

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 18, 2018
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

Call to the Public: *(Please Note: The Board will not begin any new business after 10:00 p.m.)*

1. Enter into closed session to discuss attorney's communication dated September 7, 2018
2. 18-18 ... As ordered by the Circuit Court of Livingston County, the variance request for the property located at 1370 Elmhurst and requested by Rob and Sandra Bialowicz for a waterfront and side yard variance to construct an addition to an existing home.
3. 18-27 ... A request by Erin Michaels, 3781 E. Grand River, for a sign variance located at the existing McDonald's restaurant.

Administrative Business:

1. Approval of minutes for the August 21, 2018 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



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

PROPERTY MUST BE STAKED SHOWING REQUESTED SETBACKS 7 DAYS PRIOR TO MEETING DATE. FAILURE TO STAKE COULD RESULT IN POSTPONEMENT OR DENIAL OF PETITION.

Case # 18-18 Meeting Date: June 19, 2018

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

Applicant/Owner: Rob + Sandra Bialowicz Email: sandrabialowicz@yahoo.com

Property Address: 1310 Elmhurst Phone: 810 650-8432

Present Zoning: LR Tax Code: 4711-10-202-006

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: Water front

2. Intended property modifications: Square-up Waterfront Property, (Lanai) Covered Porch and Attached Garage

The following is per Article 23.05.03:

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

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

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

Yes

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.

No

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.

No

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.

No

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:

May 29 / 18

Signature:

Andre B. Sufowicz

- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This recommendation is based on the following conditions:

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

The motion carried unanimously.

7. 18-18 ... A request by Rob and Sandra Bialowicz, 1370 Elmhurst, for a waterfront and side yard variance to construct an addition to an existing home.

Mr. and Mrs. Bialowicz were present. Mr. Bialowicz stated they are proposing to demolish the existing detached garage and construct an attached garage and an addition to the home. The hardships are the odd-shaped lot and the location of the existing home. They will not be encroaching further into the side yard setback than where the existing detached garage is currently located.

The existing home currently encroaches into the waterfront setback. However, since they will be covering the porch, it will increase the waterfront variance to 41.5 feet.

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

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve Case #18-18 for 1370 Elmhurst Drive by Rob and Sandra Bialowicz of 5743 Long Pointe Drive, Howell for 41.5 foot waterfront setback variance from the required 84.5 feet for a 43 foot waterfront setback, and a side yard setback of 5 feet from the required 10 feet for a 5 foot setback in order to construct an addition to an existing home by demolishing an existing detached accessory structure and constructing an attached garage to the existing single-family home based on the following findings of fact:

- The Township Assessor has verified that the applicant does own to the water's edge since the location of the waterfront property line on the drawing varies considerably from the parcel aerial overlay on the GIS map.
- Strict compliance with the waterfront and side yard setback would prevent the applicant from constructing the addition to the existing single-family home as proposed. The applicant is proposing to not encroach any further into the side yard setback as the current house location. There are other homes in the vicinity with reduced water front yard setbacks that would support substantial justice.

- The exceptional or extraordinary condition of the property is the non-conforming location of the existing home, narrow lot, and the adjacent lot is not in the same plat; therefore a deeper lot allows for a larger setback, which impacts the setback for the adjacent site.
- Granting this variance would make it consistent with many homes in the vicinity.
- The need for the variance is not self-created.
- Granting this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- Granting this variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

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

The motion carried unanimously.

8. 18-19 A request by Marcel Normand, 4137 Clifford Drive, for a variance to create a lot with a detached accessory structure without a principal structure to be able to split the property.

Ms. Ruthig stated that Mr. Normand requested to have his application tabled until the next ZBA meeting

Moved by Board Member Rassel, seconded by Board Member Rockwell, to table Case #18-19 until the July 17, 2018 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the May 15, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve the May 15, 2018 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

2. Correspondence –



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: June 11, 2018

RE: ZBA 18-18

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

STAFF REPORT

File Number: ZBA#18-18
Site Address: 1370 Elmhurst Drive
Parcel Number: 4711-10-202-006
Parcel Size: .253 Acres
Applicant: Rob and Sandra Bialowicz, 5743 Long Pointe Drive, Howell
Property Owner: Same as Applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a waterfront yard variance to construct an addition to an existing home.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday June 3, 2018 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- Per assessing records the existing home on the parcel was constructed in 1968.
- The parcel is serviced by well and public sewer.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The proposed project is to demolish existing detached accessory and construct an attached garage and an addition to an existing single family home. In order to construct the addition as proposed, the applicant is required to obtain a waterfront and side yard variance. The location of the waterfront property line on the drawing varies considerably from the parcel aerial overlay on the GIS map provided. The Township Assessor has verified that the applicant does own to the water's edge. The applicant is not proposing to encroach any closer into the side yard setback than the current home.

Variance Requests

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

Table 3.04.01 (LRR District):

Required Waterfront Yard Setback:	84.5'	Required Side Yard Setback:	10'
Proposed Waterfront Yard Setback:	43'	Proposed Side Yard Setback:	5'
Proposed Variance Amount:	41.5'	Proposed Variance Amount:	5'

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the waterfront and side yard setback would prevent the applicant from constructing the addition to the existing single family home as proposed. The applicant is proposing to not encroach any further into side yard setbacks as the current house location. There are other homes in the vicinity with reduced waterfront yard setbacks that would support substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the non-conforming location of the existing home, narrow lot and the adjacent lot is not in the same plat therefore a deeper lot allows for a larger setback which impacts the setback for the adjacent site. Granting of the variance would make it consistent with many homes in the vicinity. The need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of 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 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.

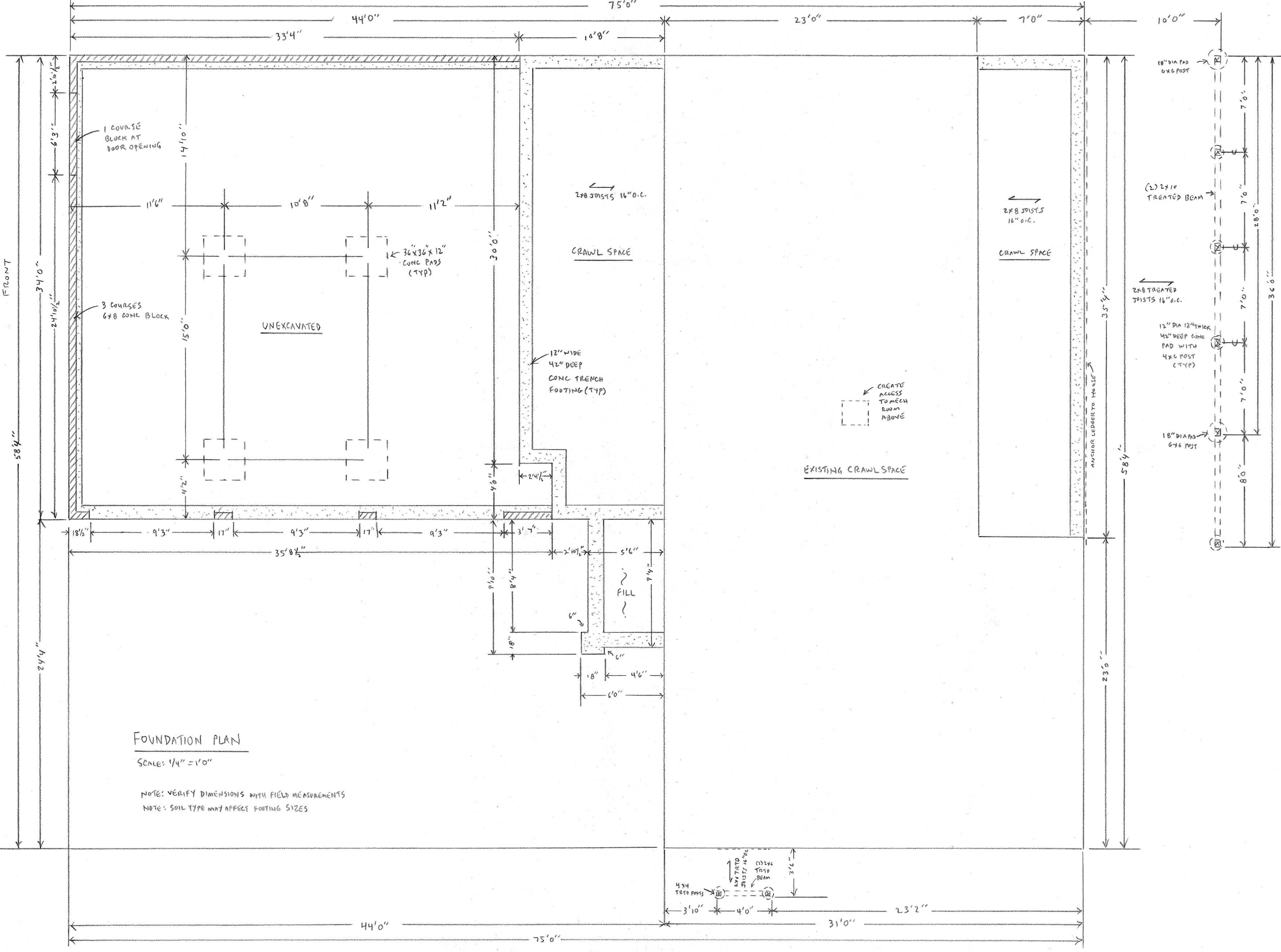
Recommended Conditions

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

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

GENOA TOWNSHIP

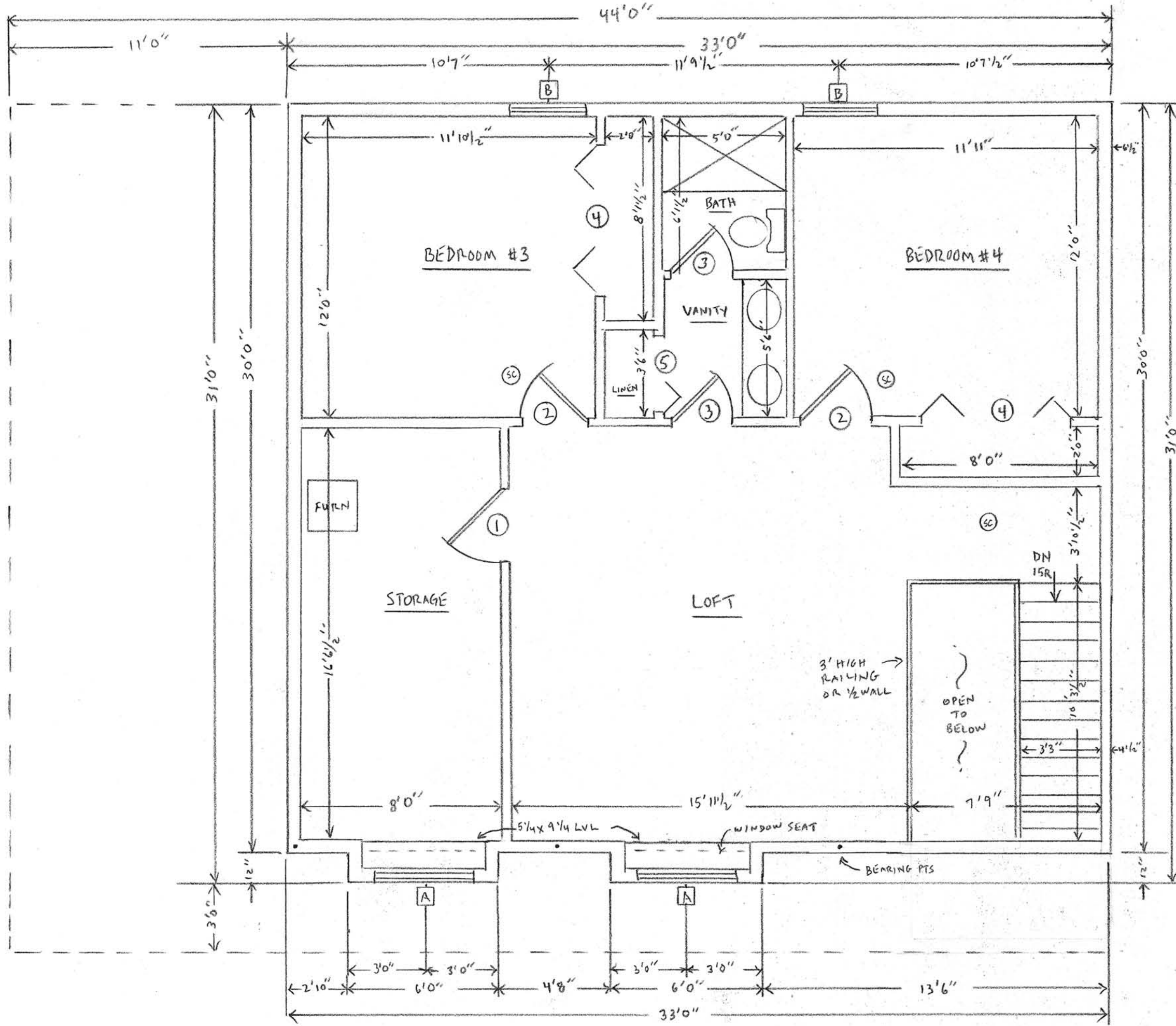




FOUNDATION PLAN

SCALE: 1/4" = 1'0"

NOTE: VERIFY DIMENSIONS WITH FIELD MEASUREMENTS
 NOTE: SOIL TYPE MAY AFFECT FOOTING SIZES



SECOND FLOOR PLAN

SCALE: 1/4" = 1'0" 914

NOTE: EXT 2x6 WALLS DRAWN 6 1/2" THICK (UNLESS NOTED)
 INT 2x4 WALLS DRAWN 4 1/2" THICK

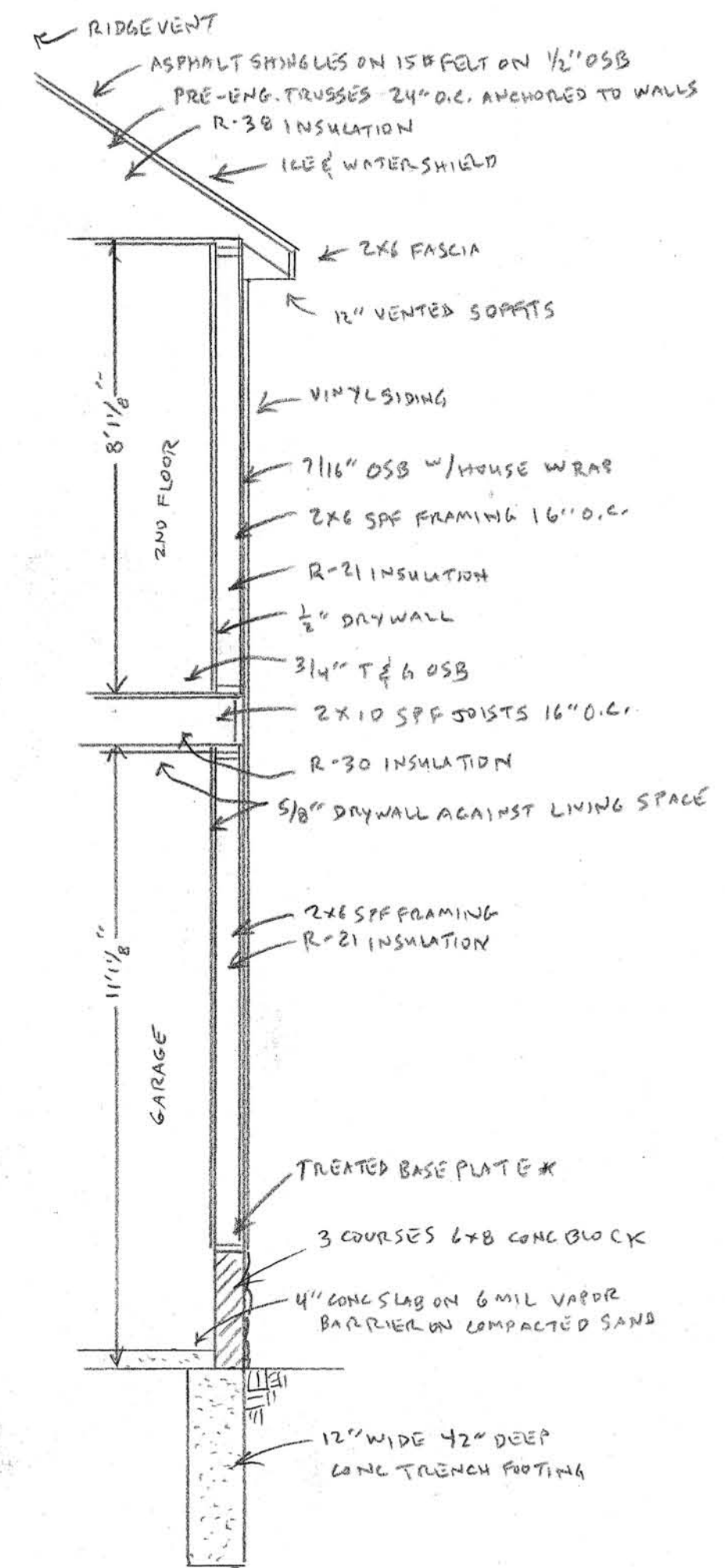
NOTE: 2x12 HRS OVER WINDOWS

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

DOOR SCHEDULE				0
KEY	SIZE	QTY	DESC	
1	3'0" x 6'8"	1	INT. SWING	
2	2'8" x 6'8"	2	INT. SWING	
3	2'6" x 6'8"	2	INT. SWING	
4	6'0" x 6'8"	2	BIFOLD	
5	3'0" x 6'8"	1	BIFOLD	

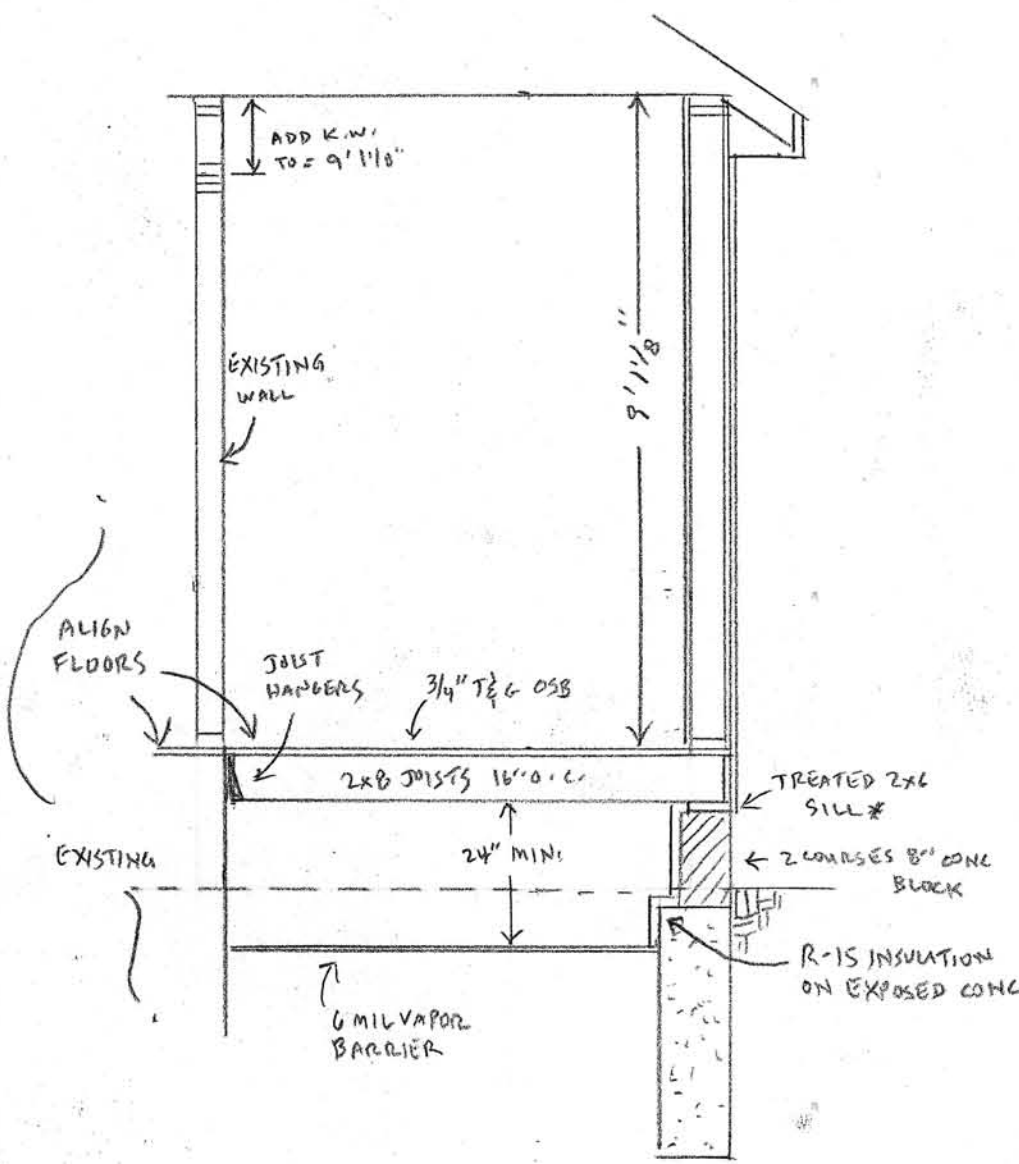
WINDOW SCHEDULE				0
KEY	SIZE	QTY	DESC	
A	4'0" x 4'0"	2	TWIN CASEMENT	
B	3'0" x 5'0"	2	D.H. WITH SAFETY STOPS	

NOTE: SIZES VARY BY MFR



2 STORY WALL SECTION

SCALE: 3/8" = 1'0"



1ST FLOOR ADDITION SECTION

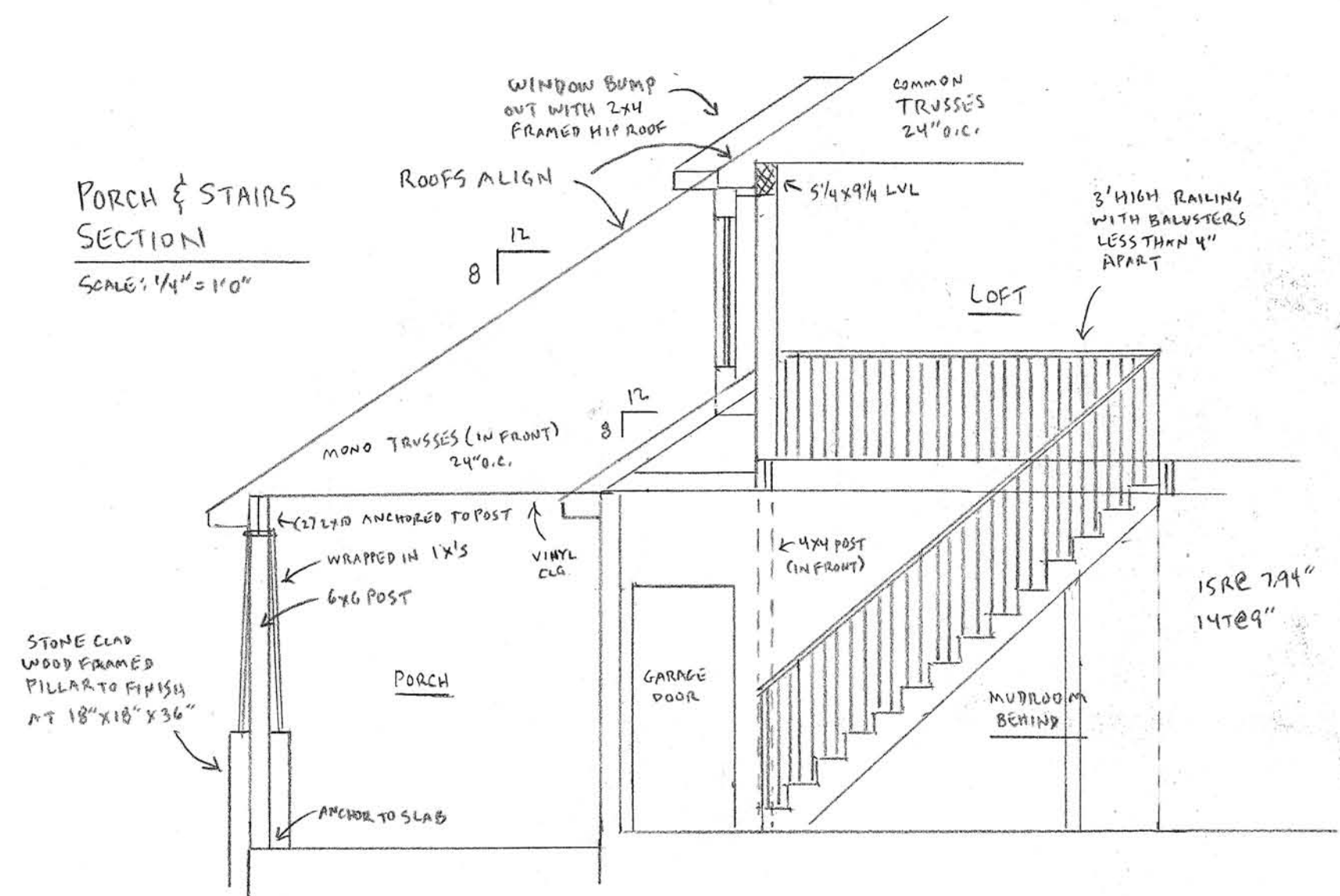
SCALE: 3/8" = 1'0"

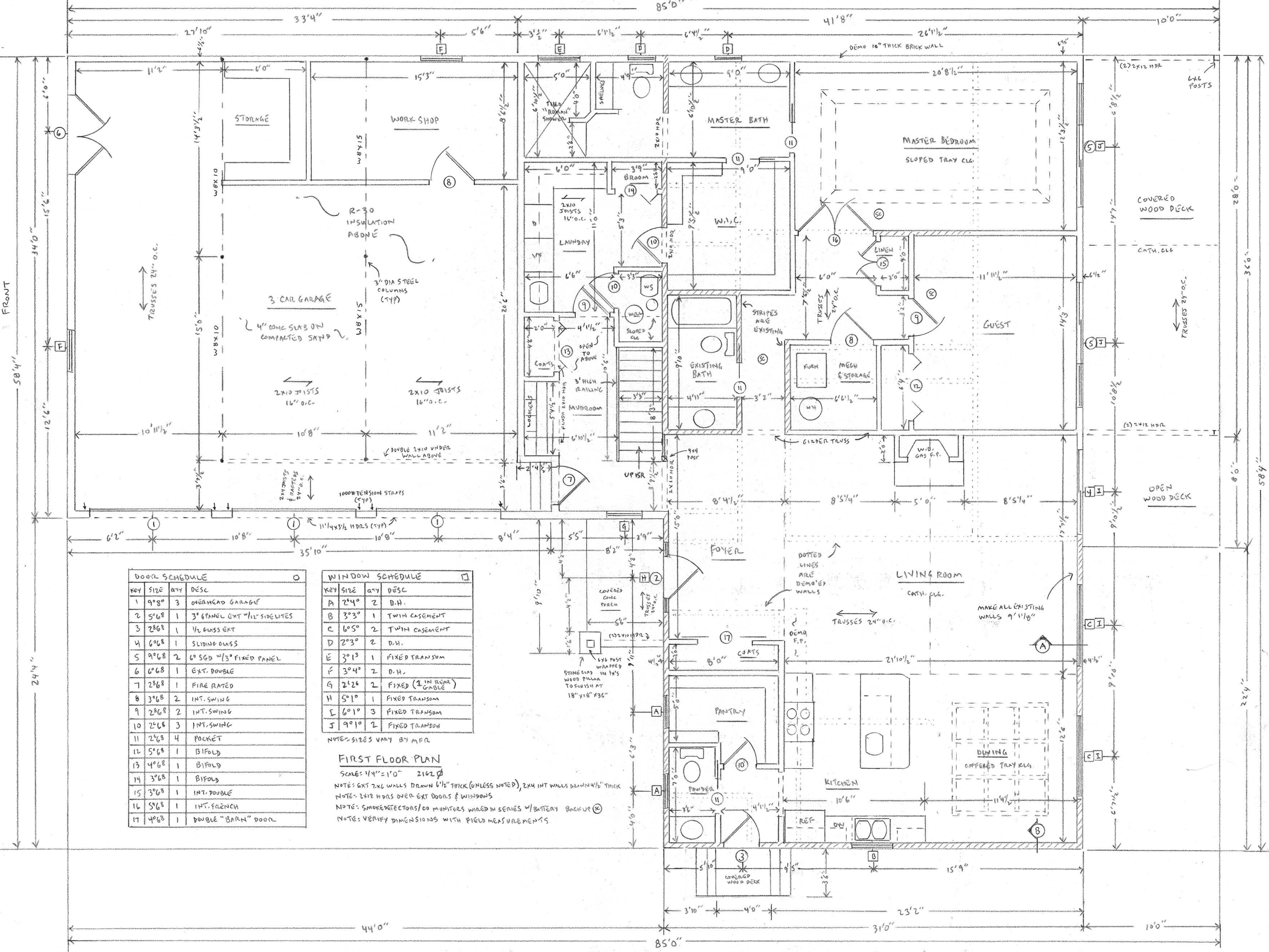
* = ANCHORED 12" FROM CORNERS @ 72" O.C.

FRONT

PORCH & STAIRS SECTION

SCALE: 1/4" = 1'0"



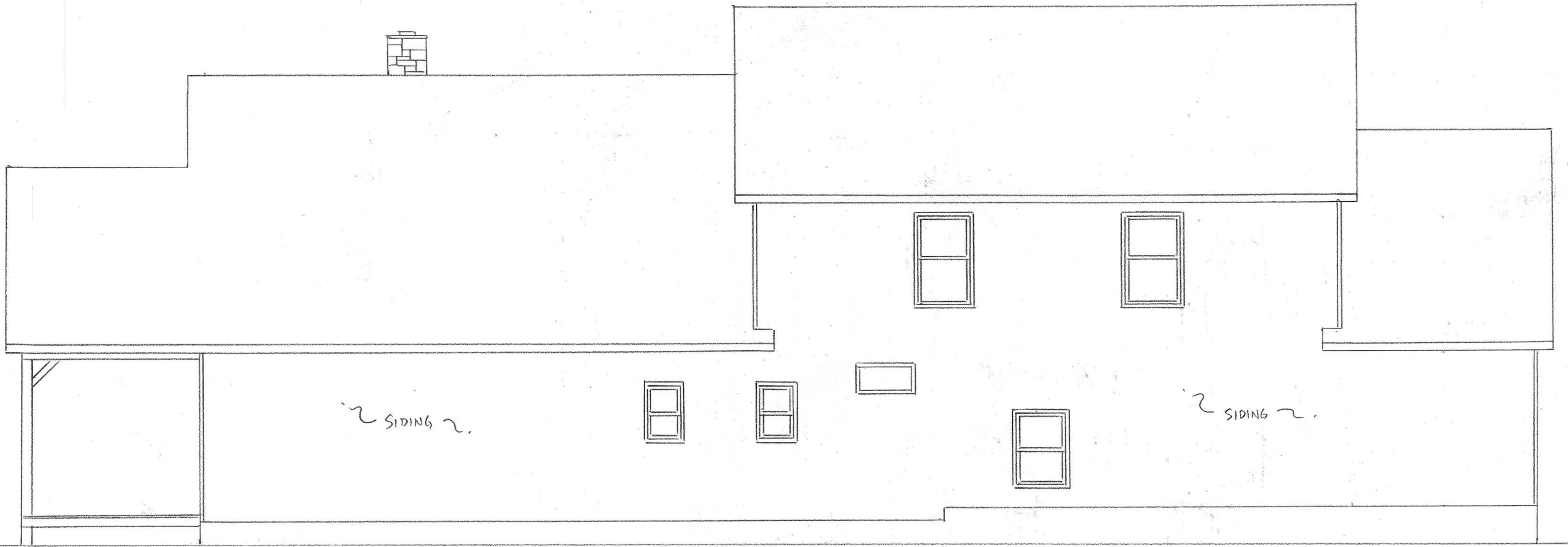


KEY	SIZE	QTY	DESC
1	9'8"	3	OVERHEAD GARAGE
2	5'6"	1	3' PANEL EXT W/ 1/2 SIDELITES
3	2'8"	1	1/2 GLASS EXT
4	6'6"	1	SLIDING GLASS
5	9'6"	2	6" SGD W/ 1/3 FIXED PANEL
6	6'6"	1	EXT. DOUBLE
7	2'8"	1	FIRE RATED
8	3'6"	2	INT. SWING
9	2'8"	2	INT. SWING
10	2'6"	3	INT. SWING
11	2'6"	4	POCKET
12	5'6"	1	BIFOLD
13	4'6"	1	BIFOLD
14	3'6"	1	BIFOLD
15	3'6"	1	INT. DOUBLE
16	5'6"	1	INT. FRENCH
17	4'6"	1	DOUBLE "BARN" DOOR

KEY	SIZE	QTY	DESC
A	2'4"	2	D.H.
B	3'3"	1	TWIN CASEMENT
C	6'5"	2	TWIN CASEMENT
D	2'3"	2	D.H.
E	3'1"	1	FIXED TRANSOM
F	3'4"	2	D.H.
G	2'2"	2	FIXED (1 IN REAR GABLE)
H	5'1"	1	FIXED TRANSOM
I	6'1"	3	FIXED TRANSOM
J	9'1"	2	FIXED TRANSOM

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'0" 2102 Ⓟ
 NOTE: EXT 2x6 WALLS DRAWN 6" THICK (UNLESS NOTED), 2x4 INT WALLS DRAWN 4" THICK
 NOTE: 2x12 HDRS OVER EXT DOORS & WINDOWS
 NOTE: SMOKE DETECTORS/CO MONITORS WIRED IN SERIES W/ BATTERY BACKUP Ⓢ
 NOTE: VERIFY DIMENSIONS WITH FIELD MEASUREMENTS

KEY	SIZE	QTY	DESC
1	9'8"	3	OVERHEAD GARAGE
2	5'6"	1	3' PANEL EXT W/ 1/2 SIDELITES
3	2'8"	1	1/2 GLASS EXT
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5	9'6"	2	6" SGD W/ 1/3 FIXED PANEL
6	6'6"	1	EXT. DOUBLE
7	2'8"	1	FIRE RATED
8	3'6"	2	INT. SWING
9	2'8"	2	INT. SWING
10	2'6"	3	INT. SWING
11	2'6"	4	POCKET
12	5'6"	1	BIFOLD
13	4'6"	1	BIFOLD
14	3'6"	1	BIFOLD
15	3'6"	1	INT. DOUBLE
16	5'6"	1	INT. FRENCH
17	4'6"	1	DOUBLE "BARN" DOOR



LEFT ELEVATION
SCALE: 1/4" = 1'0"



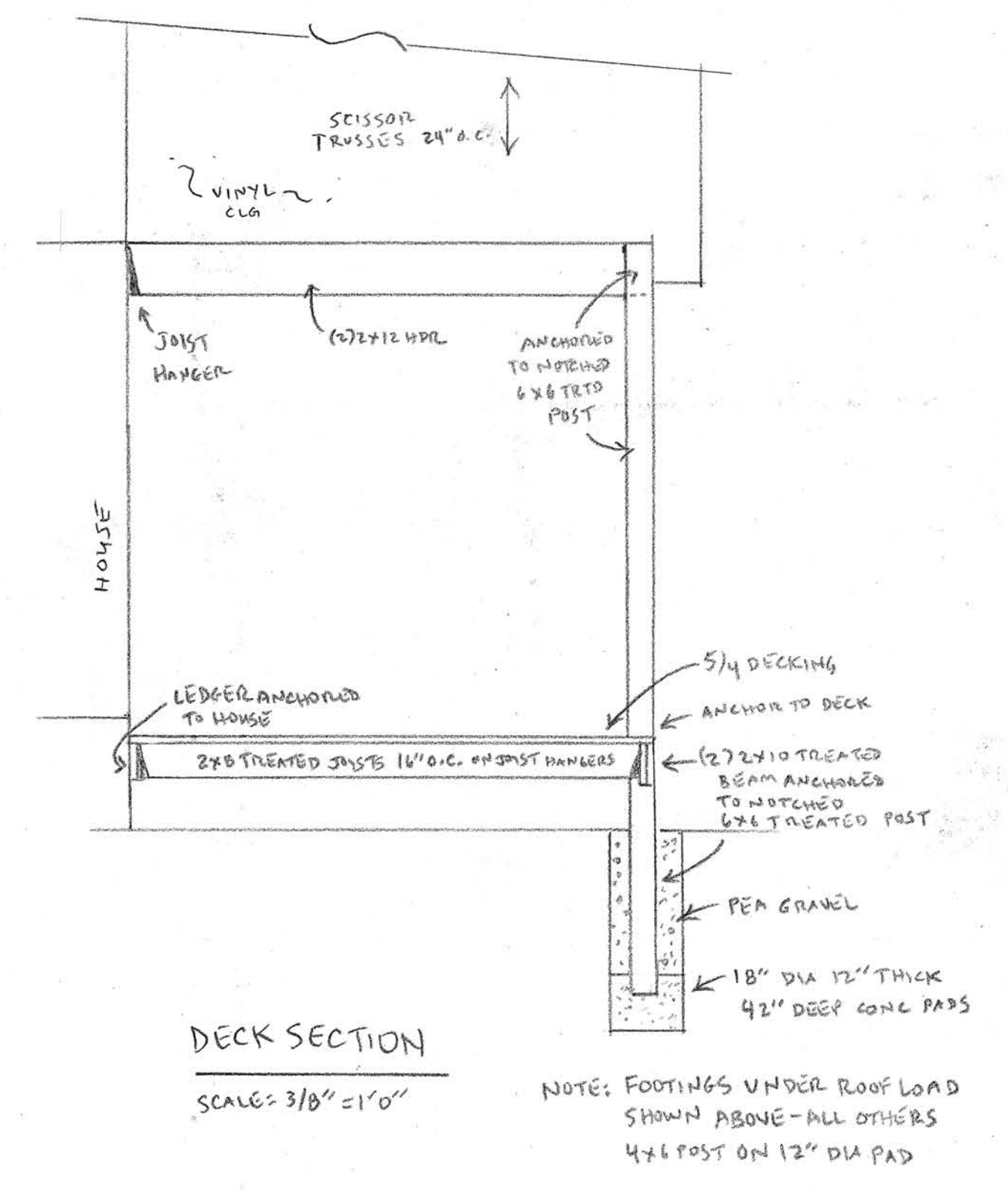
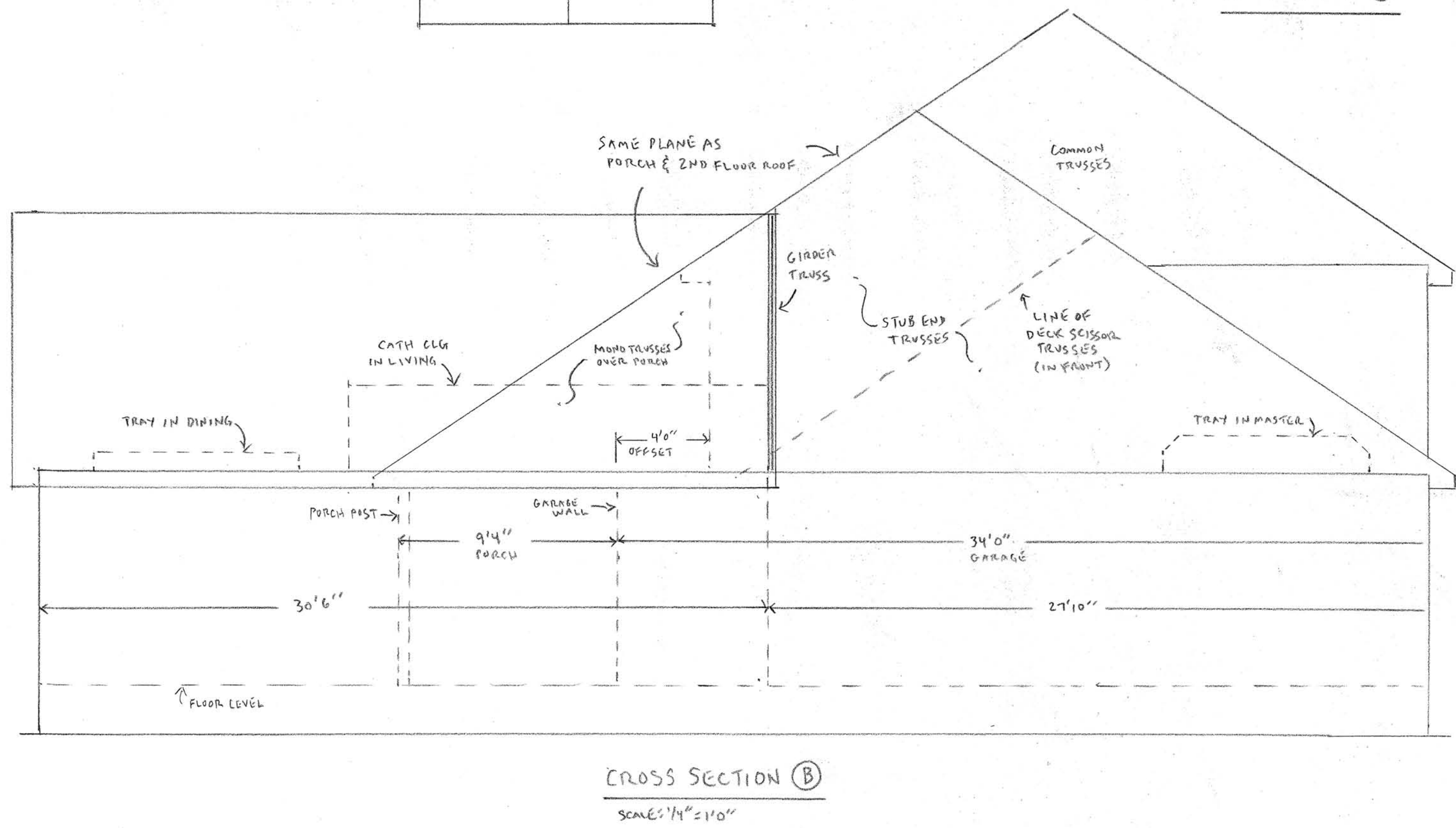
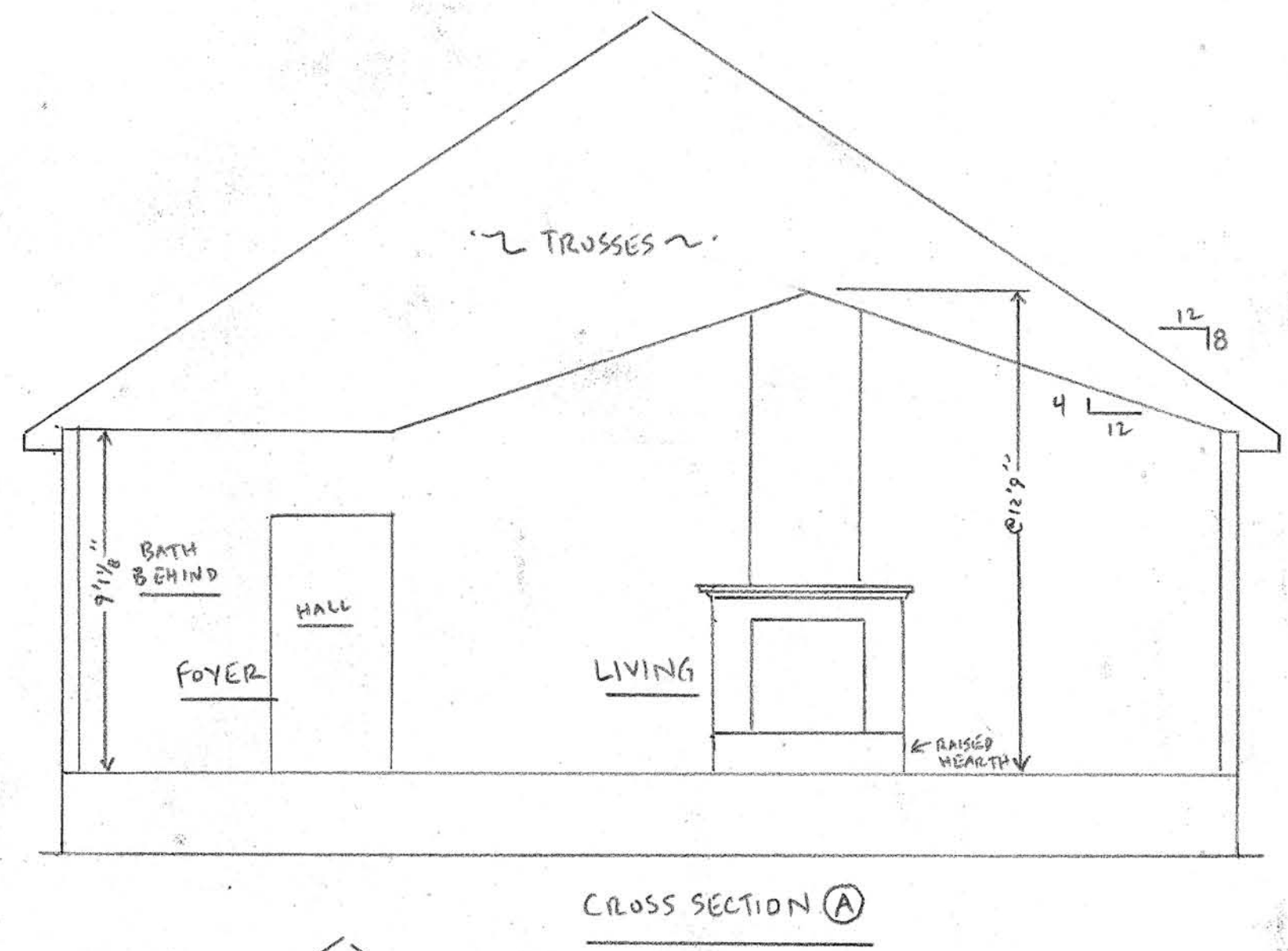
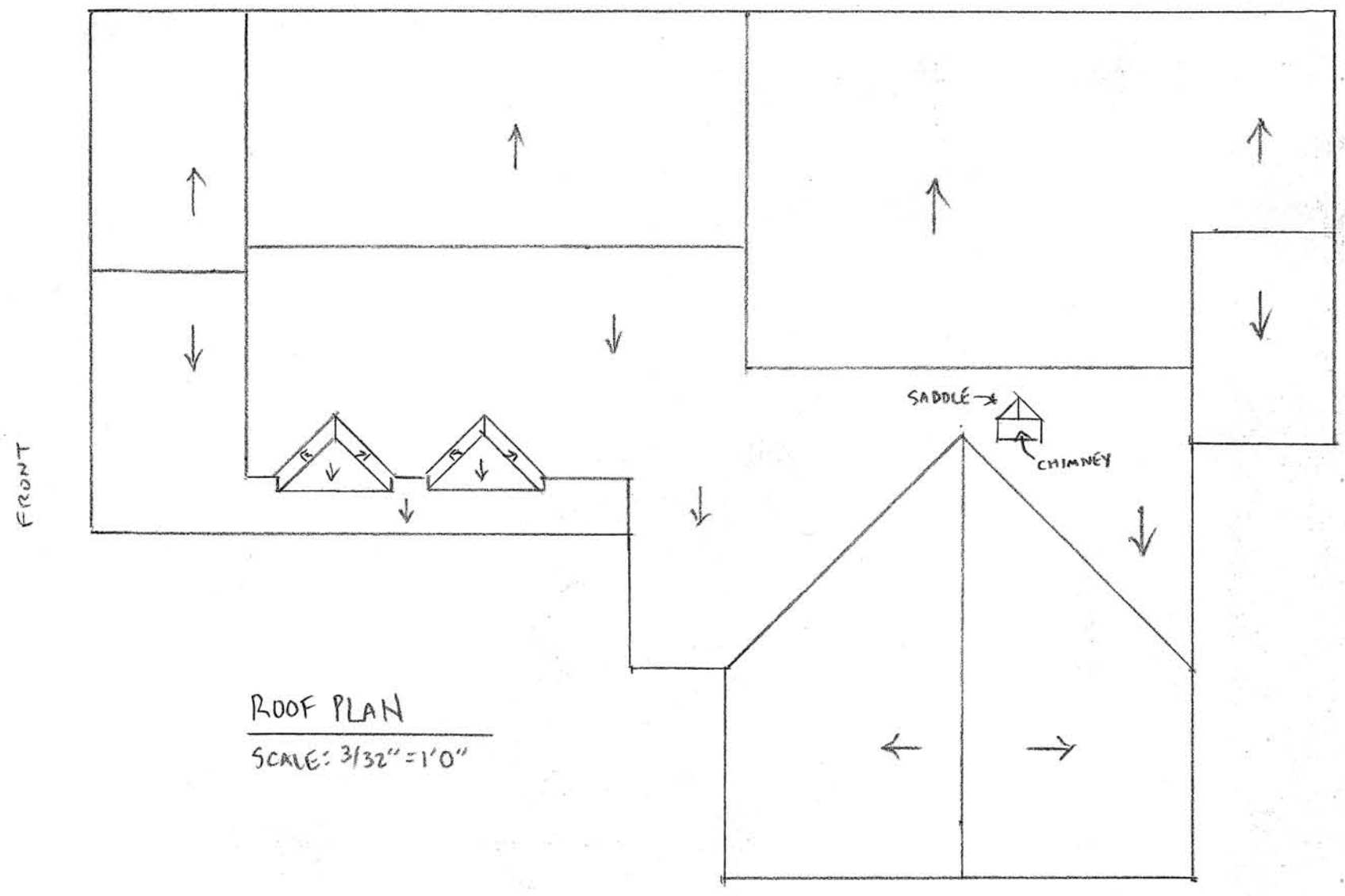
REAR (LAKE) ELEVATION
SCALE: 1/4" = 1'0"



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



RIGHT ELEVATION
SCALE: 1/4" = 1' 0"



August 24, 2018

To Genoa Township Livingston County

ZBA – Zoning Board of Appeals

Robert and Sandra Bialowicz

1370 Elmhurst Howell, MI 48843

Re: Renovation

To: Our Neighbors:

We are excited to have Rob and Sandra Bialowicz as part of our community.

The Project was discussed with us and we approve and support the renovations.

This project will be a great addition to the neighborhood.

- Mr, Mrs Henry Haugh 1338
- Mr + Mrs David Kichem 1330
- Gary P. P. Jr 1348
- Ray Hughes 1410 S. HUGHES
- Paul J. J. 1242
- Steve J. J. 1350
- Carl Smith 1382
- Sally M. M. 1369
- _____
- _____

Mr. & Mrs PHILIP WINTERINGHAM.

**1444 S. Hughes Road
Howell, Michigan 48843-9138**

September 12, 2018

GENOA TOWNSHIP ZONING BOARD

2911 Dorr Road
Brighton, Michigan 48116

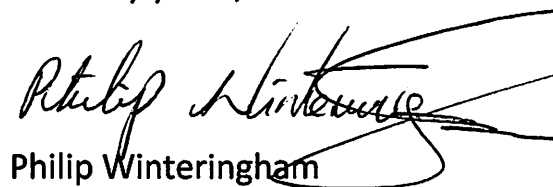
Attention: Ms. Amy Ruthig, Zoning Official

Dear Ms. Ruthig:

This letter is in response to your notice of August 31, 2018 regarding a variance request by Mr. & Mrs. Robert Bialowicz. Due to a prior commitment my wife and I will not be available to attend in support of Mr. & Mrs. Herbert Wright.

Having just studied the proposed plans for the alteration to this property, we feel that the small size of the lot does not support the proposed addition. As neighbors, we believe sunlight and view will be negatively affected. A smaller addition would be feasible. The size and height of this addition is much too large for this property. As owners of the above named property on Hughes Road for 23 years, we are opposed to this addition.

Cordially yours,


Philip Winteringham


Jean L. Winteringham

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
FIGURSKI, BARBARA A.	FIGURSKI BARBARA LTS 9.3	1	02/22/2018	QC	LADY BIRD	2018R-004726	BUYER	0.0				
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status				
1370 ELMHURST		School: HOWELL										
Owner's Name/Address		P.R.E. 100% / /										
FIGURSKI BARBARA LTS 9.3 1370 ELMHURST HOWELL MI 48843		MAP #: V18-18		2019 Est TCV Tentative								
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00004.LAKE CHEMUNG							
SEC. 10 T2N, R5E, ELMHURST LOTS 6 & PARTS OF LOT 7 & LOT 8. ALSO PART OF OUTLOT D.		Public Improvements		* Factors *								
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		Gravel Road		B LAKE FRONT	60.00	160.00	1.0000	1.0000	2700	100		162,000
		Paved Road		G EXC LF	9.00	160.00	1.0000	1.0000	1000	100		9,000
		Storm Sewer		69 Actual Front Feet, 0.25 Total Acres				Total Est. Land Value =		171,000		
		Sidewalk										
		Water										
		Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2019	Tentative	Tentative	Tentative		Tentative		
				2018	85,500	115,500	201,000			83,513C		
				2017	69,000	116,500	185,500			81,796C		
				2016	69,000	112,900	181,900			81,067C		

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 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 463	Type Pine	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: 990 % Good: 0 Storage Area: 0 No Conc. Floor: 0				
X	Wood Frame		(4) Interior Drywall Paneled				Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling									
Building Style: C		Trim & Decoration Ex X Ord Min																
Yr Built 1968	Remodeled 0	Size of Closets Lg X Ord Small																
Condition: Good		Doors: Solid X H.C.																
Room List		(5) Floors																
	Basement 1st Floor 2nd Floor -16 Bedrooms	Kitchen: Other: Other:																
		(6) Ceilings																
(1) Exterior																		
X	Wood/Shingle Aluminum/Vinyl Brick Insulation																	
		(7) Excavation																
(2) Windows																		
X	Many Avg. Few	X	Large Avg. Small															
		(8) Basement																
		(9) Basement Finish																
(3) Roof																		
X	Gable Hip Flat	Gambrel Mansard Shed																
X	Asphalt Shingle																	
Chimney: Brick																		

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



Sketch by Apex Medina™

*** 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 # 18-27 Meeting Date: 9/18/2018

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

Applicant/Owner: Erin Michaels Email: evm@sesbranding.com
Property Address: 3781 E Grand River Phone: 574-232-5114
Present Zoning: RC Tax Code: 4711-05-400-037

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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: 16.03.10: To allow for non-commerical copy to be greater than 2 sqft
16.07.04: To allow for a total of (4) menu type boards (2 pre-sell at 10.06 sqft each and 2 digital menu boards at 19.99 each)
2. Intended property modifications: Property is undergoing an overall renovation which will bring the look of the property up-to-date with the new brand standards.

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.

See Attached

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.

See Attached

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.

See Attached

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.

See Attached

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: 8/21/18 Signature: E. Murt

Allowed Vs. Request

Allowed by Code:

- 16.07.04: Menu board: Up to two (2) menu board signs shall be permitted per drive-through restaurant, which display menu items and may include a communication system for placing food orders and digital display of order. Each menu board shall be a maximum of sixteen (16) square feet. Menu board signs(s) shall not be located in the front yard.

Request:

- (4) four total Menu board signs (2 per drive-thru)
 - o (2) Two Pre-Sell Signs: 10.06 sqft each
 - o (2) Menu Board Signs: 19.99 sqft each

Allowed by Code:

- 16.03.10: Non-Commercial Signs: Signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.

Request:

- Double Welcome Point Gateway:
 - o (2) Two "Drive Thru" lettering – 2.6 sqft each
 - o (1) One "Any Lane" sign – 2.25 sqft

Variance Justifications:

Q. 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.

A. The variances that are requested would provide substantial justice to the applicant by allowing for the drive-thru portion of this business to function as intended and similar to other McDonald's properties in and around this region. No element is being sought that is dissimilar to what other casual dining restaurants would desire to install at their locations, but the code is limiting when dealing with this type of signage. The signage that is requested will allow those in the drive-thru lanes advanced notification of valuable information that will assist in their movement in/through the drive-thru lanes. The information and the format for display requested allows for ease of information to the motorists to expedite travel on this property. The ease of travel on this property limits the stacking of vehicles on site which creates a safer environment for all on property (vehicular and pedestrian).

Q. 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.

A. The need for the variances that have been requested are unique to this property as it has a double drive-thru offering where other businesses in this area are appearing to only have a single lane for drive-thru. The signage that is requested centers around the need to instruct, inform, and direct motorists as they travel in and through the drive-thru lanes. All signage requested focuses on presenting valuable information to the motorists so that decisions can be made prior to the actual ordering process so that time spent in-line can be reduced. The reduction of time on site is a benefit to the business but it is also a benefit to those walking from their cars in the parking lot to the entry door into the building. The less car stacking in the lot the better the safety is for those walking within the parking area.

No variance that is requested is out of the norm for what motorists would expect to see at a casual dining facility. The elements that are requested will have no off-site impact nor will any element be visible to any residentially zoned property.

Q. 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.

A. The variances that are requested will have zero impact on the supply of light and air to adjacent properties. The variances that we are seeking will assist in movement in and through this development and will not have any impact on off-site traffic patterns. Safety of the motorists while onsite is key to the approval of the variances requested. We are seeking the ability to provide motorists onsite with key information in order to ease their visit at this location which will work to ensure safe vehicular travel within this development.

Q. 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.

A. The variances that are requested are wholly contained within the boundary of this property and will have no off-site impact.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: September 13, 2018

RE: ZBA 18-27

STAFF REPORT

File Number: ZBA#18-27
Site Address: 3781 E. Grand River Ave.
Parcel Number: 4711-05-400-037
Parcel Size: 1.678 acre
Applicant: Erin Michaels, SES Branding
Property Owner: McDonald's Corp. 21-1123, P.O. Box 182571 Columbus, OH

Information Submitted: Application and site plan

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to allow for 2 additional memo boards which exceeds the maximum of two, to allow 3 non-commercial signs that exceed the required 2 sq. ft. per sign, and a variance to allow for two memo boards that exceed the required 16 sq. ft. per sign.

Zoning and Existing Use: RCD (Regional Commercial District) a fast food restaurant with two drive-through isles is located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 2, 2018 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- Per assessing records the existing home on the parcel was constructed in 1996.
- In 1994, a land use permit was issued for construction of the restaurant.
- In 1995, two sign permits were issued for signs. (See attached permits)
- In 2003, a variance was approved from the required number of parking spots to construct an addition.
- In 2004, a land use waiver was issued for variance was approved for interior work.
- In 2009, a land use permit was issued for interior alterations.
- In 2010, a land use permit was issued for an additional drive-through land.

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

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

- In 2010, a land use permit was issued for an additional memo board sign. (See attached sign permit)
- In 2015, a land use waiver was issued for restoration of fire damage.
- In 2018, land use permits were issued for site work improvements for ADA compliance and for a remodel of the interior and exterior of the restaurant.
- The parcel is serviced by water and sewer.
- See Assessing Record Card.

Summary

The proposed project is to install 4 menu boards (2 per drive-through) and replace existing non-commercial signs with 3 non-commercial signs. There are currently two menu boards located on the property for each drive-through.

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

16.07.04 Menu board: Up to two (2) menu board signs shall be permitted per drive-through restaurant, which display menu items and may include a communication system for placing food orders and digital display of order. Each menu board shall be a maximum of sixteen (16) square feet. Menu board sign(s) shall not be located in the front yard. (as amended 12/17/10)

16.03.10 Non-commercial signs: signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance would prevent the applicant from installing the proposed signage. Granting of the variances for the additional menu boards would offer substantial justice since typically each drive-through lane has two menu boards. The additional size requested for the menu boards and non-commercial signs are not the result of a practical difficult nor would they provide substantial justice.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property which impacts the multiple menu board requests is that it is different from the surrounding drive-through restaurants due to the fact that they have incorporated double drive-through lanes into their site design. There are not exceptional or extraordinary circumstances of the property to support the additional sign square footage. The need for the variances is self-created.
- (c) Public Safety and Welfare** – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions:

1. All temporary signage must be removed.

Book copy

APPLICATION & LAND USE PERMIT

GENOA TOWNSHIP
2980 Dorr Road • Brighton, MI 48116
(313) 227-5225

Ranea

Permit No. 95-016 Date _____

Owner McDonald's Corporation Telephone (810) 354-9390

Address Grand River City Genoa Twp. Zip 48116

Contractor Metro-Detroit Signs Telephone (810) 759-2700

Address 23544 Hoover City Warren Zip 48089

On the N side of Grand River between Latson and Cleary roads.

Subdivision _____ Lot No. _____

Size of Lot Front 204.17 Rear 242.03 Side 420.61 Side 321.10

Acreage 1.55 Zoning District Classification General Commercial *Total Pole Sign 15' high / 2' x 8' Reader Board*

Tax Code No. 11-05-400-009-301-47070

Application is made to Install signs

*one 6'4" x 6'3" Arch Main Board = 52 sq. ft.
one 3'3" x 3' = 18 sq. ft. (Directional)
one 6' x 6'7" = 35 sq. ft. (Menu Board)*

- Dwelling
- Addition
- Garage
- Pole Barn
- Swimming Pool
- Accessory Bldg.
- Sign
- Commercial
- Mobile Home
- Industrial
- Sewer & Water Fee
- Other

we are not installing any wall signs at this time

Type of Construction: Brick Stone Frame Cinder Block Steel Other

Foundation: Basement Full Part Poured Block Walkout Conventional Crawlspace Slab

Size of Building: Front 50' Rear 33'4" Deep 113'4" Height 16'8"

Estimate Value \$ _____ Total Square Feet _____

Building Setback: 50' feet from front property line. 50' feet from rear line. NA waterfront.

15' feet least side. 15' 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 Barbara Prohm Date 2-7-95

Approved Disapproved Date _____

Conditional Requires Building Permit from Livingston Co. Building Department

Inspection Satisfactory Unsatisfactory
Fee \$100.00 Paid 100.00 Date 2/9/95

Zoning Inspector _____
Copies: White-Township, Canary-Assessor, Pink-Applicant

APPLICATION & LAND USE PERMIT

GENOA TOWNSHIP

2980 Dorr Road • Brighton, MI 48116
(313) 227-5225

Permit No. 95-126 Date MAY 31ST, 1995
Owner MCDONALD'S RESTAURANT Telephone (517) 546-7570
Address 3781 E. GRAND RIVER AVE. City HOWEN Zip 48843
Contractor THE SIGN WORKS, INC. (Bob) Telephone (517) 546-3620
Address 5380 E. GRAND RIVER AVE. City HOWEN Zip 48843
On the NORTH side of GRAND RIVER between WAL-MART and HIGHWAY roads.
Subdivision _____ Lot No. _____
Size of Lot: Front _____ Rear _____ Side _____ Side _____
Acreage _____ Zoning District Classification _____
Tax Code No. _____

Application is made to GENOA TOWNSHIP Sign permit

- | | | | |
|-----------------------------------|--|---|--|
| <input type="checkbox"/> Dwelling | <input type="checkbox"/> Pole Barn | <input checked="" type="checkbox"/> Sign on Bldg. (NEW) | <input type="checkbox"/> Industrial |
| <input 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 BLUM (CUSTOMER LETTERBO)

Foundation: Basement Full Part Poured Block Walkout Conventional Crawlspace Slab

Size of Building: Front _____ Rear _____ Deep _____ Height _____

Estimate Value \$ 200.00 Total Square Feet 197

Building Setback: _____ feet from front property line. _____ feet from rear line. _____ waterfront.
_____ feet least side. _____ 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 Robert L. Habel - sec/treas. Date MAY 31ST, 1995

Approved Disapproved Date _____

Conditional _____

Inspection: Satisfactory Unsatisfactory

Fee _____ Paid 50.00 Date 5-31-95

Zoning Inspector _____

11-05-400-037



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

Print Form

Submit by Email

PERMIT NO. 10-140

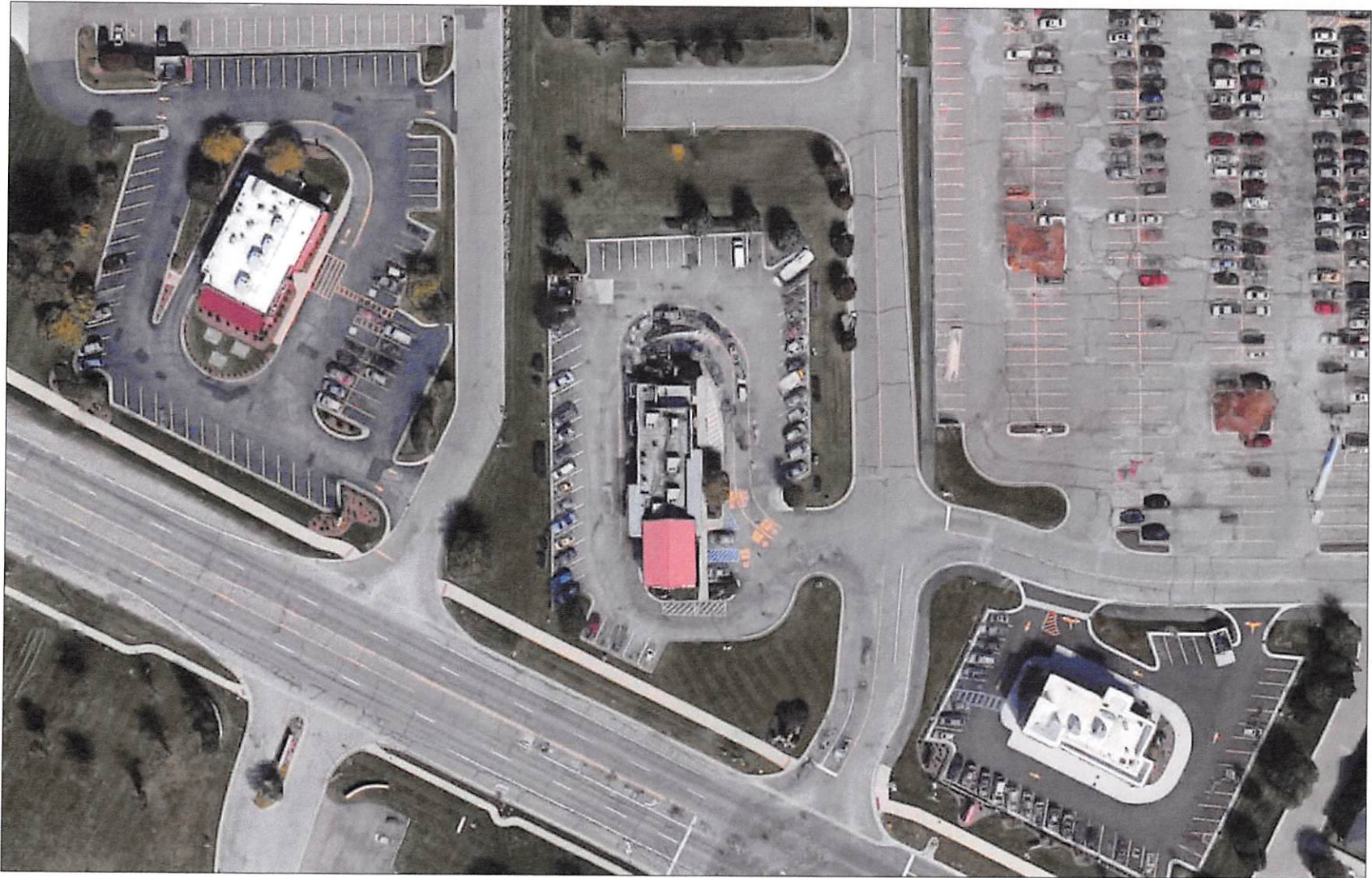
1. PROJECT INFORMATION									
Name of Business: <u>McDonald's</u>					Site Address: <u>3781 E. Grand River</u>				
2. OWNER/APPLICANT INFORMATION									
Owner Name: <u>McDonald's Corp.</u>					Phone No.: _____				
Owner Address: <u>P.O. Box 182571</u>			City: <u>Columbus</u>		State: <u>OH</u>		Zip: <u>43218</u>		
Applicant is: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Lessee <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Other: _____									
Applicant name: <u>Allied Signs, Inc.</u>					Phone No.: <u>586-791-7900</u>				
Applicant Address: <u>33650 Giftos</u>			City: <u>Clinton Twp.</u>		State: <u>MI</u>		Zip: <u>48035</u>		
3. SETBACK AND DIMENSIONAL INFORMATION									
A. Ground Sign Setbacks and Dimensions (in feet)									
Front Setback: (measured from the right-of-way line or private road easement, whichever is less)							_____ feet		
Sign Length: _____ feet			Sign Height: _____ feet						
B. Wall or Canopy Sign Dimensions (in feet)									
Size of Building or Tenant Space Façade:			Length: _____ feet		Height: _____ feet				
Size of Sign:	Sign Length: _____ feet		Sign Height: _____ feet		Sign Depth: _____ feet				
C. Temporary Sign/Tent Dimensions (in feet)									
Front Setback: (measured from the right-of-way line or private road easement, whichever is less)							Tent square footage: _____		
Temporary Sign/Tent Sale for the following dates: _____ to _____									
D. Sign Lighting									
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - If yes, please explain: <u>(1) clearance bar/gateway and (1) menu board</u>									
4. ATTACHMENTS									
<input type="checkbox"/> For ground sign - attach 3 copies of site plan showing dimensions from sign to property lines; dimensions from sign to any right-of-way lines; dimensions of property; location of all roads adjacent to property; and location of any right-of-way or private road easements, sign dimensions and construction.									
<input type="checkbox"/> For wall sign - attach 3 copies of building elevation drawing showing front facade and include dimensions of the building or tenant space façade, sign dimensions and construction.									
<input type="checkbox"/> For tent sale - attach a Certificate of Flame Retardation for tent and 3 copies of site plan showing dimensions from tent to property lines, right-of-way lines, parking lot, and from any buildings. Also, if applicable, indicate the number of parking spaces utilized by the tent sale.									
5. SIGNATURE OF APPLICANT									
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.									
Signature of Applicant:				Printed Applicant name: <u>Patrick Stieber</u>			Date: <u>Nov 18, 2010</u>		
FOR OFFICE USE ONLY									
A. TOWNSHIP APPROVALS									
Planning Commission/ZBA				<input type="checkbox"/> Yes <input type="checkbox"/> No		Case #:		Date:	
B. ZONING APPROVAL				Parcel I.D. #: <u>11-05-400-037</u>			Zoning:		
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved				Approved by:			Date: <u>11-29-10</u>		
Comments/Conditions: _____									
C. FEES									
Land Use: \$ <u>75.00</u>		Total Paid: \$ _____		Date Paid: _____		Cash or Check No.: <u>24665</u>			



Presentation

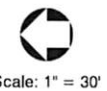
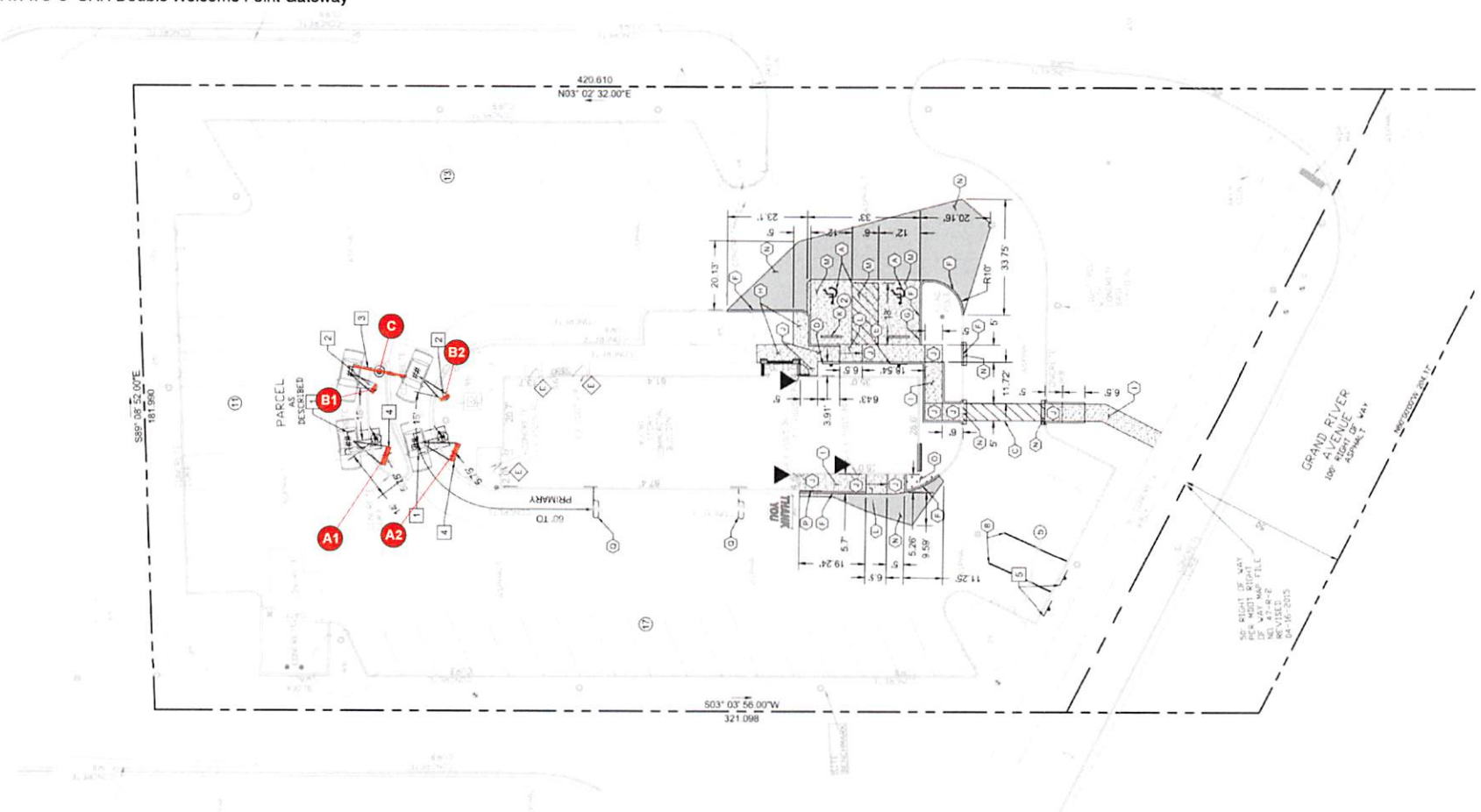
**3871 East Grand River
Howell, MI 48843**

August 21, 2018



Scale: NTS

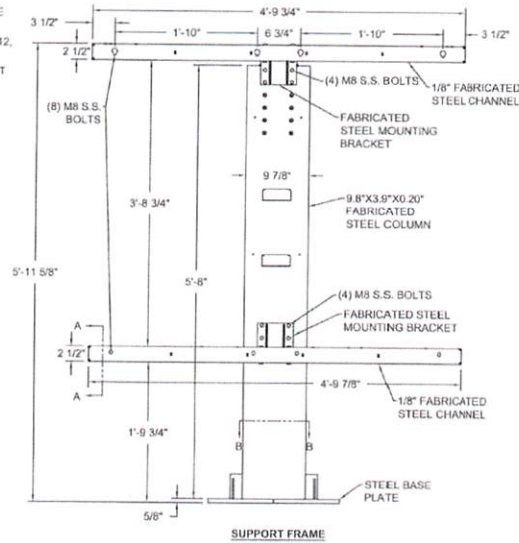
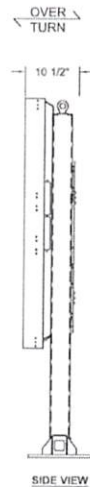
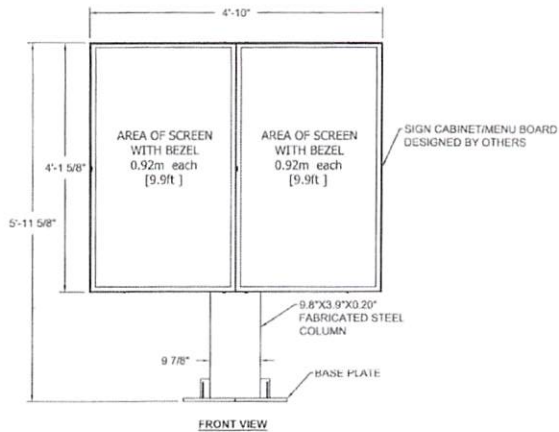
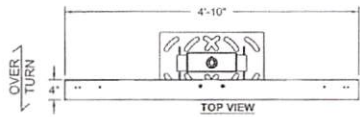
- A1 A2** 4'-1 5/8" x 4'-10" @ 5'-11 5/8" OAH D/F Menu Boards
- B1 B2** 4'-1 3/4" x 2'-5 1/8" @ 5'-11 1/2" OAH S/F Menu Boards
- C** 15'-4" OAW x 8'-6" OAH Double Welcome Point Gateway



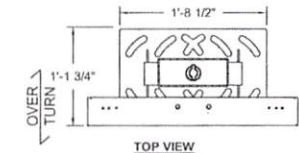
Scale: 1" = 30'

NOTES:

1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE LOADING REQUIREMENTS OF A 180 MPH WIND SPEED PER THE FLORIDA BUILDING CODE 5TH ED. 2014/IBC 2012, EXPOSURE C.
2. FABRICATED STEEL SUPPORT MEMBERS SHALL MEET ASTM A36 OR EQUIVALENT.
3. STEEL WELDS SHALL BE MADE WITH E70XX ELECTRODES BY PERSON CURRENTLY QUALIFIED IN ACCORDANCE WITH AWS STANDARDS.
4. THE DESIGN DEPICTED ON THIS DRAWING IS PROTOTYPICAL, AND SHOULD NOT BE USED AT A SPECIFIC SITE UNLESS DEEMED SUITABLE FOR THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.

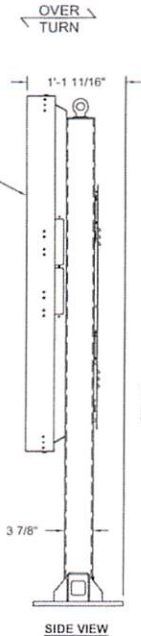
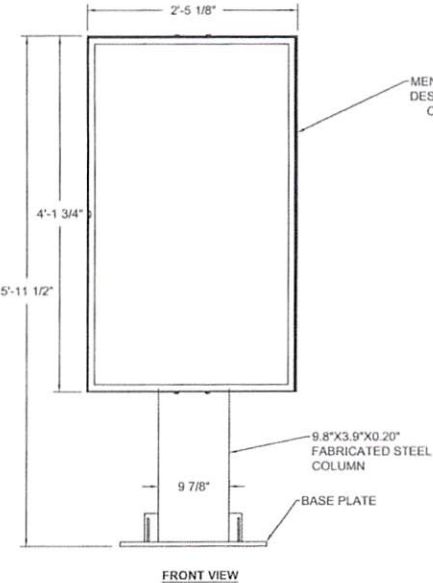


SIGN CABINET
DESIGN BY OTHERS



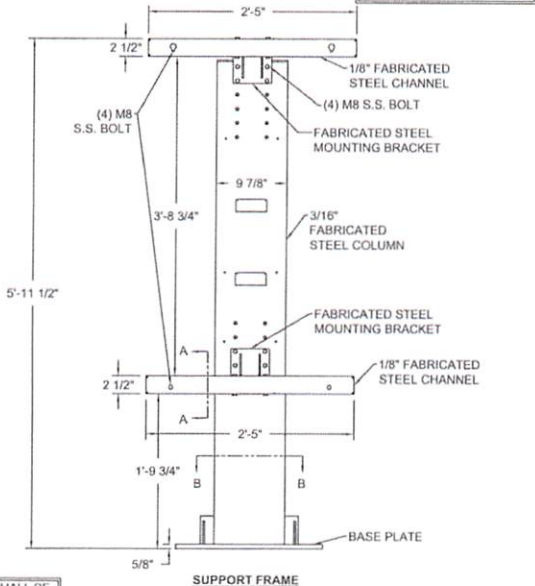
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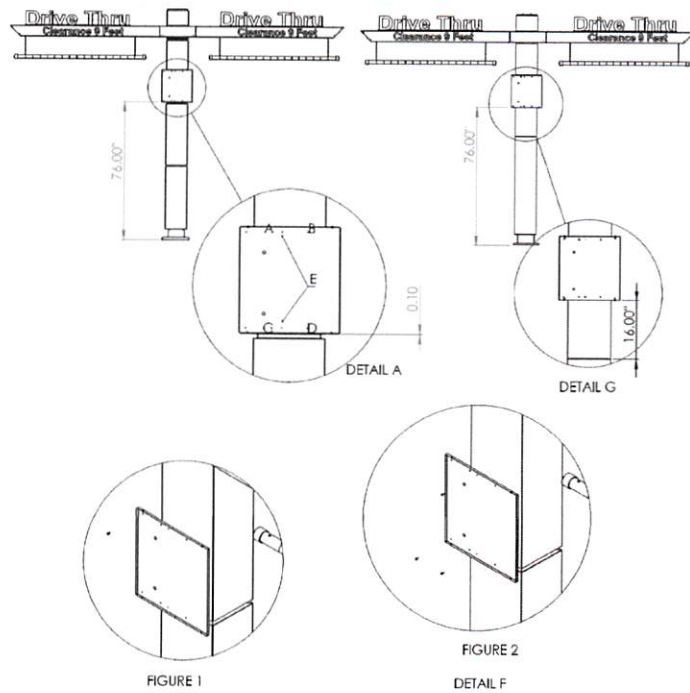
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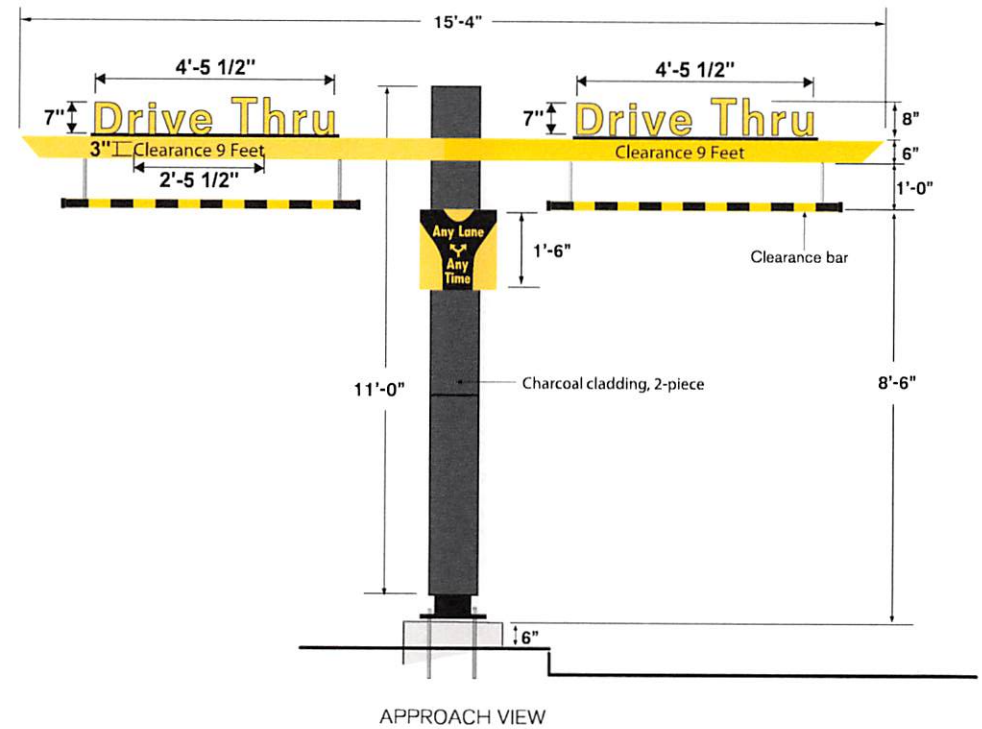
ALL STEEL SHALL BE
HOT DIP GALVANIZED.

ELECTRICAL/ILLUMINATION
DESIGN BY OTHERS.





- INSTRUCTIONS:
- 1) MEASURE AND MARK 0.1" FROM THE BOTTOM OF THE CLADDING SECTION THAT THE SIGN WILL MOUNT TO (SEE DETAIL A). IF THE CLADDING IS 2PC CONSTRUCTION MOUNT MEASURE 9" FROM MIDDLE SEAM.
 - 2) ALIGN BOTTOM OF ALUMINUM BACK WITH THE MARK FROM STEP 1. CENTER IT, DRILL A PILOT HOLE IN THE CLADDING FOR A #8-18 SELF TAPPING SCREW USING HOLE "A" (SEE DETAIL A) AS A TEMPLATE. MAKE SURE YOU DO NOT USE HOLE "E". INSERT SILICONE IN THE HOLE AND DRILL IN THE SUPPLIED #8-18 SELF TAPPING SCREW (SEE FIGURE 1).
 - 3) DOUBLE CHECK TO INSURE SIGN IS LEVEL BEFORE DRILLING PILOT HOLES FOR "B", "C", AND "D" (SEE DETAIL A). INSERT SILICONE IN THE HOLES AND DRILL IN THE SUPPLIED #8-18 SELF TAPPING SCREWS (SEE FIGURE 2).
 - 4) COVER HEADS OF SELF TAPPING SCREWS WITH SILICONE.
 - 5) ATTACH THE FACE TO THE BACK WITH THE SUPPLIED #8-32 SCREWS (SEE FIGURE 3).





View from East Grand River Avenue (East Side)





View from East Grand River Avenue (West Side)



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.									
MC DONALD'S CORP.		0	02/01/2001	WD	ARMS-LENGTH		BUYER	0.0									
Property Address		Class: 201 COMMERCIAL- IM		Zoning: RCD		Building Permit(s)		Date	Number	Status							
3781 E GRAND RIVER		School: HOWELL		Remodel/Renovation		07/25/2018		P18-148									
Owner's Name/Address		P.R.E. 0%		Site Work		07/06/2018		P18-125									
MC DONALD'S CORP. 21-1123 P.O. BOX 182571 COLUMBUS OH 43218-2571		MAP #: V18-27		COMM MISCEL		11/25/2015		W15-202	NO START								
Tax Description		2019 Est TCV Tentative		SIGN		11/29/2010		10-140	NO START								
.SEC 5 T2N R5E COMM AT E 1/4 COR TH S02*W 2095.89 FT TH N60*W 1237.62 FT TO POB TH CONT N60*W 204.17 FT TH N02*E 321.10 FT TH S89*E 181.99 TH S02*W 420.61 FT TO POB.CONT 1.55 M/L. SPLIT 11/95 FR 009.		X Improved		Vacant		Land Value Estimates for Land Table GRIVE.GRAND RIVER FRONTAGE											
Comments/Influences		Public Improvements		* Factors *													
		Dirt Road		Description		Frontage		Depth		Front Depth		Rate %Adj. Reason		Value			
		Gravel Road		MAIN CORRIDOR		197.00		371.00		1.0000		1.3620		2000 100		536,622	
		Paved Road		197 Actual Front Feet,		1.68		Total Acres		Total Est. Land Value =				536,622			
		Storm Sewer		Land Improvement Cost Estimates													
		Sidewalk		Description													
		Water		Description		Rate		Size % Good		Arch		Mult		Cash Value			
		Sewer		PAVING L,C,D LAND		2.50		62700		42		100		65,835			
		Electric		WELL/WATER		4,475.00		1		75		100		3,356			
		Gas		SEPTIC/SEWER		4,400.00		1		75		100		3,300			
		Curb		Total Estimated Land Improvements True Cash Value =							72,491						
		Street Lights															
		Standard Utilities															
		Underground Utils.															
		Topography of Site															
		Level															
		Rolling															
		Low															
		High															
		Landscaped															
		Swamp															
		Wooded															
		Pond															
		Waterfront															
		Ravine															
		Wetland															
		Flood Plain															
		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value			
		Who		When		What		2019		2018		2017		2016			
				Tentative		Tentative		Tentative						Tentative			
				268,300		298,400		566,700						199,984C			
				268,300		243,300		511,600						195,871C			
				268,300		239,200		507,500						194,124C			

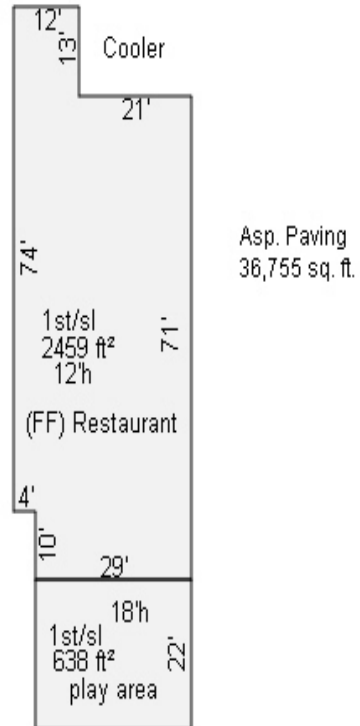


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*** Information herein deemed reliable but not guaranteed***

Desc. of Bldg/Section: Calculator Occupancy: Restaurant, Fast Food				<<<<<< Calculator Cost Computations >>>>>>			
Class: C Floor Area: 2,459 Gross Bldg Area: 3,097 Stories Above Grd: 1 Average Sty Hght : 12 Bsmnt Wall Hght				Class: C Quality: Average Stories: 1 Story Height: 12 Perimeter: 234			
Depr. Table : 1.5% Effective Age : 21 Physical %Good: 73 Func. %Good : 100 Economic %Good: 100		Construction Cost High Above Ave. Ave. X Low		Base Rate for Upper Floors = 152.79			
1996 Year Built Remodeled		** ** Calculator Cost Data ** ** Quality: Average Heat#1: Complete H.V.A.C. 100% Heat#2: Complete H.V.A.C. 0% Ave. SqFt/Story: 2459 Ave. Perimeter: 234 Has Elevators:		(10) Heating system: Complete H.V.A.C. Cost/SqFt: 24.91 100% Adjusted Square Foot Cost for Upper Floors = 177.70			
Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor		Total Floor Area: 2,459 Base Cost New of Upper Floors = 436,964 Reproduction/Replacement Cost = 436,964 Eff.Age:21 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 73 /100/100/100/73.0 Total Depreciated Cost = 318,984			
Comments:		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:		ECF (2009 RESTFASTFOOD) 1.400 => TCV of Bldg: 1 = 446,577 Replacement Cost/Floor Area= 177.70 Est. TCV/Floor Area= 181.61			
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:	
X Poured Conc. Brick/Stone Block		Many Above Ave. Average Typical Few None		Few Average Many Unfinished Typical		Few Average Many Unfinished Typical	
(3) Frame:		Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets		Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners		Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct	
(4) Floor Structure:		(9) Sprinklers:		Incandescent Fluorescent Mercury Sodium Vapor Transformer		(40) Exterior Wall:	
(5) Floor Cover:		(10) Heating and Cooling:		Gas Oil Coal Stoker Hand Fired Boiler		Thickness Bsmnt Insul.	
(6) Ceiling:				(13) Roof Structure: Slope=0			
				(14) Roof Cover:			

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



Sketch by Apex Medina™

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

Desc. of Bldg/Section: Calculator Occupancy: Restaurant, Atrium/Play Room				<<<<<< Calculator Cost Computations >>>>>>			
Class: C Floor Area: 638 Gross Bldg Area: 3,097 Stories Above Grd: 1 Average Sty Hght : 18 Bsmnt Wall Hght				Class: C Quality: Average Stories: 1 Story Height: 18 Perimeter: 102			
Depr. Table : 1.5% Effective Age : 21 Physical %Good: 73 Func. %Good : 100 Economic %Good: 100				Base Rate for Upper Floors = 150.17 (10) Heating system: Complete H.V.A.C. Cost/SqFt: 45.67 100% Adjusted Square Foot Cost for Upper Floors = 195.84			
Year Built Remodeled Overall Bldg Height				Total Floor Area: 638 Base Cost New of Upper Floors = 124,945 Reproduction/Replacement Cost = 124,945 Eff.Age:21 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 73 /100/100/100/73.0 Total Depreciated Cost = 91,210			
Comments:				ECF (2009 RESTFASTFOOD) 1.400 => TCV of Bldg: 2 = 127,694 Replacement Cost/Floor Area= 195.84 Est. TCV/Floor Area= 200.15			
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets: Fixtures:			
X Poured Conc.	Brick/Stone	Block	Footings	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures		Flex Conduit		Incandescent	
		3-Piece Baths		Rigid Conduit		Fluorescent	
		2-Piece Baths		Armored Cable		Mercury	
		Shower Stalls		Non-Metalic		Sodium Vapor	
		Toilets		Bus Duct		Transformer	
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(40) Exterior Wall:	
						Thickness Bsmnt Insul.	
(5) Floor Cover:		(10) Heating and Cooling:		(14) Roof Cover:			
		Gas Oil		Coal Stoker			
(6) Ceiling:		Hand Fired Boiler					

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 21, 2018 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary 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: Dean Tengel, Jean Ledford, Maryanne McCreary, Bill Rockwell, Greg Rassel, and Amy Ruthig, Zoning Official.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officer:

Moved by Board Member Ledford, Seconded by Board Member Rassel, to elect Board Member Dean Tengel as Chairman. **The motion carried unanimously.**

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Call to the Public:

The call to the public was made at 6:33 pm with no response.

1. 18-19... A request by Marcel Normand, 4137 Clifford Drive, for a variance to create a lot with a detached accessory structure without a principal structure to be able to split the property. (Tabled from previous meeting)

Mr. Wayne Perry from Desine, Inc. was present to represent the applicant. He stated this variance will be temporary. The applicant is in the process of applying to have the property split. The property currently contains the Normand's residence as well as a large pole barn. If the property is split, the residence will be on a separate piece of property from the structure. There is someone interested in purchasing the property;

however, they are waiting for the Zoning Board of Appeals decision. After the property is sold, there will be a primary residence built on the property where the pole barn will located. When the home is built, the variance will no longer be needed.

There was a discussion regarding the time limit that should be placed on the completion of a home being built on the property. If the time limits are not met, then the accessory structure will need to be removed. The discussion continued to include the ZBA requiring that the buyer is aware of the conditions placed on the variance and how that would be communicated to them. There should be a buyer's disclosure prepared and presented to the Township as well as notes being placed in the Township's assessing records.

Ms. Ruthig noted that one of the conditions of approval should be that the existing structure cannot be expanded to cause it to become more non-conforming.

The call to the public was made at 6:45 pm with no response.

Moved by McCreary, seconded by Ledford, to approve Case #18-19 for Marcel Normand of 4137 Clifford Drive, Brighton for an applicant to split a property that will create a parcel consisting of an existing detached accessory with a principal structure, based on the following findings of fact:

- The current parcel was approved with the current out building on it. The structure was approved for a permit in 1993 and built in 1994 and at that time was permitted for its current zoning and in compliance.
- The availability of the property to be divided is unique with this parcel and granting this variance will give substantial justice to the current owner or potential new owner with the compliance figures we are placing regarding the variance and the strict compliances for allowing the outbuilding on the property or denying it after a time as such as a permit would have been expired.
- The property as it sits originally is nonconforming and the need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties.

The granting of this variance is conditioned upon the following:

1. The seller will provide to the realtor and to the Township and his engineer the vacant land disclosure that will disclose the terms of how the variance will be complied with.
2. That document will be provided to all parties upon the listing and the sale of the purchase of this property.
3. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
 - a. If a permit to construct a new principal residence is not issued within 6 months of the split being approved by Township Assessor; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
 - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
4. The seller will be willing to sign an affidavit and the deed shall be recorded noting the variance and the terms of the variance for the split.
5. If improvements are requested for the expansion of the current accessory building, they shall comply with Section 24.04.06 of the zoning ordinance.
6. The affidavit shall receive township attorney approval and shall be recorded immediately after the split.
7. The accessory structure cannot be expanded.

The motion carried (Russel - no; Ledford - yes; Tengel - yes; McCreary - yes; Rockwell - yes).

2. 18-24 ... A request by Rachele Evers, 3120 E. Coon Lake Road, for a variance to construct a detached accessory structure in the front yard.

Ms. Rachel Evers was present. She stated that she is not able to place the structure in the rear of her property because the elevation is much higher and heavily wooded. There is also a drain field between the house and the rear of the property. If she was to place the building on the side of the home, it would require a setback variance. Additionally, the front door of her home faces the easement / driveway on the east side of her property and the home is ½ mile from Coon Lake Road.

Board Member McCreary disclosed that she knows the applicant; however, she does not feel she needs to excuse herself from this request as she can be fair when discussion and voting.

The call to the public was made at 7:28 pm with no response.

Chairman Tengel noted a letter of support was received from Amy McGuire of 3130 E. Coon Lake Road

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve Case #18-24 for 3120 E Coon Lake Road Howell for Rachel Evers to allow the construction of a 40 x 30 detached accessory structure in the front yard, based on the following findings of fact:

- Variance is being requested from Genoa Township Zoning Ordinance Section 11.04.01(c) (1) and (2). There is a private easement servicing four parcels considered as a shared drive and not a private road.
- Township Staff determine the north line as the front lot line based on the shape of the parcel and the placement of the existing house with designates the east lot line as the front yard.
- Compliance with the strict letter of the ordinance would prevent the applicant from constructing a detached accessory structure, which are typical in this rural area of the Township and granting the variance would provide substantial justice to the applicant.
- The exceptional or extraordinary condition of the property is the location of the existing single family home, shape and topography of the lot and the location of the active and reserve septic system on the lot. The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

1. The detached accessory structure will be guttered with downspouts
2. The existing non-conforming structures will be removed prior to Certificate of Occupancy.

The motion carried unanimously.

3. 18-25 ... A request by John Kauffman and Jane Fayland, 1062 Sunrise Park, for a rear yard variance to construct a detached accessory structure.

John and Jane Kauffman were present. They have combined two properties and would like to build a detached accessory structure on the portion of the new property. It would be placed at the rear property line, for a zero foot setback. This will allow the structure to be as far away from the alley as possible.

The call to the public was made at 7:45 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Rassel, to approve Case #18-25 for 1062 Sunrise Park for Lake Chemung LLC for a rear yard setback variance of 10 feet to construct a detached accessory structure, based on the following findings of fact:

1. Strict compliance with the rear yard setback would prevent the applicant from constructing the proposed detached accessory structure. There are existing detached accessory structures in the vicinity; therefore, construction of the garage would give the applicant substantial justice.
2. The exceptional or extraordinary condition of the property is the unique layout of the lot with the alley dissecting the parcel due to acquisition of additional land from the parcel to the west and the non-conforming location of the existing home not allowing for space to construct a detached accessory structure on the other side of the alley. The need for variance is not self-created.
3. The granting of this variance will not impair an adequate supply of light or 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.
4. The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The approval is based on the following conditions:

- Lot combination must be finalized. Land Use Permit cannot be issued if it is not fully combined.
- Proof of acquisition of the additional 23 feet from parcel 11-09-201-197 must be by recorded deed in a form found acceptable by the Township Assessor.
- Drainage from the proposed structure must be maintained on the lot.
- The structure must be guttered with downspouts.
- Applicant must obtain and provide proof of permission from DTE to allow for the construction of the garage on the property line prior to issuance of a land use permit.
- In order for the lot combination to be finalized, staff must verify that summer taxes are paid.
- At not time can the owner prohibit use of the public alley

The motion carried unanimously.

4. 18-26 ... A request by Ron and Sue Measel, 824 Pathway, for a variance to construct a wall in the required waterfront yard for an outdoor kitchen.

Tim Chouinard and Mr. Measel were present. Mr. Chouinard stated they need a variance because the countertop for the outside kitchen is considered to be a wall. The practical difficulty would be that the barbeque cannot be next to the home for safety reasons.

Board Member McCreary noted that a waterfront setback variance was previously granted for this home. She is concerned it will block the view for the neighbors. Mr. Chouinard stated they are proposing to place landscape screening so it would not be visible to the neighbors. Mr. Measel stated they wanted to build the countertop so that the neighbors would see that instead of two barbeques and a pizza oven.

Chairman Tengel does not see a practical difficulty with the property. Board Member McCreary agrees. She does not see a hardship. Board Member Ledford agrees. They all agree that the proposed project would be an improvement to the property.

The call the public was made at 8:00 pm with no response.

Chairman Tengel stated that a letter of support from James and Cheryl Rider of 846 Pathway.

Moved by Rassel, seconded by Ledford, to deny Case #18-26 from Ron and Sue Measel, 824 Pathway, for a variance to construct a wall in the required waterfront yard for an outdoor kitchen, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from installing the wall for the outdoor kitchen; however, it does not unreasonably prevent the use of the property. The granting of the requested variance would not provide substantial justice.
- The exceptional or extraordinary condition of the property is the location of the existing home. The need for the variance is self-created by the applicant. Variance would not make the property consistent with other properties in the vicinity.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried (Rockell - no; Ledford - yes; Tengel - yes; Rassel - yes; McCreary - yes)

Administrative Business:

1. Approval of the minutes for the July 17, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve the July 17, 2018 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

2. Correspondence – There were no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on August 6 and August 20, 2018.
4. Planning Commission Representative Report – Board Member McCreary stated there was no Planning Commission meeting in August.
5. Zoning Official Report – Ms. Ruthig had nothing to report.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member Ledford, seconded by Board Member McCreary, to adjourn the meeting at 8:34 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary