations, the fire department's review of the property for safety of specifications, and a clear title..

2. 17-26 ... A request by Max Collins, 566 Hilltop Drive, for a variance to construct a new detached accessory structure in the front yard.

Mr. Collins was present. He would like to put a detached garage in the front yard. They are on a residential lake-front property. He will be removing the existing garage and anticipates this to be done in the spring of next year. It meets the size and height requirements. This garage will be further away from the road than the existing one. He cannot put the garage in the back yard because there is a steep hill at the rear of his site. He noted that there are garages in the neighborhood that are closer to the road than what he is proposing.

Mr. Collins noted that he will be relocating the existing chain link fence from the rear of the new garage to the other side of his property. Ms. Ruthig stated that fences in the front yard are only allowed to be three-feet high and they cannot be chain link; however, since the existing fence is

non-conforming, moving it back may decrease the non-conformity. She will need to research this further and contact Mr. Collins with her findings.

Board Member Ledford asked if there was enough room for a truck to access the site to maintain or repair the well. Mr. Collins stated there is plenty of room for a truck to access the well.

The call to the public was made at 7:17 pm with no response.

**Moved** by Ledford, seconded by Figurski, to approve, Case #17-26, for 566 Hilltop Drive, requested by Max Collins to construct a 26 x 36 detached accessory structure in the front yard and demolish the existing 20 x 22 detached accessory structure, also located in the front yard, which will be removed in the spring of 2018, based on the following findings of fact:

- Compliance with the strict letter of the ordinance would prevent the applicant from constructing a detached accessory structure; however, granting of the requested variance would do substantial justice to the applicant as well as to the other property owners in the district.
- The extraordinary circumstance of the property is the location of the existing single-family home at the rear of the lot.
- The need for the variance was not self created.
- There are other detached accessory structures in the front yards in the surrounding neighborhood.
- The granting of the variance will not impair an adequate supply of light and 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 the Township of Genoa.
- The proposed variance will have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The detached accessory structure shall be guttered with downspouts and drainage will be maintained on the property by the applicant.

**The motion carried unanimously.**

3. 17-27 ... A request by Jeremy Bowman, 3680 Robinson Lane, for a variance to construct a detached accessory structure in the front yard.

Mr. Jeremy Bowman was present. He would like to put a 30x40 outbuilding in the front yard. His hardship is that the existing home is on a hill and close to the rear property line. There is a septic field at the rear of the site. He has a drainage swale along the back of the property. Also, his property is zoned County Estates, which has a five-acre minimum; however, his property is only two acres. This makes it difficult to comply with the large setbacks in the County Estates zoning district.

Board Member Ledford questioned if the applicant's proposed structure will affect the installation of the cul-de-sac that could possibly be built in the future. All Board Members agree the building will not interfere with the cul-de-sac.

Board Member Ledford questioned if there are other locations on the property where the building could be . Mr. Bowman stated he would still need a variance and due to the topography of the site, placing it in a different location could affect the natural drain pattern of the site as well as require the removal of trees and site grading; however, he would be willing to move it further to the south and toward the house, as long as he would not need to remove too many trees or disrupt the draining. Chairman Dhaenens stated that Mr. Bowman has requested a setback of 30 feet; so he can move it further away from the property line and still be in compliance if the variance is granted.

The call to the public was made at 7:34 pm.

Sandy and Ernie Bowman, who own the property next to the applicant, are in favor of granting this variance.

The call to the public was closed at 7:35 pm.

**Moved** by McCreary, seconded by Figurski, to approve Case #17-27 by Jeremy Bowman of 3680 Robinson Lane to construct a detached accessory structure in the front yard with a minimum setback of 30 feet based on the following findings of fact:

- The constraints of the zoning, which is Country Estates, of five-acre minimum and the applicant's property is two acres, thereby give vining the owner less ability to build and utilize the property to its maximum opportunity.
- The initial approval of the west property line is the "front" of the lot, and the seller built their home on the property based on these guidelines.
- There is nowhere else to place the structure based on the location of the well and septic and due to the topography of the lot and the responsible grading and drainage of the property.
- Compliance with the struct ordinance would prevent the applicant from constructing a detached accessory structure. Accessory structures are typical in this rural area of the Township and granting the variance would provide substantial justice.
- The need for the variance is not self-created.
- he granting of the variance will not impair an adequate supply of light and 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 the Township.
- The proposed variance would have a limited impact on the appropriate development or use of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The detached accessory structure will be guttered with downspouts.
- The applicant must maintain drainage on the property.



- A site plan showing the cul-de-sac shall be submitted for land use permit approval.

**Administrative Business:**

1. Approval of the minutes for the September 19, 2017 Zoning Board of Appeals Meeting

Board Member Ledford noted that the ordinance referenced in the motion for Case #17-24 was incorrect. It should be 11.04.02.

**Moved** by Ledford, seconded by McCreary, to approve the July 18, 2017 Zoning Board of Appeals Meeting with the change noted. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig distributed the meeting dates for 2018.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meetings held on October 2nd and 16, 2017.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting held on October 10, 2017.
5. Zoning Official Report – Ms. Ruthig had nothing to report this evening.
6. Member Discussion – There were no items to discuss.
7. Adjournment

**Moved** by Ledford, seconded by Figurski, to adjourn the meeting at 8:11 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary