

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DECEMBER 12, 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. Petitioner's has requested to tabled for 17-22 ... A request by Andrew Luzod, 4798 Narrow Trail, for two side yard variances to construct a single family home.
2. 17-29... A request by Brian and Carol Morgan, 1054 Sunrise Park, for a front yard variance to construct a roof over a deck.
3. 17-30 ... A request by Stephen and Stacia Siddall, 5011 Grover Drive, for a front yard variance to construct a covered porch.
4. 17-31 ... A request by Earl and Rosemary LaFave, 4469 Quebec Lane, for a rear yard variance to build a three-season room on an existing deck.

Administrative Business:

1. Approval of minutes for the November 14, 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

**From:** [Andrew Luzod](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Zoning appeal  
**Date:** Tuesday, December 05, 2017 2:32:16 PM

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I would like to postpone my zoning appeal to the January meeting. Please acknowledge if this is possible.

Thank you!

[Sent from Yahoo Mail for iPhone](#)



Rec'd 11/9/17 (VP)

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

Case # 17-29 Meeting Date: 12/12/17

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

Applicant/Owner: BRIAN + CAROL MORGAN

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

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

**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: FRONT YARD SETBACK

2. Intended property modifications: EXTEND FRONT PORCH ROOF  
3' INTO FRONT YARD

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.

THE EXISTING FRONT YARD SETBACK OF THE HOUSE IS 29'3", ALREADY LESS THAN ORDINANCE. GRANTING THIS CHANGE (OF 3') WILL IMPROVE THE USEFULNESS OF THE EXISTING STRUCTURE AND DECK.

**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.

THE NON-CONFORMING LOCATION AND SIZE OF THE EXISTING HOUSE PRECLUDES MEETING THE EXISTING ORDINANCES. OTHER NEARBY HOUSES DO NOT HAVE SIMILAR PORCHES.

**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.

GRANTING THIS VARIANCE WILL NOT INCREASE EXISTING TRAFFIC CONGESTION OR AFFECT PUBLIC SAFETY, COMFORT, OR WELFARE OF LOCAL INHABITANTS.

**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.

THE PORCH ROOF EXTENSION OF 3' WILL NOT NEGATIVELY AFFECT THE SURROUNDING NEIGHBORS, OR SAFETY OF THE NEIGHBORHOOD.

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: 11/9/2017 Signature: 



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:** December 5, 2017  
**RE:** ZBA 17-29

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**File Number:** ZBA#17-29

**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 front yard variance to construct a roof over previously variance granted 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 November 26, 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.
- September 2017, variances were approved for an attached garage and deck in the front. (See Attached Minutes)
- 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 front yard variance to construct a roof over a deck in the front yard that was previously granted a variance. 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 Front Yard Setback: 35' Proposed Front Yard Setback: 26'3" Proposed Variance Amount: 8'9"**

### **Per 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 front yard setback would prevent the applicant from extending the existing covered deck but does not unreasonably prevent the use of the property. Other homes in the surrounding area do not appear to have a portion of the deck covered in the front yard therefore granting the variance would not provide substantial justice and is not necessary for the preservation and enjoyment of a substantial property right.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small size of the lot and the non-conforming location of the existing home. The variance would not make the property consistent with other properties in the vicinity. The need for the variance is self-created.

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

**(d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Recommended Conditions**

If the Zoning Board of Appeals grants the variance 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.

- The proposed variance would 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:

1. The addition shall be guttered with downspouts directing runoff to the lake.
2. Lots #10, 11, & 12 shall be combined under one tax code prior to the issuance of a land use permit.
3. Dust control measures must be taken during the demolition of the existing home.

**The motion carried unanimously.**

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.

Ms. Morgan was present. She is requesting to build a garage attached by a breezeway and a deck in the front yard. They currently have a porch at the back of the home and would like to add a deck and stairs to the front. They do not have access off of Sunrise Park Drive. They use the alleyway behind their home, so the deck would be in what would be considered the back of their property.

The call to the public was made at 7:16.

Chairman Dhaenens stated two letters of support were received from neighbors. Ms. Lyn Hewitt of 837 Sunrise Park believes the addition will greatly improve the aesthetics of the property and provide storage. Mr. John Hull is ok with the request and is in support of the completion of the Morgan's projects.

Board Member McCreary stated the original intent of all of these properties was cottages and there will be a lot of lot coverage. She is concerned with the safety of people accessing their homes along the alleyway and the site distance. She is not in favor of granting this variance.

Board Member Tengel feels this proposal is consistent with the neighborhood and the alleyway is not heavily traveled.

**Moved** by Tengel, seconded by Ledford, to approve case #17-24 from Carol and Brian Morgan of 1054 Sunrise Park for a 28'9" rear-yard setback variance to construct an attached garage and a variance to construct a deck in the front yard, based on the following findings of fact:

- 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 and is consistent with the surrounding properties.
- 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.
- The granting of these variances will not impair an adequate supply of light and air to adjacent properties 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 variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
- Zoning Ordinance Section 11.04.2 does not reference decks located in the front yard.

This approval is conditioned upon the following:

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

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

4. 17-25...A request by Tim Chouinard, 1254 Sunrise Park, for front and rear-yard variances and a wetland buffer variance to construct a new single-family home.

Mr. Chouinard was present. The need for the variances is due to the irregular shape of the lot. The building envelope is very small. Without the variances, the lot would be unbuildable. The livable portion of the proposed home is 1,834 square feet. They are within the lot coverage limits. The garage will be under the home.

Board Member Figurski is concerned with it being so close to the wetlands. Mr. Chouinard stated the existing deck is in the wetland area, and he will be removing this.

Board Member Ledford stated the applicant must meet four requirements when requesting a natural setback (wetland) variance. She reviewed these requirements and Mr. Chouinard stated he will meet and/or comply with all of them.

Board Member McCreary questioned if the DEQ must approve this. Ms. Ruthig stated that the applicant is not building into the wetland so the DEQ will not have any requirements.

The call to the public was made at 7:38 pm.

Chairman Dhaenens stated a letter of support was received from Lyn Hewitt of 837 Sunrise Park.

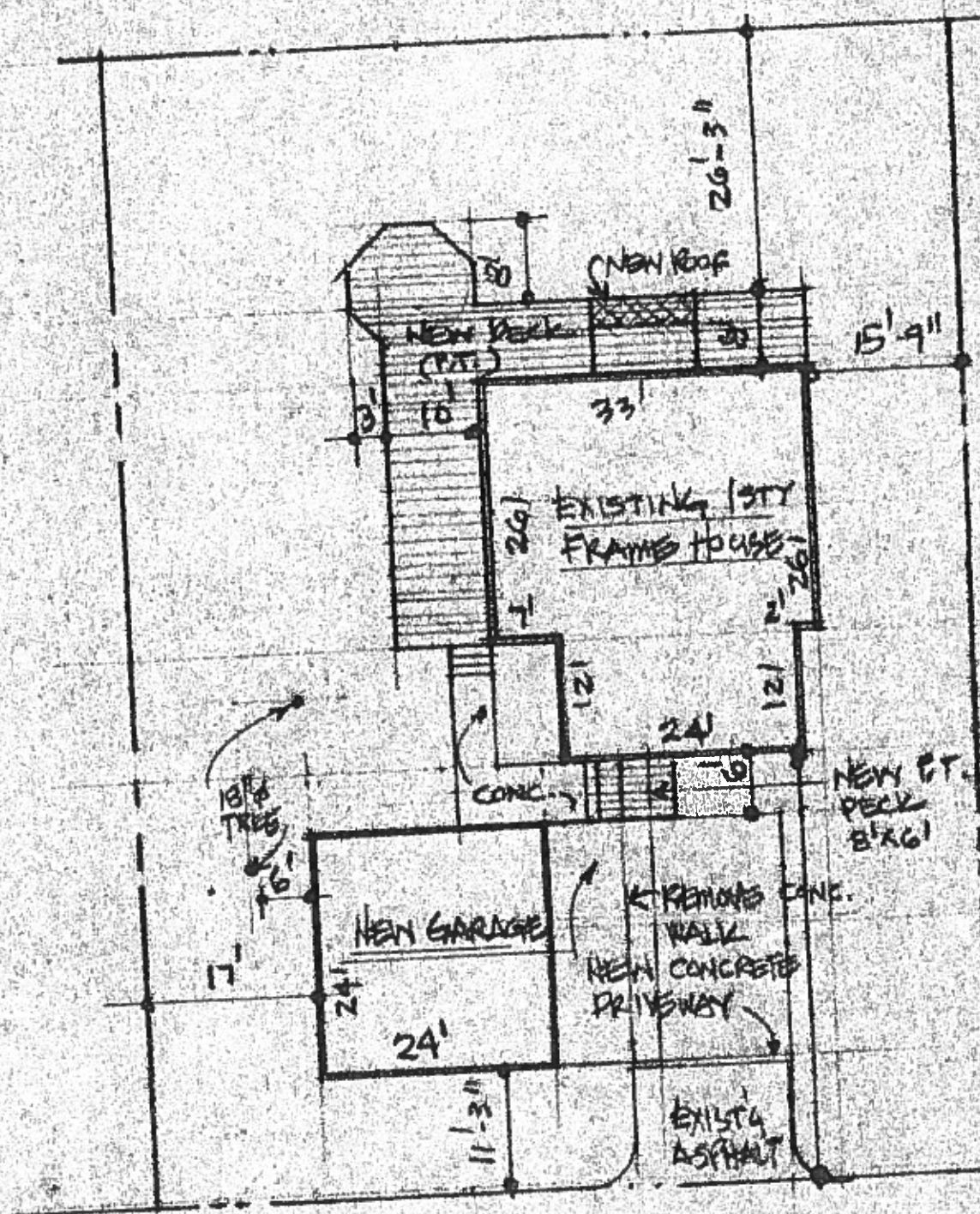
Board Member Tengel does not believe that this project will have a negative impact on the people in the surrounding community. It will also improve the aesthetics of the property.

Board Member Figurski feels that the home is cramped on the lot. The coverage is 35 percent. She wants to ensure that the requirements for working near a wetland will be met.

# GENOA TOWNSHIP

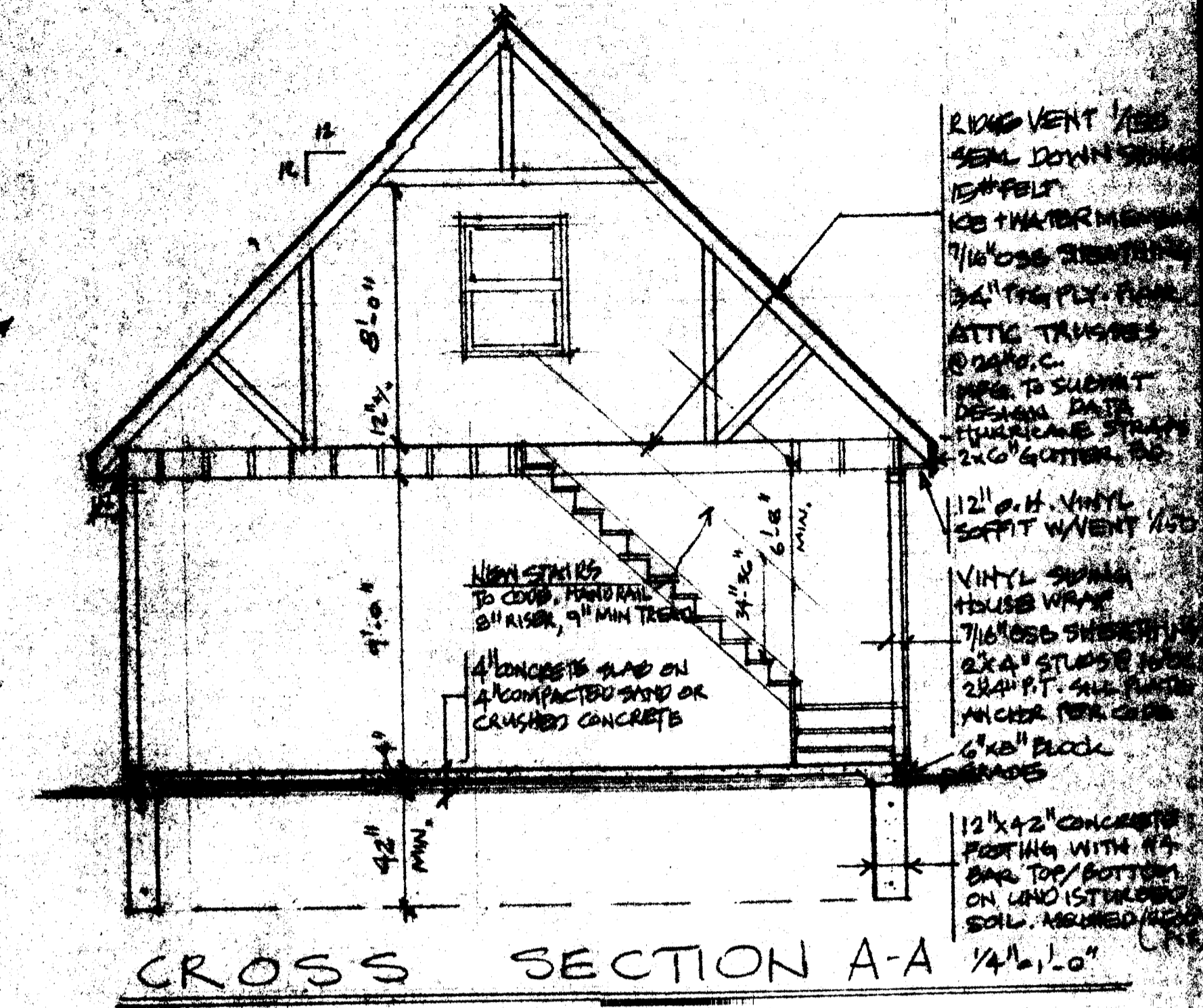
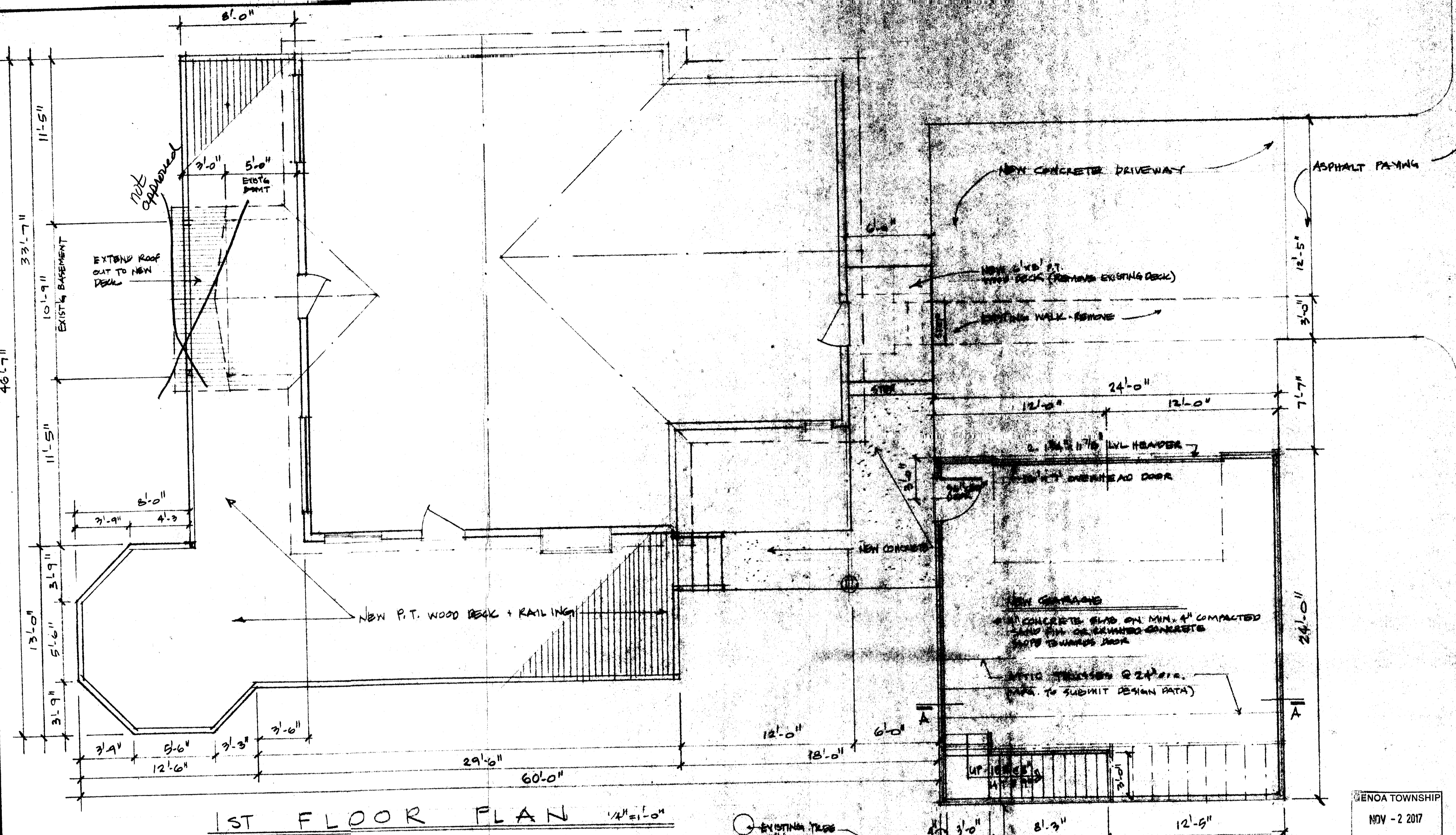


← SUNRISE PARK →



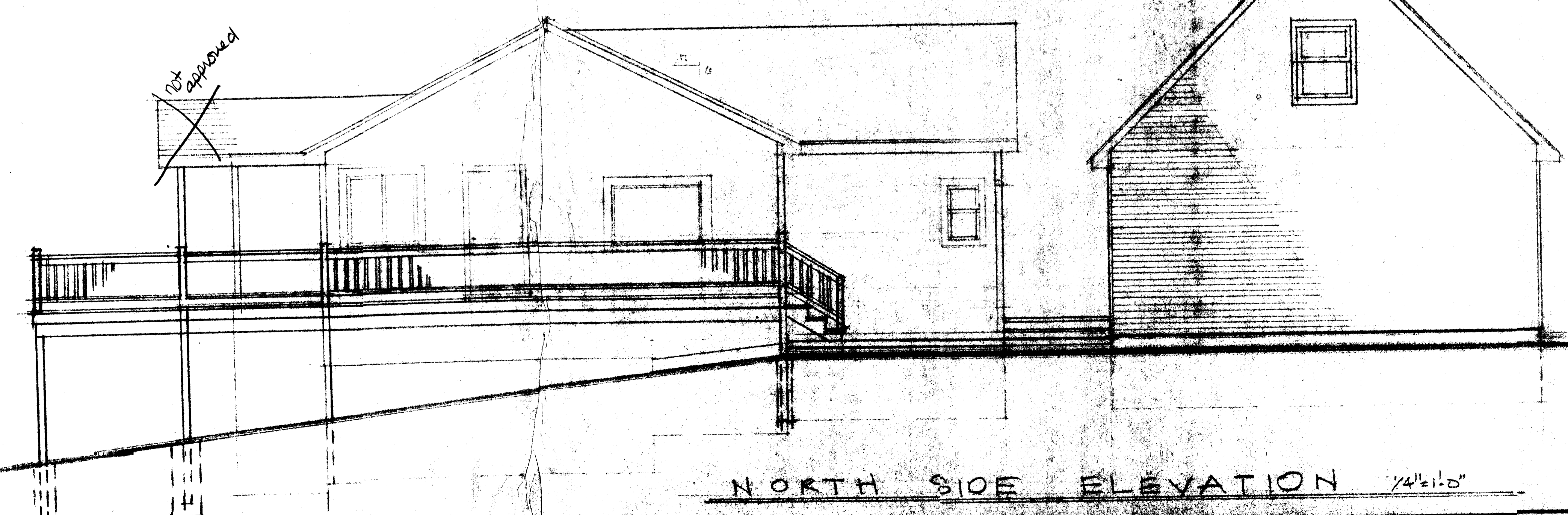
← EXISTING PAVED ALLEY →

SITE PLAN 1" = 20'



GENOA TOWNSHIP  
NOV - 2 2017  
PERMIT APPROVED

See Conditions  
Roof ext over deck  
not approved



BRIAN + CAROL MORGAN (734) 660-9891		GENOA TWP	
1054 SUNRISE PARK			
SCALE: NOTED	APPROVED BY:	DRAWN BY: D. GARDNER	
DATE: 10-31-17		REVISION:	
PARK BUILDERS	(313) 220-7759	MILFORD	
4413 KENSINGTON		DRAWING NUMBER: 17096	

**From:** [Michael Suciu](#)  
**To:** [Amy Ruthig](#)  
**Subject:** 1054 Sunrise Park  
**Date:** Saturday, December 02, 2017 6:23:42 AM

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Hi Amy

This is Michael Suciu and my lovely wife Marion and I are both in favor of granting this variance to Brian and Carol Morgan for their covered roof over their deck. We live at 1071 Sunrise Park.

As Always

Michael Suciu

## Amy Ruthig

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**From:** jrhill1@aol.com  
**Sent:** Sunday, November 26, 2017 4:16 PM  
**To:** Amy Ruthig  
**Subject:** 1054 Sunrise Park

Hi Amy,

I live across the street from the Morgans. I have no issue for their request for a roof over their deck.

Sincerely,

John Hull  
1065 Sunrise Park  
Howell, MI 48843  
734 564-3030

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		
		P.R.E. 100% 09/30/2009									
Owner's Name/Address		MAP #: V17-24									
MORGAN BRIAN & CAROL 1054 SUNRISE PARK HOWELL MI 48843		2018 Est TCV Tentative									
		X	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK						
		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		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.									
Tax Description		Topography of Site									
SEC. 9 T2N, R5E, SUNRISE PARK S 1/2 OF LOT 138 AND ALL OF LOT 139		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	
Comments/Influences		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\*\*\*

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage				
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	50 9	CCP (1 Story) WPP	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:				
X	Wood Frame		Drywall Paneled				Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling											
Building Style: D		Trim & Decoration																		
Yr Built 1945	Remodeled 2005	Ex	X	Ord		Min														
Condition: Good		Lg	X	Ord		Small														
Room List		(5) Floors																		
	Basement 1st Floor 2nd Floor 4 Bedrooms	Kitchen: Other: Other:					(12) Electric 0 Amps Service													
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Stories Exterior			Foundation			Rate Bsmnt-Adj Heat-Adj			Size Cost				
X	Wood/Shingle Aluminum/Vinyl Brick						Ex.	X	Ord.		Min									
	Insulation			No. of Elec. Outlets			Many			X	Ave.		Few							
(2) Windows		(7) Excavation		(13) Plumbing																
X	Many Avg. Few	X	Large Avg. Small	Basement: 875 S.F. Crawl: 288 S.F. Slab: 0 S.F. Height to Joists: 0.0			Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			3 Fixture Bath Separate Shower (14) Water/Sewer Public Sewer Well, 200 Feet (16) Porches CCP (1 Story), Basement WPP, Standard Phy/Ab.Phy/Func/Econ/Comb.%Good= 77/100/100/100/77.0, ECF (4305 SUNRISE PARK NON LAKEFRONT)			1650.00 580.00 912.00 4400.00 46.05 33.60 1.300 =>			1 1 1 1 50 9			1,650 580 912 4,400 2,303 302 84,912 110,386	
(3) Roof		(8) Basement		(9) Basement Finish			(14) Water/Sewer													
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor	Recreation SF Living SF Walkout Doors No Floor SF			Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic													
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:													
X	Asphalt Shingle																			
Chimney: Brick																				

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





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

Case # 17-30 Meeting Date: 12-12-2017

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

Applicant/Owner: STEPHEN & STACIA SIDDALL

Property Address: 5011 GROVER DR Phone: 313 205 2047

Present Zoning: LRR Tax Code: 11-22-303-012

**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: 31' FRONT YARD SET BACK VARIANCE  
(4' SET BACK FROM CREST DRIVE, WHICH HAS  
BEEN INACTIVE FOR 40+ YEARS.)
2. Intended property modifications: COVER FRONT STOOP.

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.

GRANTING 4' SET BACK FROM INACTIVE CREST DRIVE WILL ALLOW ME TO COVER FRONT STOOP. NEXT DOOR NEIGHBOR WAS GRANTED 7' SET BACK FROM SAME INACTIVE CREST DRIVE.

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.

CREST DRIVE HAS BEEN INACTIVE FOR 40+ YEARS, I DID NOT CREATE THE NEED FOR THIS VARIANCE.

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.

GRANTING VARIANCE WILL NOT CREATE ANY ILL EFFECTS MENTIONED ABOVE.

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.

GRANTING VARIANCE WILL INCREASE CURB APPEAL.

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: 11/9/2017 Signature: Steph Siddell



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** December 5, 2017

**RE:** ZBA 17-30

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

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## STAFF REPORT

**File Number:** ZBA#17-30  
**Site Address:** 5011 Grover  
**Parcel Number:** 4711-22-303-012  
**Parcel Size:** .306  
**Applicant:** Stephen and Stacia Siddall, 5011 Grover Drive Brighton  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a front yard variance to construct a covered front porch.

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

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday November 26, 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. Applicant was advised that a full board was not present and any approval would require three votes for approval.

**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 1945 and remodeled in 2016.
- The address was changed to 5011 Grover from 3641 Grover.
- A permit was approved in 1989 for an addition for a bedroom and bath.
- A permit was approved in 1995 for an addition.
- A permit was approved in 2017 for the enclosure of existing covered front porch.
- See Assessing Record Card

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

**History- As a brief history I offer the following:**

This lot was platted in 1926 as part of Lot 24 of Crooked Lake Peninsular Subdivision with access off of a platted road named Crest Drive. In 1935, lots 17-24 and part of platted road Cross Drive were annexed into a new platted subdivision called Odell Woods. The subject property is lot 10 and ½ of lot 9 of Odell Woods. There is a portion of Crest Drive that remains platted but was never installed impacting lots 7-10 of Odell Woods (previously lot 22-24 of Crooked Lake Peninsular Subdivision).

**Summary**

The proposed project is to construct a covered front porch to the existing single family home. In order to construct the addition as proposed, the applicant is required to obtain a front yard variance. After research and meeting with the applicant it was discovered that the area owners have assumed ownership of a platted road that was never implemented or vacated. The existing home is located 25 feet from this platted roadway. The applicant's existing detached accessory structure is located within this platted road and not on the applicant's property. Due the platted road being private, the circuit court would need to take action on the road being vacated which the applicant was made aware of and is encouraged to pursue. The vacation of a platted road is a complicated and lengthy process as every parcel in the plat would be required to be sued to vacate the road.

**Variance Requests**

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

<b>Table 3.04.01 (LRR District):</b>	<b>Required Front Yard Setback:</b>	<b>35'</b>
	<b>Proposed Front Yard Setback:</b>	<b>31'</b>
	<b>Proposed Variance Amount:</b>	<b>4'</b>

**Summary of Findings of Fact- After reviewing the application and materials provided, I offer the possible findings of fact for your consideration:**

Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front yard setback would prevent the applicant from constructing a covered front porch to the existing single family home as proposed however it does not unreasonably prevent the use of the property. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice. The need for a variance would not be required if the applicant petitioned the circuit court to have the platted road vacated.
  
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the non-conforming location of the existing home and the unused platted road reducing the property size. Granting of the variance would make it consistent with many homes in the vicinity. The need for the variance is not self-created by the applicant. However, if the road was to be vacated there would be no need for the variance.
  
- (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 requests staff recommends the following conditions be placed on the approval.

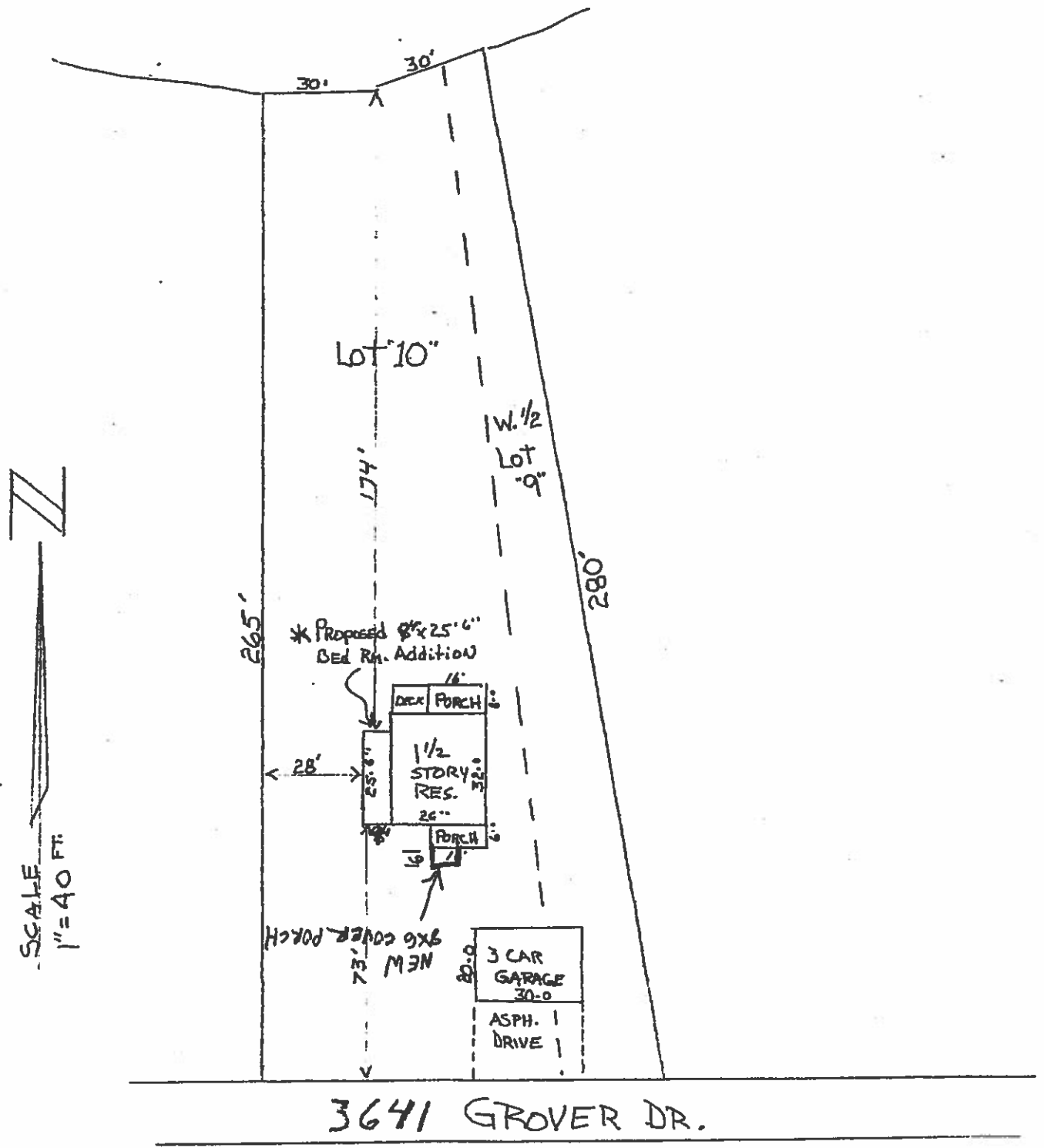
1. Drainage from the home must be maintained on the lot.
2. Structure must be guttered with downspouts.
3. The applicant is encouraged to obtain a staked survey.

# GENOA TOWNSHIP



Lot 10 and the West 1/2 of Lot 9 of "Odell Woods", Part of the Northwest 1/4 of Southwest 1/4 of SECTION 22, TOWN 2 N-RANGE 5 EAST, Liber 3 of Plats, Page 44 of Liv. Cty. Records

CROOKED LAKE



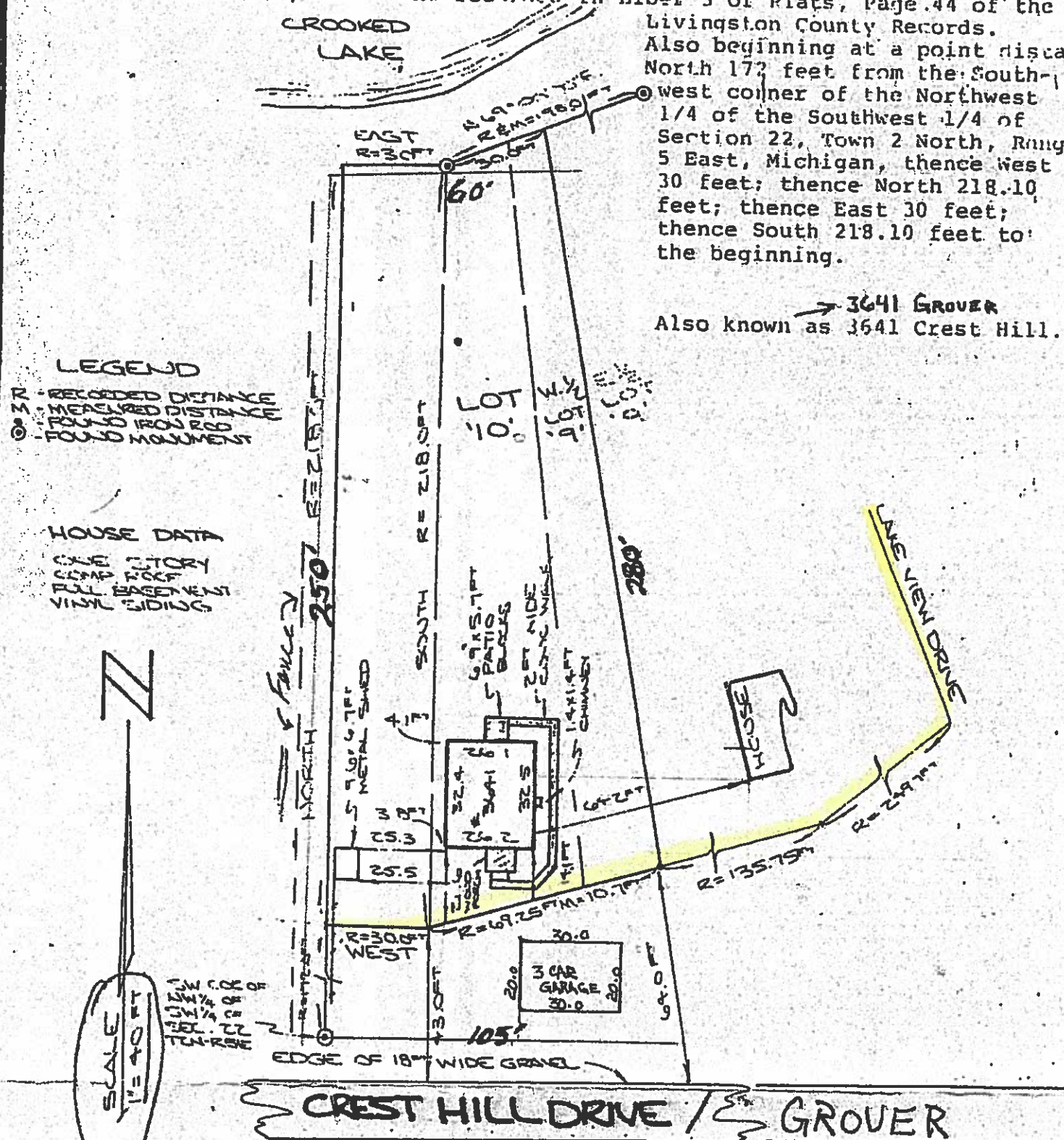
3641 GROVER DR.

# MORTGAGE REPORT

Mortgage Report for A.C. McCulloch and Elaine E. McCulloch, of land being ~~Lot 10~~ and the West 1/2 of Lot 9 of "Odell Woods", a part of the Northwest 1/4 of Southwest 1/4 of Section 27, Town 2 North-Range 5 East, Michigan, as duly laid out, platted and recorded in Liber 3 of Plats, Page 44 of the Livingston County Records.

Also beginning at a point distant North 172 feet from the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 22, Town 2 North, Range 5 East, Michigan, thence West 30 feet; thence North 218.10 feet; thence East 30 feet; thence South 218.10 feet to the beginning.

→ 3641 GROVER  
Also known as 3641 Crest Hill.



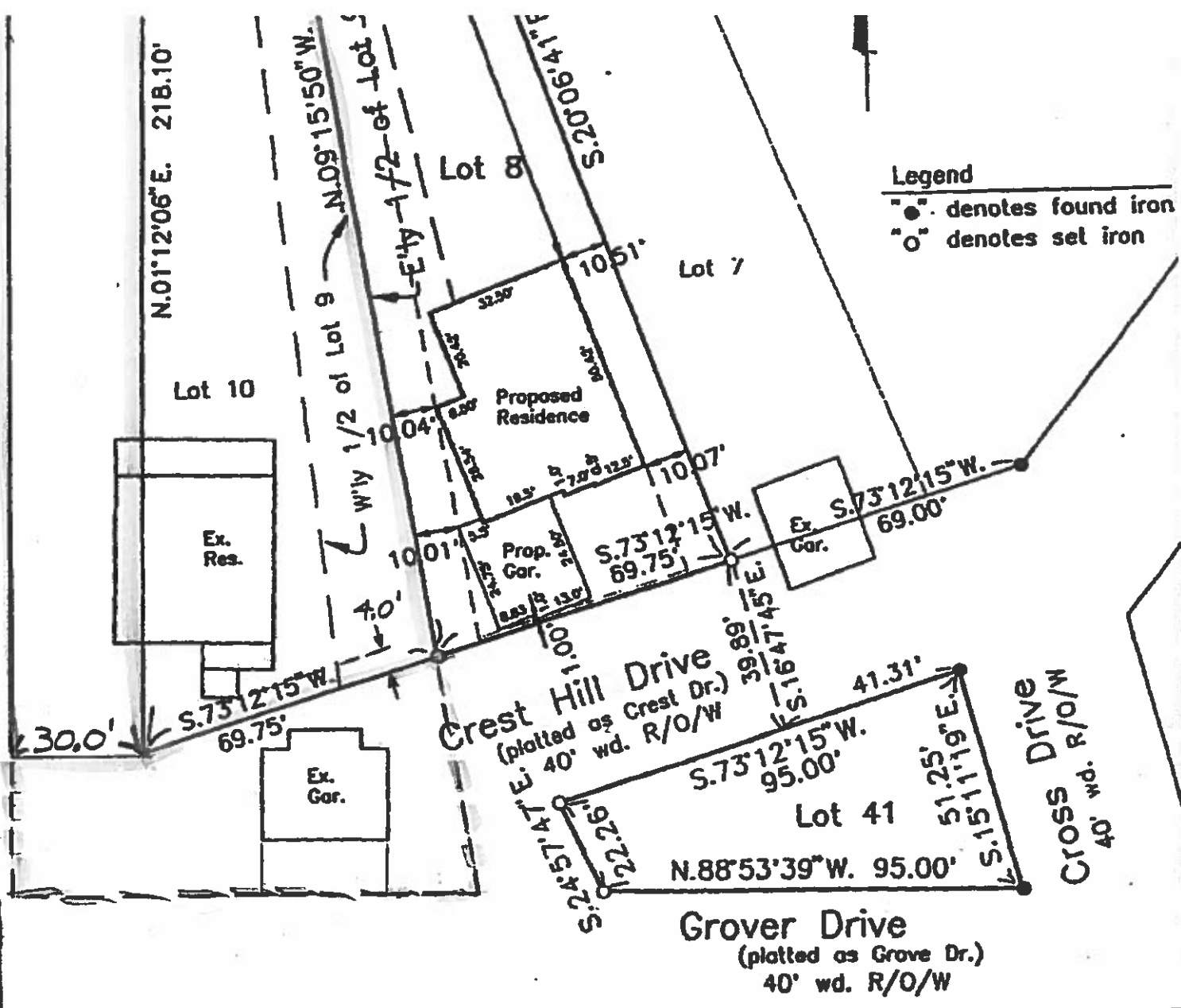
- LEGEND**
- R - RECORDED DISTANCE
  - M - MEASURED DISTANCE
  - ⊙ - FOUND IRON ROD
  - - FOUND MONUMENT

- HOUSE DATA**
- CORR. FLOOR
  - CONC. FLOOR
  - FULL BASEMENT
  - VINYL SIDING



I HEREBY CERTIFY to the Detroit Bank of Livonia, that I have surveyed the property described; that there is located entirely thereupon as shown a building and improvements, that said building and improvements are within the property lines and that there is no existing encroachments upon the land described; except, as otherwise noted. NOTE: This survey has been completed using property descriptions furnished by others and is for mortgage purposes only and is not to be used to establish lines for the





**Legend**  
 ● denotes found iron  
 ○ denotes set iron

SCALE: 1 INCH = 40 FEET

**LEGEND** PROFESSIONAL SURVEYOR NO.

**MUNZEL ENGINEERING & LAND SURVEYING**

A DIVISION OF  
**WASHTENAW ENGINEERING COMPANY**

222 WEST GRAND RIVER AVE.  
 BRIGHTON, MICHIGAN 48116  
 TEL. 810-229-9528 FAX. 810-229-8686  
 www.washtenawengineering.com

CLIENT: Mr. Al Sharp & Mr. Tony Przytylski	
TOWN 2	SECTION 22
NORTH - RANGE 5 EAST	
Genoa Township	
LIVINGSTON COUNTY • MICHIGAN	
DATE 3/4/03	REV.
DRAWN DJM	HWI 29486/03022
CHECK	T.D. A
DATE 1 0 1	100 NO R-

Survey for 5027 Grover

GENOA TOWNSHIP  
NOV - 2 2017  
PERMITS APPROVED

See Conditions

EXISTING ASPHALT  
ROOF

NEW PORCH ROOF TIED  
INTO EXISTING  
ROOF

VAULTED PORCH W/ EXPOSED  
COLLAR TIES

VINYL SIDING TO  
MATCH EXISTING

approval for enclosing  
existing porch + footings  
for proposed new porch only  
New porch not  
approved

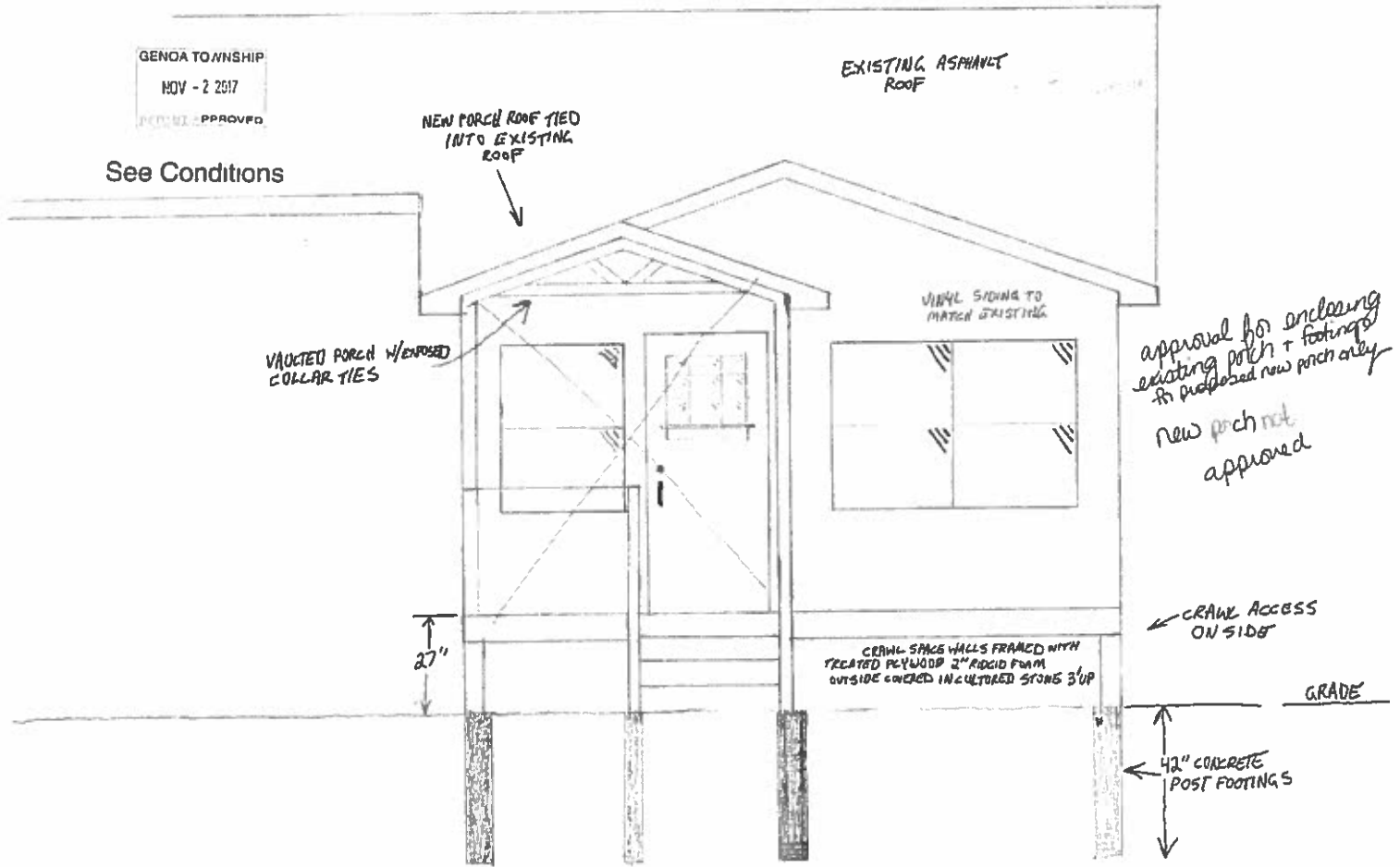
CRAWL ACCESS  
ON SIDE

CRAWL SPACE WALLS FRAMED WITH  
TREATED PLYWOOD 2" RIGID FOAM  
OUTSIDE COVERED IN CULTURED STONE 3' UP

GRADE

27"

42" CONCRETE  
POST FOOTINGS



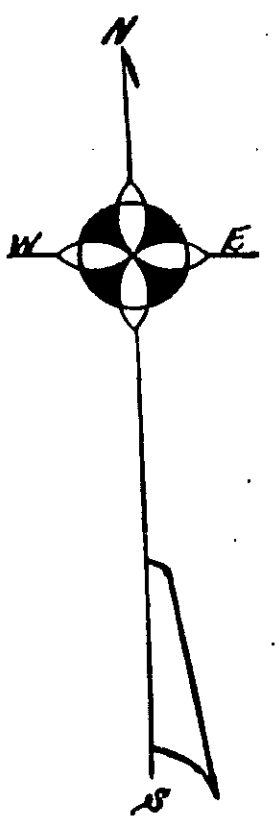
EXOR  
8/31/26

Examined and Approved  
Aug 31-1926  
O. B. F. [Signature]  
Deputy Auditor General

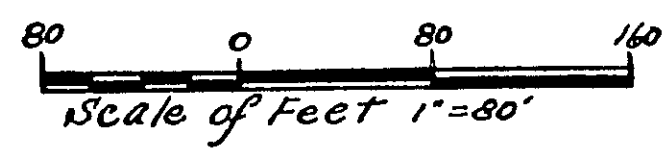
# CROOKED LAKE PENINSULAR SUB

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

A SUBDIVISION OF A PART OF THE N.W. 1/4 OF S.W. 1/4 OF SEC. 22, T.2N, R.5E.



RECORDED (CERTIFY TO THE COPY IS TRUE COPY OF THE ORIGINAL) AUG 31-1926  
L. H. Hansen



FILED IN AUDITOR GENERAL'S DEPT.  
Sept 2-1926  
L. H. Hansen  
DEPUTY AUDITOR GENERAL

COPY  
Recorder's Office  
Livingston County  
Plat of Crooked Lake  
Peninsular Sub  
was Recorded this 31<sup>st</sup> day of  
Aug 26<sup>th</sup> 1926  
in Book 2 Plate  
E. J. Dunning  
Register

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS, That I, Matilda Odell, as proprietor, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as, "CROOKED LAKE PENINSULAR SUB," Genoa Township, Livingston County, Michigan, and that the drives and walks as shown on said plat are hereby dedicated to the use of the lot owners.

Matilda Odell (w.s.)

Signed and sealed in Presence of  
[Signatures]

STATE OF MICHIGAN }  
County of Livingston } ss. On this 28 day of Aug 1926 before me, a Notary Public, in and for said county, personally came the above named Matilda Odell, known to me to be the person who executed the above dedication and acknowledged the same to be her own free act and deed.

My Commission expires Jan 31 1927

Grant N. Dunning  
Notary Public Livingston Co. Mich.

**Description of Land Platted**  
Beginning at the S.W. corner of the N.W. 1/4 of the S.W. 1/4 of Sec. 22, T.2N, R.5E, Michigan; Thence N 0° 00' W. 298.7 on the section line; thence N 49° 40' E 146.6; N 53° 20' E 255.5; N 0° 19' E 263.0; E 10; S 6° 15' E 395; N 89° 00' W. 653.5 to the place of beginning.

Office of the Livingston County Treasurer, Howell, Michigan, Aug 28<sup>th</sup> 1926.  
I hereby certify that there are no tax liens or titles held by the state on the lands described above and that there are no tax liens or titles held by individuals on said lands for the five years preceding the 28 day of Aug 1926 and that the taxes for said period of five years are paid as shown by the records of this office.

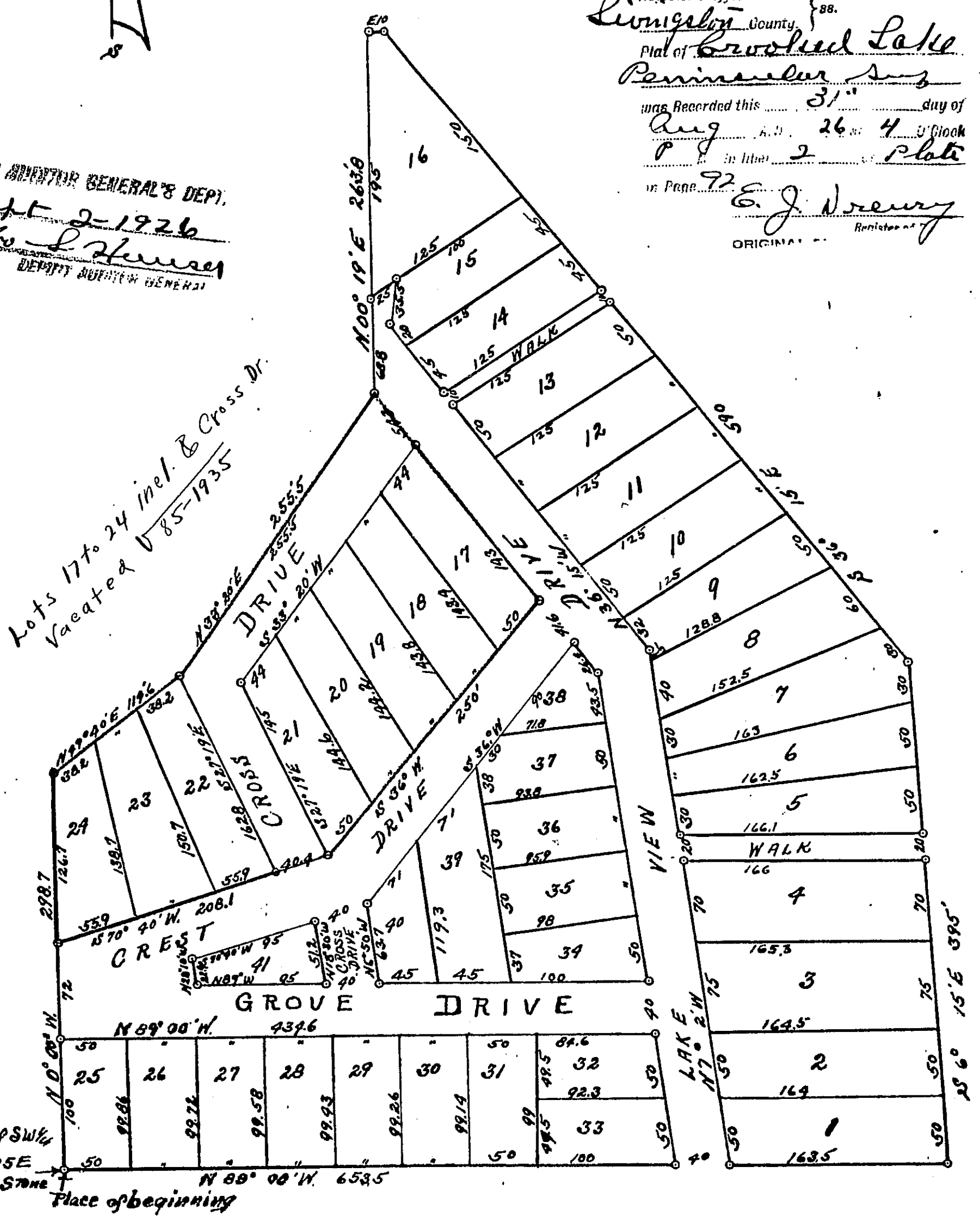
Paul M. Parker  
Livingston County Treasurer

**Surveyor's Certificate**  
I hereby certify, that the plat heron delineated is a correct one and that permanent metal monuments of not less than 1" in diameter and 15" in length set in a concrete base at least 4" in diameter and 48" in depth have been planted at points marked thus:  $\odot$  as thereon shown at all angles in the boundaries of the land platted, at all intersections of drives and walks with each other, and with the boundaries of the plat as shown on said plat.

Grant N. Dunning  
Registered Civil Engineer

This plat was approved by the Genoa Township Board at a meeting held on the 30th day of August 1926  
Floyd F. Rickett  
Twp. Clerk

This plat was approved on the 31 day of August 1926  
Willis L. Lyons  
Judge of Probate  
Harold L. Chubbly  
County Clerk  
Paul M. Parker  
County Treasurer



S.W. Cor. of NW 1/4 of SW 1/4 of Sec 22, T.2N, R.5E

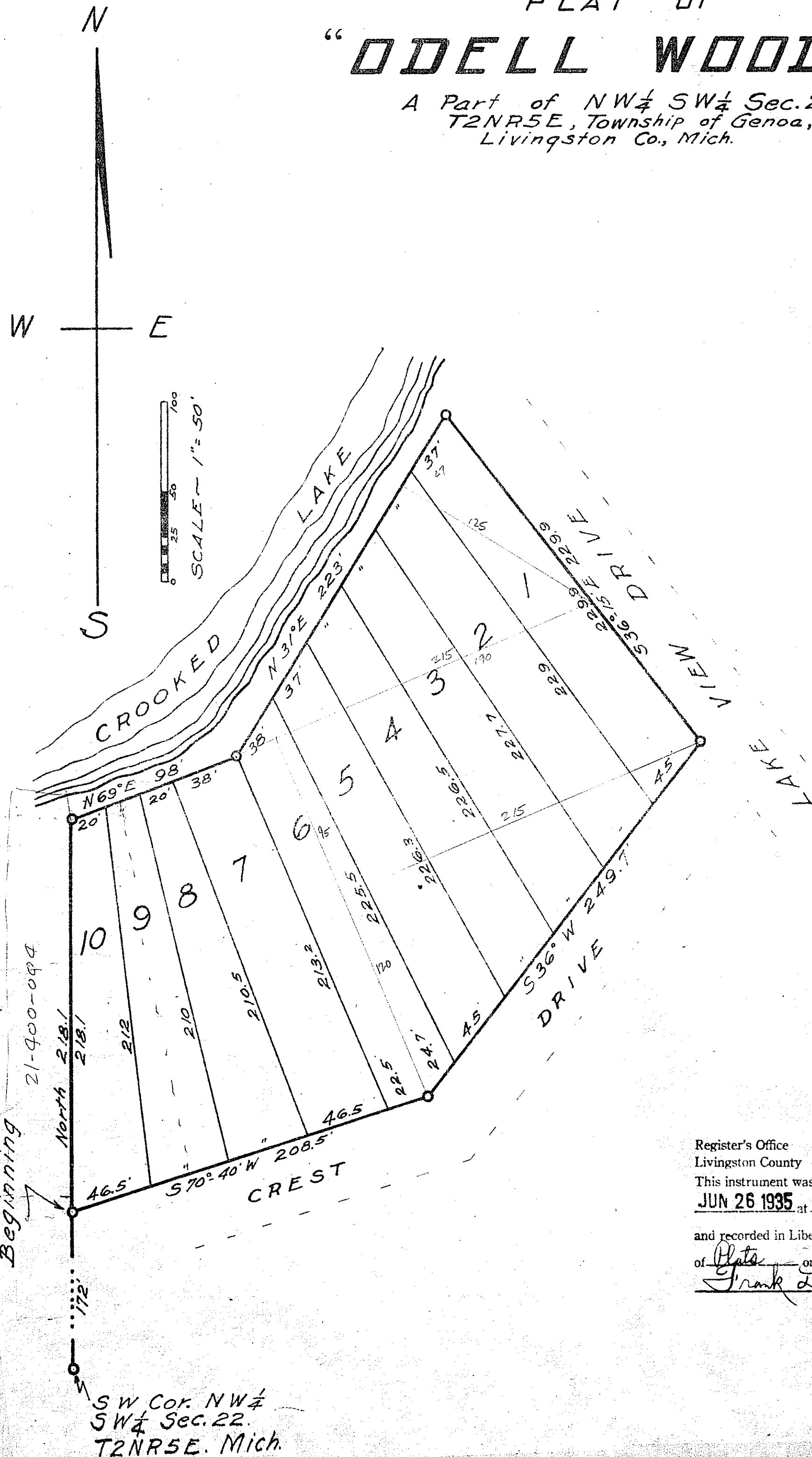
Place of beginning

22625

# PLAT OF "ODELL WOODS"

A Part of NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 22,  
T2NR5E, Township of Genoa,  
Livingston Co., Mich.

Examined and Approved  
Ed. J. Hartman  
County Auditor General



DEDICATION. *single*  
 KNOW ALL MEN BY THESE PRESENTS, That I Matilda Odell, as proprietor, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as: "ODELL WOODS" A part of NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 22, T2NR5E, Township of Genoa, Livingston Co. Mich. and that the streets as shown on said plat are hereby dedicated to the use of the lot owners. All lots extend to the waters edge.  
 Signed and Sealed in Presence of

Leslie H. Foster  
Frank D. Bush

Matilda Odell L.S.

STATE OF MICHIGAN, County of Livingston, ss.  
 On this 7th day of May 1935, before me, a Notary Public in and for said county, personally came the above named Matilda Odell, known to me to be the person who executed the above dedication, and acknowledged the same to be her free act and deed.

Frank D. Bush  
 Notary Public Livingston Co. Mich.  
 My Commission expires April 7, 1939

DESCRIPTION OF LAND PLATTED.  
 The land embraced in the annexed plat of "ODELL WOODS" A part of NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 22 T2NR5E, Township of Genoa, Livingston Co. Mich., is described as follows:  
 Beginning at a point 172 ft. North of S.W. Cor. N.W. $\frac{1}{4}$  S.W. $\frac{1}{4}$  Sec. 22, T2NR5E, Township of Genoa, Livingston Co. Mich. Running thence North 218.1 ft.; thence N 69° E 98 ft.; thence N 31° E 223 ft.; thence S 36°-15' E 229.9 ft.; thence S 36° W 249.7 ft.; thence S 70°-40' W 208.5 ft. to point of beginning.

SURVEYOR'S CERTIFICATE.  
 I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus O as thereon shown at all angles in the boundaries of the land platted, as shown on said plat.

Clay W. Gordon  
 Registered Surveyor, Howell Mich.

CERTIFICATE OF TOWNSHIP APPROVAL.  
 This plat was approved by the Township Board of the Township of Genoa at a meeting 16th May 1935.  
Carl L. Musch Township Clerk.

CERTIFICATE OF APPROVAL BY COUNTY BOARD.  
 This plat was approved on the Twenty-fourth day of May 1935.  
William K. Lyons Judge of Probate.  
John A. Ferguson County Clerk.  
A. R. Eastman County Treasurer.

COUNTY TREASURER'S CERTIFICATE RELATING TO TAXES.  
 Office of County Treasurer, Livingston County.  
 I hereby certify, That there are No tax liens or titles held by the State on the lands described above, and that there are No tax liens or titles held by individuals on said lands, for the five years preceding the 7th day of May 1935. and that the taxes for said period of five years are All paid, as shown by the records of this office.

A. R. Eastman County Treasurer.

NOTE:  
 All dimensions are given in feet and decimals thereof.  
 This plat is bounded on the South and East by plat of "CROOKED LAKE PENINSULAR SUB." and embraces that part which was recently vacated.

Register's Office }  
 Livingston County } ss.  
 This instrument was received for record  
JUN 26 1935 at 10<sup>00</sup> o'clock A.M.  
 and recorded in Liber Three  
 of Plats on page 44  
Frank D. Bush  
 Register.

21-400-094

Point of Beginning

SW Cor. NW $\frac{1}{4}$   
 SW $\frac{1}{4}$  Sec. 22.  
 T2NR5E. Mich.

# APPLICATION & LAND USE PERMIT

GENOA TOWNSHIP

2980 Dorr Road • Brighton, MI 48116  
(810) 227-5225

Permit No. 95-357 Date Aug. 30 '95  
Owner MARK OLCS Telephone 227-9161  
Site Address 3641 KROUVER City Brighton Zip MI  
Contractor (SAME) Telephone \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
On the N side of KROUVER between \_\_\_\_\_ and \_\_\_\_\_ roads.  
Subdivision ODELL WOODS Lot No. 10 + 1/2 W of Lot 9  
Size of Lot: Front 120 Rear 60 Side 265 Side 280  
Acreage \_\_\_\_\_ Zoning District Classification \_\_\_\_\_  
Tax Code No. 11-22-303-012-401  
Application is made to Add 8' x 25.6" to existing (2) Bed Rooms

- |  |  |                                      |  |
|--|--|--------------------------------------|--|
| <input type="checkbox"/> Dwelling            | <input type="checkbox"/> Pole Barn       | <input type="checkbox"/> Sign        | <input type="checkbox"/> Industrial        |
| <input checked="" type="checkbox"/> Addition | <input type="checkbox"/> Swimming Pool   | <input type="checkbox"/> Commercial  | <input type="checkbox"/> Sewer & Water Fee |
| <input type="checkbox"/> Garage              | <input type="checkbox"/> Accessory Bldg. | <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Other             |

Type of Construction:  Brick  Stone  Frame  Cinder Block  Steel  Other

Foundation:  Basement  Full  Part  Poured  Block  Walkout  Conventional  Crawlspace  Slab

Size of Building: Front 8 Rear 8 Deep 25' Height 12'

Estimate Value \$ 6000 Total Square Feet 200 #

Building Setback: 73 feet from front property line. 174 feet from rear line. 174 waterfront.  
28 feet least side. 70 feet side line.

Attach drawing showing the following: dimensions of property; all roads adjacent to property, indicate private or county; easements; 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.

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.

Applicant Signature [Signature] Date Aug 30, 95

Approved  Disapproved Date \_\_\_\_\_

Conditional \_\_\_\_\_

Inspection:  Satisfactory  Unsatisfactory

Fee \_\_\_\_\_ Paid [Signature] Date 9-5-95

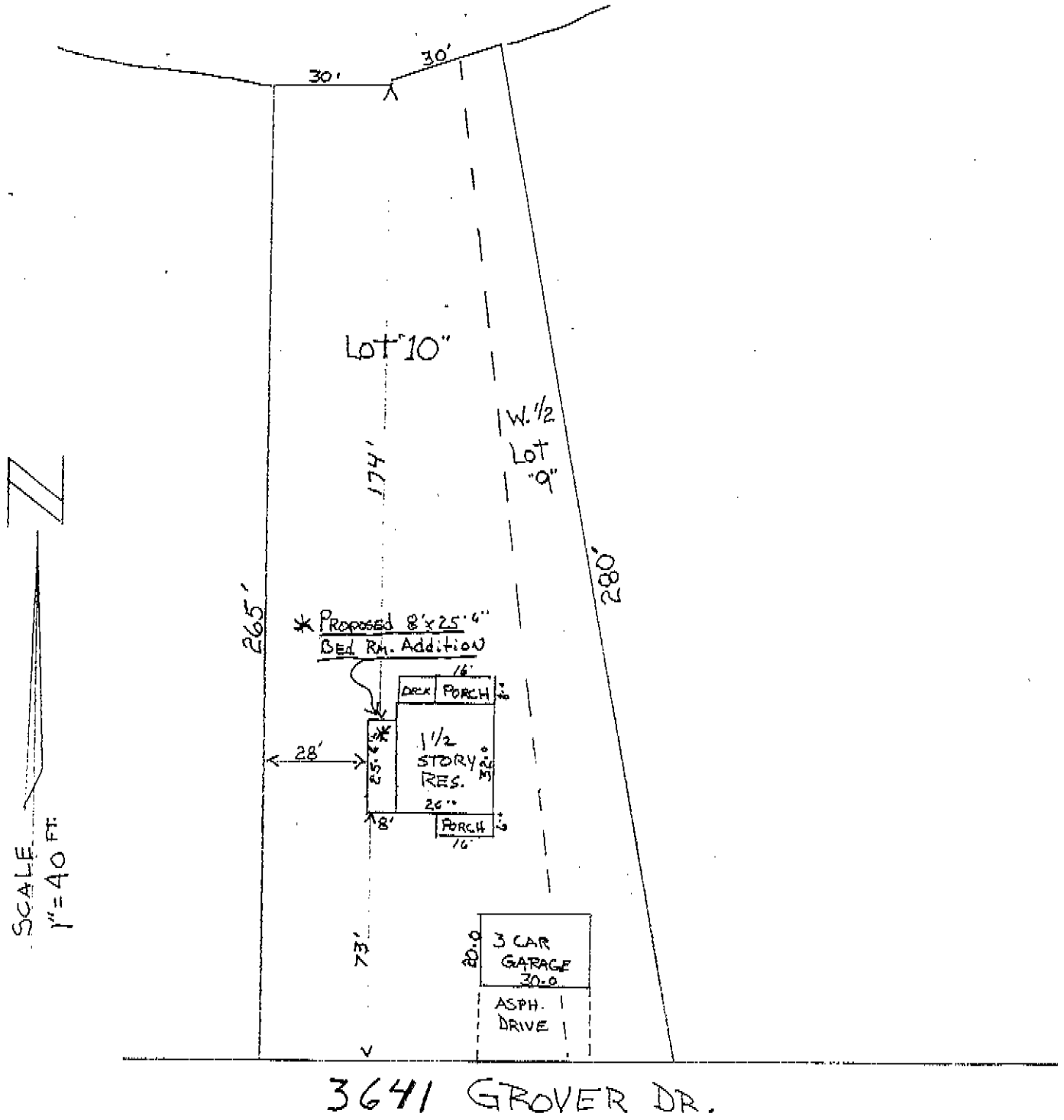
Zoning Inspector \_\_\_\_\_

Copies: White-Township Canary-Assessor-Perk-Applicant

Lot 10 and the West 1/2 of Lot 9 of "Odell Woods", Part of the Northwest 1/4 of Southwest 1/4 of SECTION 22, TOWN 2 N-RANGE 5 EAST, Liber 3 of PLATS, Page 44 of Liv. Cty. Records

TAX I.D.# 11-22-303-012  
401

CROOKED  
LAKE



# APPLICATION and LAND USE PERMIT

GENOA TOWNSHIP  
2980 DORR RD  
BRIGHTON, MI 48116  
(313) 227-5225

Permit No. 3198 Date NOV-27, 1989  
Owner MARK R. OLES Address 3641 GROVER  
City Brighton Zip 48116 Telephone 227-9161  
Contractor SELF Address SAME  
City SAME Zip \_\_\_\_\_ Telephone SAME  
On NORTH Side Of GROVER Between off Highcrest  
And \_\_\_\_\_ Roads, Subdivision ODELL WOODS Lot No 10 + 1/2 of 9  
Size Of Lot: Front 105' Rear 60' Side 260' Side 280'  
Acreage \_\_\_\_\_ Zoning District Classification \_\_\_\_\_  
Tax Code No. 11-21-400-004  
Application Is Made To Add 2nd story Bedroom + Bath

- |                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <input type="checkbox"/> Dwelling | <input type="checkbox"/> Pole Barn       | <input type="checkbox"/> Sign        | <input type="checkbox"/> Industrial        |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Swimming Pool   | <input type="checkbox"/> Commercial  | <input type="checkbox"/> Other             |
| <input type="checkbox"/> Garage   | <input type="checkbox"/> Accessory Bldg. | <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Sewer & Water Fee |

Type of Construction:  Brick  Stone  Frame  Cinder Block  Steel  Other  
Foundation:  Basement  Full  Part  Poured  Block  Walkout  Conventional  Crawlspace  Slab

Size Of <sup>Addition</sup> Building: Front 16 x 28 Rear \_\_\_\_\_ Deep \_\_\_\_\_ Height Additional 8'

Estimate Value \$ \_\_\_\_\_ Total Square Feet 4487

Building Setback 60 feet from front property line 160+ feet from rear line 160+ waterfront  
25 feet least side 35 feet side line

\_\_\_\_ Attach drawing showing the following: Dimensions of property; all roads adjacent to property, indicate private or county; easements; 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.

\_\_\_\_ Attach proof of ownership of property.

I hereby certify that all information and data attached to and make 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.

Applicant Signature [Signature] Date NOV. 27, 1989

Approved  Disapproved Date 11-27-89-89

Conditional: \_\_\_\_\_

Inspection:  Satisfactory  Unsatisfactory  
Fee \$ 30 Paid AT 304 Date 11/27/89

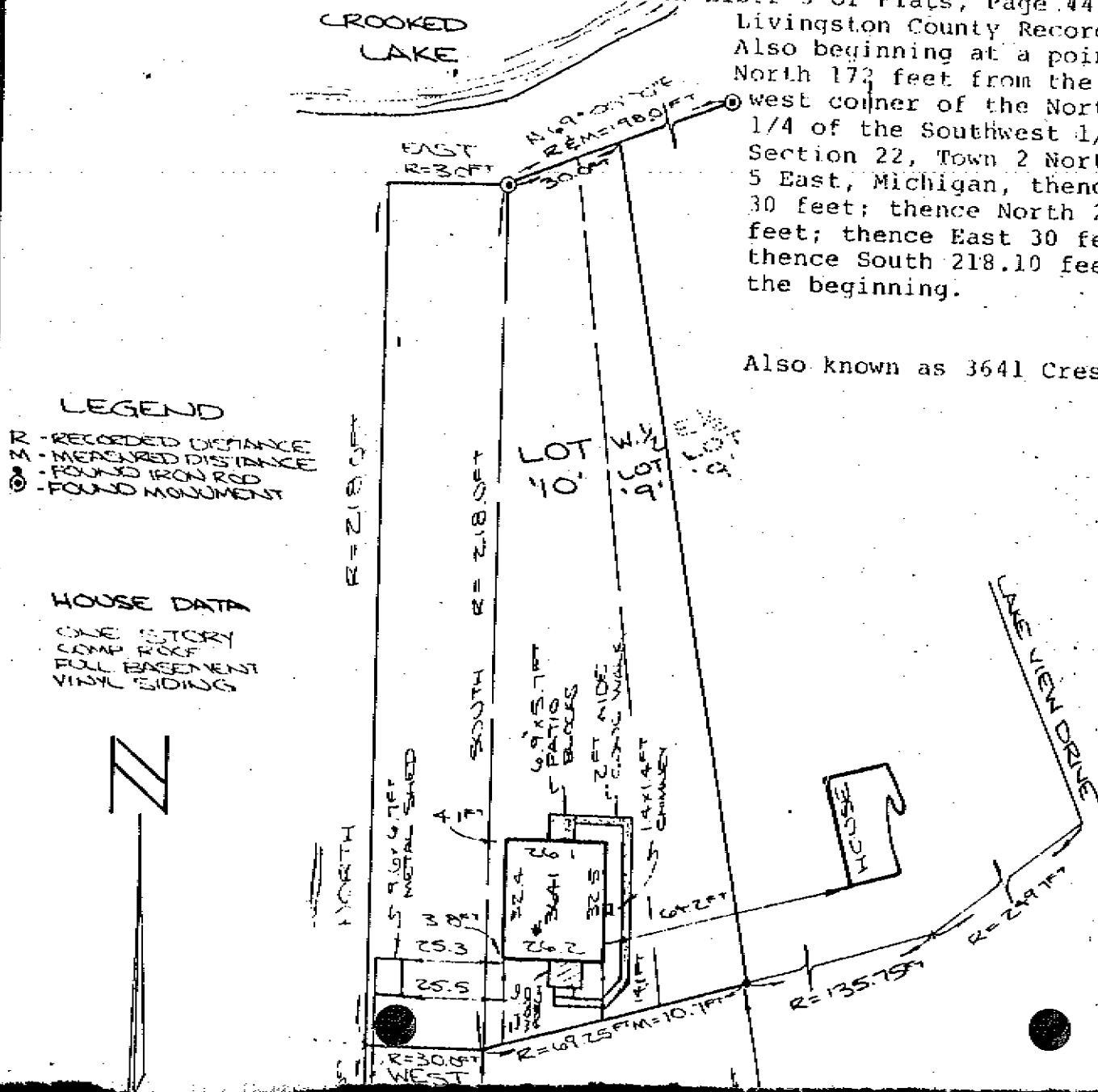
Zoning Inspector [Signature]  
White-Township Canary-Assessor Pink-Applicant

# MORTGAGE REPORT

Mortgage Report for A.C. McCulloch and Elaine E. McCulloch, of land being Lot 10 and the West 1/2 of Lot 9 of "Odell Woods", a part of the Northwest 1/4 of Southwest 1/4 of Section 27, Town 2 North-Range 5 East, Michigan, as duly laid out, platted and recorded in Liber 3 of Plats, Page 44 of the Livingston County Records.

Also beginning at a point distant North 172 feet from the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 22, Town 2 North, Range 5 East, Michigan, thence West 30 feet; thence North 218.10 feet; thence East 30 feet; thence South 218.10 feet to the beginning.

Also known as 3641 Crest Hill.



## LEGEND

- R — RECORDED DISTANCE
- M — MEASURED DISTANCE
- ⊙ — FOUND IRON ROD
- ⊙ — FOUND MONUMENT

## HOUSE DATA

- ONE STORY
- GABLE ROOF
- FULL BASEMENT
- VINYL SIDING





<b>1. PROJECT INFORMATION</b>					
Site Address:				Acreage:	
<b>2. OWNER/CONTRACTOR INFORMATION</b>					
Owner Name: <u>STEVE &amp; STACI SIDDALL</u>		Phone No.: <u>(313) 205-2047</u>		<input type="checkbox"/>	
Owner Address: <u>5011 GROVER DR.</u>		City: <u>BRIGHTON</u>	State: <u>MI</u>	Zip: <u>48116</u>	
Contractor name: <u>JFC REMODELING.</u>		Phone No.: <u>(810) 923-1123</u>		<input checked="" type="checkbox"/>	
Contractor Address: <u>8870 BERGIN</u>		City: <u>Howell</u>	State: <u>MI</u>	Zip: <u>48843</u>	
<b>3. TYPE OF IMPROVEMENT</b>					
<b>A. Principal Structure</b>					
<input type="checkbox"/> New Single Family <input type="checkbox"/> New Multiple Family <input checked="" type="checkbox"/> Addition to Existing Building <input type="checkbox"/> Grading/Site Work					
<input type="checkbox"/> Other: _____					
<b>B. Accessory Structure</b>					
<input type="checkbox"/> Fence <input type="checkbox"/> Deck <input type="checkbox"/> Detached Accessory (garage, shed, pole barn) <input type="checkbox"/> Pool/Hot Tub					
<input checked="" type="checkbox"/> Other: <u>FRONT PORCH WITHIN EXISTING WIDTH OF HOUSE</u>					
<b>4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION</b>					
<b>A. Proposed Principal Structure Setbacks (in feet)</b>					
Front: <u>57'</u> (measured from front property line, right-of-way line or private road easement, whichever is less)					
Rear:	Least Side:		Side:	Water/Wetland:	
<b>B. Proposed Accessory Structure Setbacks (in feet)</b>					
Front:	Least Side:	Side:	Rear:	Water/Wetland:	Distance from Principle Structure:
<b>C. Proposed Building/Improvement Dimensions</b>					
Size of Building/Improvement: <u>6x8</u> square feet			Height: _____ feet		
<b>6. SIGNATURE OF APPLICANT</b>					
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent. The owner and applicant agree to conform to all applicable ordinances of Genoa Township. Any modification to location, size or dimensions must be approved by Genoa Township. A Land Use Permit is valid for a period of 12 months from the date of issue. In signing of this application, I am permitting an official representative of Genoa Charter Township to do on-site inspections. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.					
Applicant is: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Lessee/Renter <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Other: _____					
Signature of Applicant: <u>[Signature]</u>		Printed Applicant name: <u>JASON FOLDENAUER</u>		Date: <u>10/30/17</u>	
▽ FOR OFFICE USE ONLY ▽					
<b>FLOODPLAIN</b>					
Floodplain: <u>N/A</u>		Panel #:		Zone #:	
<b>ASSESSING APPROVAL</b>					
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>[Signature]</u>		Date: <u>10/31/17</u>	
<b>ZONING APPROVAL</b>		Parcel I.D. No.: <u>11-22-303-012</u>		Zoning: <u>LRR</u>	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>[Signature]</u>		Date: <u>11-2-17</u>	
<b>Comments/Conditions:</b>					
<u>permit is for enclosing existing porch and prep for proposed new porch only -footings only.</u>					
				Date picked up: <u>11-2-17</u>	
ZBA Case #/Approval date:		Conditions:			
<b>3. FEES</b>					
Land Use:	\$ <u>50</u>	Water/Sewer:	\$ /	Meter:	\$

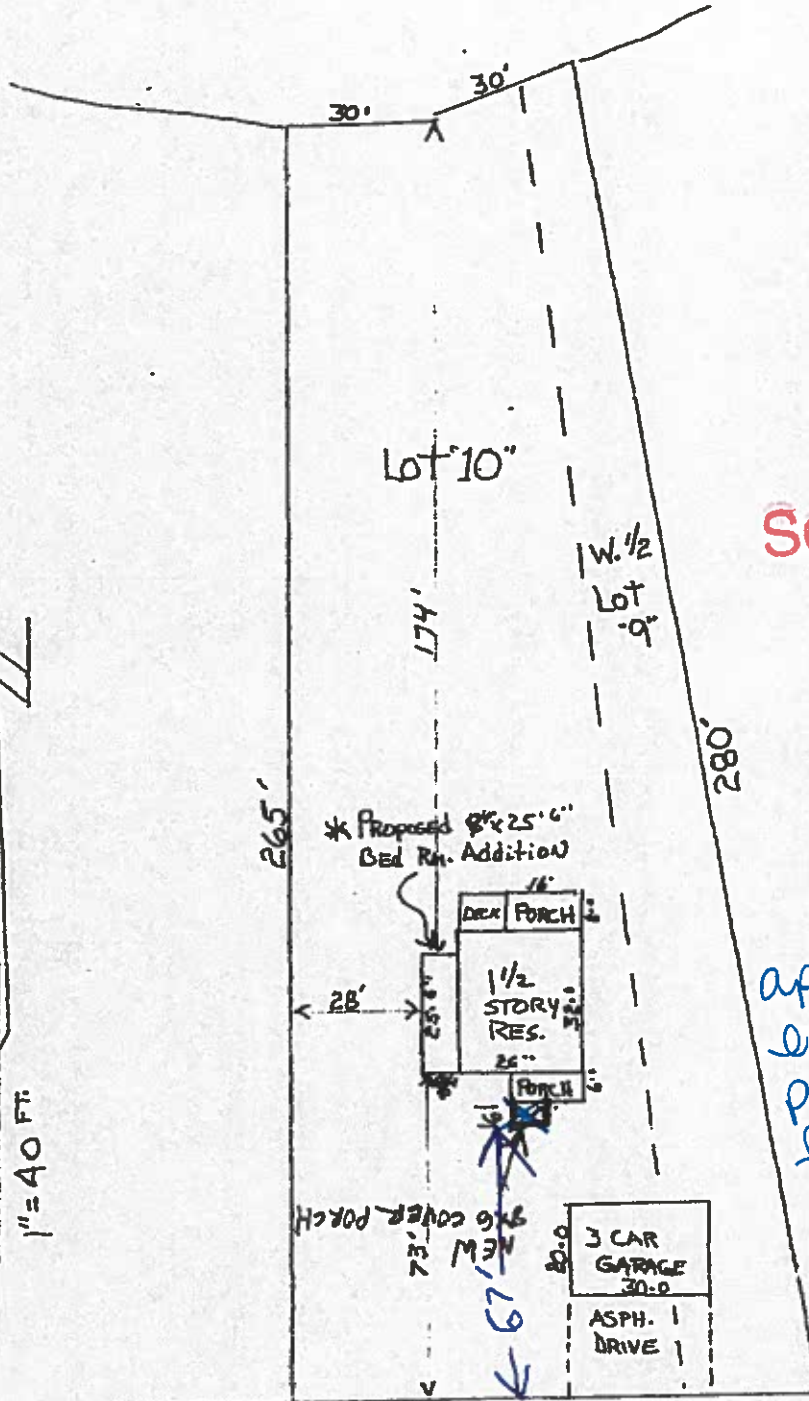
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CROOKED LAKE

GENOA TOWNSHIP  
NOV - 2 2017  
PERMIT APPROVED

See Conditions

SCALE  
1" = 40 FT



approval for enclosing existing porch and footings for new only

3641 GROVER DR.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
OLEs, MARK & DYLAN	SIDDALL STEPHEN & STACIA	322,000	06/05/2015	WD	ARMS-LENGTH	2015R-019956	BUYER	100.0
MCCULLOCH	OLEs	70,000	02/11/1997	WD	L.C.P.O.	2146-0441	BUYER	0.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
5011 GROVER DR	School: BRIGHTON		PORCH	11/02/2017	P17-209	NO START
	P.R.E. 100% 06/19/2015		RES MISCEL	01/05/2016	W16-002	NO START
Owner's Name/Address	MAP #: V17-30		ADDITION	08/30/1995	95-357	NO START

SIDDALL STEPHEN & STACIA 5011 GROVER DR BRIGHTON MI 48116	2018 Est TCV Tentative		Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT			
	X Improved	Vacant				
	Public Improvements		* Factors *			

Tax Description	Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
SEC 22 T2N R5E ODELL WOODS LOT 10 & W 1/2 OF LOT 9 AND ALSO SEC 21 BEG 172 FT N FR SE COR OF NE 1/4 OF SE 1/4 TH N 218 FT TH W 30FT TH S 218 FT TH E 30 FT TO POB COMB LOTS FR 010/004 4/93. CORR 2/28/97.	A LAKE FRONT	47.00	284.00	1.0000	1.0000	3000	100		141,000
Comments/Influences	47 Actual Front Feet, 0.31 Total Acres Total Est. Land Value = 141,000								

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

	Topography of Site								
	Level								
	Rolling								
	Low								
	High								
	Landscaped								
	Swamp								
	Wooded								
	Pond								
	Waterfront								
	Ravine								
	Wetland								
	Flood Plain								
	X REFUSE								



Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
2018	Tentative	Tentative	Tentative			Tentative
2017	70,500	117,800	188,300			173,043C
2016	71,300	100,200	171,500			171,500S
2015	39,500	98,700	138,200			95,434C

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

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage									
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story 1 Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 120 241	Type WSEP (1 Story) Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 560 % Good: 0 Storage Area: 0 No Conc. Floor: 0										
X	Wood Frame		Drywall Paneled		Plaster Wood T&G																			
Building Style: C		Trim & Decoration		X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: C Effec. Age: 31 Floor Area: 1812 Total Base Cost: 135,074 Total Base New : 203,961 Total Depr Cost: 139,579 Estimated T.C.V: 237,284			CntyMult X 1.510 E.C.F. X 1.700		Bsmnt Garage: Carport Area: Roof:									
Yr Built 1945	Remodeled 2016	Size of Closets		X			(12) Electric 0 Amps Service			Stories Exterior 1.5 Story Siding 1 Story Siding 1 Story Siding			Foundation Basement Slab Crawl Space		Rate 81.58 64.05 64.05		Bsmnt-Adj 0.00 -11.12 -9.09		Heat-Adj 2.87 1.92 1.92		Size 988 234 96		Cost 83,437 12,835 5,460	
Condition: Good		Doors: Lg X Ord Solid X H.C.		(5) Floors			No./Qual. of Fixtures Ex. X Ord. Min			Other Additions/Adjustments (9) Basement Finish Basement Living Finish Walk out Basement Door(s)			Rate 17.25 775.00		Size 300 1		Cost 5,175 775							
Room List		Kitchen: Other: Other:		(6) Ceilings			(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Class:C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Phy/Ab.Phy/Func/Econ/Comb.%Good= 69/100/100/100/69.0, Depr.Cost = 140,733			560 10,903		10,903						
(1) Exterior		Basement 1st Floor 2nd Floor 3 Bedrooms		(7) Excavation Basement: 988 S.F. Crawl: 96 S.F. Slab: 234 S.F. Height to Joists: 0.0			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Other Additions/Adjustments (9) Basement Finish Basement Living Finish Walk out Basement Door(s)			Rate 17.25 775.00		Size 300 1		Cost 5,175 775							
X Wood/Shingle Aluminum/Vinyl Brick		Insulation		(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			(15) Built-Ins & Fireplaces Fireplace: Prefab 2 Story			Rate 2505.00		Size 1		Cost 2,505							
(2) Windows		Many Avg. Few X Avg. X Avg. Large Small		(9) Basement Finish Recreation SF Living SF 1 Walkout Doors No Floor SF			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			(16) Porches WSEP (1 Story), Standard			Rate 31.63		Size 120		Cost 3,796							
X Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens				(10) Floor Support Joists: Unsupported Len: Cntr.Sup:			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			(16) Deck/Balcony Treated Wood, Standard			Rate 6.85		Size 241		Cost 1,651							
(3) Roof		Gable Hip Flat		Lump Sum Items:			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			(17) Garages Class:C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Phy/Ab.Phy/Func/Econ/Comb.%Good= 69/100/100/100/69.0, Depr.Cost = 140,733			Rate 19.47		Size 560		Cost 10,903							
X Asphalt Shingle		Gambrel Mansard Shed								Separately Depreciated Items: Square footage # 3 is depreciated at 55 %Good... Base Cost Was = 5,460 County Multiplier = 1.51 => Cost New = 8,245 Phy/Ab.Phy/Func/Econ/Comb.%Good=-14/100/100/100/-14.0, Depr.Cost = -1,154 ECF (4306 TRI LAKES LAKE FRONT) 1.700 => TCV of Bldg: 1 = 237,284														
Chimney: Brick																								

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



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

Case # 12-12-17 Meeting Date: 17-31

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

Applicant/Owner: EARL & ROSEMARY LAFAYE  
Property Address: 4469 QUEBEC LN. Phone: 810-775-3508  
Present Zoning: PUD Tax Code: 11-27-301-076

**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: DECREASE SETBACK TO REAR PROPERTY LINE  
FROM 30' - TO 20'

2. Intended property modifications: CONSTRUCT AND LOCATE 3 SEASONS ROOM  
ON EXISTING DECK.

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.

Utilizing only the surface of existing deck to place 3 seasons room and attach to existing home.

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.

The deck was already constructed and many homes at the villas at Oak Pointe have similar structures

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.

Both neighbors on both sides of our home have already signed off to the HOA agreeing this room was OK with them

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.

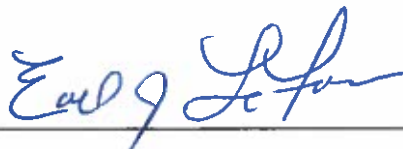
All development on all sides of our home are constructed and occupied

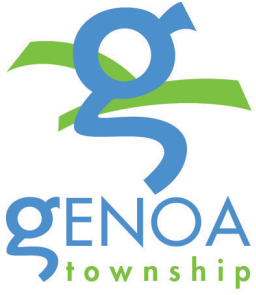
Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the Zoning Board of Appeals (ZBA).

After the decision is made regarding your Variance approval a land use permit will be required with additional site plan and construction plans.

Date: 11-10-17

Signature:





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:** December 5, 2017  
**RE:** ZBA 17-31

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### STAFF REPORT

**File Number:** 17-31  
**Site Address:** 4469 Quebec Lane  
**Parcel Number:** 4711-27-301-076  
**Parcel Size:** .190  
**Applicant:** Earl and Rosemary LaFave, 4469 Quebec Lane Brighton  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, building plans  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a rear yard setback to construct a three season room on an existing deck.  
**Zoning and Existing Use:** MUPUD (Mixed Use Planned Unit Development) – Oak Pointe, Single Family Residential  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday November 26, 2017 and 300 foot mailings were sent to any real property within 300 feet of the property lines 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 home was constructed in 2000.
- In 1999, a permit was issued for a new home.
- In 2000, a permit was issued for a deck.
- See 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**

### Summary

The applicant is proposing to construct a three season room on an existing deck. In order to do this the applicant is requesting a rear yard setback variance. The home was constructed right at the 20 foot rear setback line. Per the PUD, unroofed decks are allowed to extend from the rear building line 15 feet. Covering the deck is considered an addition to the home and must comply with the required rear yard setback.

### Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

Oak Pointe PUD Rear Yard Setback:

Required Setback:	20
Proposed Setback Request:	15.30
Proposed Variance Request:	4.70

### Summary of Findings of Fact- After reviewing the application and materials provided, I offer the possible findings of fact for your consideration:

Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) Practical Difficulty/Substantial Justice** – Strict compliance with the rear yard setback would prevent the applicant from constructing a three season room on an existing deck however it does not unreasonably prevent the use of the property. Based on a review of aerial photos, many of the homes in the neighborhood were placed on the rear setback line and they do not appear to have made additions or added sunrooms to the rear of the homes. Therefore the variance would not provide substantial justice and is not necessary to preserve or enjoy a substantial property right similar to that possessed by other properties in vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – There are no 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.
- (c) 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.
- (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



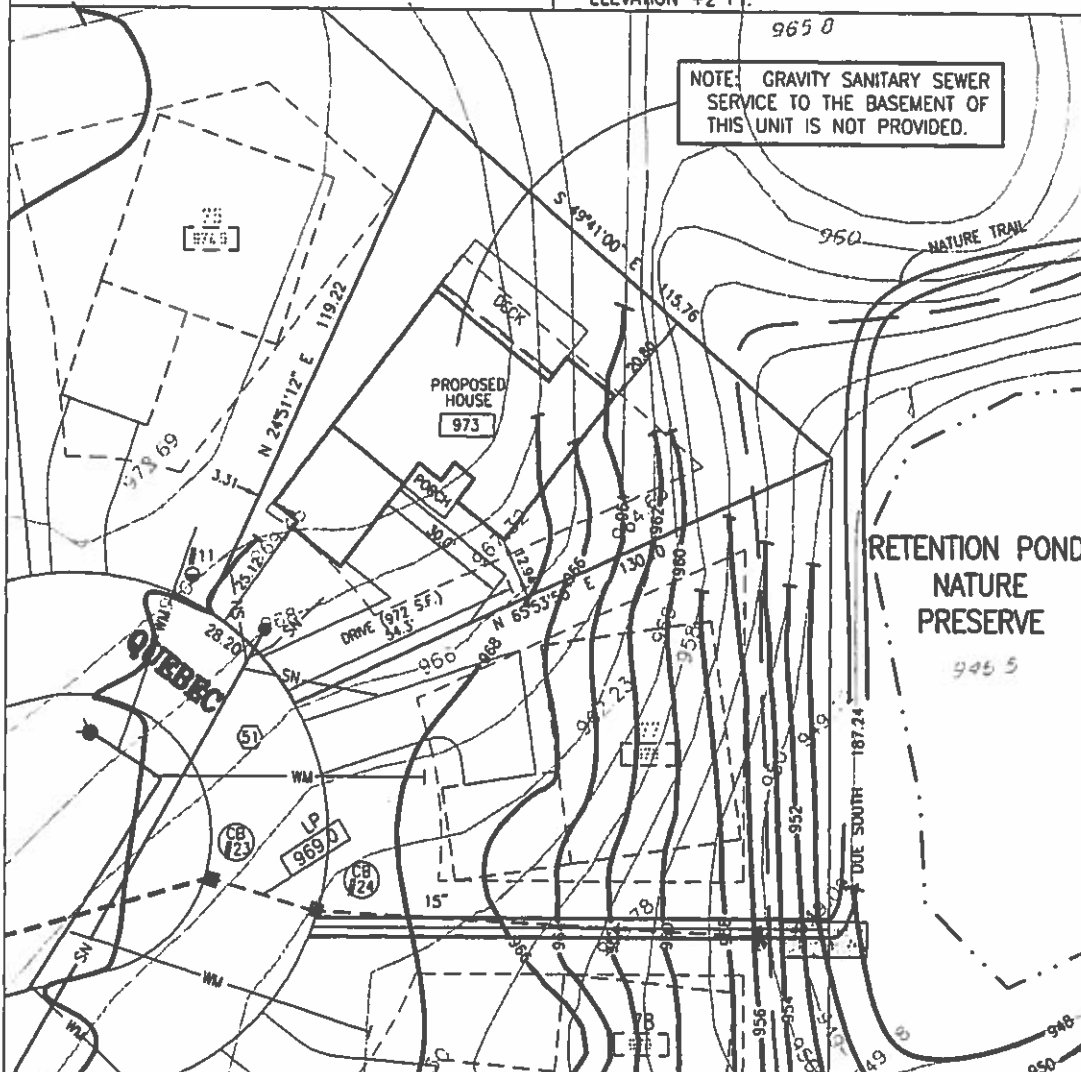
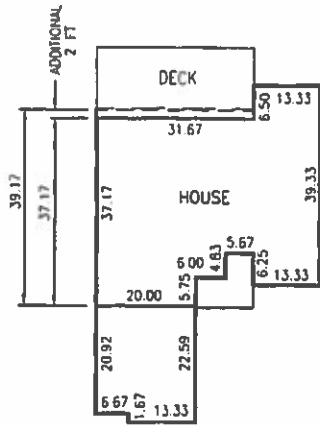
# UNIT 76

4469 QUEBEC LANE

- CAPE COD (A2)
- 2 CAR GARAGE (LEFT)
- FIREPLACE (GREAT ROOM-STACK)
- DELUXE FINISHED BASEMENT (W/RAISED CEILING & WALKOUT)
- BRICK (ALL)
- WOOD DECK (W/WALKOUT GRADE)
- 2 ADDITIONAL FULL SIZE WINDOWS(W/DOORWALL IN W.O.); PLUS 4 DAYLIGHT BASEMENT WINDOWS
- ADDITIONAL 2' TO REAR (AS NOTED)

**NOTE:**

1. ALL BUILDING DIMENSIONS AND SEWER LEADS TO BE FIELD VERIFIED BY CONTRACTOR.
2. NO BASEMENT OPENINGS SHALL BE BELOW FREEBOARD ELEVATION. WE RECOMMEND FREEBOARD ELEVATION +2 FT.



NOTE: GRAVITY SANITARY SEWER SERVICE TO THE BASEMENT OF THIS UNIT IS NOT PROVIDED.

RETENTION POND NATURE PRESERVE

UNIT 76  
PLOT PLAN  
VILLAS OF  
OAK POINTE

**BOSS ENGINEERING**  
ENGINEERS & SURVEYORS

MAIN OFFICE:  
3121 E. GRAND RIVER  
HOWELL, MICHIGAN 48843  
HOWELL (517) 546-4836  
FAX (517) 548-1670  
BRIGHTON (313) 228-4773  
CHARLEVOIX (616) 547-2872

THIS IS TO CERTIFY BOSS THAT  
ENGINEERING COMPANY DID  
STAKE THIS UNIT FOR FOOTING  
CONSTRUCTION PER THIS PLOT  
PLAN  
*Gary R. Boss*  
GARY R. BOSS, R.L.S. #17022  
DATE 07/02/99

CLIENT:  
DELCOR HOMES

JOB NO. 96555

SHEET 1 OF 1

FILE: 96555L76

10 0 5 10 20 30 40 50 80

SCALE: 1 INCH = 30 FEET

DATE	3-17-99	11-02-99
	11-30-99	3-01-01
FB	CREW	
DR. WHN	CHKD.	

63,80027.dwg, 100000.75.dwg 03/01/2001 10:40:10 AM CST

**LEGEND**

- = IRON SET
- = IRON FOUND
- ⊙ = MONUMENT FOUND
- = FENCE
- (R) = RECORDED
- (M) = MEASURED

SITE BENCHMARK:  
NAIL SET IN NORTH  
SIDE OF 15" PINE  
ELEV. = 976.19

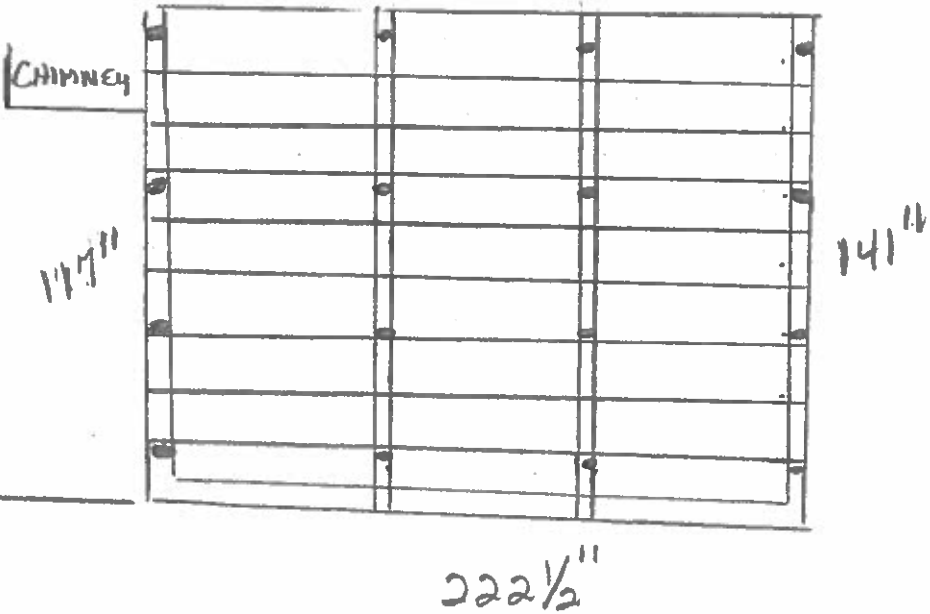


EXISTING PERMITTED DECK. HOME OWNER PUT DOWN  
NEW TREX TOP.

● 4" x 6" POSTS 42" DEEP ON CONCRETE

(4) 2" x 10" BEAMS

2" x 10" JOICES 16" ON CENTER



EARL + ROSE CAFAVE  
4469 QUEBEC LN BRIGHTON

18' x 12' SEASONAL PATIO ROOM (8' OFF GROUND)

A WALL 6' PATIO DOOR 1 WINDOW

B WALL 6' PATIO DOOR 2 WINDOWS

C WALL 2 WINDOWS

GLASS TRANSOM - GLASS KNEEWALL

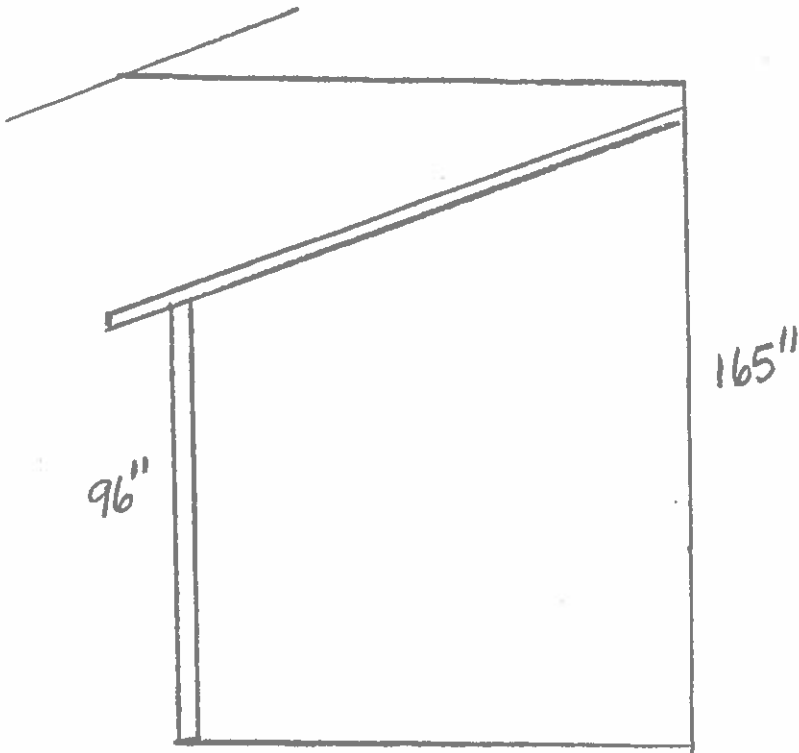
ROOF SYSTEM

ATTACHED UNDER OVERHANG TO FLAT WALL

20' x 13'

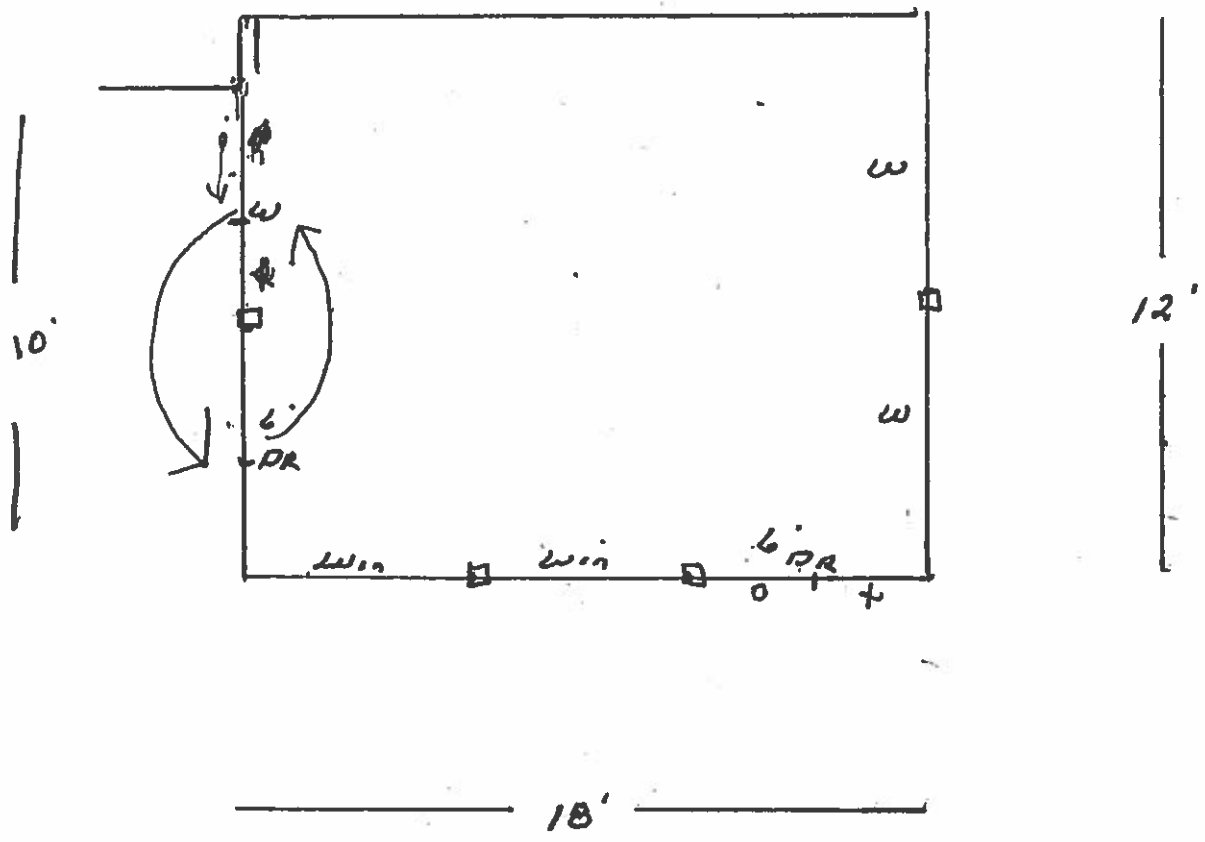
SHINGLE ROOF TO MATCH HOUSE

VAN WENT ELECTRIC TO DO ELECTRIC PACKAGE



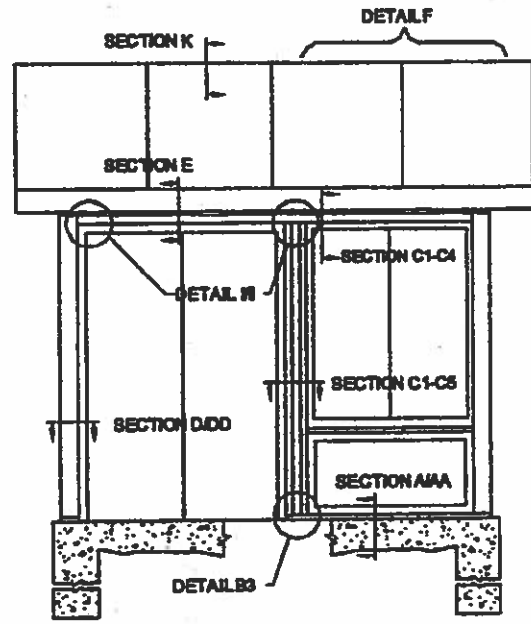
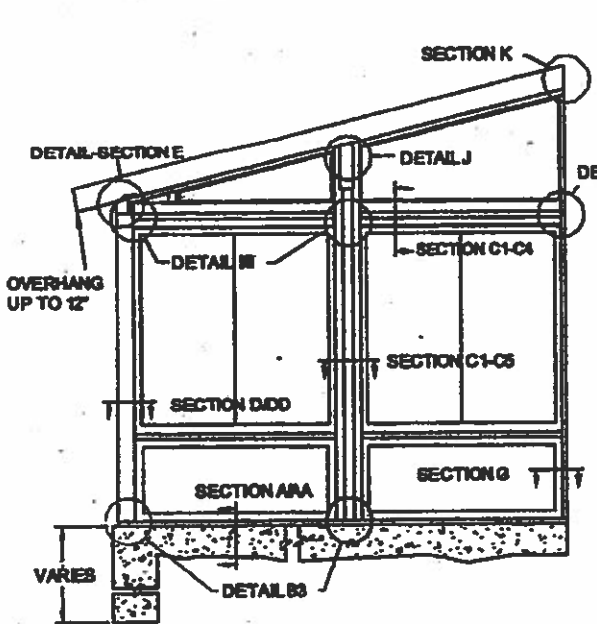
ETHEL + ROSE CAFÉ

4469 QUEBEC LN. BRIGHTON

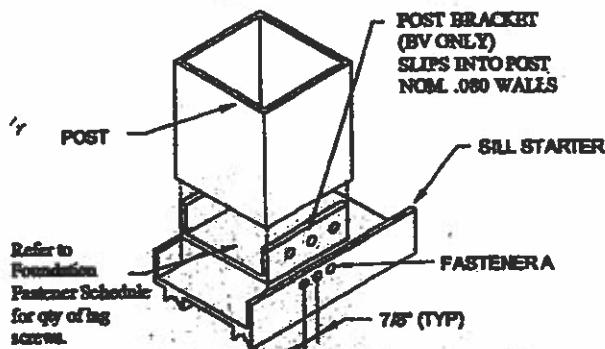


EARL + ROSE CAFAVE  
 4469 QUEBEC W. BRIGHTON

# GRANDVIEW/ BETTERTVIEW PATIO ROOMS: STUDIO STYLE

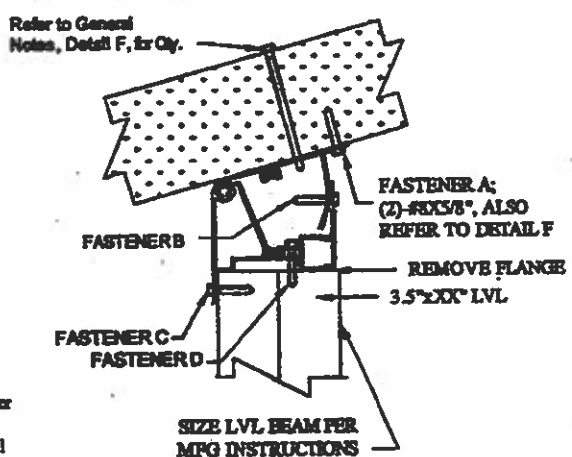


**DETAIL B3: HORIZ. & VERT. POST CONNECTION**



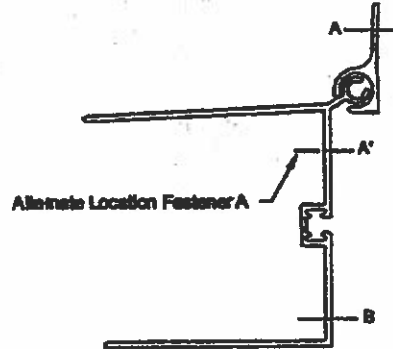
- \*GV Studio Mullions: 90-120mph, use (2) #8x5/8" screws (each side), at sill & header (Fastener A), for upto 96.375" spacings.
- \*Ftr GV Studio Corner post: 90-110mph, use (3) #8x5/8" screws, each side (Fastener A), at sill & 2pc header, for upto 8" fenestration flanking the corner post.
- \*BV Studio Mullions: 90-110mph, use (3) #8x5/8" screws (each side), & post bracket, at sill & header (Fastener A), for upto 96.375" spacings.
- \*For BV Studio Corner post: 90-110mph, use internal post bracket, use (3) #8x5/8" screws (each side), at sill & 2pc header (Fastener A), for upto 8" fenestration flanking the corner post.
- \*Use (9) screws to attach post bracket to underside of 2pc header.
- \*Post bracket to be used at each end of a Vert. or Horiz. post. (BV only)
- \*For other wind speeds, see General Notes

**DETAIL J: INTERMEDIATE BEAM**



- \* If intermediate beam is required, use a Recessed post, GV post, or BV post to support LVL. Locate as close to the center of the projection wall. Attach post to LVL the same as Section H
- \* FASTENER B & C:
  - \* 90-100 MPH USE #8x5/8" @ 18" O.C.
  - \* 110-130 MPH USE #8x5/8" @ 12" O.C.
- \* FASTENER D: MICROLAM BEAM
  - \* 90-130 MPH USE 1/4" X 2" LAG SCREW @ 12" O.C.
- \* If intermediate beam is not required, terminate vertical mullion at header.

**SECTION K: WALL & PANEL HANGER**



- \* ATTACH FASTENER A TO: WALL STUDS @ 16" O.C. W/ 1/4" X 3" LAGS UP TO 24" X 14" W/ 12" OVERHANG FOR 90-110 MPH AND/OR 50PSF GROUND SNOW LOAD.
- \* ATTACH FASTENER A&B TO: WALL STUDS IF > 16" O.C. W/ 1/4" X 3" LAGS UP TO 24" X 14" W/ 12" OVERHANG FOR 120-130 MPH AND/OR 65PSF GROUND SNOW LOAD.
- \* FOR PROJECTIONS GREATER THAN 14', USE DOUBLE SPAN ATTACH FASTENER A&B TO: WALL STUDS IF > 16" O.C. W/ 1/4" X 3" LAGS UP TO 24" X 18" W/ 12" OVERHANG FOR 90-130 MPH AND/OR 65PSF GROUND SNOW LOAD.
- \* THESE INSTRUCTION CAN BE USED TO ATTACH TO AN EXISTING FASCIA PROVIDED THAT THE LAGS ARE ANCHORED INTO EACH OF THE RAFTER TAILS.
- \* STRUCTURAL ADEQUACY OF EXISTING FASCIA OR OVERHANG IS NOT COVERED BY THIS ANALYSIS.



Approved  
Copy for your records.

# Villas of Oak Pointe

## Request for Architectural Modification

Owner Name EARL & ROSEMARY LAFAYE Date 9-18-17  
Address 4469 QUEBEC LANE Lot # \_\_\_\_\_

Modification to:  Exterior Appearance  Structural Part of Unit

Explanation: REPLACE DECK FLOORING W/ TREX & ADD NEW RAILINGS  
OF TREX & ALUMINIUM, REPLACE EXISTING STAIRS FROM DECK TO WALKOUT LEVEL  
ADD 3 SEASONS ADDITION ON NEW DECK BOARDS W/ SELF STORING WINDOWS  
AND SCREENS, CONVENTIONAL FRAMED SHED ROOF W/ SHINGLES TO MATCH EXISTING.

Work to be performed by: ULTIMATE CONST & LANDSCAPING.

Address \_\_\_\_\_ Phone \_\_\_\_\_

If a structural modification is proposed, attach a drawing (1/2" = 1 foot) or clear illustration of what is being proposed. Add dimensions, sizes and spacing. Also add copies of brochures or other descriptive literature when applicable. All applicable codes and regulations must be followed and permits must be obtained by the owner at his/her expense.

The modification must comply with all Bylaws, occupancy agreements and other applicable regulations established by the Villas of Oak Pointe Board of Directors.

Co-Owner acknowledges responsibility for underground utilities: gas, electric, telephone, cable TV. Call Miss Dig at 1-800-482-7171 at least 72 hours prior to commencing work. Co-Owner acknowledges responsibility for all landscaping and building structures in and around unit (such as sod, driveways, sprinklers, plantings, etc.)

I (we) attest that the above information is truthful and accurate and hereby request the Board to review the information provided and grant written approval in a timely manner. This request is: \_\_\_\_\_ Urgent (within a few days) \_\_\_\_\_ Not Urgent (Within weeks)

Co-Owner Signature Earl Lafaye Date 9-18-17

Co-Owner Signature \_\_\_\_\_ Date 9-18-17

Neighbors' Approval (See Architectural Modification Guidelines)

Neighbor's Signature S Morrison Date 9-19-17

Neighbor's Signature Annabeth James Date 9/19/17

RETURN COMPLETED FORM TO: Robert Harvey, 4604 LeBlanc Court, charve1203@yahoo.com, 810-220-0366  
NO WORK SHALL COMMENCE UNTIL WRITTEN APPROVAL IS GRANTED.

Approved by the Board

Denied by the Board

Investigated by: Rebecky Libler

Date 9/25/2017

Stipulations to Approval/Denial

Signature

Rebecca Libler

Date

9/25/2017

**OAK POINTE COMMUNITY ASSOCIATION**

Any landscape modifications must be consistent with the few guidelines provided in Article VII of the Declarations of Easements, Covenant and Restrictions for the Oak Pointe Community Association. Section 10 addresses driveways, aprons and parking areas and requires that they be paved with asphalt, concrete or brick pavers. Section 12 requires yards to be finish graded and sodded or seeded. Finally, Section 13 provides: "No living tree of a height of twenty (20) feet or more or more than five (5) inches in diameter at three (3) feet above the ground shall be removed without the approval of the Architectural Review Committee. Other than a permitted above, no person shall do any act the result of which could reasonably be expected to cause damage to or destruction to any tree."

Approved Copy for you...

# Villas of Oak Pointe

## Request for Landscape Modification

REQUESTS FOR LANDSCAPE MODIFICATION ARE ONLY REQUIRED WHEN CHANGES TO SHRUBS, TREES, EDGING, DRIVEWAYS OR PATHS RESULT IN POSSIBLE IMPACT TO DRAINAGE OR NEIGHBOR'S VIEWS OF GOLF COURSE, PONDS, DRIVING RANGE, COMMON AREAS, ETC.

Owner Name EARL & ROSEMARY LAFAYE Date 9-18-17  
Address 4469 QUEBEC LANE Lot # \_\_\_\_\_

Explanation including detailed description of materials used: NEW PATIO BRICK PAVERS STONE STEPS ALONG EAST SIDE OF HOME TO REAR WALKOUT, REPAIR DRIVEWAY & ADD COLORED BAND TO END OF DRIVEWAY W/ COLORED CONCRETE, REMOVE OVERGROW. ARBOVITES & REPLACE W/ VIEWS, ADD PERENNIALS FOR YEARROUND COLOR -

Landscape plans must be submitted showing scale and placement of trees and shrubs. If drainage changes result from the modification, a professional analysis of drainage changes to abutting properties must also be attached.

The modification must comply with all Bylaws, occupancy agreements and other applicable regulations established by the Villas of Oak Pointe Board of Directors.

Co-Owner acknowledges responsibility for underground utilities: gas, electric, telephone, cable TV. Call Miss Dig at 1-800-482-7171 at least 72 hours prior to commencing work. Co-Owner acknowledges responsibility for all landscaping and building structures in and around unit (such as sod, driveways, sprinklers, plantings, etc.)

I (we) attest that the above information is truthful and accurate and hereby request the Board to review the information provided and grant written approval in a timely manner. This request is:  Urgent (within a few days)  Not Urgent (Within weeks)

Co-Owner Signature Earl Lafaye Date 9-18-17  
Co-Owner Signature \_\_\_\_\_ Date 9-18-17

Neighbors' Approval  
Neighbor's Signature [Signature] Date 9/23/17

Neighbor's Signature [Signature] Date 9/19/17

RETURN COMPLETED FORM TO THE VILLAS OF OAK POINTE BOARD OF DIRECTORS.

NO WORK SHALL COMMENCE UNTIL WRITTEN APPROVAL IS GRANTED.

Approved by the Board                       Denied by the Board

Investigated by: Bucky Libler Date 9/25/2017

Stipulations to Approval/Denial \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Rebecca Libler Date 9/25/2017

**OAK POINTE COMMUNITY ASSOCIATION  
ARCHITECTURAL REVIEW PROCESS**

The Declarations of Easements, Covenants and Restrictions for Oak Pointe contain provisions for the establishment of the Oak Pointe Architectural Review Committee.

The above documents require approval by the Committee for all buildings, fences, walls, decks, swimming pools, outbuildings, landscaping, and exterior improvements, erected or maintained on any unit or lot area in the Oak Pointe Development prior to the commencement of any construction activity. The Oak Pointe Community Association Architectural Review Committee does not grant approval for any submittal which has been disapproved by the individual association's board of directors.

Structural additions to existing residences also require the deposit of \$500 with the Oak Pointe Community Association. This deposit insures site cleanup during construction. If the site is not maintained by the contractor/owner, the Association will contract for and pay for the cleanup from the deposited funds. All funds remaining at completion of construction will be refunded.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
BAILEY TERRY LIVING TRUST	LAFAVE ROSEMARY C	395,000	07/08/2016	WD	ARMS-LENGTH	2016R-021135	BUYER	100.0		
BOLLMANN MERRILENE TRUST	BAILEY TERRY LIVING TRUST	327,000	04/28/2010	QC	ARMS-LENGTH	2010R-013090	BUYER	100.0		
BOLLMANN, GERALD & MERRILENE	BOLLMANN MERRILENE TRUST	0	01/08/2003	QC	QUIT CLAIM	4240/0753	BUYER	0.0		
BOLLMANN FAMILY TRUST	BOLLMANN, GERALD & MERRILENE	0	12/18/2002	QC	QUIT CLAIM	3698-0847	BUYER	0.0		
Property Address		Class: 407 RESIDENTIAL-CO		Zoning: MUPUD		Building Permit(s)		Date	Number	Status
4469 QUEBEC LANE		School: BRIGHTON		REROOF		03/16/2009		W09-014	NO START	
Owner's Name/Address		P.R.E. 100% 07/08/2016		WOOD DECK		03/03/2000		00-086	NO START	
LAFAVE ROSEMARY C 4469 QUEBEC LANE BRIGHTON MI 48116		MAP #: V17-31		HOME		03/26/1999		99-108	NO START	
Tax Description		2018 Est TCX Tentative		Land Value Estimates for Land Table 00053.VILLAS OF OAK POINTE						
SEC 27 T2N R5E VILLAS OF OAK POINTE UNIT # 76		X Improved		Vacant		* Factors *				
Comments/Influences		Public Improvements		Description Frontage Depth Front Depth Rate %Adj. Reason Value						
		Dirt Road		<Site Value A> A SITE VALUE 80000 100 80,000						
		Gravel Road		0.00 Total Acres Total Est. Land Value = 80,000						
		Paved Road		Land Improvement Cost Estimates						
		Storm Sewer		Description Rate CountyMult. Size %Good Cash Value						
		Sidewalk		D/W/P: 3.5 Concrete 4.04 1.00 130 49 257						
		Water		Total Estimated Land Improvements True Cash Value = 257						
		Sewer								
		Electric								
		Gas								
		Curb								
		Street Lights								
		Standard Utilities								
		Underground Utils.								
		Topography of Site								
		Level								
		Rolling								
		Low								
		High								
		Landscaped								
		Swamp								
		Wooded								
		Pond								
		Waterfront								
		Ravine								
		Wetland								
		Flood Plain								
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Who	When	What	2018	Tentative	Tentative	Tentative		Tentative
		LM	09/26/2013	REVIEWED R	2017	37,500	155,700	193,200		193,200S
					2016	37,500	150,400	187,900		159,650C
					2015	37,500	138,200	175,700		159,173C



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 78 338	Type WCP (1 Story) Treated Wood		Year Built: Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 431 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G												
Building Style: BC		Trim & Decoration		X Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: BC Effec. Age: 14 Floor Area: 2020 Total Base Cost: 202,848 Total Base New : 306,300 Total Depr Cost: 263,418 Estimated T.C.V: 313,468			CntyMult X 1.510 E.C.F. X 1.190		Bsmnt Garage:		
Yr Built 2000	Remodeled 0	Size of Closets		Lg X Ord Small			Doors: Solid X H.C.			Total Base Cost: 202,848 Total Base New : 306,300 Total Depr Cost: 263,418 Estimated T.C.V: 313,468			CntyMult X 1.510 E.C.F. X 1.190		Roof:		
Condition: Good		(5) Floors		Kitchen: Other: Other:			(12) Electric 0 Amps Service			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			Size Cost				
Room List		Basement 1st Floor 2nd Floor 3 Bedrooms		(6) Ceilings			No./Qual. of Fixtures			1 Story Siding/Bric Basement 80.24 0.00 1.85			1136 93,254				
(1) Exterior		X Wood/Shingle Aluminum/Vinyl Brick		X Ex. Ord. Min			No. of Elec. Outlets			2 Story Siding Basement 116.89 0.00 3.70			395 47,633				
Insulation		(7) Excavation		Many X Ave. Few			1 Story Siding Overhang 41.10 0.00 0.00			1 Story Siding Overhang 41.10 0.00 0.00			18 740 76 3,124				
(2) Windows		X Many Avg. Few X Large Avg. Small		Basement: 1531 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			(13) Plumbing			Other Additions/Adjustments Rate			Size Cost				
X Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Average Fixture(s) 3 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(9) Basement Finish Basement Living Finish 19.75 Walk out Basement Door(s) 1025.00			1200 23,700 1 1,025				
(3) Roof		X Gable Hip Flat X Gambrel Mansard Shed		(9) Basement Finish			1200 Recreation SF Living SF 1 Walkout Doors No Floor SF			(13) Plumbing 3 Fixture Bath 2 Fixture Bath Extra Sink Separate Shower (14) Water/Sewer Public Water Public Sewer (15) Built-Ins & Fireplaces Fireplace: Prefab 1 Story 3630.00 (16) Porches WCP (1 Story), Standard 35.35 (16) Deck/Balcony Treated Wood, Standard 7.35 (17) Garages Class:BC Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 26.57 Common Wall: 1 Wall -1425.00 Phy/Ab.Phy/Func/Econ/Comb.%Good= 86/100/100/86.0, Depr.Cost = 263,418 ECF (4101 VILLAS OF OAK POINTE) 1.190 => TCV of Bldg: 1 = 313,468			2 7,050 1 2,350 1 710 1 1,390 1 1,487 1 1,487 1 3,630 78 2,757 338 2,484				
Chimney: Brick		(10) Floor Support		Joists: Unsupported Len: Cntr.Sup:			1 Public Water 1 Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			19.75 1025.00 3525.00 2350.00 710.00 1390.00 1487.00 1487.00 3630.00 35.35 7.35			1 1,487 1 1,487 1 3,630 78 2,757 338 2,484				

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
NOVEMBER 14, 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 two-side yard variances to construct a new single-family home.**

Mr. Andrew Luzod was present for the petitioner. Mr. Luzod stated that he reviewed the Board's concerns from the last meeting. He met with the Deputy Fire Marshall from Brighton Area Fire Department. Mr. Luzod stated that the Fire Department does not have authority due to the driveway being private. They provided a 30 foot turnaround which is demonstrated on the drawing. Steve Ballinger is their builder. Mr. Luzod stated that the water naturally drains toward the lake and they would like to keep it as is. The hardship is the proposed house sits on top of a hill. The neighbors on both sides are in favor of the proposed plan. 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 stated that a deed was provided that shows clear title. She explained to the petitioner the need for drainage to be shown on the site plan as was discussed at the last meeting.

Chairman Dhaenens stated that when the applicant applies for a building permit, drainage will need to be reviewed.

Board Member Ledford stated that she would like to see a formal letter from the Fire Department. Ms. Ruthig stated that the township staff did receive an email from the Deputy Fire Marshall.

Board Member Figurski stated that she had visited the site and believes the house could be moved back. Board Member McCreary asked Mr. Luzod if they have thought of the pulling the house further back from the lake. Mr. Luzod stated they have not considered it because they would like a better view of the lake.

Mr. Luzod stated according to the topo map that he received from Livingston County GIS, the driveway would be at 976 and the septic field would be at 964. He stated that the drainage is not an issue.

Mr. Dhaenens stated that the drainage is not an issue now, however the applicant is proposing to tear down a building and construct a bigger home.

The call to the public was made at 7:00 p.m. with no response.

Board Member McCreary informed the applicant that the Zoning Board of Appeals would need the drainage information to make an informed decision. The neighbors on both sides of the property are at a lower elevation than his home. She understands that this is an unique piece of property however there are properties with a lot of drainage issues in that area and the Board needs to address the drainage issues for this parcel.

Chairman Dhaenens stated that the builder needs to show where the house is being placed and how the runoff is going to be handled on the site also location of retaining walls. Mr. Luzod stated that he was trying to defer cost until he knew that he could be approved to build the house. Board Member McCreary stated that she understood however in the scope of the project and what he is trying to accomplish, the cost would small.

**Moved** by McCreary, seconded by Figurski, to table Case #17-22 for 4798 Narrow Trail by Andrew Luzod until the next regularly-scheduled Zoning Board of Appeals meeting on December 12, 2017 so the applicant can address the drainage concerns and location of retaining walls. **The motion carried unanimously.**

**2. 17-28... A request by James F. Lewis, 1189 Chemung Drive, for a side yard variance to construct an attached garage.**

Mr. James Lewis, homeowner and Mr. Jimmy Smith, 47 E. Oak Road, Holt was present for the petitioner.

Mr. Lewis presented that he would like to construct a single car attached garage. The home was constructed in the middle of the lot and left no room for a garage. The location of his well and the large tree located in the rear yard would make it difficult to construct a detached garage.



Chairman Dhaenens questioned if the existing dormer was going to be removed. Mr. Lewis stated that it was.

Board Member McCreary asked how he determined where the lot lines were located. Mr. Lewis stated that his neighbor had his property surveyed and they located the stakes on the other side.

A call to the public was made with no response.

Moved by Ledford, supported by McCreary, to approve case# 17-28 for 1189 Chemung Drive for applicant James Lewis for a for a 1'8" side yard setback variance from the required 5 foot setback to a 3'4" side yard setback to construct an attached single car garage to the existing home and to remove existing entry way room based on the following finding of facts:

1. Practical difficulty is that the strict compliance with the side yard setback would prevent applicant from constructing an attached garage capable of housing a vehicle. Construction of a garage would give the applicant substantial justice in regard to the ability to have a garage.
2. Extraordinary Circumstances is the small size of the lot, the location of the existing home, the well and the large elm tree prevents the applicant from placing a detached garage in the rear yard. The need for the variance is was self-created by the prior owners who applied for and were granted a property split on July 10, 2001. The variance from the Zoning Ordinance was granted creating a parcel that did not meet the requirements of the Township Ordinance.
3. The granting of this variance will not impair an adequate supply of light and air to adjacent properties or increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of Genoa Township.
4. The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Granting of this variance is conditioned upon the following:

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

**The motion carried unanimously.**

#### **Administrative Business:**

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

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

2. Correspondence – Ms. Ruthig stated that there are 3 new cases for the December 12<sup>th</sup>, 2017 ZBA meeting.

3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on November 5<sup>th</sup>, 2017.
4. Planning Commission Representative Report – Board Member Ledford and Ms. Ruthig gave a review of the Planning Commission meeting held on November 13, 2017.
5. Zoning Official Report – Ms. Ruthig had nothing to report this evening.
6. Member Discussion – Ms. McCreary asked if research could be conducted in regards to definitions of self-created issues. Ms. Ruthig stated that she would consult with the Township Planner for more thorough information.
7. Adjournment

**Moved** by Ledford, seconded by Figurski, to adjourn the meeting at 7:51 pm. **The motion carried unanimously.**

Respectfully submitted:

Amy Ruthig, Zoning Official

DRAFT

transparent and effective government will obtain the input from those who elect them to ensure the policies and regulations implement the overall vision. Residents put their trust in their officials, and by proxy their professional administrative management and staff, to make important decisions for the good of the whole community. Those decisions should be based on adopted regulations, not on political agendas. So when a development project comes forward that meets the vision of the master plan and meets the ordinance, it should be approved. Giving the public a direct say in approval of each and every development project negates the purpose of our representative form of government. Through elections, the public instills trust in their elected officials, who in turn should trust their appointed planning commissions, who in turn should trust the expert opinions of their professional staff who are trained to interpret the established policies and regulations. They have specialized expertise to ensure ordinance requirements are met.

Expedited or administrative review does not take away the role of elected and appointed officials; instead it shifts when and how they provide their input. Communities may decide that very large scale developments still require Planning Commission review. In addition to staff consulting with them on particular projects, planning commissions will stay busy with special land use requests, rezonings, and those sometimes neglected duties like preparing the annual report and Capital Improvements Plan. In addition, important work like master plan or ordinance updates, are often relegated to the end of an agenda or deferred to later meetings. Reducing the amount of development reviews frees up planning commission's time for these types of proactive planning projects. [In the upcoming *Michigan Planner E-dition*, read more about the MEDC's Redevelopment Ready Communities Program.]

Communities across Michigan and the country are competing for new businesses and new development, as the recent second Amazon headquarters recruitment has proven.

In Michigan, having the MEDC's RRC program is an asset to promote and market Michigan's communities as redevelopment-ready. Having the vision, zoning, and review process in place to efficiently implement projects is a major incentive for recruiting outside development and supporting existing local businesses who lack the time and means for an extensive and uncertain plan review. Being redevelopment-ready means a community supports its vision, trusts its process, and is open for business. Instilling predictability and transparency in that process does not come at the expense of public input, but is instead shaped by it.

**KATHLEEN DUFFY** is a Senior Planner at SAFEbuilt Studio (formerly LSL Planning) in Royal Oak. She is the technical assistance team leader for the RRC program, working closely with MEDC staff and partners across the state to implement its Best Practices through plans, codes, and training. Kathleen specializes in master plans, redevelopment/subarea plans, form-based codes, and public participation.

SAFEbuilt

## ZBA FAQ

**YOU'VE JUST BEEN APPOINTED** to the Zoning Board of Appeals (ZBA) or you've been on the ZBA for a while, but now there is an uptick in the caseload and you are wondering if you are doing everything that you are supposed to do. This article offers some frequently asked questions regarding the ZBA. The next Michigan Planner E-dition will offer more information about the ZBA.

### Why does a community need a ZBA?

Every municipality in the State of Michigan with an adopted zoning ordinance is required to establish a Zoning Board of Appeals. The

Michigan Zoning Enabling Act requires creation of a Zoning Board of Appeals. No exceptions are permitted. Under the Zoning Enabling Act, a city or village council may act as the ZBA and establish rules to govern its procedures as a ZBA.

### Is a BZA and a ZBA the same thing?

The Zoning Board of Appeals can be called different names including Board of Zoning Appeals, ZBA, BZA or sometimes just The Board. The ZBA is termed a "judicial" or "quasi-judicial" body. It is composed of appointed residents of the community who act in a judicial capacity under the requirements of the zoning ordinance. The ZBA deals with requests for variances, ordinance

interpretations, and the appeal of administrative decisions by the staff or planning commission.

### Who can become a member of the ZBA?

In communities with less than 5,000 residents there must be no less than 3 members and in communities of 5,000 or more residents, no less than 5 members. The legislative body may appoint up to two alternate members who may serve in the place of regular members. An alternate may be called if a regular member is unable to attend one or more meetings. An alternate member may also be used in the place of a regular member who has abstained for reasons of conflict of interest. The term of office is 3 years for regular members. For cities

and villages, one member of the ZBA may also be a planning commission member; for townships, one member of the ZBA shall serve on the township or county planning commission. One member of the ZBA may also serve on the legislative body, but may not serve as chairperson for the ZBA. The number of ZBA members must be specified in the zoning ordinance.

#### What are the ZBA's duties and powers?

The basic responsibilities of the ZBA include:

- Appeals of administrative decisions;
- Variance requests;
- Ordinance interpretations (text and map);
- Sometimes nonconforming situations; and
- Appeals of special land uses and planned unit developments (but only if provided for in the ordinance).

#### What exactly is a variance?

A variance is official permission to deviate from a requirement of the zoning ordinance. There are two types of variances: Use Variances and Non-Use (Dimensional) Variances. The authority to grant a variance is discretionary and includes the general guidelines of practical difficulty for dimensional variances and unnecessary hardship for use variances. The Zoning Enabling Act states that a ZBA may grant a variance if the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. Additional standards can be adopted within a community's zoning ordinance.

#### Can all communities consider use variances?

A use variance permits a use of land that is otherwise not allowed in that district either as a permitted use or as a special land use.

The Zoning Enabling Act gives cities

and villages the statutory authority to consider use variances if unnecessary hardships exist. The Zoning Enabling Act is different however, for townships and counties. Some townships and counties may consider use variances. These townships and counties include:

- Township or counties who granted a use variance prior to February 15, 2006; and/or
- Those that included a provision in their zoning ordinance allowing consideration of a "use variance" or "variances from uses of land" as of February 15, 2006.

Unless a township or county meets the requirements above, they are NOT authorized to grant use variances.

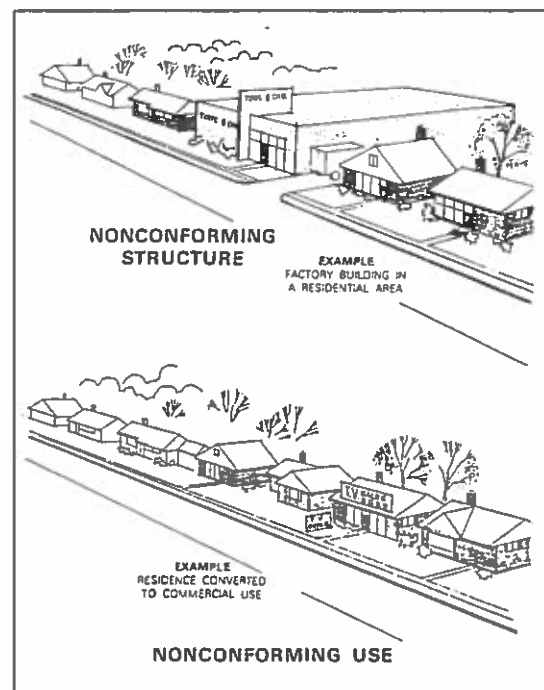
However, any municipality can decide not to allow use variances. The Act only *permits* use variances, it does not *require* them to be heard. If allowed, the zoning ordinance must require a 2/3 vote of the entire membership to approve use variances.

#### What is a practical difficulty?

The most common variance is a dimensional or non-use variance. These requests typically pertain to buildings and structures that cannot be constructed in the location required by the zoning ordinance or that other requirements of the ordinance cannot be met. To obtain a dimensional variance, the applicant must demonstrate that a practical difficulty exists on the property.

Some aspect of the property needs to be unique, not just the applicant's operation or peculiar method of operation being unique.

Common dimensional variance requests include requirements such



as setbacks, height, parking, or landscaping.

*Variances are granted to pieces of land - not to individual applicants.*

In order to demonstrate that a dimensional variance is appropriate, the ZBA must find that there is a **practical difficulty** which affects the property where compliance with the zoning ordinance would cause an excessive burden to the development of the property.

- There are unique circumstances that apply to the property.
- The variance is consistent with the spirit of the ordinance and is fair to adjacent properties.
- The need for the variance is not self-created.
- The variance is the minimum necessary.
- Strict compliance with the zoning ordinance prevents the applicant from using the property for the permitted purpose.

#### Are there different types of nonconformities?

Nonconforming uses and structures have been understood as part of the

concept of nonconformity for many years. In recent years, it has been recognized in many communities that nonconformities can also include certain site characteristics related to landscaping, signs, parking spaces and other similar site improvements. It is not unusual today for a zoning ordinance to describe regulations related to nonconforming uses, structures, parcels or lots and different types of site characteristics.

A nonconforming use is a use that was legally established before the zoning ordinance was adopted but the use would not be permitted to be legally established in the zoning district where it is located after adoption of the ordinance. For example, suppose that a retail store legally existed before adoption of a zoning ordinance and the site for the store was included in a residential district. If the store would not be permitted in the residential district after adoption of the ordinance, the store would be a nonconforming use. The store must have legally existed before adoption of the ordinance. An illegally established use does not gain any special authorization by simply surviving during adoption of a zoning ordinance.

Nonconforming structures are those structures that include some attribute that would not be permitted after adoption of the zoning ordinance.

For example, if a structure was legally built to be 50 feet tall and the zoning ordinance now permits a maximum height of 30 feet, the structure is nonconforming due to the excessive height. Similarly, a structure can be nonconforming due to inadequate yard setbacks or other dimension criteria. Signs are a special type of structure. If sign area, height, placement and other attributes are regulated by the zoning ordinance, signs can be nonconforming with regard to the various regulations that are included in the ordinance.

Nonconforming lots and sites are directly related to those requirements established in the ordinance related to lot area, width, depth and any other similar dimension requirement. As ordinances become more complex, it can be ever more difficult to keep track of this type of nonconformity. For example, it has become customary for zoning ordinances to regulate the minimum lot area required for certain types of uses such as churches, fast food restaurants and other facilities. If those characteristics are not consistent with the ordinance requirements, the deficiency becomes a nonconformity.

It is also possible for a site to fail to provide adequate landscape materials, open space or other similar site characteristics that might be required by the ordinance. Although

the lot and structure conform to the ordinance, the site improvements might be deficient and create a nonconformity.

Some ZBA's are delegated specific responsibilities regarding nonconforming uses, structures, and lots.

**Examples of situations reviewed by ZBAs include:**

- The enlargement or alteration of nonconforming buildings and structures
- Expansion of a non-conforming use;
- Replacement of buildings damaged by flood, fire, or vandalism;
- Reduction of setbacks for nonconforming lots of record;
- Change (substitution) from one nonconforming use to another;
- Upgrades to nonconforming site development features, such as parking lots, landscaping, etc.

The standards used by the ZBA to authorize any of the above actions must be clearly specified in the zoning ordinance.

Check out the upcoming *Michigan Planner E-dition* for more information about appeals and interpretations. In addition, the Michigan Association of Planning offers training exclusively for the ZBA and a ZBA toolkit for purchase.

## CONSISTENT AND TRANSPARENT DECISION MAKING

**RISK.** It is inherent in every decision and action taken by Boards and Commissions. And the risks are seemingly greater today than they have been at any time before. The issues are more complicated, the citizens are more engaged, and chances are greater that issues will result in lawsuits. Further, it does not

help when people in agreement with a request rarely show up for a meeting as opposed to those who disagree.

So how does a board or commission member navigate these turbulent waters? By following consistent practices and policies, regardless of the type of case or level of anticipated controversy, a board or commission

can protect itself from many of the dangers of decision making. Here are a few tips to keep in mind based on recent trends that seem to cause commission members greater issues than others.

- **DON'T HIT SEND.** The increasing ease of communication brought about by email and social media is

one example of a substantial risk that has arisen in the past several years and promises to become even more significant. Prior to these technologies, communicating with board members outside of meetings was more difficult and there was no record of it. Now, it is very easy to contact board and commission members, and the record lives forever.

All electronic correspondence is subject to subpoena just like a traditional letter or file. (An exception to this exists when the communication is deemed strictly personal in nature.) Thus, generally speaking, treat email and social media the same as any other form of communication. These are not forums for deliberation outside of the public meeting. Such conversations can be used against the community in a due process challenge and/or can point to bias on the part of one or more participants in the discussion. When in doubt, don't hit send.

- **CONFLICT OF INTEREST.** Surprisingly, tremendous variety exists among communities in how they interpret and treat conflict of interest. There is likely ambiguity and confusion among the public as well, which can be fodder for controversy. Communities are required to have specific language regarding conflict of interest in the bylaws of boards and commissions or in a separate resolution or ordinance. [See the September issue of Michigan Planner E-dition for sample bylaws and rules of procedure]. This ensures it is clear to all members and to the public how conflict of interest is defined in the community, what exactly constitutes a conflict, and how such instances will be addressed.

When it comes to conflict of interest, the rule of thumb is that if there will be a credible perception of conflict, it is best to abstain. Once a member abstains for reasons of conflict, that individual should step down from the table and certainly not participate in any part of the discussion. Such participation can have an unfair impact on the discussion and the decision making process. The bylaws or rules of procedure for the board or commission should clearly spell out how such situations are to be handled.

- **SHARE EVERYTHING.** With increasing risks, the pressure to make the "right" decision also increases. It is thus natural for board and commission members to try and collect all of the information possible on an issue prior to a meeting. This may include contact with other departments or agencies, review of additional literature or studies, or discussions with others in the community.

If this occurs, remember that ALL other members should be apprised of the information prior to the decision being made. Further, this information should be shared in a public venue, either during the public meeting or in board packets prior to the meeting. This ensures that no one member has knowledge or information that the others do not. That way, everyone is making a decision based on the same set of facts and information. This also ensures that the record is clear as to the rationale for the decision being made.

None of this will eliminate risk or the threat of risk from the normal operations of a board or commission. But by following consistent procedures and sound advice, one can feel comfortable focusing on the case and the decision to be made rather than any of the risks that may come as a result.



"So, I'm the only one who sees a conflict of interest here?"

**GREGORY MILLIKEN, AICP** serves as the System Manager of Real Estate and Properties for Bronson Healthcare Group in Kalamazoo. Over the course of his nearly 20 year career in planning, he has practiced in both the public and private sectors in Michigan, Ohio, and Washington. This includes stints as Planning Director for Oshtemo Charter Township (Kalamazoo County) and Kalamazoo Charter Township (Kalamazoo County) as well as Principal Planner for McKenna Associates. Greg lives in Kalamazoo with his wife and two children and serves on the Planning Commission for the City.

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