

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 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. 18-34... A request by Vinyl Sash of Flint, 1053 Sunrise Park, for a waterfront variance to enclose an existing deck.
2. 18-35 ... A request by Thomas and Beverly Smith, 5415 Wildwood Drive, for reapplication of a variance that was denied in part. The variance granted did not allow for the second floor to be used as living space. Applicant is requesting reconsideration of this condition.

Administrative Business:

1. Approval of minutes for the November 14, 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

Case # 18-34 Meeting Date: 12/18/2018

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

Applicant/Owner: Vinyl Sash of Flint Email: VINYLSASH@MSU.COM

Property Address: 1053 SUNRISE PK^{St.} Phone: 810-234-4831

Present Zoning: _____ Tax Code: 11-09-201-030

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: NORTH NEIGHBOR 42' SOUTH NEIGHBOR 33'
NEED VARIANCE FOR 4 1/2'

2. Intended property modifications: CHANGE OPEN DECK AREA TO ENCLOSED
SUN ROOM

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.

NEIGHBOR TO SOUTH HAS SUN ROOM - ENCLOSING EXISTING OPEN 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.

VERY SMALL LOT FOR EXISTING HOUSE + SOUTH NEIGHBOR HAS SAME AREA WITH SUN ROOM

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

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 IMPACT

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

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

Date: 10-31-10 Signature: [Handwritten Signature]



MEMORANDUM

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

RE: ZBA 18-34

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

STAFF REPORT

File Number: ZBA#18-34
Site Address: 1053 Sunrise Park Drive, Howell
Parcel Number: 4711-09-201-030
Parcel Size: 0.116 Acre
Applicant: Mary Neaton, 1053 Sunrise Park Dr. 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 enclose on existing deck.
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 December 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 year built is 1947.
- 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

Summary

The proposed project is to construct a sunroom on the existing footprint of the deck. In order to construct the addition, the applicant is in need of a waterfront variance. According to the plat, the applicant owns to the water’s edge.

Variance Requests

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

Sec. 3.04 DIMENSIONAL STANDARDS

Table 3.04.01 LRR District	Waterfront Setback
Requirement	40’
Request	33’
Variance Amount	7’

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 setbacks would cause the applicant to be unable to construct the addition. There are other homes in the vicinity that do not meet the waterfront setback. Therefore the variance would provide substantial justice to the property.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home. The need for the variance to construct the addition is 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 proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

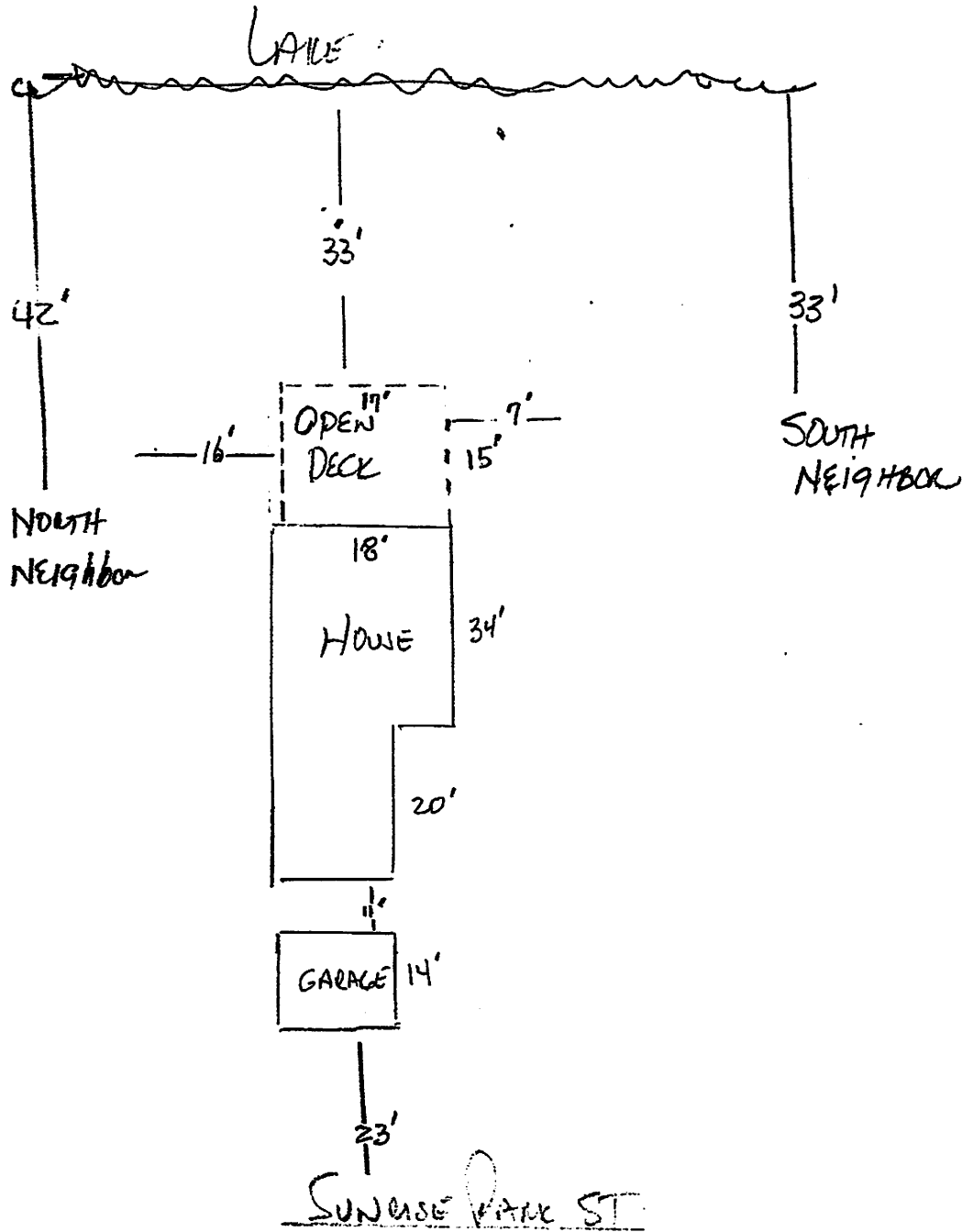
If the Zoning Board of Appeals grants the variance requests, staff recommends the following conditions be placed on the approval.

N/A



GENOA TOWNSHIP

LOT 40' x 150'

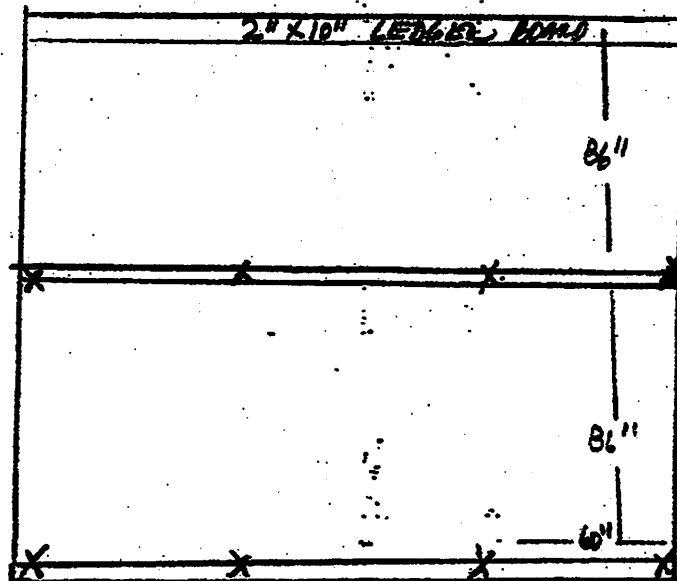






MARY NEATON

1053 SUNNISE PARK ST. HOWELL



Office Copy

15' x 17' FLOOR SYSTEM OSB TOP

4" x 6" POSTS 42" DEEP 12" HOLES ON AT LEAST 6" OF CONCRETE

(2) 2" x 8" BEAM SYSTEMS POSTS NOTCHED FOR DOUBLE BEAM

SPACING BETWEEN POSTS APPROX 60" SPACING BETWEEN BEAMS APPROX 86"

2" x 10" LEDGER BOARD ATTACHED AT HOUSE (SEE ATTACHMENT DRAWING)

EXISTING 6" x 6" POSTS + 12" CAN BEAM REMAINS AS IT IS NOW.

WITH UPPER DECK SYSTEM.

REMOVE EXISTING LOWER DECK.

17'x15' STUDIO STYLE SEASONAL PATIO ROOM

A WALL 3 SLIDING WINDOWS

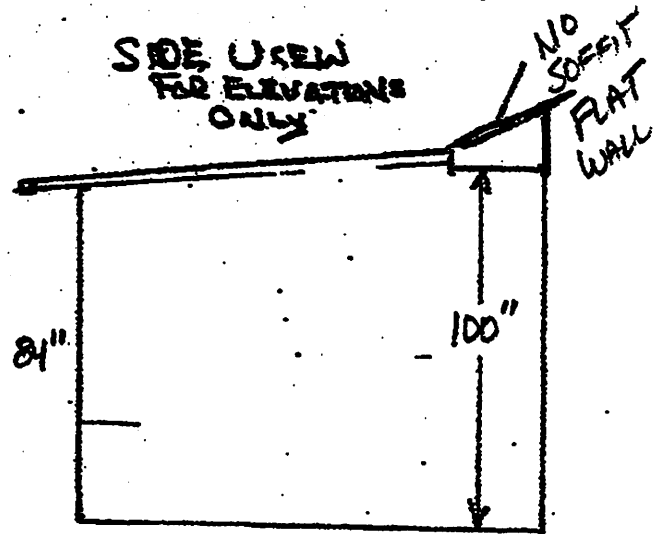
B WALL 6' PATIO DOOR 2 WINDOWS SLIDING

C WALL 3 SLIDING WINDOWS

ROOF SYSTEM

19'x16' 3" INSULATED PANELS WITH H-CHANNEL FLASH TO EXISTING WALL

VAN WENT ELECTRIC TO NO ELECTRIC PACKAGE.



MISS DIG

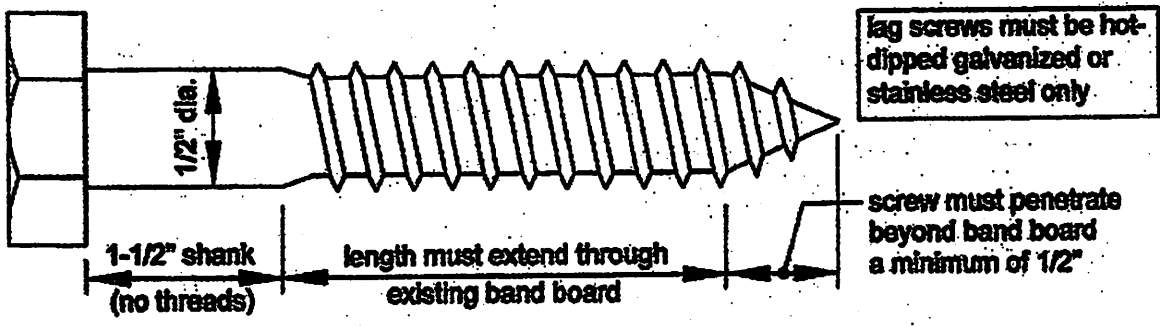
MARY NEATON

1053 SUMMER PARK ST. HOWELL

LEDGER BOARD FASTENERS

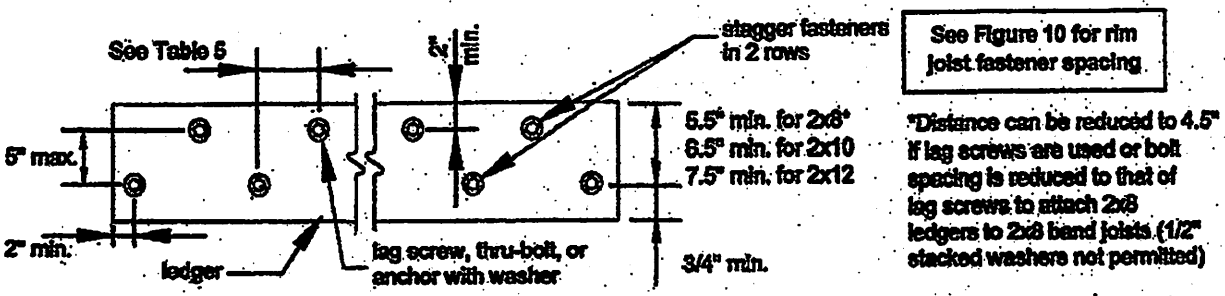
- Spacing and placement of fasteners shall be in accordance with Figure 14 and Table 5.
- Lead anchors are prohibited.
- See General Information #6.
- **Thru-Bolts** shall have a diameter of 1/2". Washers are required at the bolt head and nut.
- **Expansion and Adhesive Anchors:** Use approved expansion or adhesive anchors when attaching a ledger board to a concrete or solid masonry wall, as shown in Figure 11. Expansion and adhesive anchor bolts shall have a diameter of 1/2", be equipped with washers, and installed per manufacturer's instructions.
- **Lag Screws** shall have a diameter of 1/2". Lag screws may be used only when the field conditions conform to those shown in Figure 10. See Figure 13 for lag screw requirements. Lag screws shall be installed with washers.

Figure 10 Lag Screw Requirements



Courtesy of American Wood Council - Leesburg, VA

Figure 14 Ledger Fastener Spacing and Clearances



Courtesy of American Wood Council - Leesburg, VA

LEDGER BOARD ATTACHMENT

General requirements

- Ledger board depth shall be greater than or equal to the depth of the deck joists, but not less than a 2x8.
- The ledger board shall be attached in accordance with one of the conditions shown in Figures 10 and 11.
- The existing band board shall be capable of supporting the deck. If this cannot be verified or existing conditions differ from the details herein, then a free-standing deck or an engineered design is required.
- The top of the ledger board and top of the deck joists shall be at the same elevation.

Wood I-Joists as shown in Figure 9, located inside the house, must have a 2x band board, or a minimum 1-inch thick engineered wood product (EWP) band board capable of supporting a deck. If a minimum 1-inch EWP or 2x band board is not present, then a free-standing deck is required.

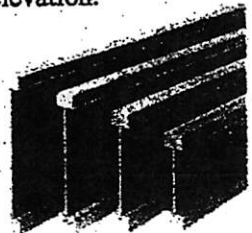
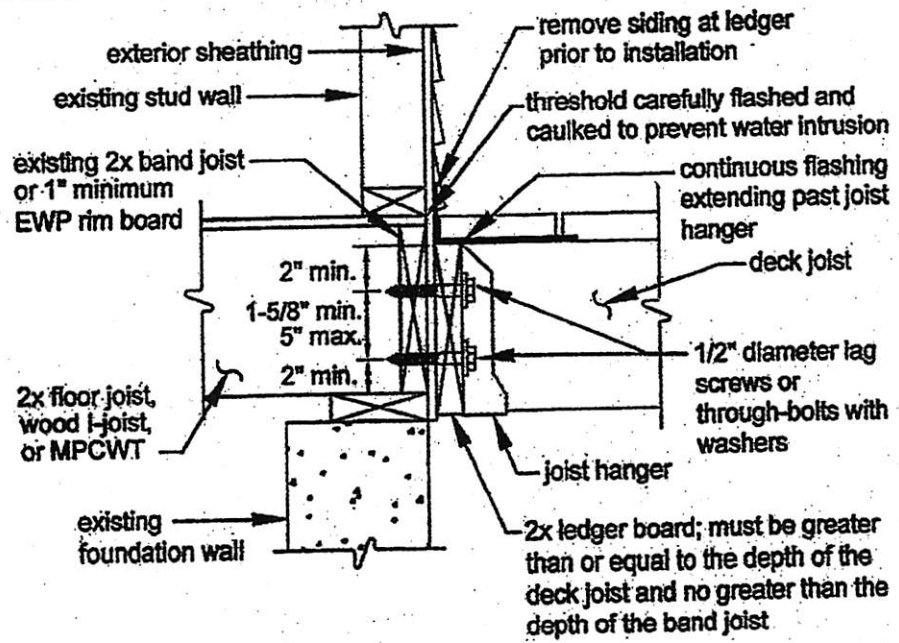


Figure 9: Wood I-Joists

Siding and Flashing

- The exterior finish, i.e., house siding, must be removed prior to the installation of the ledger board.
- Continuous flashing with a drip edge, as shown in Figure 10, is required at the ledger board when attached to wood-framed construction.
- Flashing shall be copper (attached using copper nails only), stainless steel, UV resistant plastic or galvanized steel coated with 1.85 ounces of zinc per square foot (G-185 coating).
- Flashing at a door threshold shall be installed to prevent water intrusion from rain or melting snow.

Figure 10: General Attachment of Ledger Board to Band Joist or Rim Board

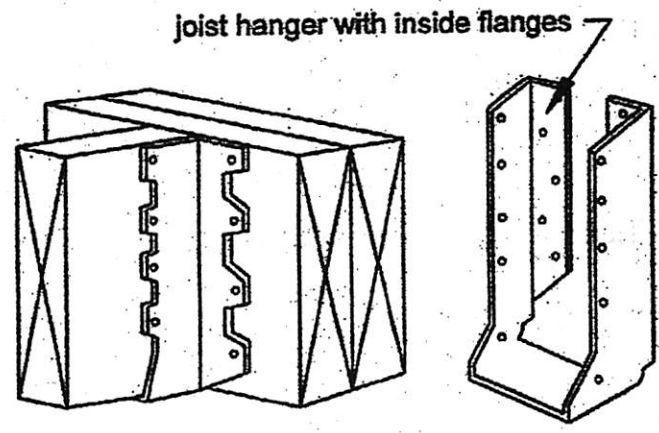


Courtesy of American Wood Council - Leesburg, VA

MARY MEADOW

1053 SUNRISE PARK ST. HOWARD

Figure 6: Joist Hangers



Courtesy of American Wood Council - Leesburg, VA

POST REQUIREMENTS

- Post size and maximum height shall be in accordance with Table 3.
- Post height is measured from grade or top of the footing to the underside of the beam.
- Cut ends of posts shall be field treated with an approved preservative (such as Copper Naphtenate).

Table 3: Maximum Post Height

Post Size	Maximum Height
4x4	4'-0"
4x6	6'-0"
6x6	14'-0"

POST TO BEAM CONNECTIONS

- Beams shall be attached to the post by one of the acceptable methods shown in Figure 7.
- 6x6 post minimum required where post supports a beam splice.
- Attachment of the beam to the side of the post is prohibited.

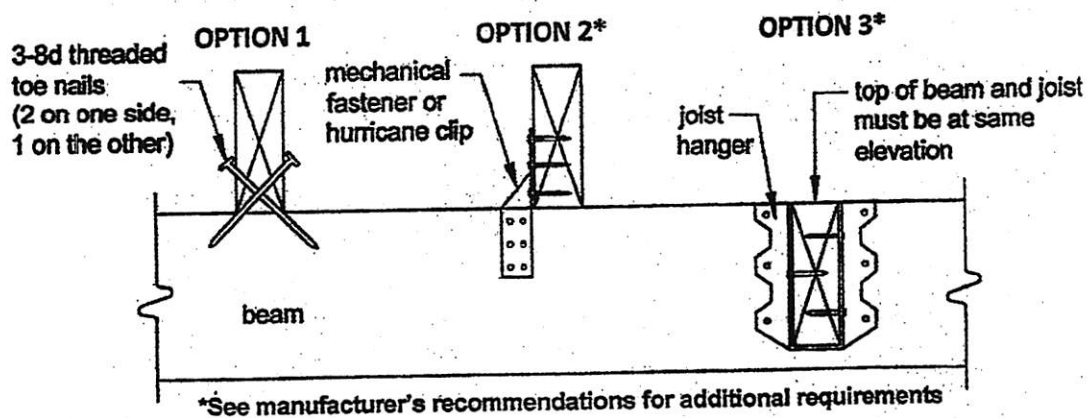
JOIST TO BEAM CONNECTION

11/19/24 NEMTDH

1053 SUNRISE PARK ST HOWELL

- Attach joist to beam using one of the options shown in Figure 5. Blocking is required between the joists at the beam when the joist overhangs past the beam.
- Hurricane clips or mechanical fasteners used for option 2 must have a minimum capacity of 100lbs in both uplift and lateral load directions. Must be installed per manufacturer's requirements.

Figure 5: Joist-to-Beam Detail



Courtesy of American Wood Council - Leesburg, VA

JOIST HANGERS

- Joist hanger shall have a depth of at least 60% of the joist depth. See Figure 6.
- Joist hangers shall be sized properly to accommodate the load and number of plies being carried.
- Hangers shall not be bent to accommodate field conditions.
- Brackets or clip angles are not allowed for joist connections.
- Fasten joist hangers per manufacturer's recommendation.
- Joist hangers with inside flanges shall be used as field conditions dictate.

Table 2B Deck Beam Spans (L_s)¹ for Joist Framing from Both Sides

Species	Size ⁴	Joist Spans (L) ⁶ Loading Beam from Both Sides in Feet:					
		6'	8'	10'	12'	14'	16'
Southern Pine	2-2x6	6'-3"	5'-5"	4'-10"	4'-5"	4'-1"	3'-10"
	2-2x8	7'-11"	6'-11"	6'-2"	5'-7"	5'-2"	4'-10"
	2-2x10	9'-4"	8'-1"	7'-3"	6'-7"	6'-1"	5'-9"
	2-2x12	10'-9"	9'-4"	8'-4"	7'-8"	7'-1"	6'-7"
	3-2x6	8'-2"	7'-1"	6'-4"	5'-10"	5'-4"	5'-0"
	3-2x8	10'-5"	9'-0"	8'-1"	7'-5"	6'-10"	6'-5"
	3-2x10	12'-3"	10'-8"	9'-6"	8'-8"	8'-0"	7'-6"
	3-2x12	14'-2"	12'-3"	11'-0"	10'-0"	9'-3"	8'-8"
Douglas Fir- Larch ² , Hem-Fir ² , Spruce-Pine-Fir ² , Redwood, Western Cedars, Ponderosa Pine ³ , Red Pine ³	2-2x6	4'-10"	4'-2"	3'-9"	3'-5"	3'-2"	3'-0"
	2-2x8	6'-1"	5'-3"	4'-8"	4'-4"	4'-0"	3'-9"
	2-2x10	7'-5"	6'-5"	5'-9"	5'-3"	4'-10"	4'-7"
	2-2x12	8'-7"	7'-5"	6'-8"	6'-1"	5'-8"	5'-3"
	3-2x6	6'-6"	5'-8"	5'-0"	4'-7"	4'-3"	4'-0"
	3-2x8	8'-7"	7'-5"	6'-8"	6'-1"	5'-8"	5'-3"
	3-2x10	10'-8"	9'-3"	8'-3"	7'-6"	7'-0"	6'-6"
	3-2x12	12'-4"	10'-8"	9'-7"	8'-9"	8'-1"	7'-7"

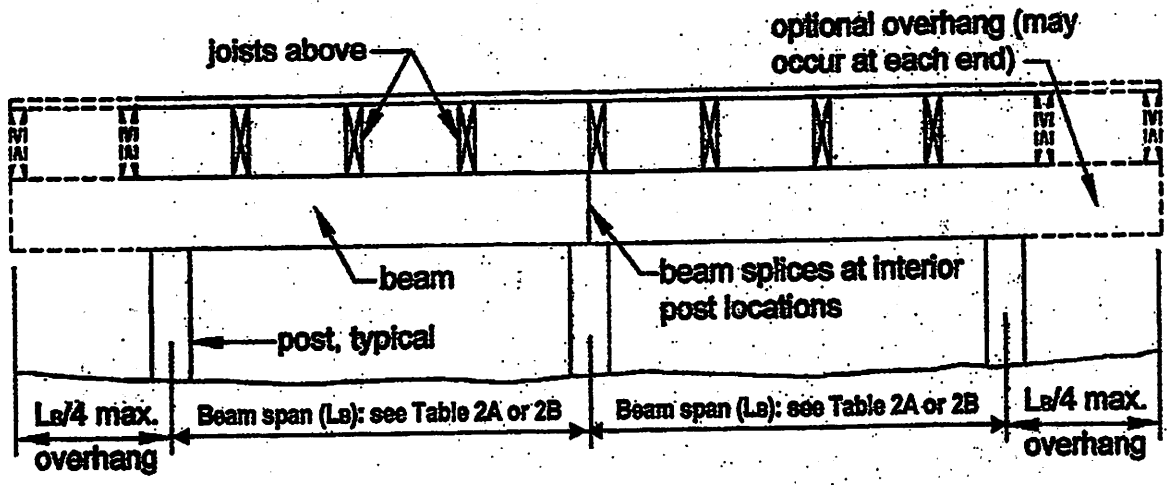
1. Assumes 40 psf live load, 10 psf dead load, L/360 simple span beam deflection limit, L/180 cantilever deflection limit, No. 2 grade, and wet service conditions.
2. Incising assumed for refractory species including Douglas fir-larch, hem-fir, and spruce-pine-fir.
3. Design values based on northern species with no incising assumed.
4. Beam depth must be equal to or greater than joist depth if joist hangers are used.
5. Loading based on joist span L on each side of beam $\times \frac{1}{2} \times (10 \text{ psf dead load} + 40 \text{ psf live load})$.
6. Joist span in table based on joist span on each side of beam $\times \frac{1}{2}$. Example: Joist span L between Beams A and B = 10 ft and joist span L between Beams B and C = 6 ft. $10\text{ft} + 6\text{ft} = 16\text{ft} \times \frac{1}{2} = 8$. (Joist span used in Table 2B).

MARY NEATON
 1053 SUNRISE PARK ST. HOWELL

BEAMS

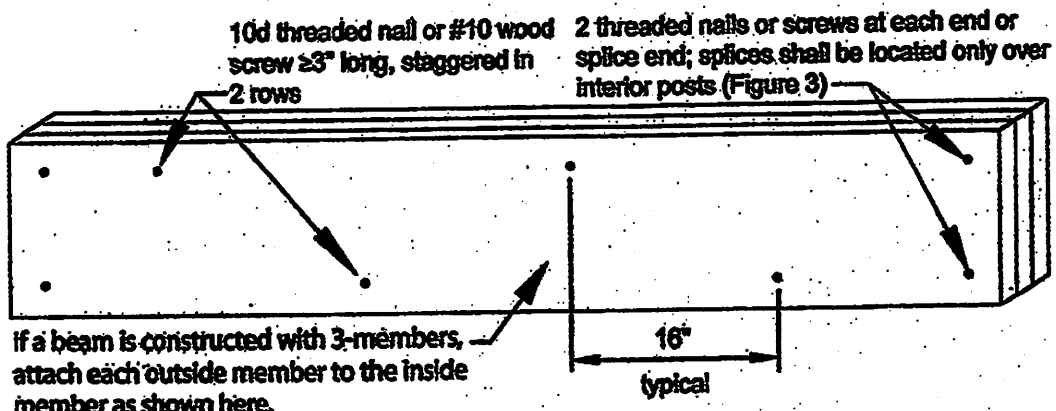
- Beam span is measured between the supporting posts and does not include the overhang. See Figure 3.
- Beam size is determined by using Table 2A for joist framing from one side only. Joists may bear on the beam and extend past the beam centerline up to the lesser of L_0 or $L/4$, as shown in Figures 2A and 2C.
- Use Table 2B for joist framing from both sides.
- Beam may overhang past the supporting post up to one-fourth the beam span as indicated in Figure 3.
- Beams with multiple members shall be assembled in accordance with Figure 4.

Figure 3 Beam Span



Courtesy of American Wood Council - Leesburg, VA

Figure 4 Beam Assembly Details



If a beam is constructed with 3-members, attach each outside member to the inside member as shown here.

Courtesy of American Wood Council - Leesburg, VA

From: jrhull1@aol.com
To: [Amy Ruthig](#)
Subject: Variance request at 1053 Sunrise Park
Date: Monday, December 03, 2018 8:59:12 PM

Amy,

I am ok with this variance.

John Hull
1065 Sunrise Park

From: [Michael Suciu](#)
To: [Amy Ruthig](#)
Subject: 1053 Sunrise Park
Date: Monday, December 03, 2018 3:49:17 PM

Hi Amy

I live at 1071 Sunrise Park and I am all for granting a water front variance at 1053 Sunrise Park. Due to the small lot size and they want to enclose an existing deck which will not take up any more of the building envelope.

Thanks

As Always

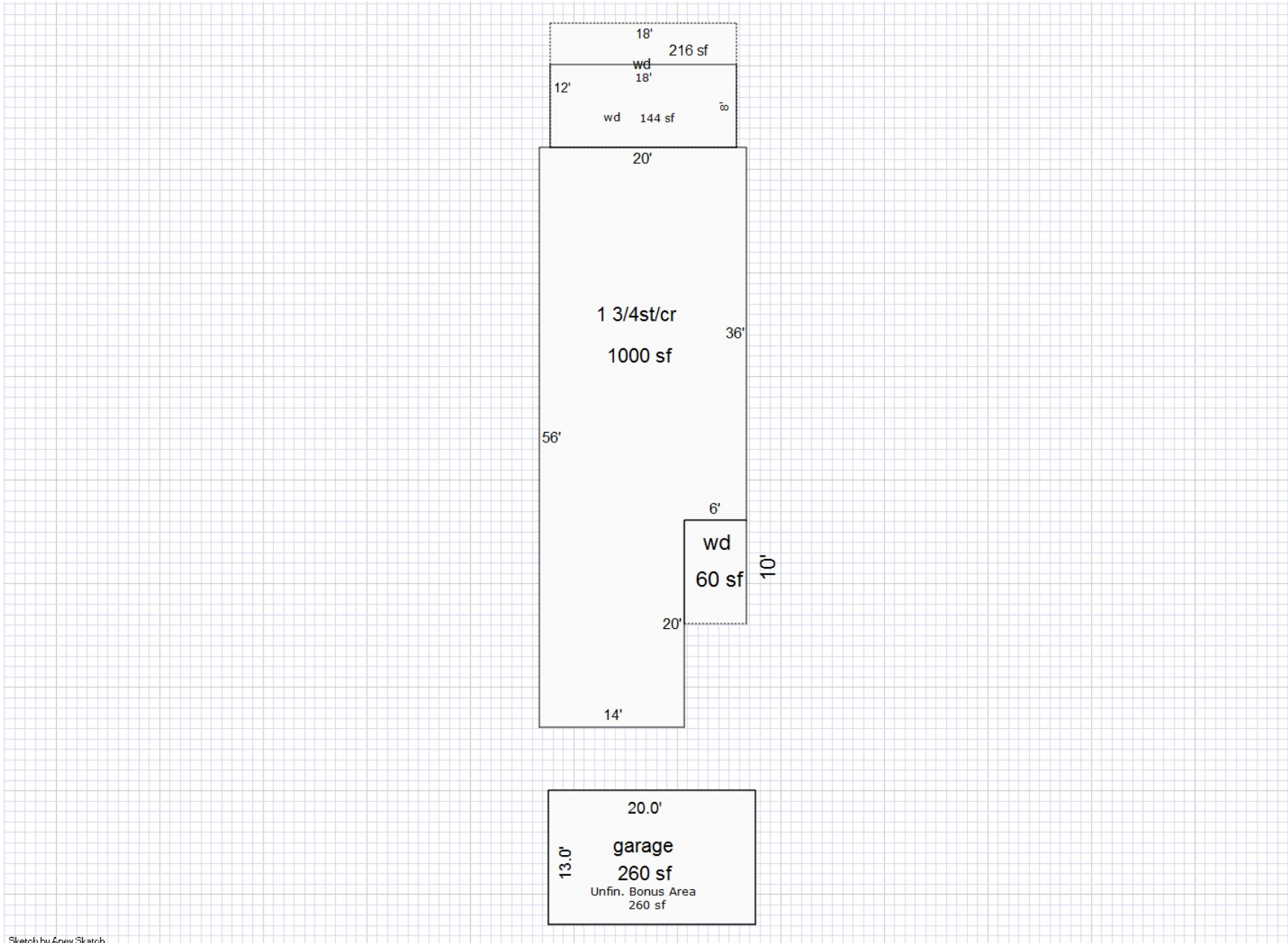
Michael P Suciu

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
KENNEDY THOMAS	NEATON MARY	375,000	04/24/2017	WD	ARMS-LENGTH	2017R-015483	BUYER	100.0					
HARBOUR, MARK E. & FARMER,	KENNEDY THOMAS	252,900	04/29/2011	WD	ARMS-LENGTH	2011R-018227	BUYER	100.0					
VORIS, CHRISTOPHER	HARBOUR, MARK E. & FARMER,	198,000	07/26/2002	WD	ARMS-LENGTH	3469-0777	BUYER	100.0					
VORIS, CHRIS. & NASTANSKI,	VORIS	0	11/05/2000	QC	QUIT CLAIM	28930354	BUYER	0.0					
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR		Building Permit(s)		Date	Number	Status			
1053 SUNRISE PARK		School: HOWELL		WOOD DECK		05/18/2004		04-193	NO START				
		P.R.E. 100% 05/04/2017		GARAGE		10/03/2003		03-437A	50%				
Owner's Name/Address		MAP #: V18-34		GARAGE		08/13/2003		03-437	NO START				
NEATON MARY 1053 SUNRISE PARK HOWELL MI 48843		2019 Est TCV Tentative											
		X	Improved		Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK							
		Public Improvements			* Factors *								
					Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
					A LAKE FRONT	40.00	126.00	1.0000	1.0000	2700	100		108,000
					40 Actual Front Feet, 0.12 Total Acres Total Est. Land Value = 108,000								
Tax Description		Dirt Road											
SEC. 9 T2N, R5E, SUNRISE PARK LOT 29		Gravel Road											
Comments/Influences		Paved Road											
		Storm Sewer											
		Sidewalk											
		Water											
		Sewer											
		Electric											
		Gas											
		Curb											
		Street Lights											
		Standard Utilities											
		Underground Utils.											
		Topography of Site											
		Level											
		Rolling											
		Low											
		High											
		Landscaped											
		Swamp											
		Wooded											
		Pond											
		Waterfront											
		Ravine											
		Wetland											
		Flood Plain											
		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	54,000	138,800	192,800			192,800S		
					2017	46,000	134,500	180,500			133,090C		
					2016	46,000	131,800	177,800			131,903C		



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

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



Sketch by Apex Sketch

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 14, 2018 - 6:30 PM**

MINUTES

Call to Order: Chairman Tengel 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, Bill Rockwell, Michele Kreutzberg, and Amy Ruthig, Zoning Official. Absent were Board Members McCreary and Rassel.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by Board Member Rockwell, seconded by Board Member Ledford, 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. 18-31... A request by Robert and Janette Wilk, 4770 Narrow Trail, for a side yard variance to construct a detached accessory structure.

Mr. Robert Wilk was present. The rear of his property is 25-30 percent wetlands. The location of the septic field also makes it difficult for him to meet the side yard setback. He does not believe it will impair light or increase congestion on the street or increase the danger of public safety. His home would be the fifth home built on this street.

Board Member Rockwell questioned why the distance between the house and the garage could not be decreased. Mr. Wilk stated he has already moved the garage closer to the home. He garage is required to be 10 feet away from the house per Township Ordinance.

Chairman Tengel questioned why the applicant did not attach the garage to the home. Mr. Wilk stated he prefers to have a detached garage.

Board Member Ledford questioned where the water will drain since the garage is so close to the wetlands. Ms. Ruthig advised that Mr. Wilk will need to obtain a permit from the Livingston County Drain Commissioner to determine where the water drain.

The call to the public was made at 6:35 pm with no response.

Motion by Board Member Ledford, seconded by Board Member Kreutzberg, to approved Case #18-31 for 4770 Narrow Trail for Robert and Janette Wilk of 22915 Watt Drive, Farmington Hills, MI for a 10-foot side-yard setback variance from the required 30 feet to 20 feet to construct a detached accessory structure at the applicant's location in accordance with Section 11.04.01(f)(1) of the Zoning Ordinance, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent the applicant from constructing the detached accessory structure. The variance does provide substantial justice since there are quite a few detached accessory structures in the surrounding area.
- The exceptional or extraordinary condition of the property is the location of the septic field on the side of the proposed home, topography of the lot, and wetlands located on the property. The need for this variance is not self-created.
- 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 the public safety, comfort, morals or welfare of the residents of Genoa Township.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of the adjacent properties in the surrounding neighborhood.

The approval of this variance is conditioned upon the following:

1. Shall comply with the accessory structure requirements.
2. A 25 foot natural undisturbed buffer from the wetlands must be maintained at all times.
3. The detached accessory structure cannot be utilized until a Certificate of Occupancy of the home is received.

The motion carried unanimously.

2. 18-32... A request by Donald Terns, 5440 Sharp Drive, for a waterfront and front yard variance to construct an addition with an attached garage.

Mr. Brad Hinkson with Hinkson Design Build, the contractor, and Mr. Donald Terns, the applicant were present.

Mr. Hinkson stated they are proposing to construct an addition with an attached garage. They will be removing the existing six-car detached garage. There will be storage below the garage. They are requesting a water front (rear yard) and front yard setback variance. The addition will be further back from the lake than what is currently there.

The call to public was made at 6:49 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #18-32 for Donald and Judith Terns of 5440 Sharp Drive, Howell, MI for a 31-foot front yard variance and an 8-foot waterfront variance for the construction of an addition to a single-family home, based on the following findings of fact:

- Strict compliance with the setbacks would prevent the applicant from constructing the proposed addition. There are other homes in the area that have reduced setbacks similar to what is being proposed. Granting variance would offer substantial justice. Granting the variance would make the property consistent with other properties in the area.
- The exceptional or extraordinary condition of the property is the location of the road right of way in conjunction with the road location, shallow lot depth between road right of way and the water and the topography of the lot.
- The granting of these variances would not impair an adequate supply of light and air to adjacent properties. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and endanger the public safety.
- The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood provided proper site grading and drainage maintained on site.

The approval of this variance is conditioned upon the following:

1. The existing detached garage must be demolished prior to issuance of Certificate of Occupancy.
2. Proposed deck must maintain a 15 foot green space to the water's edge.
3. Retaining walls, if required, must be included when applying for land use permit for approval.
4. The proposed addition will not encroach any closer to the water than the existing home.
5. The structure must be guttered with drainage toward the lake.

The motion carried unanimously.

3. 18-33... A request by McCotter Architecture and Design, 1900 Euler Road, for a front yard variance to construct an addition.

Mr. Tim McCotter is representing the home owner. They wish to expand their home to increase their living room and add an entrance way. The home predates the ordinance, which now requires a 75-foot front-yard setback. The existing home is currently non-conforming. It currently encroaches 11 ½ feet into the front yard setback.

There are existing homes on this street that are also within the 75 foot setback.

Board Member Ledford believes the need for this variance is self-created. She does not see other homes in the area that are the same distance from the roadway as what is being proposed. Mr. McCotter stated the home across the street and others further up the road are within the 75 foot setback. He added that the configuration of the existing home does not make it feasible to expand the rear of the home. The living room is in the front of the home.

The call to the public was made at 6:59 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Kreuzberg, to deny Case #18-33 from McCotter Architecture and Design for Mario and Valory Pecchia of 1900 Euler Road for a front yard variance of 21.5 feet for the construction of an addition to an existing single-family home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the addition however does not unreasonably prevent use of the property. The variance does not provide substantial justice since it would greatly reduce the front yard setback and would not make the home consistent with properties in the same zoning or vicinity.
- The exceptional or extraordinary condition of the property is the location of the existing home. There is no evidence why the property prevents an addition to the existing home to the south or west. There is ample building envelope on this lot and the variance request must be the least necessary. The need for the variance is self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion 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 unanimously.

Administrative Business:

1. Approval of the minutes for the October 16, 2018 Zoning Board of Appeals Meeting.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the October 16, 2018 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig presented the Board with the meeting dates for next year, noting that the October 2019 meeting will be on a Wednesday due to the Columbus Day Holiday.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meeting held on November 5, 2018.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on November 13, 2018.
5. Zoning Official Report – Ms. Ruthig stated staff has determined to remove drainage requirements from the conditions of approving a variance. If a resident's stormwater drains onto a neighboring property, it is a civil issue.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 7:19 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary