

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
FEBRUARY 19, 2019  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Election of Officers:

Introductions:

Approval of Agenda:

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

1. 19-04 ... A request by Matt Wilson, 4761 Bauer Road, for a size variance to construct a detached accessory structure.
2. 19-05 ... A request by Brad and Amber Busch, Pathway Drive, Parcel #11-10-101-044 for variances to construct an accessory structure on a lot without a principal use and side yard variance for the proposed accessory structure.
3. 19-06 ... A request by Ralph and Mary Slider, 3470 Pineridge Lane, for a waterfront variance to construction of a new single family home.
4. 19-07 ... A request by Lydia and Jackie Williams, 4219 Homestead Drive, for a waterfront variance to construct a sunroom to an existing home.

Administrative Business:

1. Approval of minutes for the January 15, 2019 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 # 19-04 Meeting Date: Jan. 15, 2019  
@ 6:30pm

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

Applicant/Owner: Matt Wilson Email: mattjwil@umich.edu

Property Address: 4761 Bauer Rd, Brighton Phone: 734 395-3254

Present Zoning: SR Tax Code: 4711-25-300-041

**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: Dimensional: I am requesting an additional 150 square feet to my design.

2. Intended property modifications: Please see architectural drawing included which show an additional 150 square feet designed into the east side of structure



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.

My home was built in 1877 and does not conform to current code standards as it stands and therefore I am unable to enjoy the liberties that the majority of my neighbors can take advantage of due to their modern built homes. Therefore I am limited to options due to existing architectural and geographical conditions that are pre-existing therefore I can not enjoy my property as my neighbors do with theirs.

**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.

Due to the time period architecture of my house and the grade of the property I am unable to add a connected breezeway to the existing structure without it causing an eyesore to the public which would be burdensome and also cause a negative effect in how my neighbors can enjoy their own property. According to my research at the state level, a request for additional space, especially one as minimal as mine does not fall under "self-created" hardship, especially in consideration of the age of my house and property.

**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.

My request will not do any of the above, infact I argue that this additional space will improve public safety, confort, moral and welfare of my neighbors. Our home is very visible and many people comment if our tractor has been left in one plkace too long. We have also been asked why we do not have a qarage yet. This can not be used in an arguement but it does show the exposure that our property has to our neighbors and passersby.

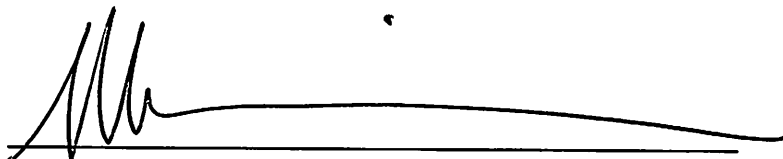
**Impact on Surrounding Neighborhood.** The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Under the spirit of "de minimis rule" I feel that the requested additioanl sqaure footage will not interfere with any of the above items.

The submitted design is well thought out and works with current architecture of existing structure plus it will allow for adequate storage of tools and garden equipment so that they are not in the public's eye or open to theft or negative elements.

**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: 12/13/18 Signature: 



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 11, 2019

**RE:** ZBA 19-04

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

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## STAFF REPORT

**File Number:** ZBA#19-04  
**Site Address:** 4761 Bauer Road, Brighton  
**Parcel Number:** 4711-25-300-041  
**Parcel Size:** 1.190 Acres  
**Applicant:** Matt Wilson, 4761 Bauer Road Brighton  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a size variance to construct a detached accessory structure.  
**Zoning and Existing Use:** SR (Suburban Residential) Single Family Dwelling located on property.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday December 30, 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 1877
- The parcel is serviced by well and septic.
- 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

**UPDATE: At the January 15, 2019 ZBA meeting the applicant requested to be postponed until the February ZBA meeting. The application submitted new information demonstrating proposed drive modification, tree location, grade difference and existing storage buildings.**

The proposed project is to construct a 1053 sq. ft. detached accessory structure. The applicant is proposing a structure that is 153 sq. ft. more than allowed in the SR zoning.

### **Variance Requests**

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

#### **11.04.01 Accessory Buildings, Structures and Uses in General**

**(h) Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.**

**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 zoning ordinance would not prevent use of the property. The applicant can construct a 900 sq. ft. detached accessory structure without requiring a variance. Granting the variance would not offer substantial justice and is not necessary for the preservation and enjoyment of substantial property rights similar to that possessed by other properties in the same zoning and vicinity.
- (b) Extraordinary Circumstances** – This lot complies with all Zoning Ordinance requirements and there is nothing unique to this lot that would support extraordinary circumstances. The applicant provided revised information regarding topography. The applicant should provide more information regarding how the topography is exceptional or extraordinary in regards to adding on east or south of the existing home. Granting the variance will make the lot inconsistent with other lots in the vicinity since most of the detached structures in the immediate vicinity are less than 900 sq. ft.
- (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. All existing detached accessory will be removed prior to Certificate of Occupancy issuance.

- 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.

This approval is conditioned upon:

1. Structure must be guttered with downspouts.
2. The existing single-family home must be removed before construction begins on the new home.
3. Drainage shall be directed toward the lake.
4. 19-04... A request by Matt Wilson, 4761 Bauer Road, for a size variance to construct a detached accessory structure.

Mr. Matt Wilson and his architect, Brian Kratz, were present. Mr. Wilson stated he would like to build a detached garage that is 150 square feet over the ordinance. He would like to attach the garage to his home; however, he cannot because of the topography of his site. There is a drop in grade in this area. If the garage was attached to his home, he would not need a variance.

The allowable size will fit two cars, but there is no room for additional storage. He uses the existing storage sheds for other storage and he keeps his tractor outside covered by a tarp. These two storage sheds will be removed if he is granted the variance.

The call to the public was made at 7:32 pm with no response.

Mr. Smith stated that his home was built in 1877 so he has a unique case. He does not have a garage. All of the other homes in the area have garages. He reiterated that he would be able to build an attached garage of this size, or larger, without the need for a

variance; however, the slope on his property prevents this. He cannot attach it to the other side of the house because the septic field is there.

The Board discussed the request in detail with the applicant. There were concerns with the architecture of the garage, is the request self-created because the applicant is asking for a larger size garage due to wanting more storage, is it setting a precedent, etc.

The applicant requested to have his item postponed this evening.

**Moved** by Board Member Rockwell, seconded by Board Member Kreuzberg, to table Case #19-04, for Matt Wilson of 4761 Bauer Road for a dimension variance until the February 19, 2019 Zoning Board of Appeals meeting. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of the minutes for the December 18, 2018 Zoning Board of Appeals Meeting.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve the December 18, 2018 Zoning Board of Appeals Meeting minutes as presented. **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 meeting held on January 7, 2019.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on January 14, 2019.
5. Zoning Official Report – Ms. Ruthig had nothing to report.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

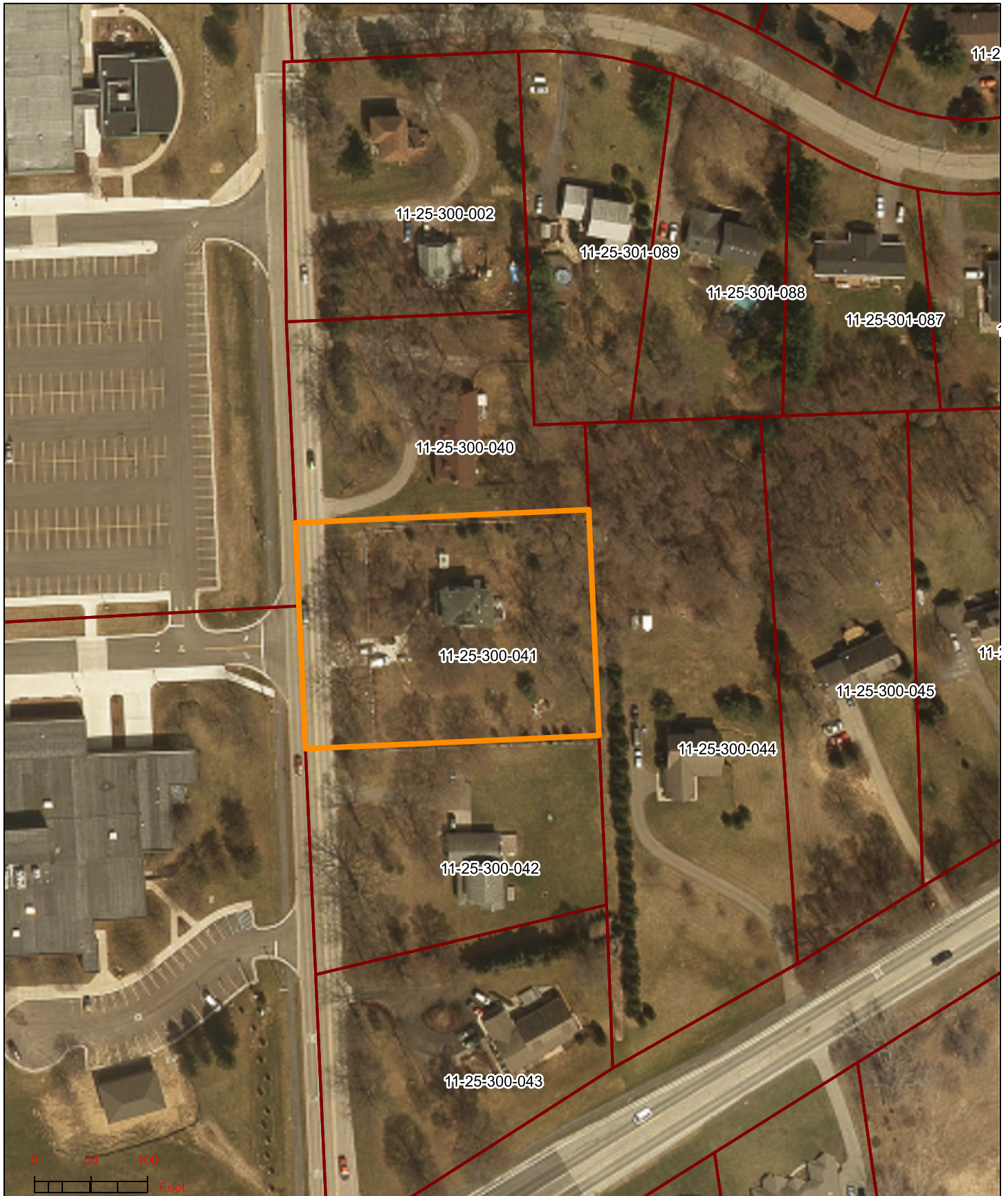
**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 8:10 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary



# GENOA TOWNSHIP



# 4761 Bauer Road

## PRACTICAL DIFFICULTY/SUBSTANTIAL JUSTICE

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My home was built in 1877 and does not conform to current code standards as they stand. Therefore I am unable to enjoy the liberties that the majority of my neighbors can take advantage of due to their modern built homes, many of which already include attached garages ( some are greater than 1000 s/f) to which they can add an additional out building per the applicable code.

## EXTRAORDINARY CIRCUMSTANCES

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My home was built on a high point of the property and bermed up to allow for water shedding on the south side. The north side contains my septic and drain field. The geography on the south side does not allow for the addition of a breezeway ( which would allow me to add the additional area requested without a variance) due to the extreme drop in elevation to the proposed structure's foundation and service door over the distance to the structure from my home. Therefore I am limited to options due to existing architectural and geographical conditions that are pre-existing. Because of this conflict I am unable enjoy my property in the same way that my neighbors are allowed to enjoy their property.

Furthermore, I would like to offer this additional information regarding the age of my home compared to the age of the housing stock of Genoa Township based on the 2017 census statistics. I feel that I can safely argue that the age of my home falls into a small percentage of the "1939 or earlier" grouping. I hope that this helps illustrate my unique and extraordinary circumstance.

YEAR STRUCTURE BUILT				
Total housing units	8,576	+/-201	8,576	(X)
Built 2014 or later	56	+/-30	0.7%	+/-0.3
Built 2010 to 2013	104	+/-54	1.2%	+/-0.6
Built 2000 to 2009	2,182	+/-199	25.4%	+/-2.2
Built 1990 to 1999	2,524	+/-224	29.4%	+/-2.5
Built 1980 to 1989	881	+/-124	10.3%	+/-1.4
Built 1970 to 1979	1,457	+/-169	17.0%	+/-1.9
Built 1960 to 1969	409	+/-97	4.8%	+/-1.1
Built 1950 to 1959	371	+/-87	4.3%	+/-1.0
Built 1940 to 1949	199	+/-71	2.3%	+/-0.8
Built 1939 or earlier	393	+/-100	4.6%	+/-1.2

## PUBLIC SAFETY AND WELFARE

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My request will not impair public safety nor will it reduce the quality of living to my neighbors in any way. I would argue that the additional space will improve the moral by allowing us to keep our property out of view and by creating a aesthetically pleasing structure, a liberty that my neighbors are able to enjoy with their property to the fullest.

## IMPACT ON SURROUNDING NEIGHBORHOOD

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Under the spirit of "de minimis" I feel that the request of the minimal additional square footage will not impact the surrounding neighborhood in any negative way. I would argue that it would serve the surrounding properties in a positive manner. The

submitted design is well thought out and works well with current architecture of existing structure plus it will allow for adequate storage of tools and garden equipment so that they are not in the public's eye or open to theft or negative elements.

## CLOSING

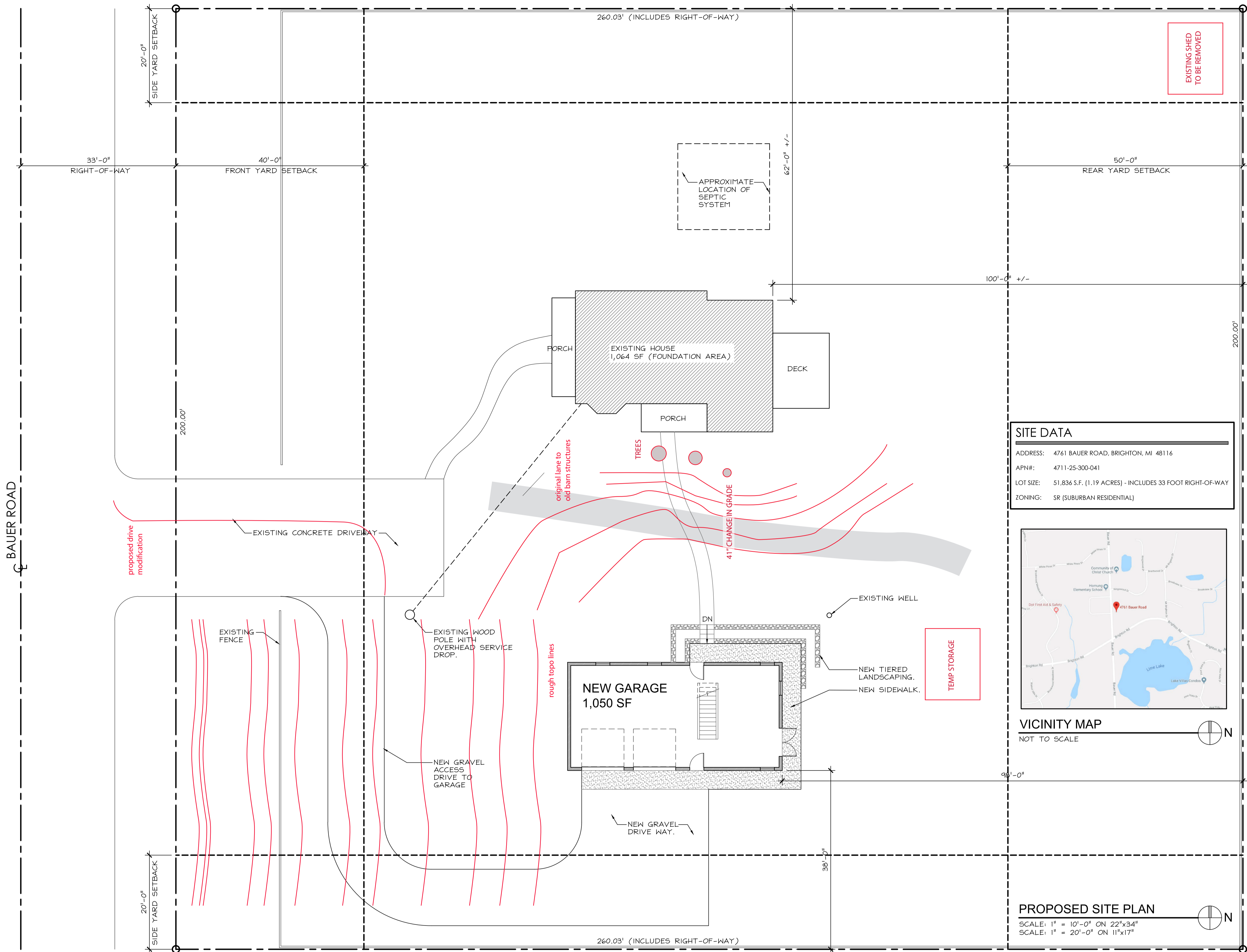
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I feel that my request satisfies the four qualifications for variance request. If my request is approved it will allow me to enjoy my property as my neighbors enjoy theirs without adding any negative consequences to the neighborhood or public safety as a whole. I would also like to respectfully offer a response from the land use specialist at Michigan State University who pointed out that a request for additional space, especially one as minimal as mine, does not fall under "self-created" hardship, especially in consideration of the age of my house and property and that the use of this verbiage is counter intuitive to the request to build the structure to begin with.

I look forward to our meeting where this can be discussed and, hopefully, I may be able to answer any questions that the board may have.



RECEIVED 2-11-19

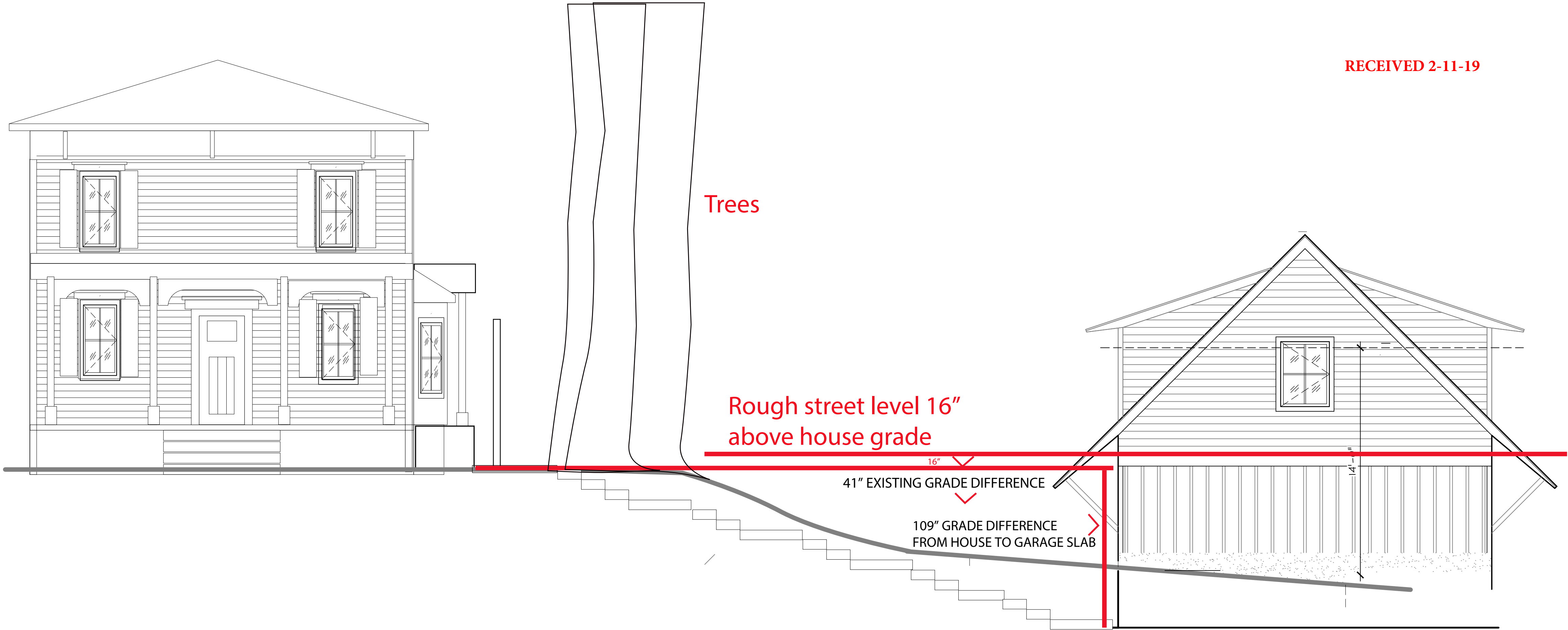


**KRATZ  
 DESIGNS, LLC**  
 1840 Coronada Dr.  
 Ann Arbor, MI 48103  
 480-209-4953

**New Garage**  
 4761 Bauer Rd.  
 Brighton, MI 48116

Revisions:  
 Project No. 1802  
 Date: 12/11/18

**A1.1**



Trees

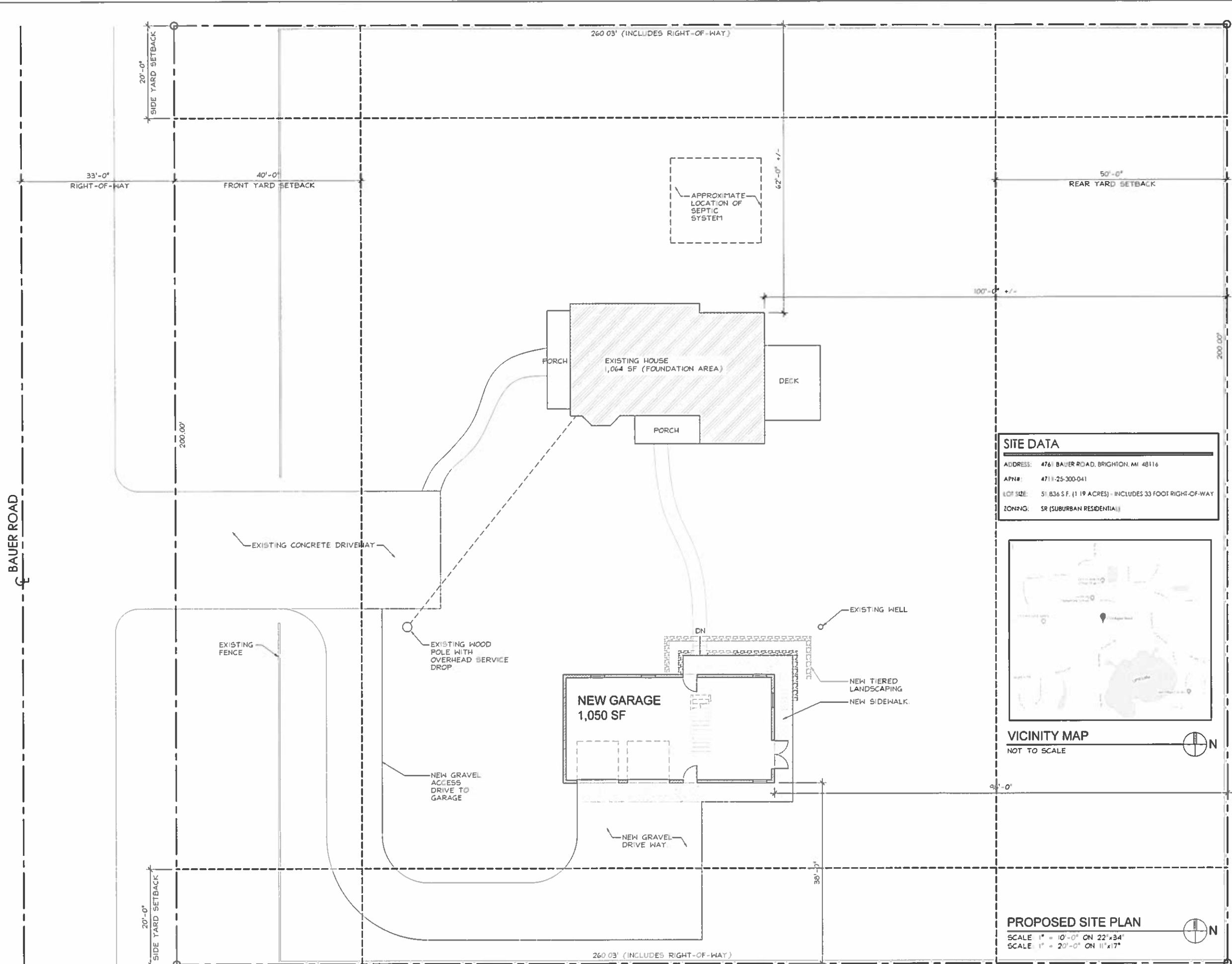
Rough street level 16"  
above house grade

16"  
41" EXISTING GRADE DIFFERENCE

109" GRADE DIFFERENCE  
FROM HOUSE TO GARAGE SLAB

14'-0"





SITE DATA	
ADDRESS:	4761 BAUER ROAD, BRIGHTON, MI 48116
APN#:	4711-25-300-041
LOT SIZE:	51,836 S.F. (1.19 ACRES) - INCLUDES 33 FOOT RIGHT-OF-WAY
ZONING:	SR (SUBURBAN RESIDENTIAL)



**VICINITY MAP**  
NOT TO SCALE

**PROPOSED SITE PLAN**  
SCALE 1" = 10'-0" ON 22"x34"  
SCALE 1" = 20'-0" ON 11"x17"

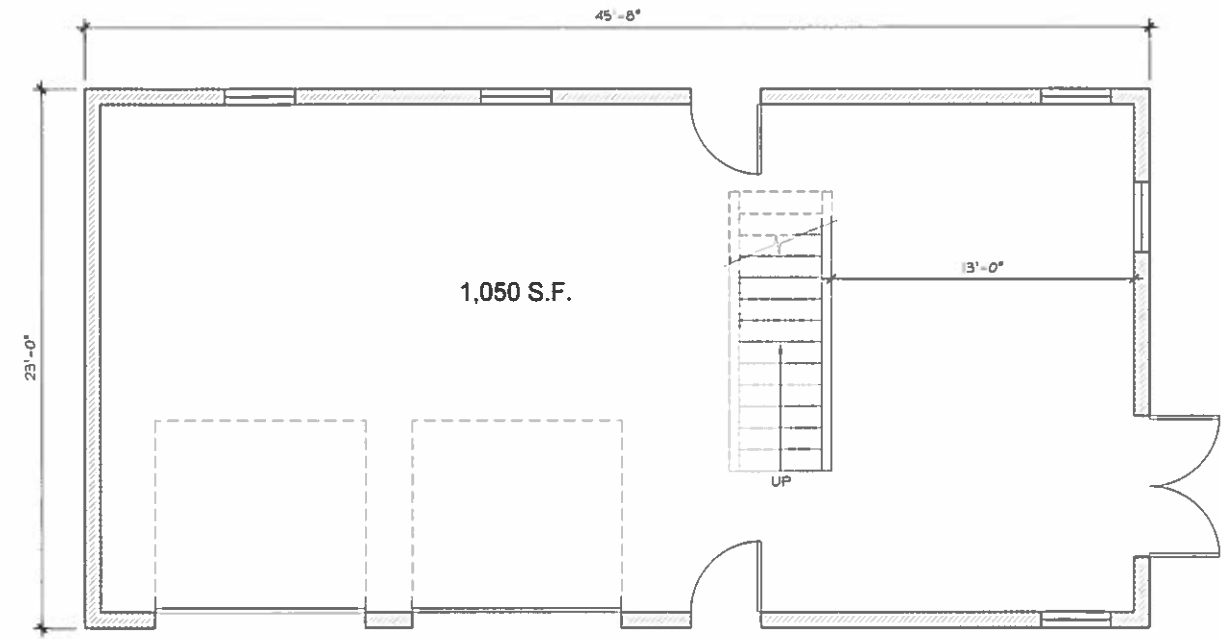
**New Garage**  
4761 Bauer Rd  
Brighton, MI 48116

Revisions

Project No. 1802

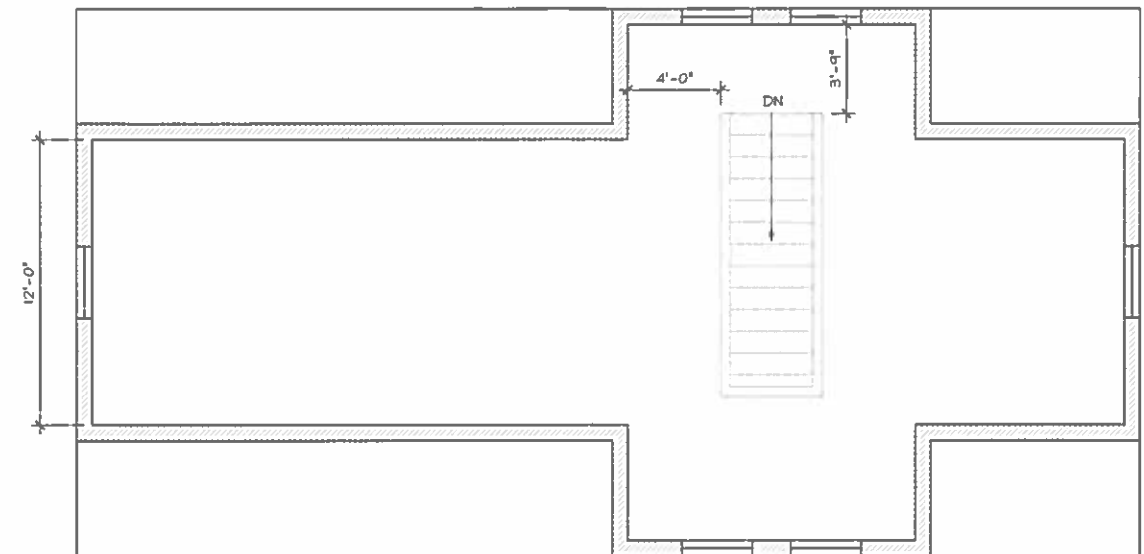
Date 12/11/18

**A1.1**



**GARAGE LEVEL**

SCALE: 1/4" = 1'-0" ON 22"x34"  
SCALE: 1/8" = 1'-0" ON 11"x17"



**STORAGE LEVEL**

SCALE: 1/4" = 1'-0" ON 22"x34"  
SCALE: 1/8" = 1'-0" ON 11"x17"



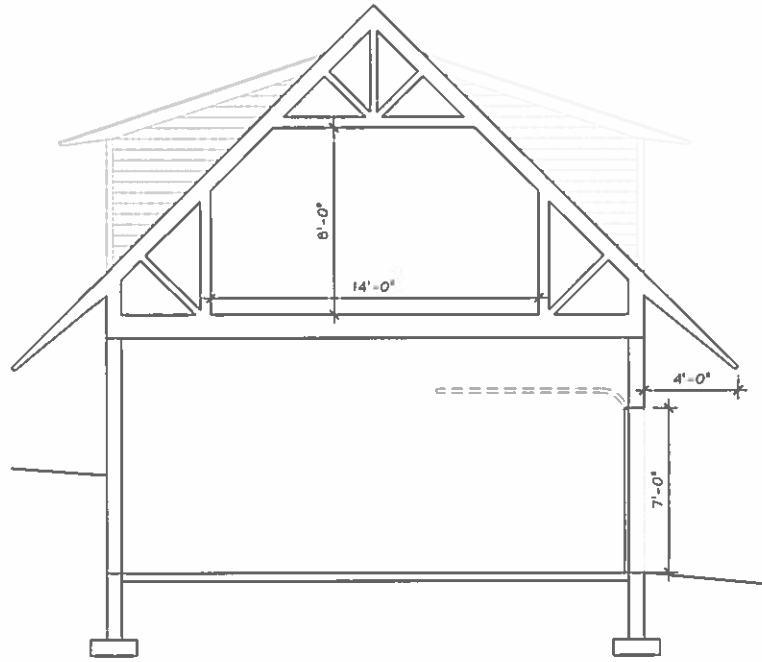
**New Garage**  
4761 Bauer Rd.  
Brighton, MI 48116

Revisions:

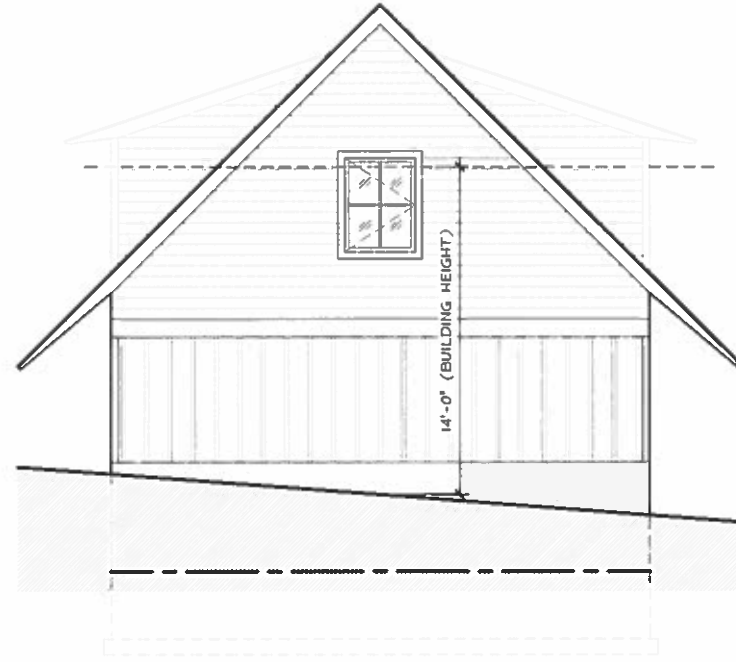
Project No. 1802

Date: 12/11/18

**A2.1**



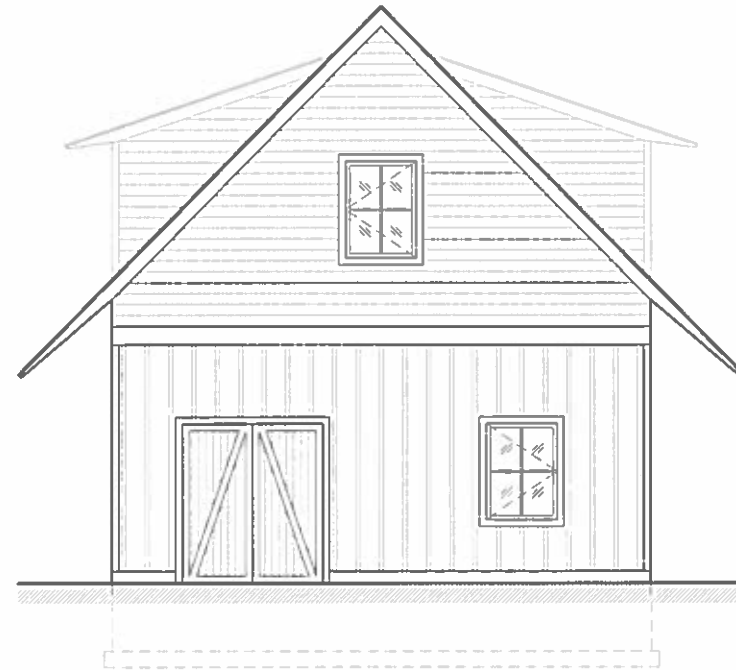
0 PROPOSED SECTION  
SCALE: 1/4" = 1'-0"



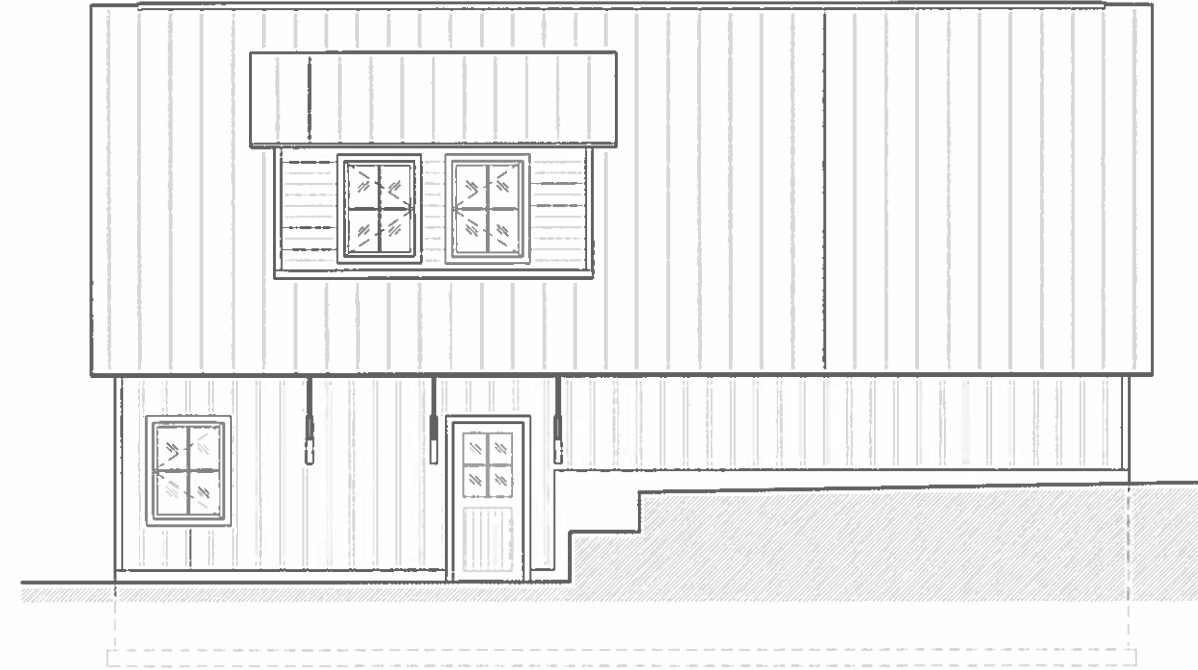
1 PROPOSED WEST ELEVATION (STREET FACING)  
SCALE: 1/4" = 1'-0"



2 PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



3 PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"



4 PROPOSED NORTH ELEVATION  
SCALE: 1/4" = 1'-0"


New Garage  
4761 Bauer Rd.  
Brighton, MI 48116

Revisions

Project No. 1802

Date 12/11/18

A3.1

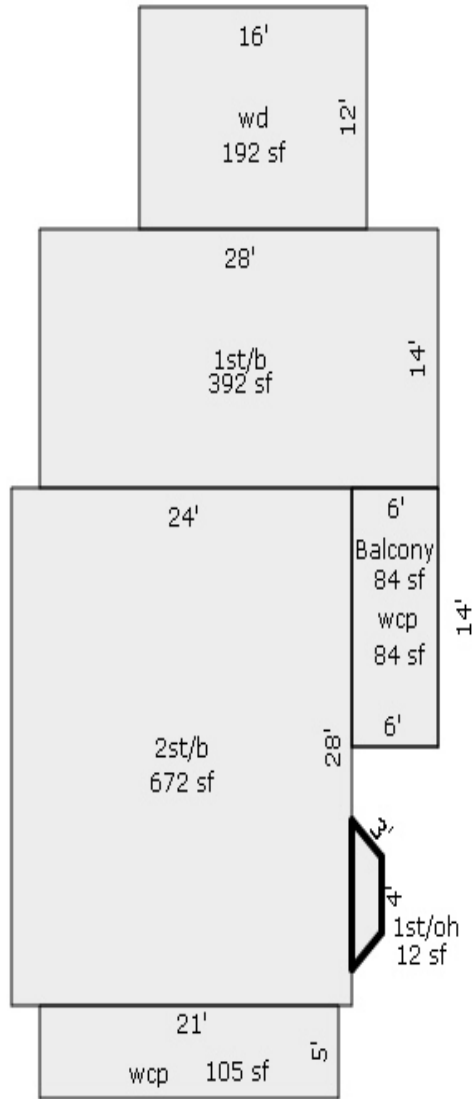
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.									
HEFELE, ANDREW J.	WILSON MATTHEW J & KIMBERLY	250,000	08/15/2008	WD	INVALID SALE	2008R-032308	BUYER	100.0									
FABIRKIEWICZ, JOHN J.	HEFELE, ANDREW J.	248,000	01/15/2003	WD	ARMS-LENGTH	3726-0258	BUYER	100.0									
HUTCHINSON	FABIRKIEWICZ	225,900	11/09/2000	WD	ARMS-LENGTH	28620269	BUYER	100.0									
NAIDOO, KRISTEN, & SEELIN	HUTCHINSON	175,000	11/14/1997	WD	ARMS-LENGTH	2260-0452	BUYER	100.0									
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: SR		Building Permit(s)		Date	Number	Status							
4761 BAUER RD		School: BRIGHTON		FENCE		10/07/2009		09-093	NO START								
		P.R.E. 100% 08/16/2008															
Owner's Name/Address		MAP #: V19-04		2019 Est TCV Tentative													
WILSON MATTHEW J & KIMBERLY A 4761 BAUER RD BRIGHTON MI 48116		X Improved		Vacant		Land Value Estimates for Land Table 122.BRIGHTON M & B											
Tax Description		Public Improvements		* Factors *													
SEC 25 T2N R5E COM SW COR, TH N1*W 1051.02 FT TO POB, TH N1*W 200 FT, TH N88*E 260.03 FT, TH S1*E 200 FT, TH S88*W 260.03 FT TO POB 1.19 AC M/L SPLIT 12/89 FROM 029 & 030		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		TABLE A		Description Frontage Depth		Front Depth Rate %Adj. Reason		Value							
Comments/Influences		Topography of Site		1.190 Acres 47,017 100 1.19 Total Acres Total Est. Land Value = 55,950													
		Level		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
		Rolling		X REFUSE		2019		Tentative		Tentative		Tentative				Tentative	
		Low		LLM 10/20/2010 INSPECTED		2018		25,500		85,000		110,500				89,060C	
		High				2017		25,500		86,800		112,300				87,229C	
		Landscaped				2016		25,500		81,400		106,900				86,451C	
		Swamp															
		Wooded															
		Pond															
		Waterfront															
		Ravine															
		Wetland															
		Flood Plain															

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:			
X	Wood Frame		(4) Interior		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							84 WCP (1 Story) 105 WCP (1 Story) 192 Treated Wood 84 Wood Balcony					
Building Style: C		Trim & Decoration		Central Air Wood Furnace													
Yr Built 1877	Remodeled 1980	Ex	X Ord	Min	(12) Electric												
Condition: Good		Size of Closets		0 Amps Service													
Room List		Lg	X Ord	Small	No./Qual. of Fixtures												
	Basement 1st Floor 2nd Floor 3 Bedrooms	Doors:	Solid X	H.C.	Ex. X Ord. Min												
		Kitchen: Other: Other:		No. of Elec. Outlets													
		(6) Ceilings		(13) Plumbing													
(1) Exterior		Basement: 1064 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan													
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		(14) Water/Sewer													
Insulation		(8) Basement		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic													
(2) Windows		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		Lump Sum Items:													
Many X Avg. Few	X Large Avg. Small	(9) Basement Finish															
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Recreation SF 800 Living SF 1 Walkout Doors No Floor SF															
(3) Roof		(10) Floor Support															
X	Gable Hip Flat	Gambrel Mansard Shed															
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:															
Chimney: Brick																	
Notes:										Class: C Effec. Age: 28 Floor Area: 1,748 Total Base New : 248,013 Total Depr Cost: 178,570 Estimated T.C.V: 166,070		E.C.F. X 0.930		Cls C Blt 1877			
Cost Est. for Res. Bldg: 1 Single Family C										Ground Area = 1064 SF		Floor Area = 1748 SF.		Phy/Ab.Phy/Func/Econ/Comb. % Good=72/100/100/100/72			
Building Areas										Stories		Exterior		Foundation			
										2 Story		Siding		Basement			
										1 Story		Siding		Basement			
										1 Story		Siding		Overhang			
										Total:		190,231		136,968			
Other Additions/Adjustments										Basement, Outside Entrance, Below Grade		1		2,088		1,503	
Plumbing										3 Fixture Bath		1		3,789		2,728	
Water/Sewer										1000 Gal Septic		1		3,967		2,856	
										Water Well, 200 Feet		1		8,762		6,309	
Porches										WCP (1 Story)		84		3,559		2,562	
										WCP (1 Story)		105		4,035		2,905	
Deck										Treated Wood		192		3,285		2,365	
Balcony										Wood Balcony		84		2,791		2,010	
Fireplaces										Prefab 1 Story		1		2,114		1,522	
										Basement Living Area		800		23,392		16,842	
										Totals:		248,013		178,570			
ECF (47010 BRIGHTON M & B) 0.930 => TCV:														166,070			

\*\*\* 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 # 19-05 Meeting Date: 2-19-19  
@ 6:30 pm

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

1. Applicant/Owner: Brad and Amber Busch Email: Brad\_Busch@buschs.com

Property Address: 792 Pathway Drive Brighton, MI 48116 Phone: (734) 214-8281

Present Zoning: Lake Resort Residential Tax Code: 11-10-101-044

**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:** Need variance from front set back, side setbacks and ~~height requirement~~. as well as a variance to build the garage on the lot.

2. **Intended property modifications:** We are tearing down existing garage to build a new garage on the site.

The following is per Article 23.05.03:

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

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

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

The current garage on the site encroaches .6 feet into the neighboring lot as well as it sits under the existing power line to the neighborhood. We own the lake front lot across the street from this lot. We cannot combine the lots because the private road separates our lake lot from our garage lot. Since we cannot combine the lots, we are not allowed to build a garage with out a variance.

---

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.

There are 3 extraordinary circumstances. The current garage sits under the powerline and encroaches .6' on to the neighbors lot. The lot also slopes up in the back behind the current garage. Because the lots are so narrow it makes it almost impossible to build into the slope.

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

Granting this variance will not impare adequate supply of light and air to adjacent properties. As the new garage will sit farther back than the other garages in the neighborhood there will be no increased danger. Actually it will provide more parking and less likelihood of vehicals in the road.

---

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

The variance will not adversely affect the neighborhood in any way.

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**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: 1/21/19 Signature: 



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 11, 2019

**RE:** ZBA 19-05

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

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## STAFF REPORT

**File Number:** ZBA#19-05  
**Site Address:** Garage Only, located directly across from 792 Pathway Drive  
**Parcel Number:** 4711-10-101-044  
**Parcel Size:** .444 Acres  
**Applicant:** Brad and Amber Busch, 3027 Stillriver Drive, Howell  
**Property Owner:** Same as Applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a variance to demolish an existing accessory structure and to construct a new accessory structure on a lot without a principle residence and side variance for proposed structure.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) accessory structure located on property.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday February 3, 2019 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, there is not a correct build date on file for the accessory structure.
- 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 non-conforming accessory structure and to construct a new 21 x 36 accessory structure. In order to construct the proposed structure, they are requesting a side yard variance. The applicant is proposing to locate the new structure further from the front lot line and the side property line where the current structure is encroaching on the neighboring property.

**At the January 15, 2019 ZBA meeting, the applicant requested a height and side yard variance and a variance to allow a detached accessory structure on a lot without a principle residence. At that meeting, the applicant withdrew their application. The minutes are attached for your review. The applicant is no longer requesting a height variance.**

### **Variance Requests**

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

(f) Required Setbacks (Detached, over one hundred twenty (120) square feet total floor area): Detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:

#### **11.04.01 Accessory Buildings, Structures and Uses in General**

(a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(c) Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except accessory buildings are permitted in the front yards as follows:

(1) Waterfront lots in the Lakeshore Resort Residential District.

The Zoning Ordinance does not offer setbacks from detached accessory structures in the front yard unless the lot is a waterfront lot.

(f) Required Setbacks (Detached, over one hundred twenty (120) square feet total floor area): Detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:

(2) On lots in the Lakeshore Resort Residential District a detached accessory building over one hundred twenty (120) square feet of total floor area shall be allowed to reduce one (1) side yard setback to at least five (5) feet as follows:

- a. The accessory building shall be setback at least ten (10) feet from the other side lot line.
- b. There shall be a minimum of ten (10) feet of separation from buildings on adjacent lots.

**Required Side Yard Setback: 10'**  
**Proposed Side Yard Setback: 5'1"**  
**Proposed Variance Amount: 4'11"**

**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 zoning requirements would prevent the applicant from constructing the proposed accessory structure. Granting the variance to construct the proposed structure on the lot would give the applicant substantial justice due to other accessory structures in the area on lots without principal dwellings.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrow lot size and that the parcel with house cannot be combined to this parcel. Granting of the variance for the structure on a lot without a principle structure would make it consistent with other properties in the vicinity and the need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of the 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 granting of the 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.

**Recommended Conditions**

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

1. Structure must be guttered with downspouts.
2. Grading and soil erosion plan by civil engineer to ensure stabilization of slopes and avoid impacts on adjacent parcels.
3. Accessory structure cannot be used for living purposes.



# GENOA TOWNSHIP



0 50 100  
Feet

Mr. Sizemore was present representing Optiva Solutions who are updating the ATM at the TCF Bank. He stated his application states how his request meets the criteria for granting a variance. He showed a colored rendering of the sign, which will be placed above the existing ATM. It is the "TCF Bank" name and logo.

Board Member Ledford noted this is the third ATM sign being requested for this bank. She does not agree with this request.

Mr. Sizemore stated this is a new branding tool that is becoming standard for all banks, not just TCF. They are upgrading all of the ATM's with this design. It would not be seen by anyone off site.

Board Member Kreutzberg noted that the applicant will be able to replace the ATM and put the same frame around it, but they would not be able to add the "TCF Bank" and logo.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to deny Case #19-01 requested by Joe Sizemore of Optiva Solutions for property owner TCF bank for dimensional sign variance due to the following findings of fact:

- No exceptional or extraordinary conditions for the property were submitted to the ZBA that warrants the need for a third sign, namely an ATM sign.
- The need for the variance is self-created.
- Building plans and conditions regarding TCF Bank were approved by the Planning Commission in accordance with Genoa Township's Master Plan Mixed Use Planned Unit Development.
- It is reasonable to assume that an ATM is affiliated with the bank branch and additional signage does not provide substantial justice nor is it necessary for the preservation or enjoyment of a substantial property right possessed by other properties.

**The motion carried unanimously.**

2. 19-02... A request by Brad and Amber Busch, Pathway Drive, Parcel #11-10-101-044 for a variance to construct an accessory structure on a lot without a principal use and front, side and height variances for proposed accessory structure.

Jeff Doyle of Doyle Homes and Amber Busch, the property owner, were present. Mr. Doyle stated they have two variances to discuss this evening. The first one is to construct a two-story garage on a property without a primary structure.



There is an existing garage on this site that sits six inches onto the neighbor's property as well as directly under the power lines. They would tear down the existing garage and build a new 16 foot, 6 inch high, 21 x 36 garage approximately 10 feet from the property line. They are requesting a side-yard variance of 4 feet, 3 inches. The location of the proposed garage will not affect the neighbors or the drainage on the lot.

They wanted to combine this lot with the lot across the street where the applicant's home is located; however, there is a road that runs between the two so they cannot be combined.

He noted that there are no current structures along Pathway Drive that meet the ordinance requirements for setbacks. There are two locations on Pathway Drive that have a two-story garage with similar height and setbacks as what are being proposed.

The call to the public was made at 7:02 pm.

Mr. Phillip Barton was present to represent his father, who is the homeowner at 800 Pathway. He has written letters of concern regarding the height of the garage, how it will affect the view for the neighbors, and the soil stabilization around the back of the garage.

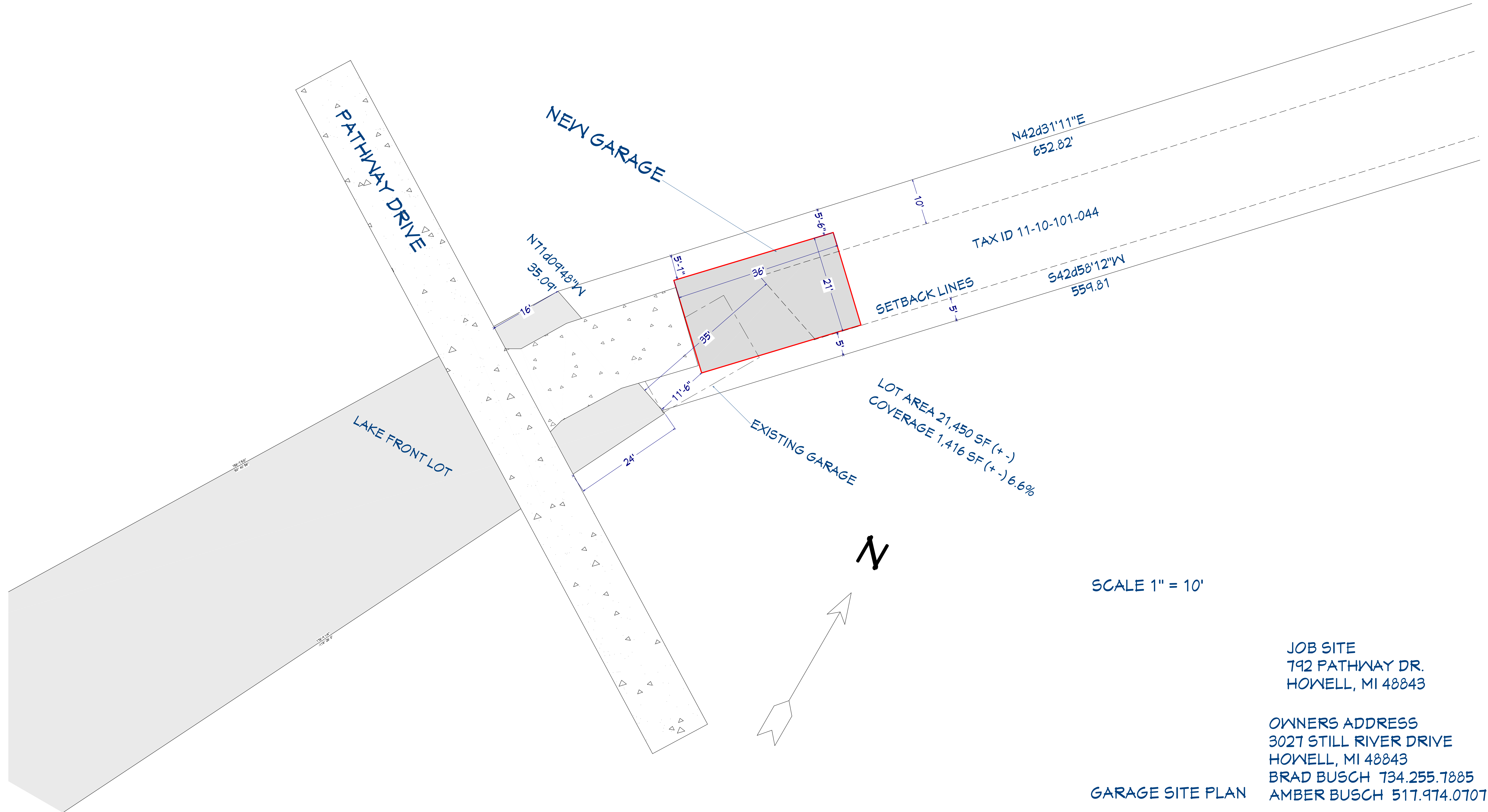
Board Member Ledford asked the applicant if the height of the garage could be reduced by two feet. Mr. Doyle stated in order to meet the ordinance, the height would actually need to be reduced by four feet, and then the second floor would be unusable. He added that the Busch's could put their home on this lot instead of just the garage; however, that would be able to be taller and could be a detriment to the neighborhood.

Mr. Mark Trump of 786 Pathway stated the lot that he owns, which is next to the Busch's, is buildable. If he were to build a house on his property, he would not want to have a garage on a lot without a house next to his.

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

The Board agreed that the setback variance request is not an issue, but the proposed height is concerning. Board Member Ledford does not feel there is an extraordinary circumstance for the height request. Mr. Doyle reiterated that there are two garages on Pathway Drive that are taller than the ordinance allows.

Mr. Doyle noted that the applicant would like to withdraw their request. They will return with plans to build a two-story home on this property.



SCALE 1" = 10'

JOB SITE  
792 PATHWAY DR.  
HOWELL, MI 48843

OWNERS ADDRESS  
3027 STILL RIVER DRIVE  
HOWELL, MI 48843  
BRAD BUSCH 734.255.7885  
AMBER BUSCH 517.974.0707

GARAGE SITE PLAN

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OUT PERMISSION

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**GARAGE SITE PLAN**

PROJECT DESCRIPTION:  
NEW GARAGE PLANS  
BRAD AND AMBER BUSCH

DRAWINGS MODIFIED AND PROVIDED BY:  
**Doyle Homes Inc.**  
4926 CHILSON RD.  
HOWELL, MI 48843  
517-543-4174

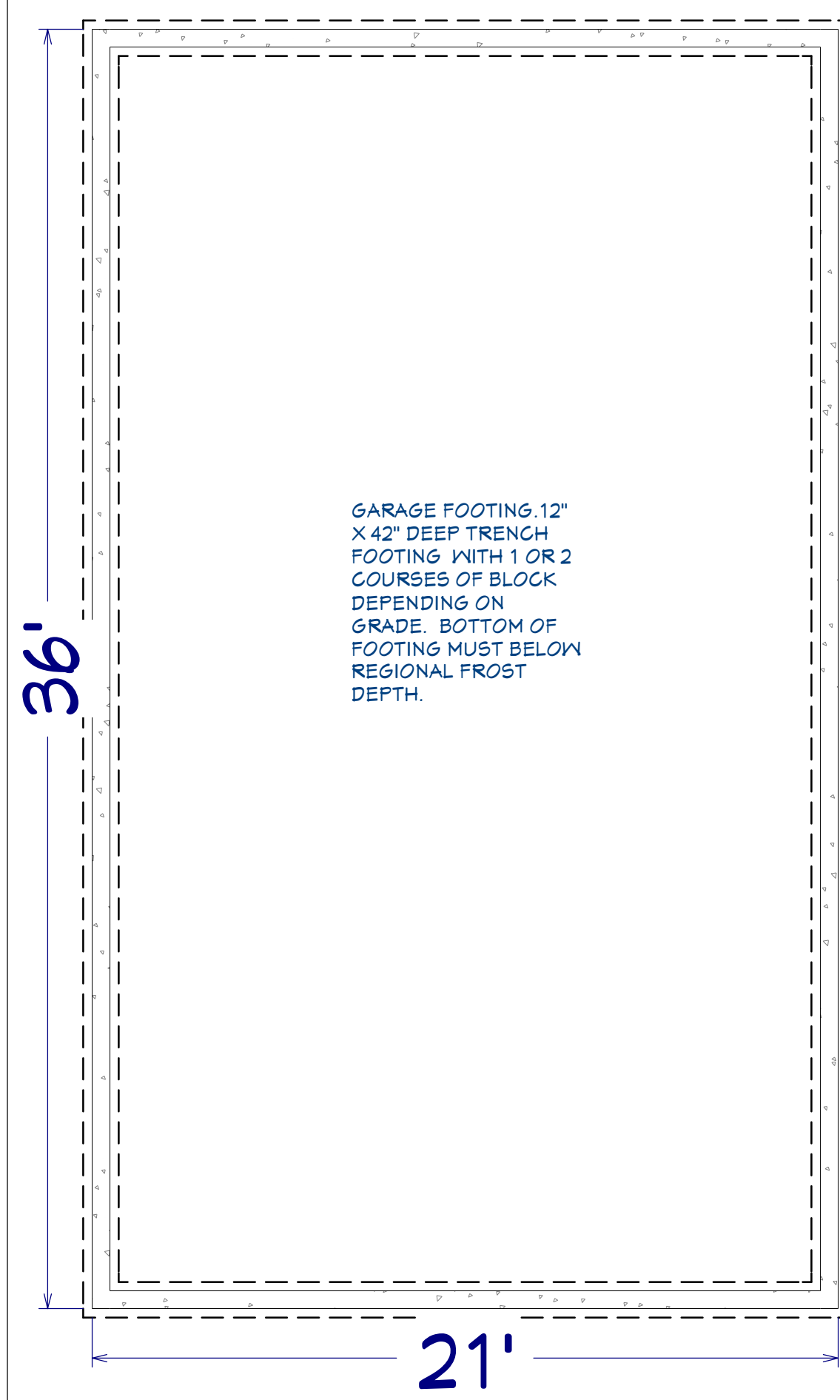
DATE:

1/22/2019

SCALE:

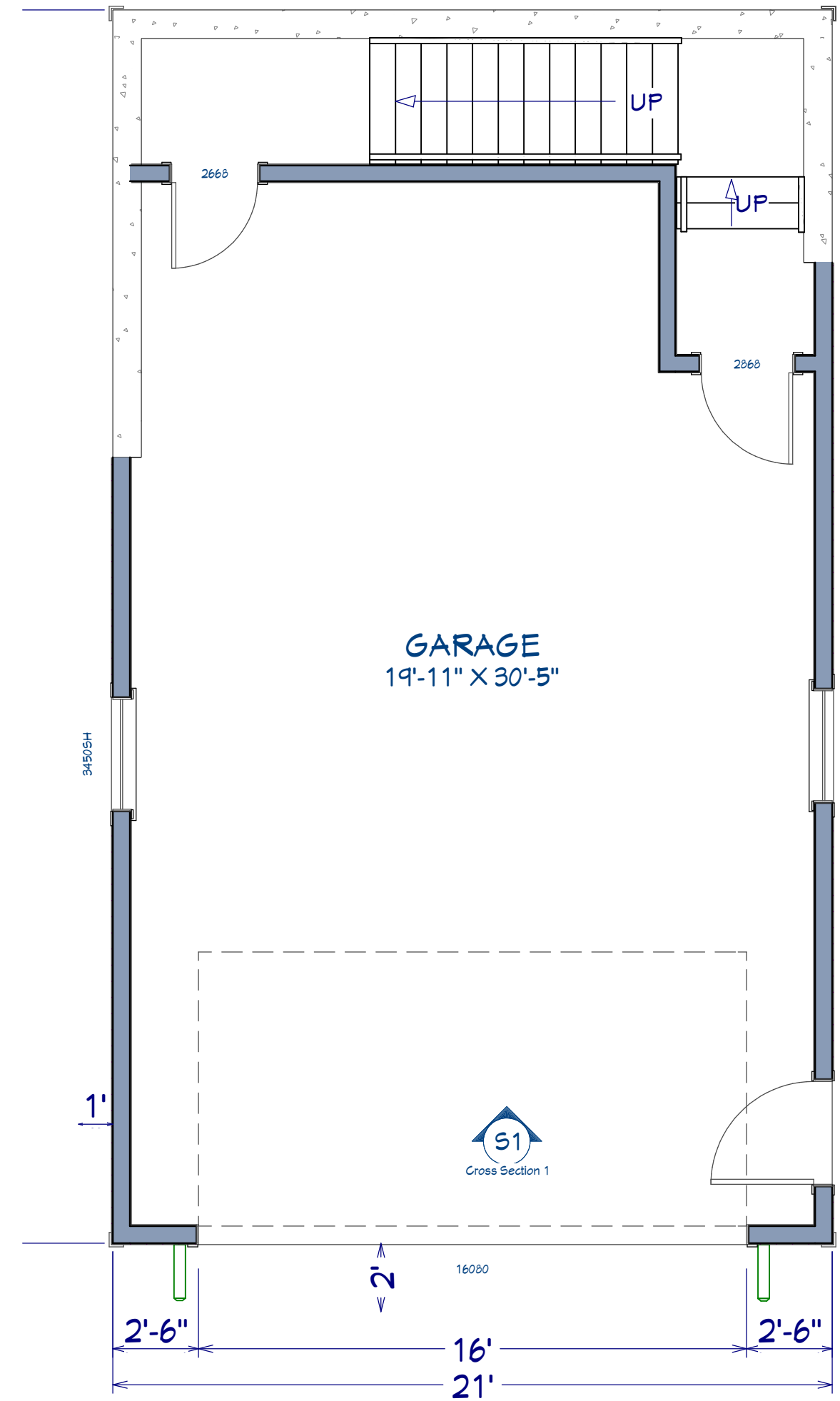
SHEET:

**A-3**

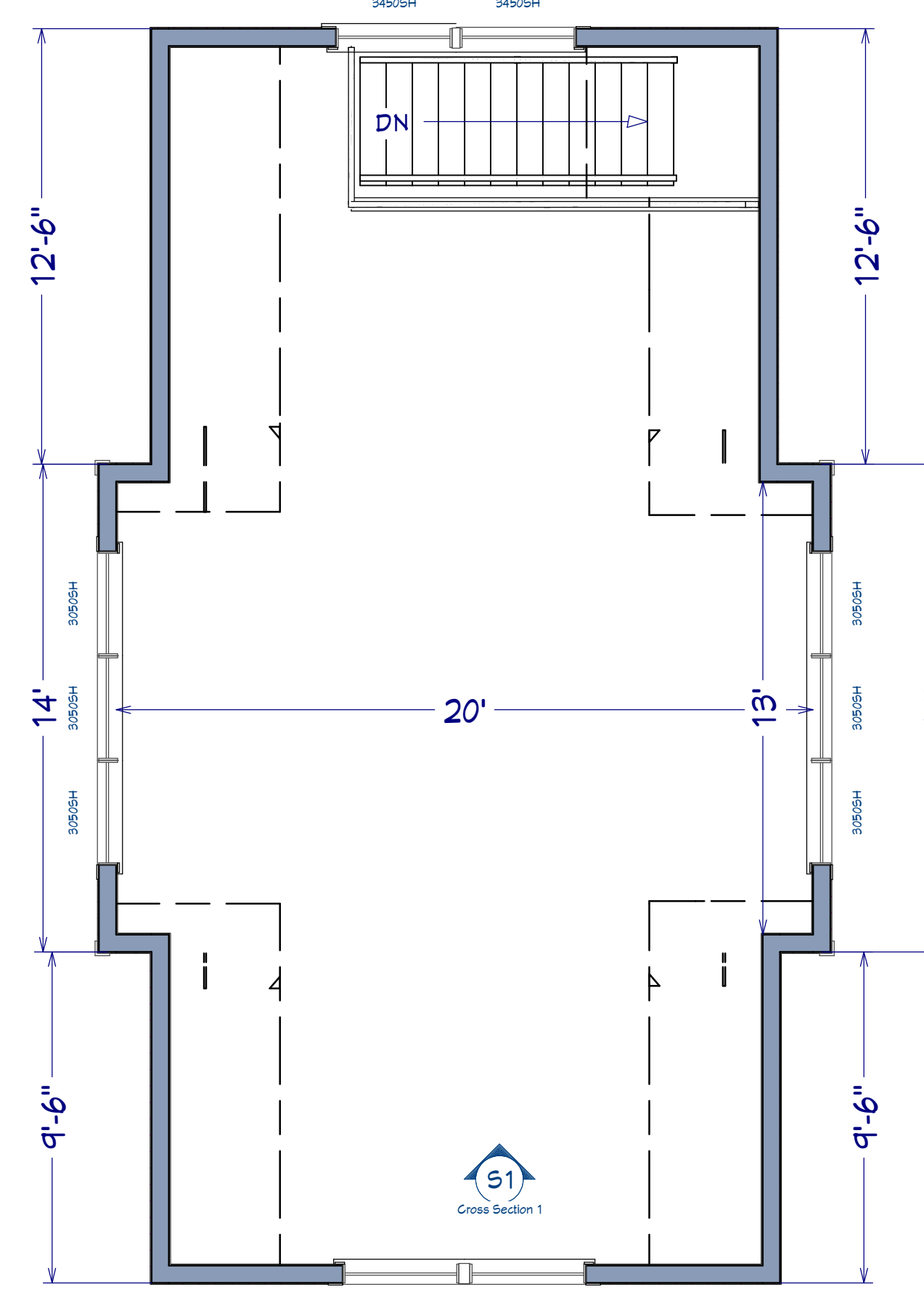


GARAGE FOOTING: 12" X 42" DEEP TRENCH FOOTING WITH 1 OR 2 COURSES OF BLOCK DEPENDING ON GRADE. BOTTOM OF FOOTING MUST BE BELOW REGIONAL FROST DEPTH.

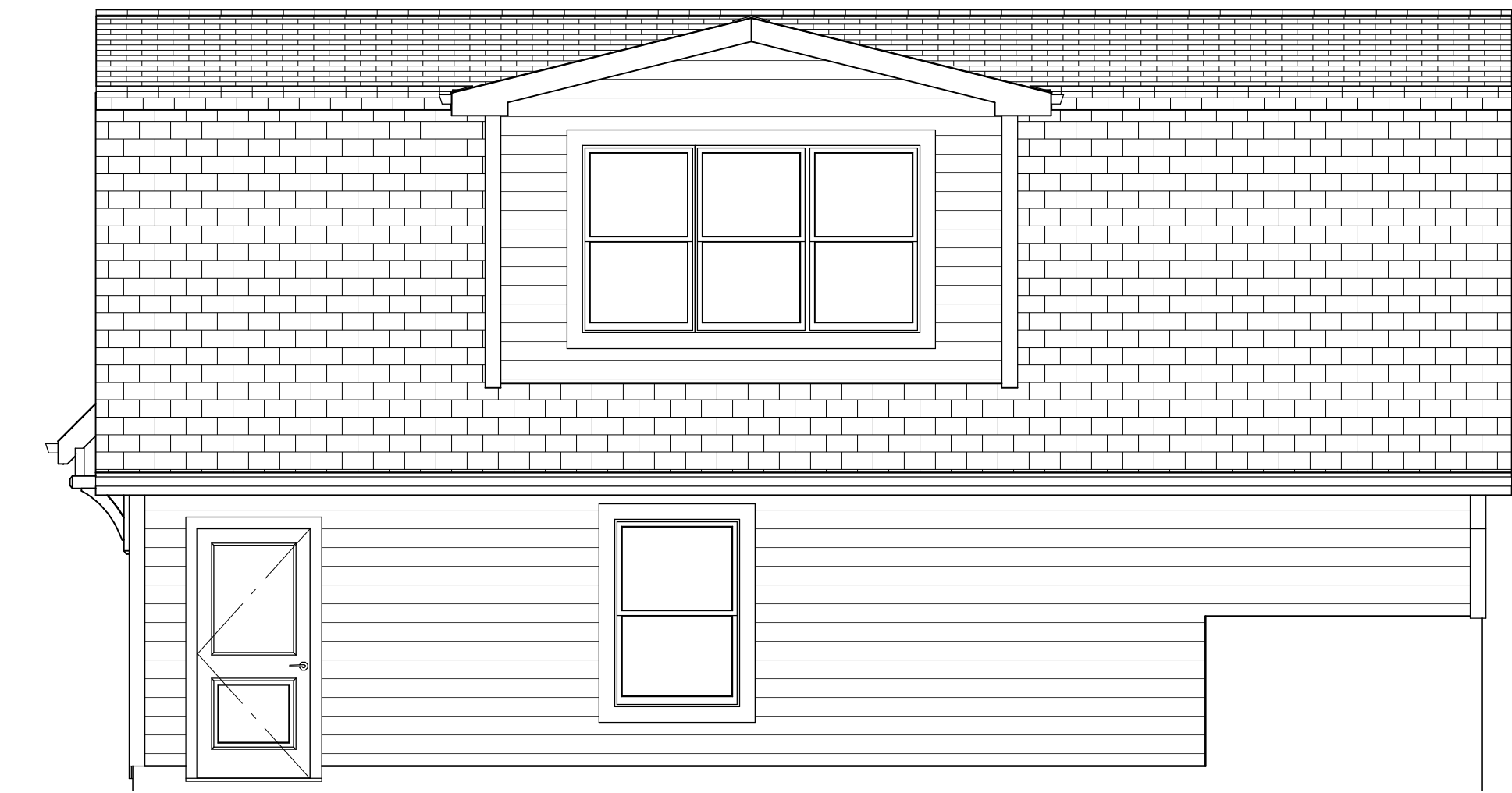
Foundation



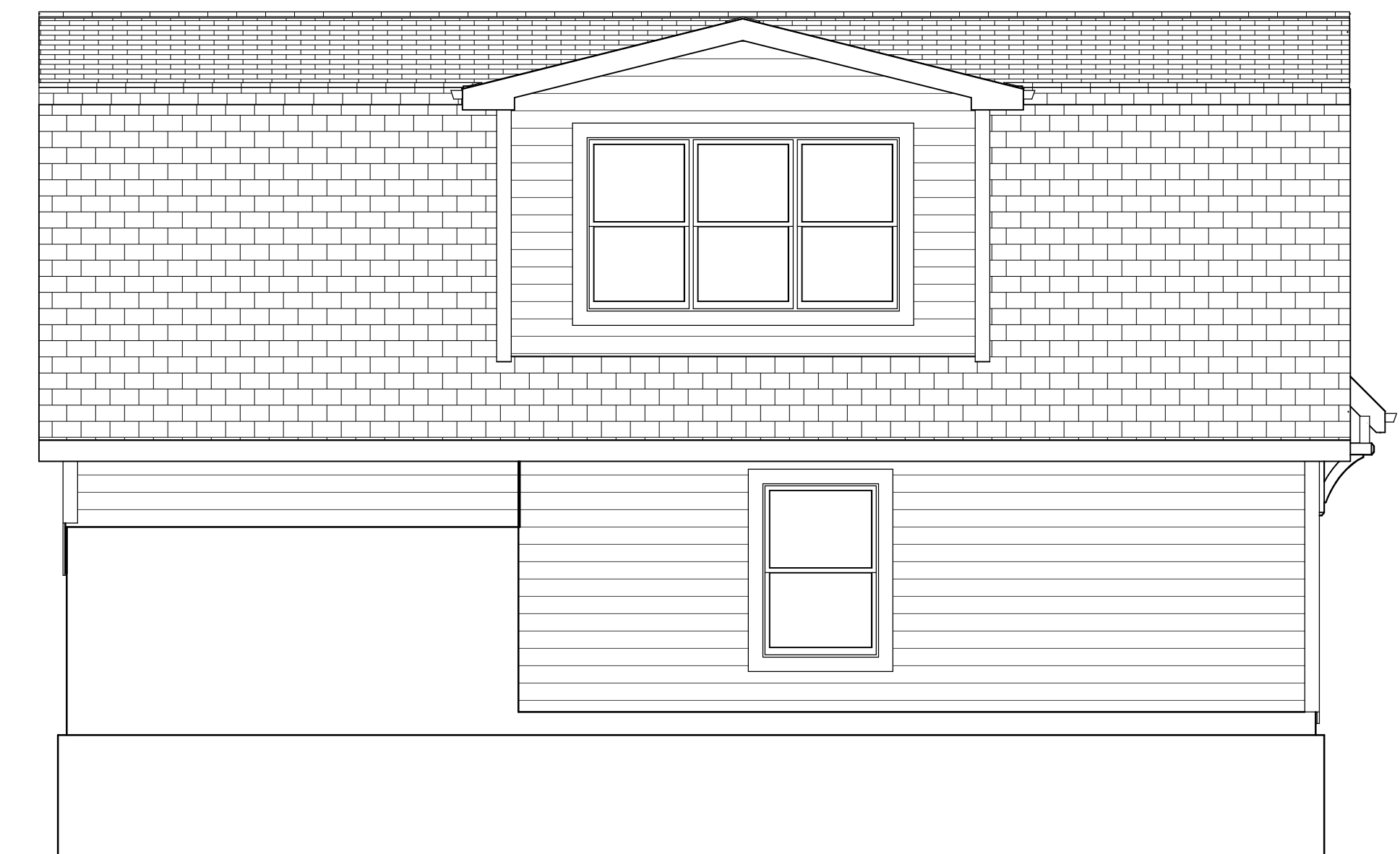
1st Floor



2nd Floor



RIGHT ELEVATION



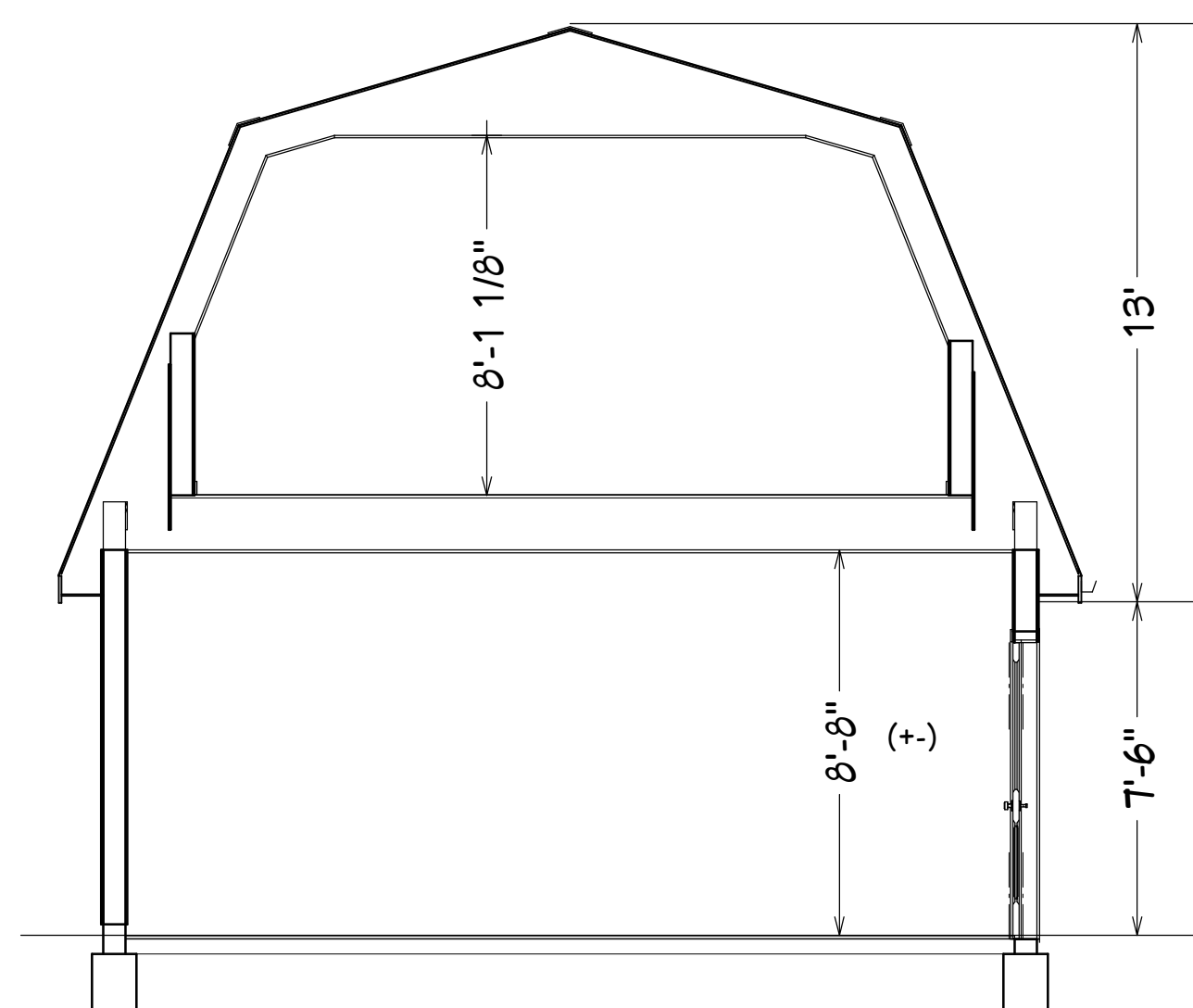
LEFT ELEVATION

GARAGE SQUARE FOOTAGE  
BONUS ROOM

756  
630



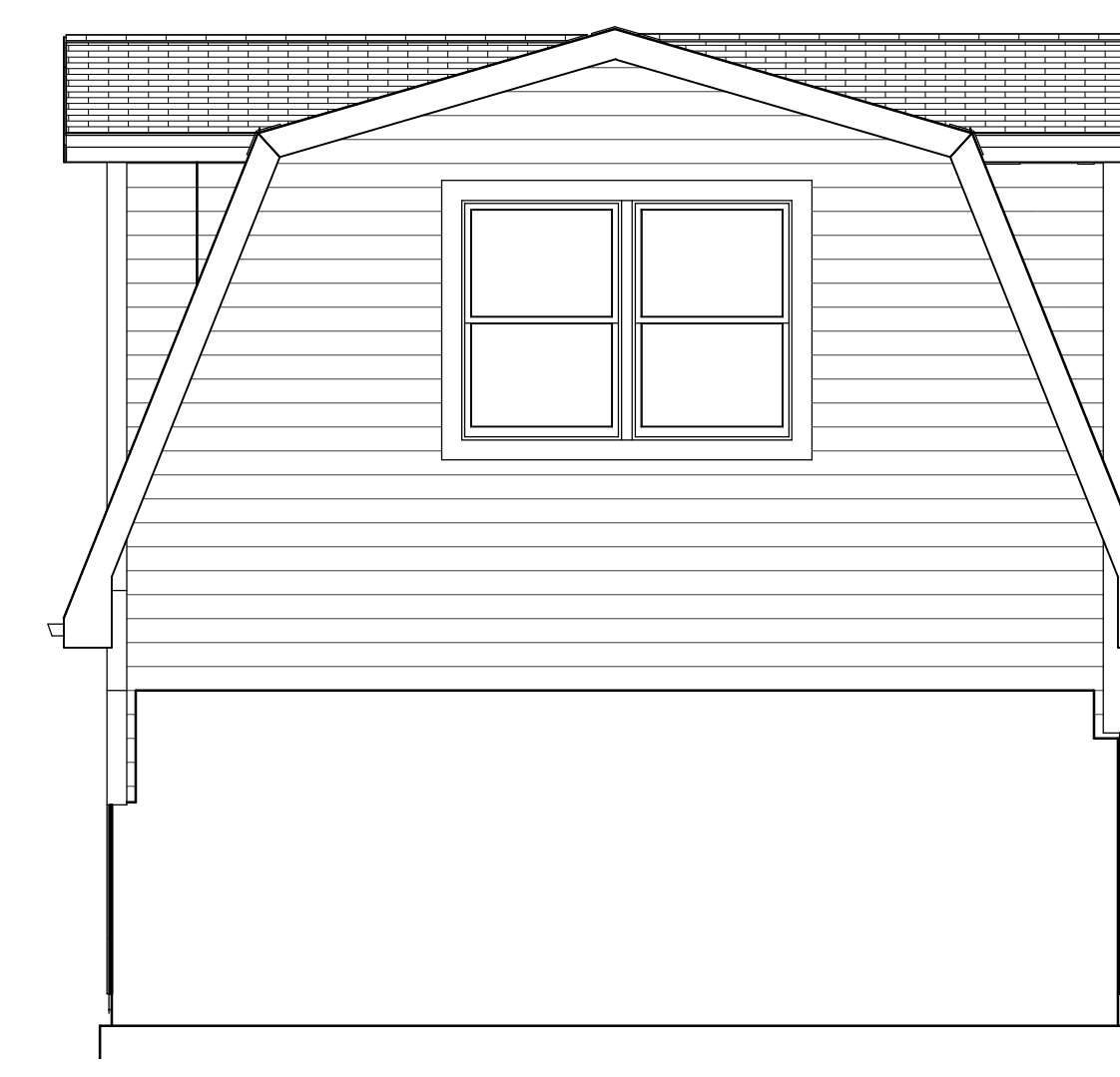
FRONT ELEVATION



Cross Section 1



FRONT ELEVATION



REAR ELEVATION

- 18" OVERHANG STD
- 12" RAKE OVERHANG STD
- 30/12 PITCH SIDES OF MAIN
- 3.5/12 TOP
- 3/12 SIDE DORMERS
- VINYL SIDING
- 5" WINDOW TRIM
- 5" VINYL CORNERS

JOB SITE  
792 PATHWAY DR.  
HOWELL, MI 48843

OWNERS ADDRESS  
3027 STILL RIVER DRIVE  
HOWELL, MI 48843  
BRAD BUSCH 734.255.7885  
AMBER BUSCH 517.974.0707

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**FLOOR PLAN**

PROJECT DESCRIPTION:  
NEW GARAGE PLANS  
BRAD AND AMBER BUSCH

DRAWINGS MODIFIED AND PROVIDED BY:  
Doyle Homes Inc.  
4926 CHILSON RD.  
HOWELL, MI 48843  
517-543-4774

DATE:  
1/22/2019

SCALE:

SHEET:  
**A-2**

**To: Genoa Township ZBA**

**From: James and Martha Barton  
800 Pathway Drive Howell, MI 48843**

**Date: February 8, 2019**

**Subject: Pathway Drive: Vacant Variance Request (Parcel #11-10-101-044)**

Dear Genoa Township ZBA,

My wife and I own the lot which is located south of the applicant's parcel #11-10-101-044. The front corner of the applicants existing garage is currently located on our property. Below are our concerns with respect to the applicant's variance request. We respectfully ask that you take them into consideration when you make your decision on the garage variance request.

### **Side Setback Variance Request**

The request to reduce the "**required side setbacks**" for the proposed accessory building is a "**self created need**". With the required side setbacks the applicant will be able to build an accessory building on the narrow 31' 6" wide lot. The other accessory buildings on Pathway Drive meet the required side setbacks because they are all built on much wider lots.

Granting the applicant a variance to build an accessory building with the **required** side setbacks would give the applicant "**Substantial Justice**" and would **not unreasonably** prevent the use of the property since the lot is 650' deep and an accessory building as deep as 600' could be built if so desired. Granting the applicant a side setback variance to build an accessory building would cause "**Substantial Injustice**" to the other property owners. If the side setback variance is granted the applicant will have no way of accessing his 650' deep lot with a vehicle unless he trespasses on other property owner's land. The applicant understood the limitations of the lot when he purchased it and should not be allowed to build an accessory building that is larger than the required side setbacks will allow.

The new home the applicant is building across the street from the proposed garage will have an attached garage. An accessory building that is built with the **required** side setbacks along with the attached garage on the applicants new home will provide more than enough storage for the applicant (per township building guidelines).

Therefore, we respectfully request that the ZBA **denies** the applicant's variance request for the required side setbacks.

### **Soil Stabilization Around the Back of Garage**

The proposal of a 36' deep garage will require excavation of the steep 20' hill behind the proposed garage (which is the same hill behind our garage). The documents submitted for the garage variance do not provide a detailed plan on how the hill soil around the back of the garage will be stabilized. At the very least we request that the ZBA require the applicant to provide a **detailed civil engineering plan** that will insure that the soil from the hill around the proposed garage remains stable while maintaining public safety.

Thank you for your consideration.

*James Barton Martha Barton*

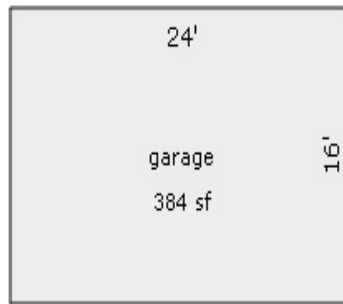
800 Pathway Drive Howell, MI 48843  
Cell: 248-921-4942

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
SORTOR ROSANNA REVOCABLE T	BUSCH JOHN & AMBER	163,000	10/14/2011	WD	ARMS-LENGTH	2011R-030950	BUYER	0.0		
SORTOR, ROSEANNE	SORTOR ROSANNA REVOCABLE T	0	02/15/2008	QC	INVALID SALE	2011R-027603	BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status		
VACANT		School: HOWELL		P.R.E. 100% / /						
Owner's Name/Address		MAP #: V19-02/03		2019 Est TCV Tentative						
BUSCH JOHN & AMBER 3027 STILLRIVER DR HOWELL MI 48843		X	Improved	Vacant	Land Value Estimates for Land Table 00004.LAKE CHEMUNG					
Tax Description		Public Improvements		* Factors *						
SEC 10 T2N R5E BEG N 89*W 683.37 FT & S 42*W 106.24 FT FROM N1/4 COR, TH S 42*W 545.85 FT, TH N 71*W 35 FT, TH N42*E 560.73 FT, TH S 46*E 36.41 FT TO POB .462AC M/L SPLIT 1984 FR 032		X	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.	Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
Comments/Influences		Topography of Site		D EXCESS NON LF 35.00 552.00 1.0000 1.0000 500 100				35 Actual Front Feet, 0.44 Total Acres		Total Est. Land Value = 17,500
		Level		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Rolling		2019	Tentative	Tentative	Tentative			Tentative
		Low		2018	8,800	6,200	15,000			12,582C
		High		2017	8,800	6,000	14,800			12,324C
		Landscaped		2016	8,800	5,700	14,500			12,215C
		Swamp								
		Wooded								
		Pond								
		Waterfront								
		Ravine								
		Wetland								
		Flood Plain								
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who When What								

\*\*\* 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	X Eavestrough X Insulation		X Gas Wood	Oil Coal	Elec. Steam	X Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 384 % Good: 0 Storage Area: 0 No Conc. Floor: 0	E.C.F. X 0.900	Bsmnt Garage:	Carport Area: Roof:				
	X Wood Frame	X Drywall Paneled	Plaster Wood T&G															
Building Style: BC		Trim & Decoration		Central Air Wood Furnace			(12) Electric 0 Amps Service		Class: BC Effec. Age: 21 Floor Area: 0 Total Base New : 19,849 Total Depr Cost: 15,681 Estimated T.C.V: 14,113		Total Base New : 19,849 Total Depr Cost: 15,681 Estimated T.C.V: 14,113		E.C.F. X 0.900		Bsmnt Garage:		Carport Area: Roof:	
Yr Built 2008	Remodeled 0	Size of Closets																
Condition: Good		Doors: Lg X Ord Small		(5) Floors			No./Qual. of Fixtures Ex. X Ord. Min		Building Areas Stories Exterior Foundation Size Cost New Depr. Cost		Garages Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 384 19,849 Totals: 19,849 15,681		Notes: ECF (4300 LK CHEMUNG NON WATERFRONT) 0.900 => TCV: 14,113					
Room List		Basement 1st Floor 2nd Floor Bedrooms																
(1) Exterior		(7) Excavation		(13) Plumbing			(14) Water/Sewer		Notes: ECF (4300 LK CHEMUNG NON WATERFRONT) 0.900 => TCV: 14,113									
Wood/Shingle Aluminum/Vinyl Brick X Vinyl X Insulation		Basement: 0 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0																
(2) Windows		(8) Basement		(10) Floor Support			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
Many Avg. Few		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor																
X Avg. Few		Recreation SF Living SF Walkout Doors No Floor SF		Lump Sum Items:														
X Large Avg. Small		(9) Basement Finish																
(3) Roof		(10) Floor Support		Lump Sum Items:														
X Gable Hip Flat		Joists: Unsupported Len: Cntr.Sup:																
X Asphalt Shingle				Lump Sum Items:														
Chimney:																		

\*\*\* 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

<b>Case #:</b>	<b>Meeting Date:</b> 2/19/2019
<b>Applicant/Owner:</b> Ralph and Mary Slider	<b>Email:</b> ralph.slider@mos-xerox.com
<b>Property Address:</b> 3470 Pineridge Lane Brighton MI 48116	<b>Phone:</b> 616 550 1783
<b>Present Zoning:</b>	<b>Tax Code:</b>

PAID Variance Application Fee: \$125 Residential \$300.00 Commercial /Industrial

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

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:

**Variance requested:** We are requesting a 25’-4” lakeside variance for our new home of which 16’4” is only a covered patio (as highlighted in the “Topographical Survey” in purple and yellow). After 20 years of traveling for work opportunities we would like to proceed to build our dream home back in Livingston County where our extended family lives. However, we are faced with a unique site that processes multiple hardships. We have worked hard with our architect to find a solution and feel the best option for us is to ask for a lakeside variance of 25’-4”. Since our lot is also a peninsula it is very irregular in the fact that we must abide by the sight-lines of the neighboring homes of which are not on the peninsula. The peninsula of which our property forms is also very narrow closest to the street which impedes our garage entry without our requested variance. The uniqueness of the peninsula has created a situation where both neighboring home actually face the water at an angle and do not face our property. The majority of the new home would comply with all other restrictions and our intended design would only promote the view and value for our neighbors.

In 2001, the neighboring property address: 3450 Pineridge Lane Brighton MI 48116 owned by Michael and Yvonne Balagna were granted a 108 foot variance to move their new build home closer to the water’s edge. We are not asking to be closer to the water’s edge than the existing home is today. In fact, we are attempting to compromise and move it back some while maintaining the value and unique characteristics of our property.



The following is per Article 23.05.03:

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

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

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

The strict letter of the restrictions governing the area specifically regarding “setbacks” from the water’s edge would unreasonably change the preservation of the original home site. In granting our requested variance the outcome would justify our investment in the neighborhood and to other property owners in the neighborhood. Again, the uniqueness of the peninsula characteristic has created a situation where both neighboring home actually face the water at an angle and do not face our property.

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

The exceptional and extraordinary circumstances that apply to our property is the fact that the property protrudes well out beyond the other neighboring properties therefore would be consistent to where the original structure sits today. We plan to create a compromise with the restriction and to pull the new structure back from the water’s edge. By doing this we would make it consistent with the majority of the properties in the vicinity.

*Based on our understanding, the following generally must be proven to show an unnecessary hardship:*

1. *The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;*
  - a. We paid a premium for the property because of the uniqueness of the property’s convex (peninsula) water’s edge that protrudes out beyond both neighboring properties. This substantially increased the value of the property. If we are forced to comply with the setback restrictions and bring the new house back it would substantially reduce the character, beauty of the setting of the property and diminish our return on our investment.
2. *That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*
  - a. Due to the fact that the property’s unique characteristic is that it protrudes (like a peninsula) out beyond the neighboring properties it is unique. Compromising that unique characteristic would in fact create a hardship. Our request, does not apply to a substantial portion of the district or neighborhood. Again, the uniqueness of the peninsula has created a situation where both neighboring home actually face the water at an angle and do not face our property.
3. *That the requested use variance, if granted, will not alter the essential character of the neighborhood; and That the alleged hardship has not been self-created.*
  - a. As outlined above, we are faced with a unique site that processes multiple hardships. We are attempting to compromise with the restrictions, Based on our proposed plan, the variance requested would actually include moving the home’s main structure back 25’-4” feet from where the original structure is today and the majority of the new home would comply with all other restrictions.

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.

Our requested 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.

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.

Our requested variance would improve the value of the surrounding neighborhood and will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. Based on the "plat" all lakefront property owners own all the way to the water's edge. Our proposed plan would increase the value of the neighboring homes and Genoa Township.

Again as stated above, in 2001, the neighboring property address: 3450 Pineridge Lane Brighton MI 48116 owned by Michael and Yvonne Balagna were granted a 108 foot variance to move their new build home closer to the water's edge. We are not asking to be closer to the water's edge than the existing home is today. In fact, we are attempting to compromise and move it back some while maintaining the value, beauty and integrity of the property.

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: 1/23/2019

Signature:





# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 12, 2019

**RE:** ZBA 19-06

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

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## STAFF REPORT

**File Number:** ZBA#19-06  
**Site Address:** 3470 Pineridge Lane  
**Parcel Number:** 4711-22-202-014  
**Parcel Size:** .449 Acres  
**Applicant:** Slider, Ralph and Mary, 7230 Cuesta Way Dr. NE Rockford, MI  
**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 a new 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 February 3, 2019 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 1965.
- 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 an existing single family home and construct a new home. In order to construct the new home as proposed, the applicant is required to obtain a waterfront yard variance. The applicant is proposing to not encroach any closer into the waterfront yard setback than the current home location.

The Applicant stated on their application that they are requesting a 24.5 waterfront variance however the correct request is listed below.

**Variance Requests**

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

**Table 3.04.01 (LRR District):**

<b>Required Waterfront Yard Setback:</b>	<b>80.5</b>
<b>Proposed Waterfront Yard Setback:</b>	<b>74</b>
<b>Proposed Variance Amount:</b>	<b>6.5</b>

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the waterfront yard setback would prevent the applicant from constructing the new home with the same setback as the existing home however, there is ample building envelope available on this lot and compliance with the setbacks would not unreasonably prevent use of the property. While the adjacent homes have reduced waterfront setbacks the majority of the homes in the vicinity are setback further from the water than what is proposed. Granting the variance would provide substantial justice to the applicant in consideration of the adjacent homes however this is not supported by review of properties in the district or vicinity. Granting of the variance request is not 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.
- (b) Extraordinary Circumstances** – There are not 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. The variance would not make the property consistent with the majority of other properties in the vicinity. The need for the variance is self-created by the applicant.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** - The 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. Structure must be guttered with downspouts.

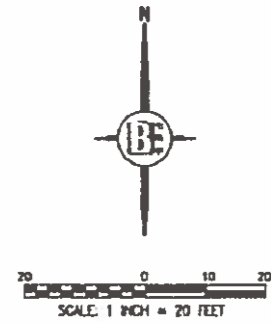


# GENOA TOWNSHIP





# TOPOGRAPHICAL SURVEY

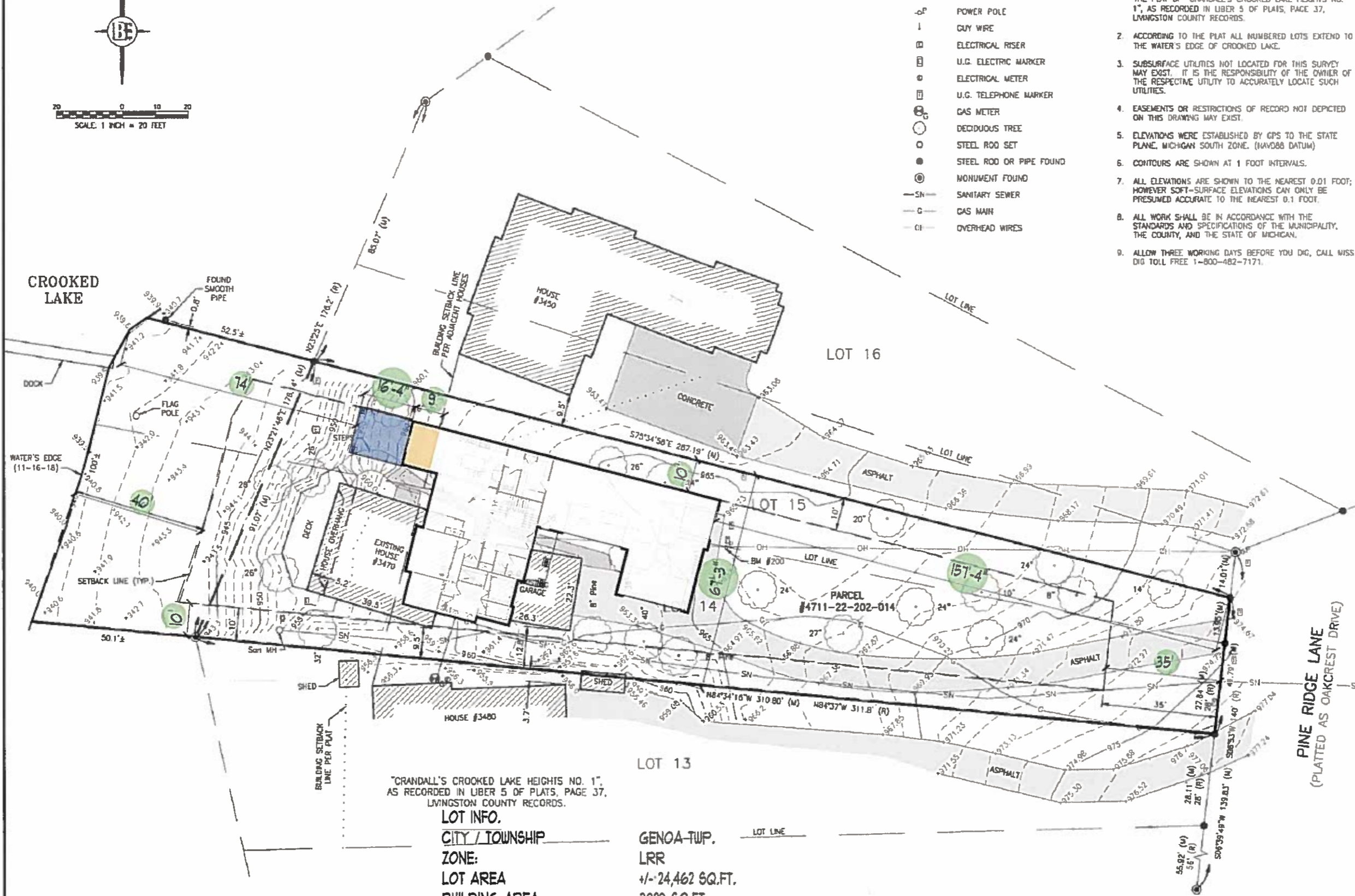


## LEGEND

- 900 — EXISTING CONTOUR
- 912.00 — EXISTING SPOT ELEVATION
- OP — POWER POLE
- I — GUY WIRE
- — ELECTRICAL RISER
- — U.G. ELECTRIC MARKER
- ⊙ — ELECTRICAL METER
- — U.G. TELEPHONE MARKER
- ⊙ — GAS METER
- — DECIDUOUS TREE
- — STEEL ROD SET
- — STEEL ROD OR PIPE FOUND
- ⊙ — MONUMENT FOUND
- SN— — SANITARY SEWER
- G— — GAS MAIN
- OI— — OVERHEAD WIRES

## GENERAL SURVEY NOTES:

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3. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
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9. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.



"GRANDALL'S CROOKED LAKE HEIGHTS NO. 1", AS RECORDED IN LIBER 5 OF PLATS, PAGE 37, LIVINGSTON COUNTY RECORDS.

**LOT INFO.**  
**CITY / TOWNSHIP**  
**ZONE:**  
**LOT AREA**  
**BUILDING AREA**  
**LOT COVERAGE**

**GENOA-TWP.**  
**LRR**  
**+/- 24,462 SQ.FT.**  
**3829 SQ.FT.**  
**15.1%**

**SITE BENCHMARK (NAVD88 DATUM):**  
 BM #200 = MAG NAIL/TAG IN W/S POWER POLE AT CENTER OF PARCEL  
 ELEV = 968.13

**DESCRIPTION OF PARCEL #4711-22-202-014, PER LIVINGSTON COUNTY TAX ROLL:**

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 ORDINARY HIGH WATER MARK = 40 FEET  
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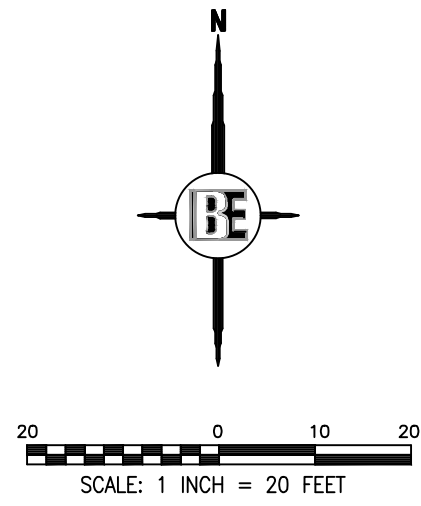
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CLIENT / PROJECT	SLIDER RESIDENCE
DATE	
DESIGNED BY	
CHECKED BY	
REVIEW	
FINAL	
REVISION	
SCALE:	
SHEET #	A-1



# TOPOGRAPHICAL SURVEY

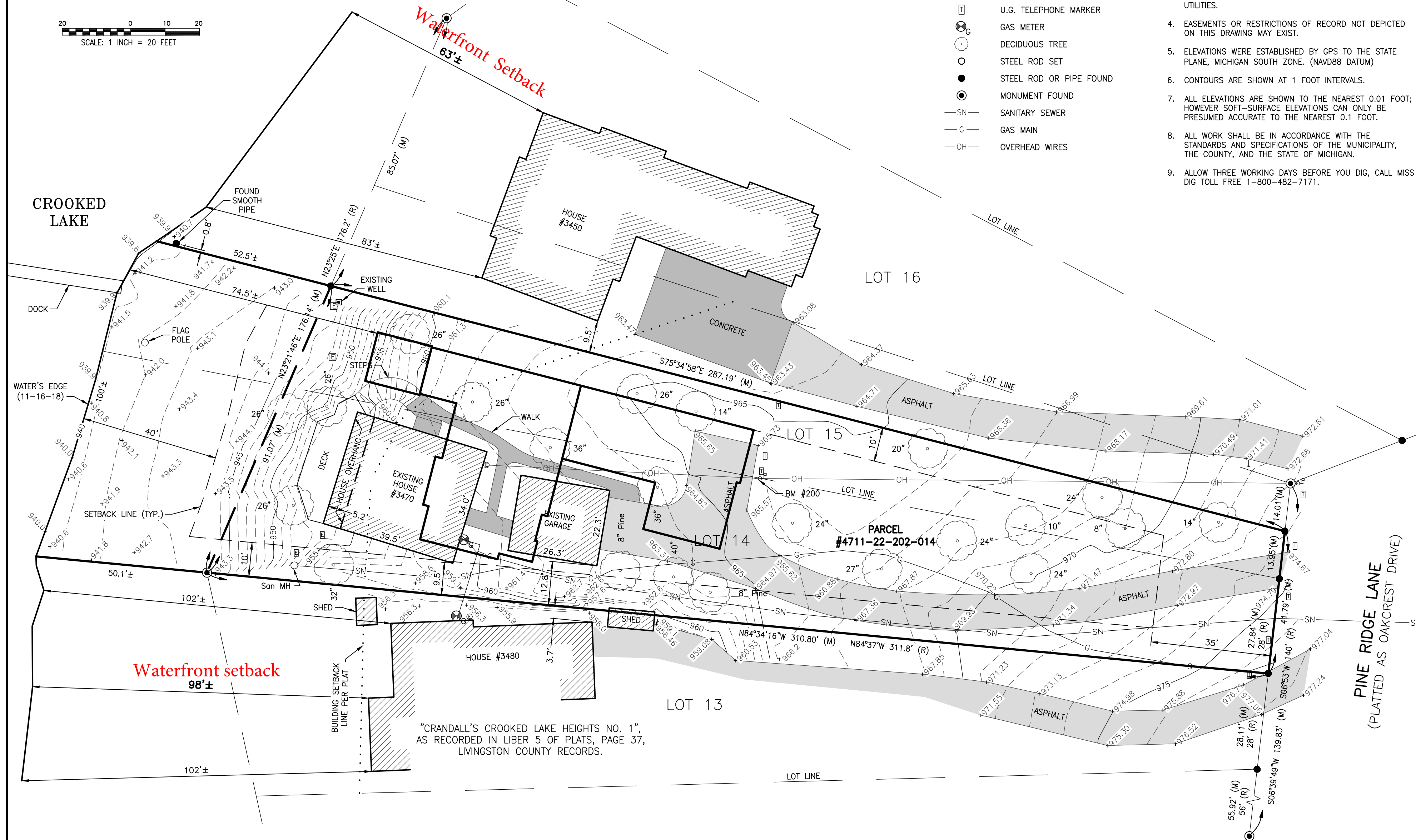


## LEGEND

- 900 --- EXISTING CONTOUR
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- I GUY WIRE
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- ⊞ U.G. ELECTRIC MARKER
- ⊞ ELECTRICAL METER
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\*SHORELINE SETBACK:  
 AVERAGE OF THE MINIMUM DISTANCE FROM LAKE TO PRINCIPAL BUILDING OF ADJACENT LOTS  
 $63 + 98 = 161/2 = 80.5$  FEET  
 PROPOSED: 74.5 FEET

SITE BENCHMARK (NAVD88 DATUM):  
 BM #200 = MAG NAIL/TAG IN W/S POWER POLE AT CENTER OF PARCEL.  
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3 WORKING DAYS BEFORE YOU DIG  
 CALL MISS DIG  
 1-800-482-7171  
(TOLL FREE)  
 FOR THE LOCATION OF UNDERGROUND FACILITIES

PROJECT **#3470 PINE RIDGE LANE**  
 PREPARED FOR **RALPH & MARY SLIDER**  
 7230 CUESTA WAY DRIVE NE  
 ROCKFORD, MICHIGAN 49341  
 616-240-4957

TITLE **TOPOGRAPHICAL SURVEY**

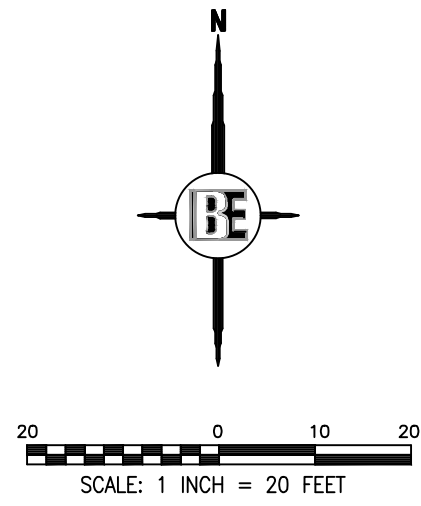
NO	BY	REVISION PER	DATE
2	WW	SHORELINE SETBACK	2-13-19
1	WW	ADDED EXISTING WELL	1-23-19

DESIGNED BY:  
 DRAWN BY: WRW  
 CHECKED BY:  
 SCALE 1" = 20'  
 JOB NO. 18-397  
 DATE 11-26-18  
 SHEET NO. **1 OF 1**

**BEBOSS** Engineering  
 Engineers Surveyors Planners Landscape Architects  
 3121 E. GRAND RIVER AVE.  
 HOWELL, MI. 48843  
 800.246.6735 FAX 517.548.1670



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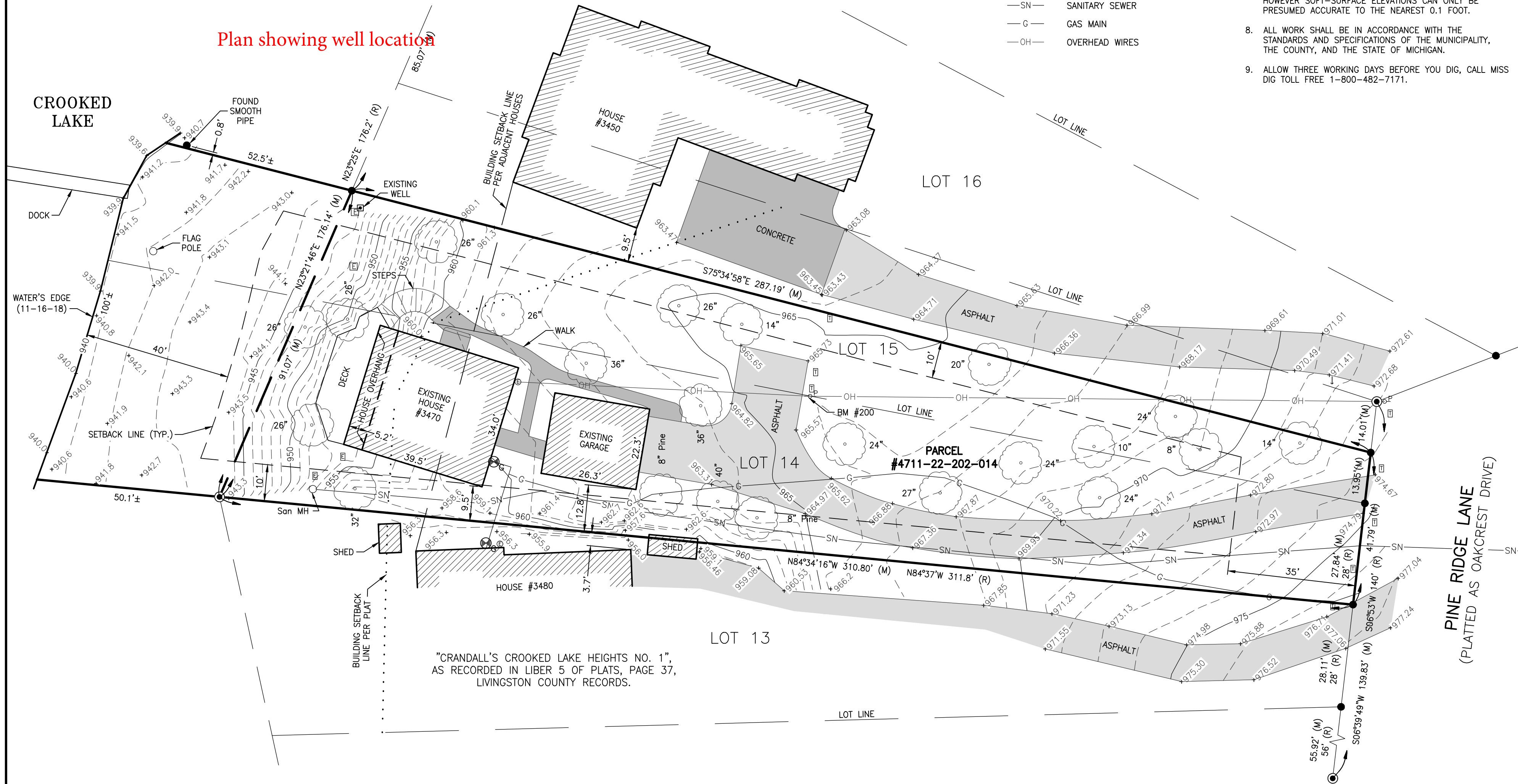
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Plan showing well location



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PREPARED FOR RALPH & MARY SLIDER

7230 CUESTA WAY DRIVE NE  
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PROJECT

PREPARED FOR

TITLE

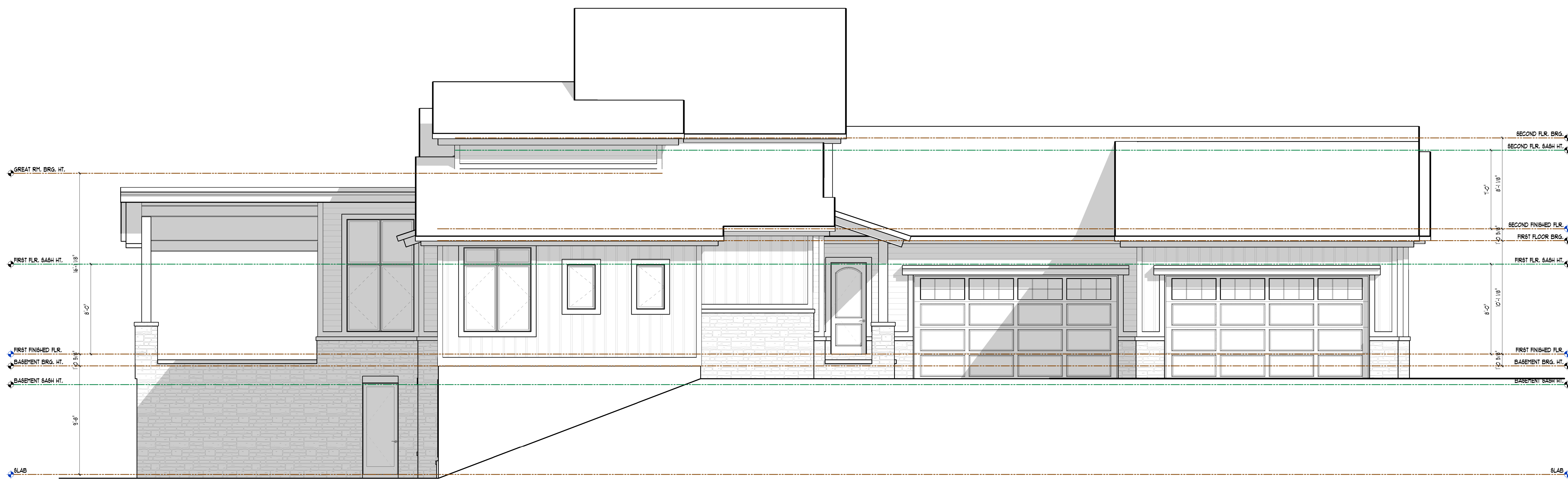
NO.	BY	ADDED EXISTING WELL REVISION PER	DATE
1	WW		1-23-19

DESIGNED BY:  
 DRAWN BY: WRW  
 CHECKED BY:  
 SCALE 1" = 20'  
 JOB NO. 18-397  
 DATE 11-26-18

SHEET NO. 1 OF 1

**BOSS Engineering**  
 Engineers Surveyors Planners Landscape Architects  
 3121 E. GRAND RIVER AVE.  
 HOWELL, MI. 48843  
 800.246.6735 FAX 517.548.1670



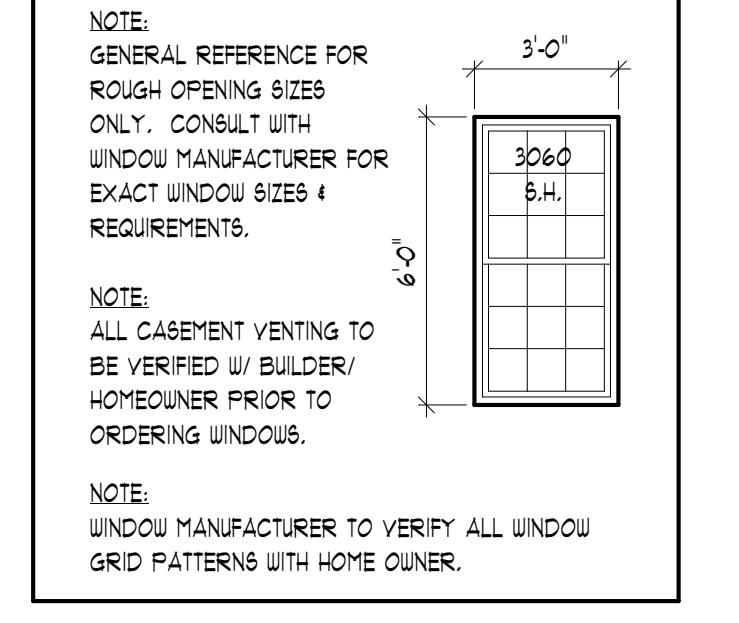


**LEFT ELEVATION**  
SCALE: 3/8" = 1'-0"

**ELEVATION NOTES**

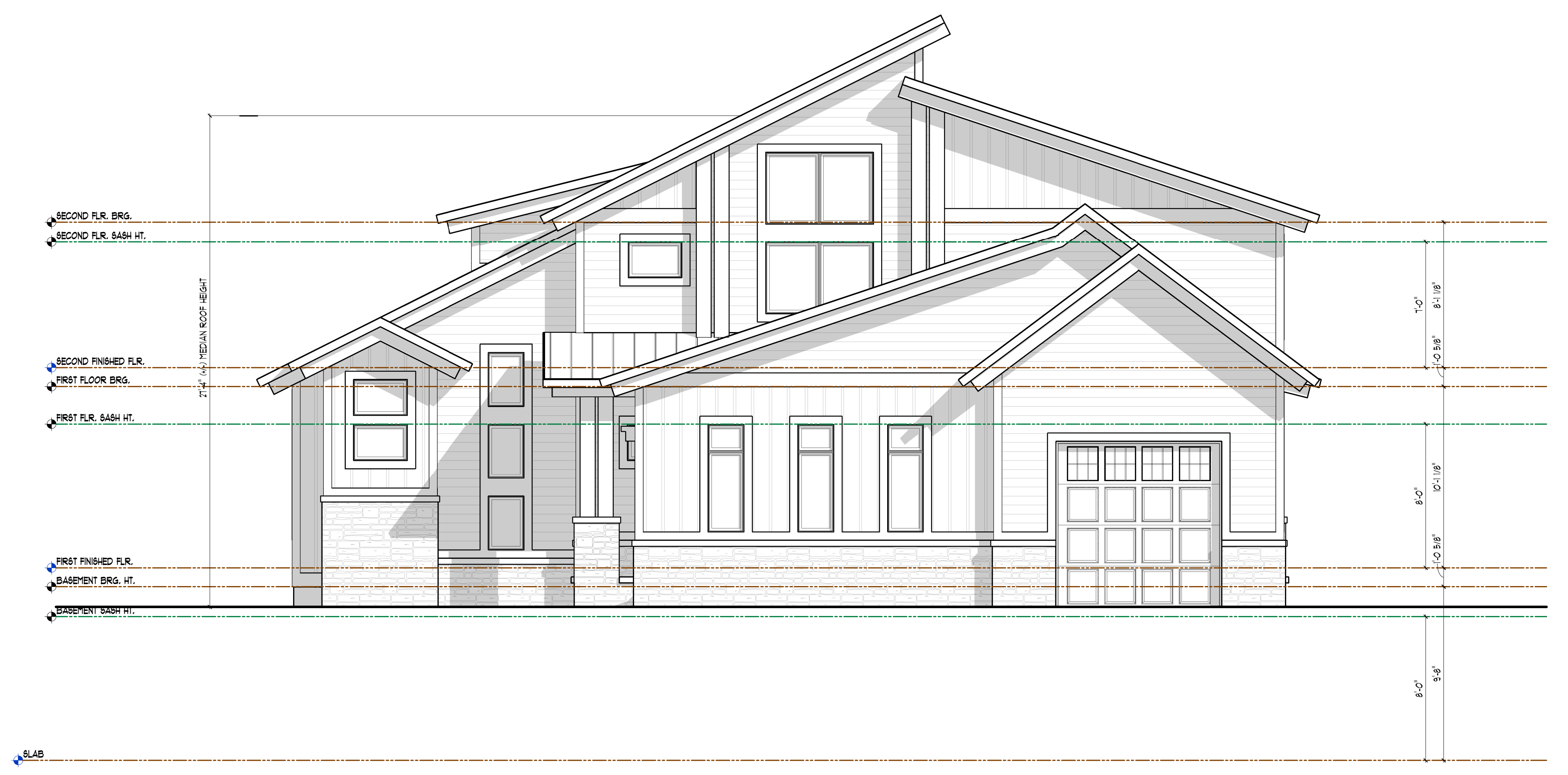
1. ALL ROOF SADDLES TO BE PLYWOOD SHEATHED WITH ICE & WATER SHIELD AND BINGLES.
2. PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS.
3. REPLACE FLUE TO BE DETERMINED PER MANUFACTURER'S SPECIFICATION.
4. METAL FLASHING AS REQUIRED BY CODE.
5. ROOF & BOFFIT VENTS AS REQUIRED BY CODE.
6. PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT FILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
7. CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK.

**TYPICAL WINDOW DESIGNATION**

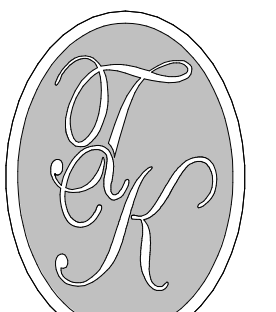


NOTE:  
OVERHANG DIMENSIONS (O.H.) ARE FROM SHEATHING U.N.D.

NOTE:  
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 1" ABOVE FINISHED FLOOR OR HAVE SASH LIMITERS PER CODE REQUIREMENTS.



**FRONT ELEVATION**  
SCALE: 3/8" = 1'-0"



**TK DESIGN**  
ASSOCIATES

WWW.TKHOMEDESIGN.COM

26008 PONTIAC TRAIL  
NOTTERLEY, ONT., M5L 4R7  
PHONE: (248) 444-1966  
FAX: (248) 444-1966

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CLIENT / PROJECT	SLIDER RESIDENCE 18-220
JOB No:	19-798
DRAWN:	JW
CHECKED:	-
REVIEW:	-
FINAL:	-
REVISION:	-
REVISION:	-
REVISION:	-
REVISION:	-
SCALE:	PER PLAN
SHEET #	<b>A-4</b>

**ELEVATION NOTES**

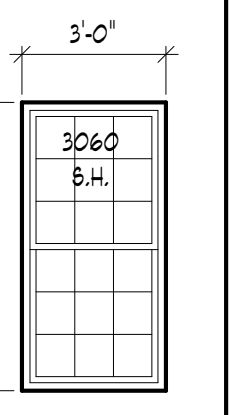
1. ALL ROOF SADDLES TO BE PLYWOOD SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
2. PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
3. FIREPLACE FLUE TO BE DETERMINED PER MANUFACTURER'S SPECIFICATION
4. METAL FLASHING AS REQUIRED BY CODE.
5. ROOF & BOPHT VENTS AS REQUIRED BY CODE.
6. PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT BRILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
7. CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK.

**TYPICAL WINDOW DESIGNATION**

NOTE:  
GENERAL REFERENCE FOR ROUGH OPENING SIZES ONLY. CONSULT WITH WINDOW MANUFACTURER FOR EXACT WINDOW SIZES & REQUIREMENTS.

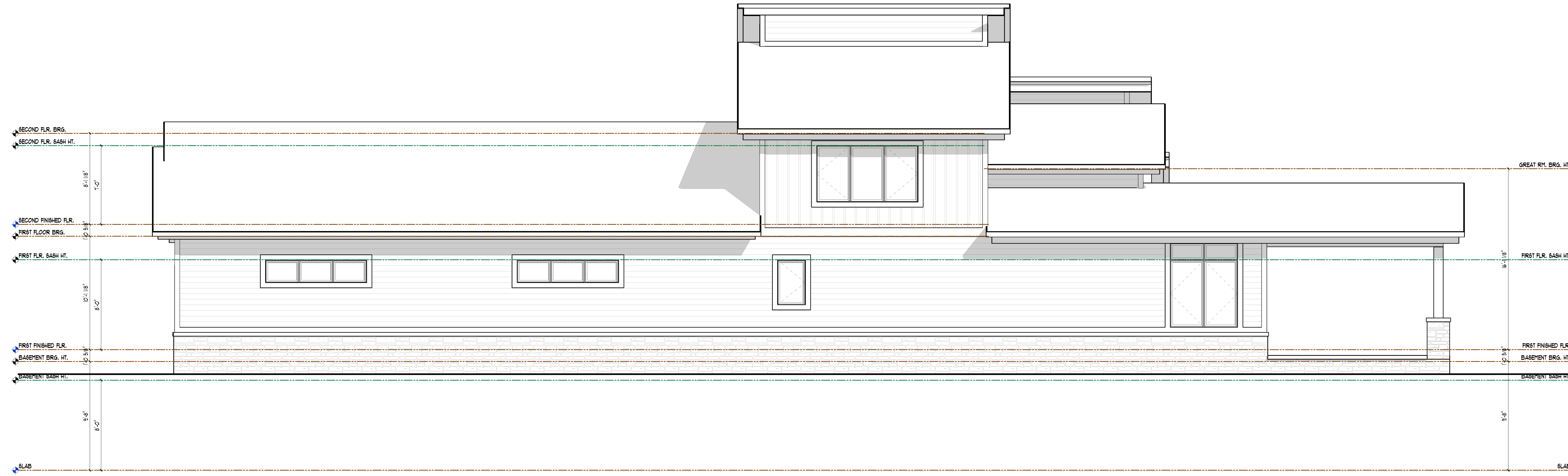
NOTE:  
ALL CASHEM VENTING TO BE VERIFIED BY BUILDER/HOMEOWNER PRIOR TO ORDERING WINDOWS.

NOTE:  
WINDOW MANUFACTURER TO VERIFY ALL WINDOW GRID PATTERNS WITH HOME OWNER.

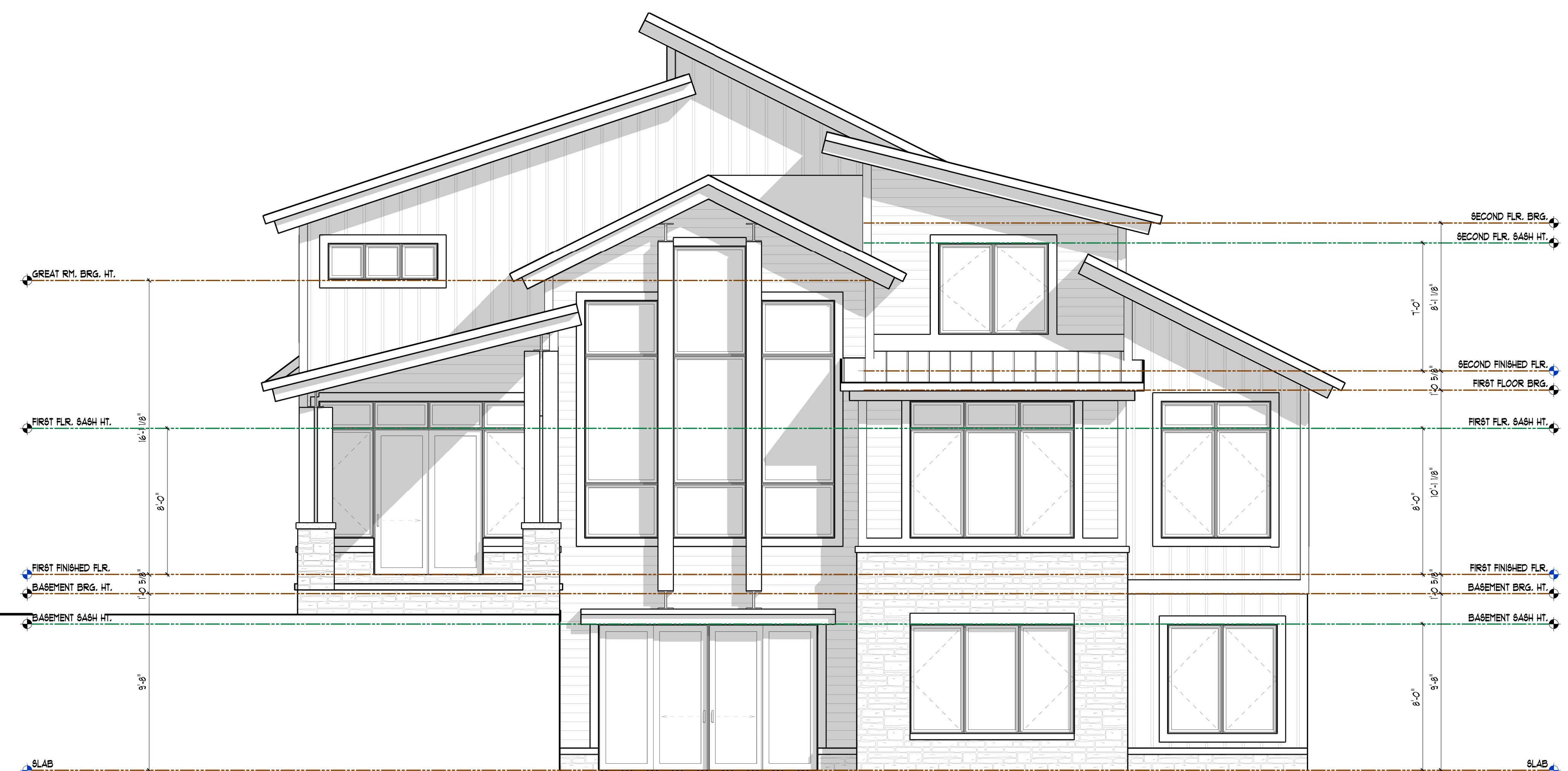


NOTE:  
OVERHANG DIMENSIONS (O.H.) ARE FROM SHEATHING U.L.O.

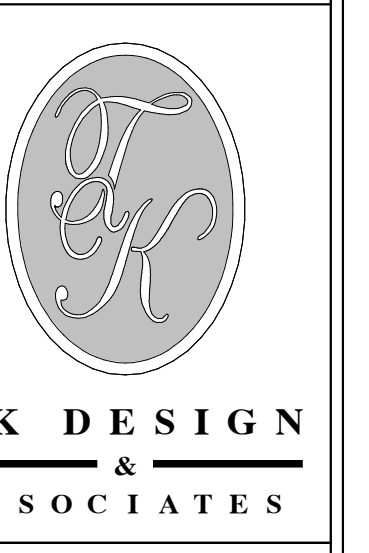
NOTE:  
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 1" ABOVE FINISHED FLOOR OR HAVE SASH LIMITERS PER CODE REQUIREMENTS



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



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



**TK DESIGN ASSOCIATES**

WWW.TKHOMEDESIGN.COM  
26000 PONTIAC TRAIL, SUITE 1100N, MELROSE PARK, IL 60160  
PHONE: (248) 444-1966 FAX: (248) 444-1966

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CLIENT / PROJECT  
**SLIDER RESIDENCE**  
18-220

JOB No: 19-798  
DRAWN: JW  
CHECKED: -  
REVIEW: -  
FINAL: -  
REVISION: -  
REVISION: -  
REVISION: -  
REVISION: -

SCALE:  
PER PLAN

SHEET #  
**A-5**



**PLAN NOTES**

- INTERIOR WALLS:**  
1/2" GYPSUM WALL BOARD ON EACH SIDE OF 2x4 WOOD STUDS @ 16" O.C. 1/2" THICK TYPICAL (UNLESS NOTED OTHERWISE). ALL DIMENSION TAKEN FROM FINISHED EDGES.
- EXTERIOR WALLS:**  
BRICK AND/OR MASONRY WITH AIRSPACE, MOISTURE BARRIER PAPER (HOUSE WRAP) ON 1/4" O.S.B. SHEATHING ON 2x4 WOOD STUDS @ 16" O.C. OR AS NOTED. FIN. ROOF WALL CONSTRUCTION 1/2" GYPSUM WALL BOARD (SHE 1 SCREEN) WALL TO BE 4" THICK WITH BRICK AND 8" THICK WITH MASONRY (TYPICAL UNLESS NOTED OTHERWISE). ALL DIMENSION TAKEN FROM FINISH FLOOR PLANS OR FOUNDATION CORNERS (FOUNDATION PLAN).
1. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH 90-MINUTE FIRE RATED DOORS OR EQUIVALENT PER 203 IRC SECTION R310.2.1.1.
  2. VENT ALL EXHAUST FANS TO EXTERIOR.
  3. WHEN POSSIBLE DIRECT ALL FLUES AND VENTS THAT PENETRATE ROOF BEHIND MAIN RIDGE.
  4. INSTALL WATER SUPPLY AND DRAIN BOX (GREY BOX) AT WASHING MACHINE LOCATION.
  5. USE MOISTURE RESISTANT DRYWALL AT ALL AREAS SUSCEPTIBLE TO MOISTURE.
  6. ALL FIRST FLOOR INTERIOR DOORS TO BE FRAMED 6-8" TALL. ALL SECOND FLOOR INTERIOR DOORS TO BE FRAMED 6-8" UNLESS NOTED OTHERWISE. VERIFY W/ BUILDER.
  7. PROVIDE GUARDRAIL AT STAIRS DURING CONSTRUCTION.
  8. PROVIDE SQUARE BLOCKS UNDER ALL BEARING CONDITIONS.
  9. GARAGE WALLS TO BE 2x6 STUDS @ OVER 10'-0" TALL.

**NOTE:**  
PROVIDE MIN. (1) 2" X 4" HEADER AT ALL INTERIOR & EXTERIOR DOOR & WINDOW OPENINGS (UNLESS NOTED OTHERWISE).

**NOTE:**  
PROVIDE MIN. (1) JACK STUD & (1) KING STUD AT EACH END OF ALL HEADERS (UNLESS NOTED OTHERWISE).

**NOTE:**  
PROVIDE MIN. (1) JOIST OR LADDER FRAMING UNDER ALL UPPER FLOOR PARALLEL PARTITIONS.

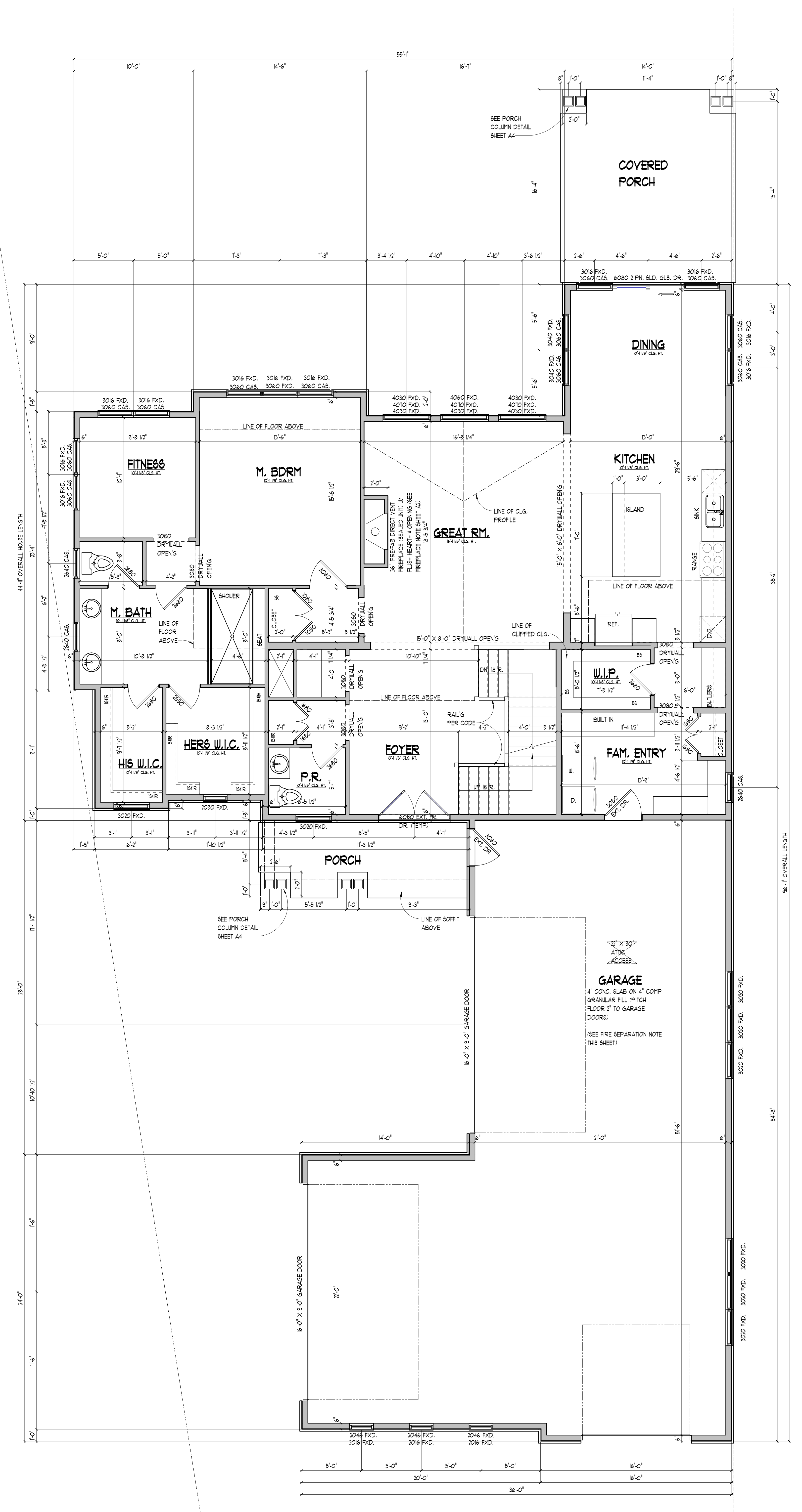
**NOTE:**  
S.D. (1)  
B.O.G. (2)  
ALL SMOKE & CARBON MONOXIDE DETECTORS INTERCONNECTED W/ BATTERY BACK-UP PER CODE.

**NOTE:**  
DOOR & WINDOW LOCATIONS:  
ALL DOORS & WINDOWS ARE ASSUMED TO BE EITHER IN THE CENTER OF THE WALL MASS OR MIN. 4 INCHES FROM PERPENDICULAR WALL FOR CASING (UNLESS NOTED OTHERWISE).

**NOTE:**  
VERIFY DROPPED FLOOR AREAS FOR TILE WITH BUILDER.

**FIREPLACE NOTE:**  
ALL FIREPLACE DIMENSIONS & ROUGH OPENINGS TO BE VENTED W/ MANUFACTURER SPEC'S INCLUDING BUT NOT LIMITED TO WIDTH, DEPTH, HEIGHT, CHIMNEY CLEARANCES, ETC. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL SPEC'S TO CARPENTER PRIOR TO FRAMING.

**FIRE SEPERATION NOTE:**  
FIRE SEPERATION (IRC 203)  
GARAGE SPACE BETWEEN HABITABLE ROOMS SHALL BE SEPERATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPERATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPERATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. ALL OTHER GARAGE SPACE SHALL BE SEPERATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN 1/2-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE. DROP CLG. UNDER FUR. ADV. ENCLOSE MECHANICAL & STRUCTURAL ELEMENTS. VERIFY W/ BLDG.



**TK DESIGN**  
ASSOCIATES

WWW.TKHOMEDESIGN.COM

2600 PONTIAC TRAIL  
SOUTHERN CROSS, MD. 20686  
PHONE: (240) 444-1966  
FAX: (240) 444-1966

CLIENT / PROJECT	SLIDER RESIDENCE 18-220
JOB No:	19-798
DRAWN:	JW
CHECKED:	
REVIEW:	
FINAL:	
REVISION:	
REVISION:	
REVISION:	
REVISION:	
SCALE:	PER PLAN
SHEET #	A-2

**PLAN NOTES**

**INTERIOR WALLS:**  
1/2" GYPSUM WALL BOARD ON EACH SIDE OF 2x4 WOOD STUDS @ 16" O.C. 3/4" THICK TYPICAL (UNLESS NOTED OTHERWISE). ALL DIMENSION TAKEN FROM STUD EDGES.

**EXTERIOR WALLS:**  
EDGING AND/OR MASONRY WITH AIRSPACE, MOISTURE BARRIER PAPER, HOUSE WRAP ON 1x6" O.S.B. SHEATHING ON 2x4 WOOD STUDS @ 16" O.C. OR AS NOTED. MIN. R-10 WALL CONSTRUCTION. 1/2" GYPSUM WALL BOARD (5/8" & SCREWS). WALL TO BE 4" THICK WITH EDGING AND 8" THICK WITH MASONRY TYPICAL (UNLESS NOTED OTHERWISE). ALL DIMENSION TAKEN FROM FRAMING FLOOR PLANS OR FOUNDATION CORNERS (FOUNDATION PLAN).

1. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH 15-MINUTE FIRE RATED DOORS (OR EQUIVALENT PER 2019 IRC SECTION R302.5.1).

2. VENT ALL EXHAUST FANS TO EXTERIOR.

3. WHEN POSSIBLE DIRECT ALL FLUES AND VENTS THAT PENETRATE ROOF BEHIND MAIN RIDGE.

4. INSTALL WATER SUPPLY AND DRAIN BOX (GREY BOX) AT WASHING MACHINE LOCATION.

5. USE MOISTURE RESISTANT DRYWALL AT ALL AREAS SUSCEPTIBLE TO MOISTURE.

6. ALL FIRST FLOOR INTERIOR DOORS TO BE FRAMED 6'-8" TALL. ALL SECOND FLOOR INTERIOR DOORS TO BE FRAMED 4'-8" UNLESS NOTED OTHERWISE. VERIFY W/ BUILDER.

7. PROVIDE GUARDRAIL AT STAIRS DURING CONSTRUCTION.

8. PROVIDE SQUASH BLOCKS UNDER ALL BEARING CONDITIONS.

9. GARAGE WALLS TO BE 2x6 STUDS IF OVER 10'-0" TALL.

**NOTE:**  
PROVIDE MIN. (1) 2" x 4" HEADER AT ALL INTERIOR & EXTERIOR DOOR & WINDOW OPENINGS (UNLESS NOTED OTHERWISE).

**NOTE:**  
PROVIDE MIN. (1) JACK STUD & (1) KING STUD AT EACH END OF ALL HEADERS (UNLESS NOTED OTHERWISE).

**NOTE:**  
PROVIDE MIN. (1) JOIST OR LADDER BRACING UNDER ALL UPPER FLOOR PARALLEL PARTITIONS.

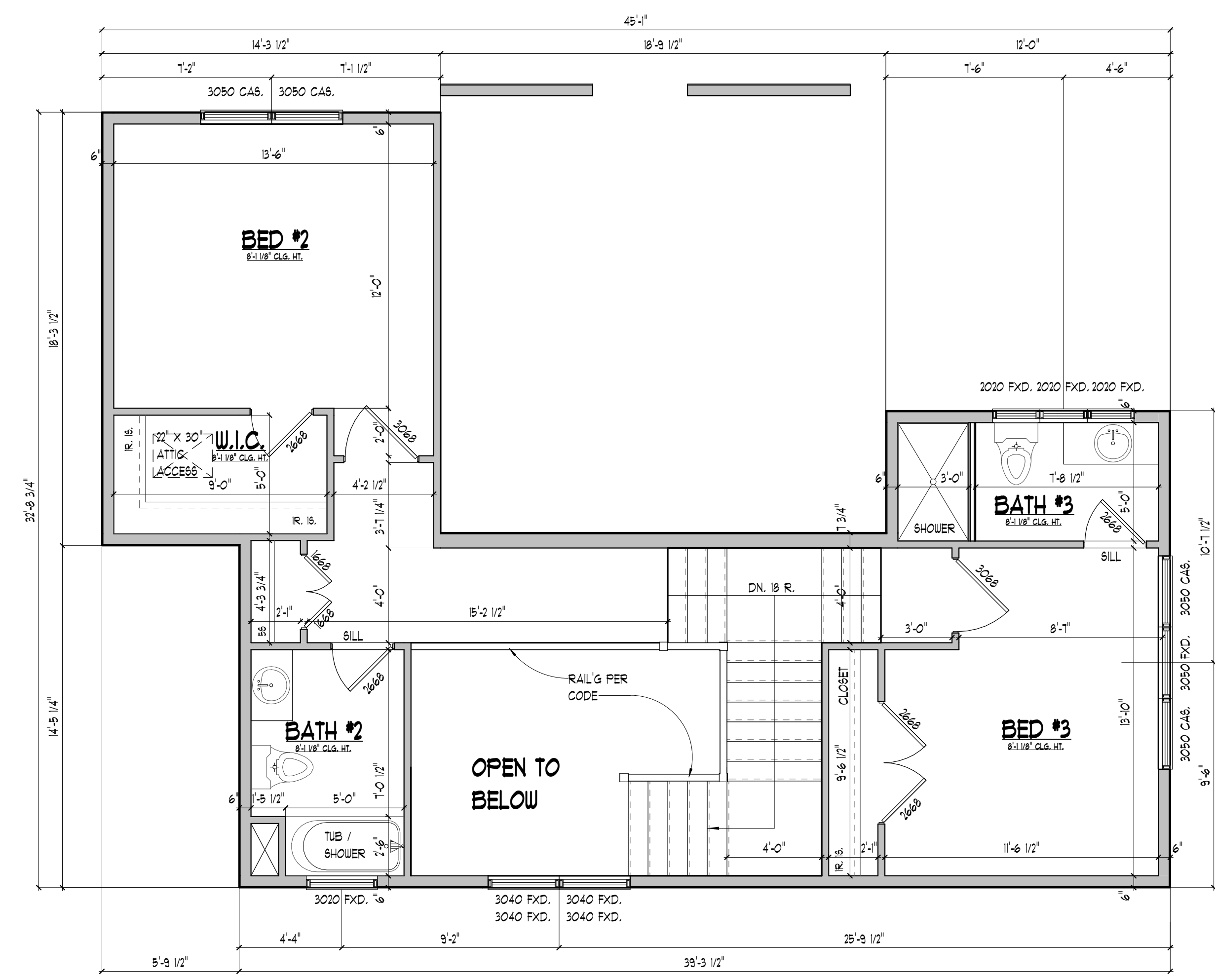
**NOTE:** S.D. (1) S.D.C. (2)  
ALL SMOKE & CARBON MONOXIDE DETECTORS INTERCONNECTED W/ BATTERY BACKUP PER CODE.

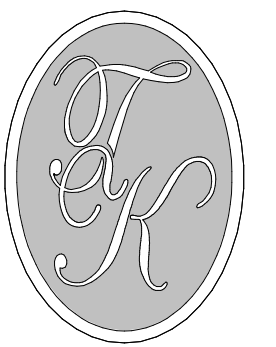
**NOTE:**  
DOOR & WINDOW LOCATIONS:  
ALL DOORS & WINDOWS ARE ASSUMED TO BE EITHER IN THE CENTER OF THE WALL MASS OR MIN. 4" AWAY FROM PERPENDICULAR WALL FOR CASING UNLESS NOTED OTHERWISE.

**NOTE:**  
VERIFY DROPPED FLOOR AREAS FOR TILE WITH BUILDER.

**FIREPLACE NOTE:**  
ALL FIREPLACE DIMENSIONS & ROUGH OPENINGS TO BE VERIFIED W/ MANUFACTURER SPECS INCLUDING BUT NOT LIMITED TO: WIDTH, DEPTH, HEIGHT, CHIMNEY CLEARANCES, ETC. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL SPECS TO CARPENTER PRIOR TO FRAMING.

**FIRE SEPERATION NOTE:**  
FIRE SEPERATION (SIC241)  
GARAGE SPACE BENEATH HABITABLE ROOMS SHALL BE SEPERATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPERATION IS A FLOOR/CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPERATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. ALL OTHER GARAGE SPACE SHALL BE SEPERATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN 1/2-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE. DROP CLO. UNDER FLR. ABV. (ENCLOSE MECHANICAL AND STRUCTURAL ELEMENTS) VERIFY W/ BLDG.





**TK DESIGN  
ASSOCIATES**

WWW.TKHOMEDESIGN.COM

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PHONE: (248) 444-1966  
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CLIENT / PROJECT	SLIDER RESIDENCE 18-220
JOB No:	19-798
DRAWN:	JW
CHECKED:	-
REVIEW:	-
FINAL:	-
REVISION:	-
REVISION:	-
REVISION:	-
REVISION:	-
SCALE:	PER PLAN
SHEET #	<b>A-3</b>

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
RINGHOLZ, DAVID	SLIDER RALPH & MARY	417,500	02/12/2016	WD	ARMS-LENGTH	2016R-006071	BUYER	100.0		
MCMACHEN		0	12/26/1995	WD	L.C.P.O.	2000-0730	BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status	
3470 PINERIDGE LANE		School: BRIGHTON								
Owner's Name/Address		P.R.E. 0% Cond. 1st								
SLIDER RALPH & MARY 7230 CUESTA WAY DR NE ROCKFORD MI 49341		MAP #: V19-06		2019 Est TCV Tentative						
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT					
SEC. 22 T2N, R5E CRANDALL'S CROOKED LAKE HEIGHTS NO. 1 LOT 14 & S 1/2 OF LOT 15		Public Improvements		* Factors *						
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		A LAKE FRONT	50.00	215.00	1.0000	1.0000	3800 100	190,000
		Paved Road		B EXC W CR LK	41.00	215.00	1.0000	1.0000	1500 100	61,500
		Storm Sewer		91 Actual Front Feet, 0.45 Total Acres					Total Est. Land Value =	251,500
		Sidewalk		Land Improvement Cost Estimates						
		Water		Description	Rate		Size % Good		Cash Value	
		Sewer		D/W/P: Patio Blocks	12.73		340 65		2,813	
		Electric		Total Estimated Land Improvements True Cash Value =					2,813	
		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
		LM	08/23/2013	DATA ENTER	2018	105,800	89,200	195,000		190,927C
					2017	97,600	89,400	187,000		187,000S
					2016	99,100	58,200	157,300		103,868C



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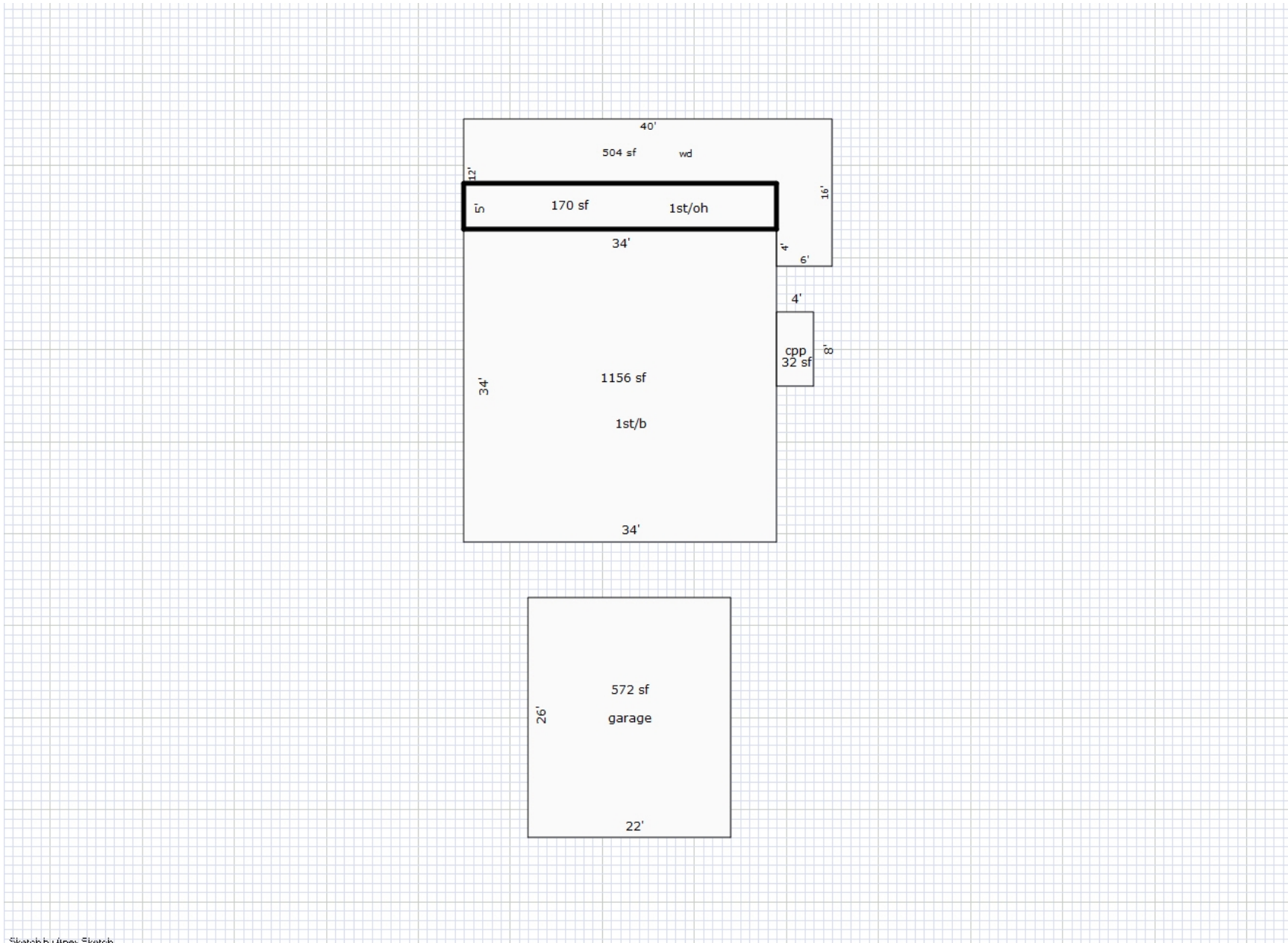
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 32 504	Type CPP Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 572 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 47 Floor Area: 1,326 Total Base New : 231,630 Total Depr Cost: 122,762 Estimated T.C.V: 171,867			E.C.F. X 1.400		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1965	Remodeled 0	Size of Closets		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C Blt 1965						
Condition: Good		Lg	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1156 SF Floor Area = 1326 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=53/100/100/100/53						
Room List		(5) Floors		(13) Plumbing			Building Areas			Stories Exterior Foundation			Size		Cost New Depr. Cost	
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		Average Fixture(s) 3 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			1 Story Siding Basement 1 Story Siding Overhang			1,156 170 Total: 152,161			80,644			
(1) Exterior		(6) Ceilings		(14) Water/Sewer			Other Additions/Adjustments			Basement, Outside Entrance, Below Grade			1		2,088 1,107	
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 1156 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Plumbing 3 Fixture Bath Porches CPP Deck Treated Wood Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Water/Sewer Public Sewer Water Well, 200 Feet Fireplaces Exterior 1 Story Prefab 1 Story Basement Living Area			2 7,578 4,016 32 717 380 504 6,189 3,280 572 20,140 10,674 1 1,218 646 1 8,762 4,644 1 5,312 2,815 1 2,114 1,120 867 25,351 13,436			Totals: 231,630 122,762			
(2) Windows		(7) Excavation		Lump Sum Items:			Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.400 => TCV:						
X	Many Avg. Few	X	Large Avg. Small													
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor														
(3) Roof		(8) Basement														
X	Gable Hip Flat	Gambrel Mansard Shed														
X	Asphalt Shingle	(9) Basement Finish														
Chimney: Brick		Recreation SF Living SF 1 Walkout Doors No Floor SF														

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





Sketch by Apex Eketch

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



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

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

Case # 19-07 Meeting Date: Feb 19, 2019  
@ 6:30pm

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

Applicant/Owner: Lynda & Jackie Williams Email: jacklyn799@yahoo.com  
Property Address: 4219 Homestead Dr Phone: 810-227-3132  
Present Zoning: Residential Tax Code: 4711-28-201-056

**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: Set back from lake to front of proposed addition

2. Intended property modifications: Addition of All season 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.

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.

Original house was built on a single lot. Variances were required to have enough footage for septic field. Set back was required on South side in order to have space for drive way on North side.

**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: 1-24-2019 Signature: Jackie Williams Lynn Killian

**Attachment to application for variances..**

**Unique circumstances of property exist due to the fact that, when original structure was built, variances were required because of the size of lot 41. Several years later, we were able to acquire lot 40. The lots were combined and a garage and room addition were constructed. We are now hoping to add a all-season sunroom where the existing patio is located. Because of the roof lines of existing structure this is the only plausible location. Additional size added to both the south side and the east side would make the addition much more useable. It is our belief that this addition will add to the property value while, at the same time, not affecting the view or use of adjacent properties.**



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 11, 2019

**RE:** ZBA 19-07

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

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### STAFF REPORT

**File Number:** ZBA#19-07  
**Site Address:** 4219 Homestead Drive, Howell  
**Parcel Number:** 4711-28-201-056  
**Parcel Size:** 0.293 Acre  
**Applicant:** Lynda and Jackie Williams, 4219 Homestead Drive, Howell  
**Property Owner:** Williams, Jackie & Lynda Life Estate  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a waterfront yard variance to construct a sunroom.  
**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 February 3, 2019 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 1975.
- 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 patio. In order to construct the sunroom, the applicant is in need of a waterfront variance.

**Variance Requests**

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

**Sec. 3.04      DIMENSIONAL STANDARDS**

<b>Table 3.04.01 LRR District</b>	<b>Waterfront Setback</b>
Requirement	40'
Request	28'5"
Variance Amount	11'7"

**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 sunroom but does not unreasonably prevent the use of the property. There are other homes in the vicinity that do not meet the waterfront setback however the proposed setback is considerably less and would not be consistent with the homes in the vicinity. The variance has not been shown to provide substantial justice to the applicant or other property owners in the district. The variance is not necessary for the preservation and enjoyment of the property.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances or conditions of the property. The variance would not make the property consistent with the surrounding properties. The need for the variance to construct the sunroom 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 owners 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. However, it may impact value of adjacent lots if lake views are impacted.

**Recommended Conditions**

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

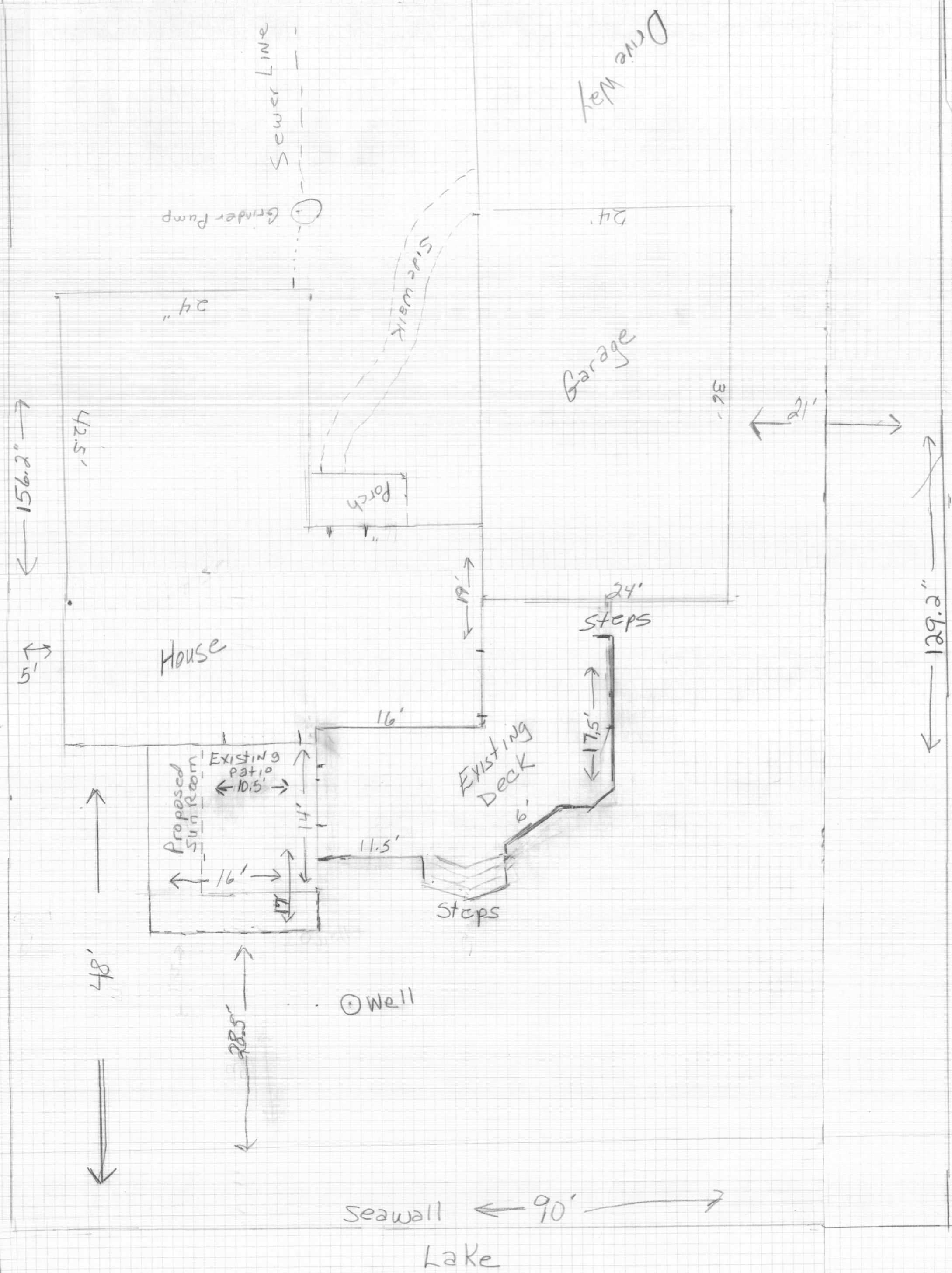
N/A

# GENOA TOWNSHIP





Homestead Drive





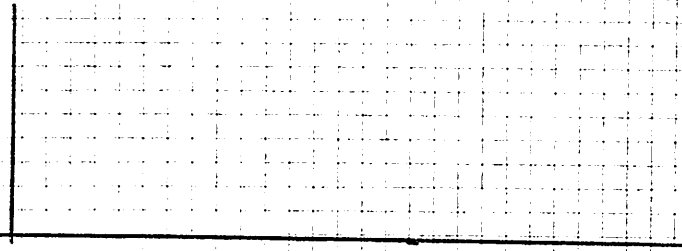
Lake

Sea Wall



apishan  
North Side  
House on





House on South Side

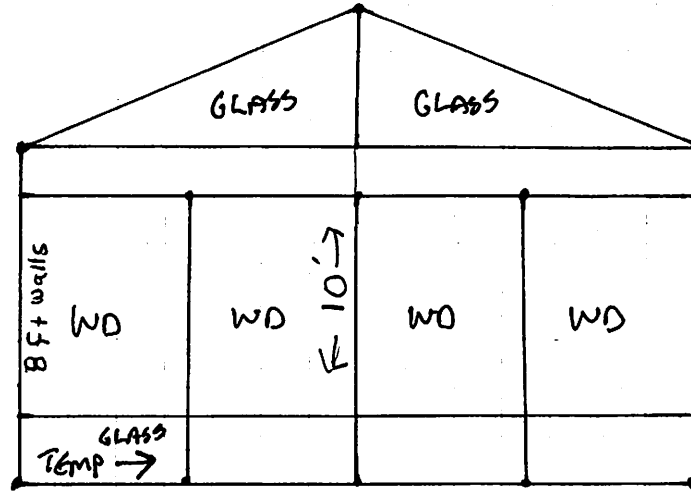
46.5'

Sea wall

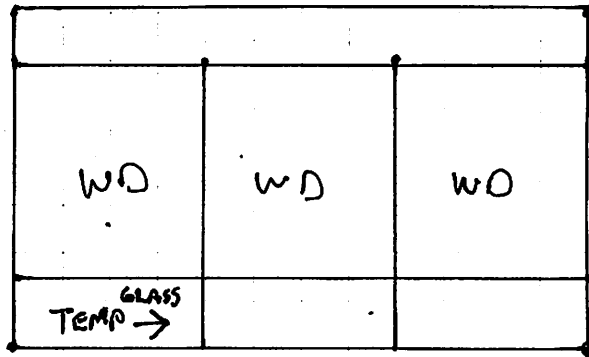
Lake

(CUSTOMER)  
(WILLIAMS)

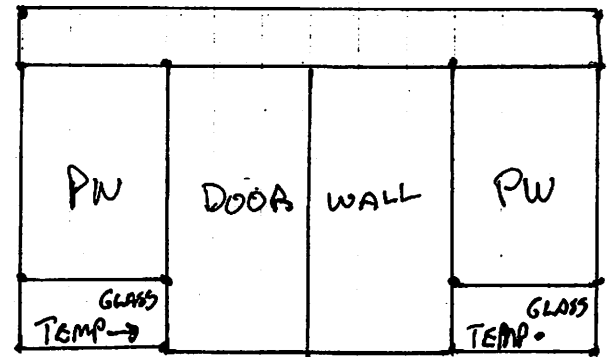
FRONT ELEV.



(LEFT  
SIDE) ELEV.



(RIGHT  
SIDE) ELEV.



**From:** [golfobit@aim.com](mailto:golfobit@aim.com)  
**To:** [Amy Ruthig](#)  
**Subject:** Variance Case 19-07 - 4219 Homestead  
**Date:** Tuesday, February 12, 2019 8:44:31 AM  
**Attachments:** [4203 Homestead Distance To Shore.png](#)  
[4225 Homestead Distance To Shore.png](#)

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Dear Zoning Board Members,

We are strongly against the variance request made by Lynda and Jackie Williams of 4219 Homestead Dr. One of the four requirements for granting a variance is the impact on the surrounding neighborhood and property values. The William's stated the variance would not affect the surrounding neighborhood and property values, however, it is quite apparent that is incorrect.

Lake frontage is a highly valued attribute when purchasing a home. Lake front property is regularly 2 to 3 times the price per square foot as similarly built, non-lake front property in the Brighton area. This high value is based on the amount of lake frontage and quality of the views from the property. If either of these two items are degraded, the property's value declines as well - and the decline can be quite significant! My wife and I paid a steep price when we purchased our home over 2 years ago. We searched a long time for the right property and were willing to pay the higher price for the beautiful lake views and frontage. If this variance is allowed, it would remove one of the key attributes of the property, significantly reducing its value. *Please note: this variance would allow the William's structure to be more than 26 feet closer to the lake front than the exterior walls of our home!* It would completely block our view of the North part of West Crooked Lake (the large end of the lake)!

The William's Variance application has incorrect measurements,. They did not measure the distance from the roofline - rather it appears they measured from the edge of each home's deck. This significantly affects the measurements, making it appear that granting the variance would not be substantially closer to the lake than the neighboring structures. I used Google Earth Pro to measure 4203 Homestead distance to the shoreline. I have attached a screen shot showing the approximation, but more than welcome a physical measurement to confirm the distance. Below are what I believe to be accurate measurements:

- 4225 Homestead (My home to the south) is approximately 52 feet from the lake - they stated that it was 46.5 feet from the lake.
- 4203 Homestead (home to the north) is approximately 48 feet from the lake - they stated that it was only 25 feet from the lake.

Finally, I believe the William's may be able to build a sun room that extended off of their garage roofline. I believe if placed here, this structure could be built without a variance, however it would probably be more expensive to construct.

As you can see, granting this variance will unfairly reduce our property value. I would hope that the board would understand this and deny the variance.

Thank you for your time.

Regards...Marc and Melinda O'Brian  
4225 Homestead Dr.  
248 739-6337

4/2013



4225 Homestead Dr

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length:	47.84	Feet
Ground Length:	47.87	
Heading:	123.48	degrees

Mouse Navigation

Save Clear

N 83°51'41.5"





4/2013



4225 Homestead Dr

Ruler

- Line
- Path
- Polygon
- Circle
- 3D path
- 3D polygon

Measure the distance between two points on the ground


Map Length: 51.29 Feet  
Ground Length: 51.38  
Heading: 111.72 degrees

Mouse Navigation

Save Clear

83°51'

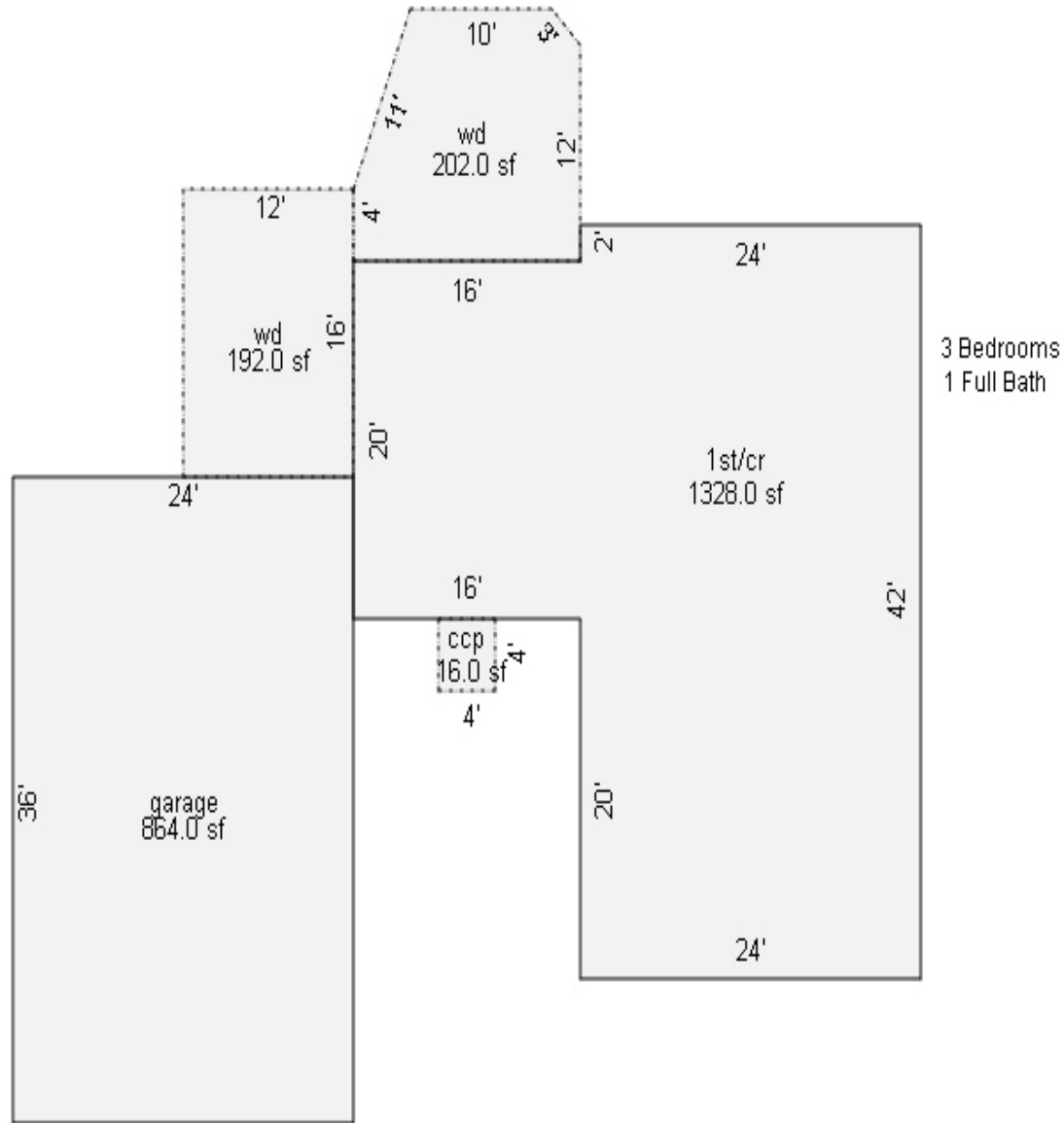


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
WILLIAMS, JACKIE S, LYNDA	WILLIAMS JACKIE & LYNDA	0	10/13/2010	TA	INVALID SALE	2011R-005957	BUYER	0.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status			
4219 HOMESTEAD		School: BRIGHTON		WOOD DECK		05/18/2000	00-286	NO START			
Owner's Name/Address		P.R.E. 100% / /		MAP #: V19-07		2019 Est TCV Tentative					
WILLIAMS JACKIE & LYNDA LIFE EST 4219 HOMESTEAD HOWELL MI 48843		X Improved		Vacant		Land Value Estimates for Land Table 00029.OLD HOMESTEAD					
Tax Description		Public Improvements		* Factors *					Value		
SEC 28 T2N R5E OLD HOMESTEAD LOTS 40 & 41 COMB 5-88 FR 040 & 041		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
Comments/Influences		Gravel Road		A LAKE FRONT	90.00	142.00	1.0000	1.0000	3800	100	342,000
		Storm Sewer		90 Actual Front Feet, 0.29 Total Acres Total Est. Land Value = 342,000							
		Sidewalk		Topography of Site							
		Water		Level							
		Sewer		Rolling							
		Electric		Low							
		Gas		High							
		Curb		Landscaped							
		Street Lights		Swamp							
		Standard Utilities		Wooded							
		Underground Utils.		Pond							
				Waterfront							
				Ravine							
				Wetland							
				Flood Plain							
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who	When	What	2019	Tentative	Tentative	Tentative		Tentative	
					2018	135,000	87,500	222,500		103,101C	
					2017	135,000	89,400	224,400		100,981C	
					2016	121,500	90,100	211,600		100,081C	

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage			
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 864 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G									16 192 202	CCP (1 Story) Treated Wood Treated Wood			
Building Style: C		Trim & Decoration		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 Forced Heat & Cool Heat Pump No Heating/Cooling														
Yr Built 1975	Remodeled 0	Ex	X	Ord		Min	Size of Closets			Class: C Effec. Age: 36 Floor Area: 1,328 Total Base New : 185,898 Total Depr Cost: 118,974 Estimated T.C.V: 166,564			E.C.F. X 1.400		Bsmnt Garage: Carport Area: Roof:			
Condition: Good		Lg	X	Ord		Small	Doors: Solid X H.C.			Total Base New : 185,898 Total Depr Cost: 118,974 Estimated T.C.V: 166,564								
Room List		(5) Floors		Central Air Wood Furnace			(12) Electric			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Air w/ Ducts Ground Area = 1328 SF Floor Area = 1328 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=64/100/100/100/64 Building Areas					Cls C Blt 1975			
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric			0 Amps Service			Stories Exterior Foundation 1 Story Siding Crawl Space			Size 1,328		Cost New 140,012		Depr. Cost 89,608	
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Average Fixture(s)			Other Additions/Adjustments								
X	Wood/Shingle Aluminum/Vinyl Brick						Ex.	X	Ord.		Min	Water/Sewer 1000 Gal Septic Water Well, 200 Feet			Deck Treated Wood Treated Wood		Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall	
	Insulation	(7) Excavation		No. of Elec. Outlets			Many X Ave. Few			Water/Sewer 1000 Gal Septic Water Well, 200 Feet			Deck Treated Wood Treated Wood		Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall			
(2) Windows		Basement: 0 S.F. Crawl: 1328 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701			
X	Many Avg. Few	X	Large Avg. Small	(8) Basement		Average Fixture(s)			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701				
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(14) Water/Sewer			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701			
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(14) Water/Sewer			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701			
X	Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701				
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Deck Treated Wood Treated Wood			Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall		17,225 -701			
Chimney: Brick										Notes: ECF (4304 OLD HOMESTEAD) 1.400 => TCV:			16 657 420		Totals: 185,898 118,974		166,564	

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



Sketch by Apex Medina™

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 15, 2019 - 6:30 PM**

**MINUTES**

**Call to Order:** Acting Chairman Rockwell 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: Jean Ledford, Bill Rockwell, Greg Rassel, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Dean Tengel and Marianne McCreary.

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

**Election of Officers:**

Ms. Ruthig suggested that the Election of Officers item be tabled until more Board Members are present. **Moved** by Board Member Kreutzberg, seconded by Board Member Rockwell, to table the Election of Officers until the next Zoning Board of Appeals meeting. **The motion carried unanimously.**

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

**Approval of the Agenda:**

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, 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.

Acting Chairman Rassel noted that there are two Board Members missing this evening. Any applicant may request to have their item tabled until a full board is present.

1. 19-01... A request by Joe Sizemore, 3857 E. Grand River, for a wall sign variance for the TCF bank.

Mr. Sizemore was present representing Optiva Solutions who are updating the ATM at the TCF Bank. He stated his application states how his request meets the criteria for granting a variance. He showed a colored rendering of the sign, which will be placed above the existing ATM. It is the "TCF Bank" name and logo.

Board Member Ledford noted this is the third ATM sign being requested for this bank. She does not agree with this request.

Mr. Sizemore stated this is a new branding tool that is becoming standard for all banks, not just TCF. They are upgrading all of the ATM's with this design. It would not be seen by anyone off site.

Board Member Kreutzberg noted that the applicant will be able to replace the ATM and put the same frame around it, but they would not be able to add the "TCF Bank" and logo.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to deny Case #19-01 requested by Joe Sizemore of Optiva Solutions for property owner TCF bank for dimensional sign variance due to the following findings of fact:

- No exceptional or extraordinary conditions for the property were submitted to the ZBA that warrants the need for a third sign, namely an ATM sign.
- The need for the variance is self-created.
- Building plans and conditions regarding TCF Bank were approved by the Planning Commission in accordance with Genoa Township's Master Plan Mixed Use Planned Unit Development.
- It is reasonable to assume that an ATM is affiliated with the bank branch and additional signage does not provide substantial justice nor is it necessary for the preservation or enjoyment of a substantial property right possessed by other properties.

**The motion carried unanimously.**

2. 19-02... A request by Brad and Amber Busch, Pathway Drive, Parcel #11-10-101-044 for a variance to construct an accessory structure on a lot without a principal use and front, side and height variances for proposed accessory structure.

Jeff Doyle of Doyle Homes and Amber Busch, the property owner, were present. Mr. Doyle stated they have two variances to discuss this evening. The first one is to construct a two-story garage on a property without a primary structure.



There is an existing garage on this site that sits six inches onto the neighbor's property as well as directly under the power lines. They would tear down the existing garage and build a new 16 foot, 6 inch high, 21 x 36 garage approximately 10 feet from the property line. They are requesting a side-yard variance of 4 feet, 3 inches. The location of the proposed garage will not affect the neighbors or the drainage on the lot.

They wanted to combine this lot with the lot across the street where the applicant's home is located; however, there is a road that runs between the two so they cannot be combined.

He noted that there are no current structures along Pathway Drive that meet the ordinance requirements for setbacks. There are two locations on Pathway Drive that have a two-story garage with similar height and setbacks as what are being proposed.

The call to the public was made at 7:02 pm.

Mr. Phillip Barton was present to represent his father, who is the homeowner at 800 Pathway. He has written letters of concern regarding the height of the garage, how it will affect the view for the neighbors, and the soil stabilization around the back of the garage.

Board Member Ledford asked the applicant if the height of the garage could be reduced by two feet. Mr. Doyle stated in order to meet the ordinance, the height would actually need to be reduced by four feet, and then the second floor would be unusable. He added that the Busch's could put their home on this lot instead of just the garage; however, that would be able to be taller and could be a detriment to the neighborhood.

Mr. Mark Trump of 786 Pathway stated the lot that he owns, which is next to the Busch's, is buildable. If he were to build a house on his property, he would not want to have a garage on a lot without a house next to his.

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

The Board agreed that the setback variance request is not an issue, but the proposed height is concerning. Board Member Ledford does not feel there is an extraordinary circumstance for the height request. Mr. Doyle reiterated that there are two garages on Pathway Drive that are taller than the ordinance allows.

Mr. Doyle noted that the applicant would like to withdraw their request. They will return with plans to build a two-story home on this property.

3. 19-03... A request by Brad and Amber Bush, 792 Pathway, for a front yard variance to construct a new single-family home.

Mr. Jeff Doyle of Doyle Homes and Amber Busch, the property owner, was present. Mr. Doyle stated this is the second of their two variance requests this evening. They are requesting a front-yard setback variance of 20 feet from the required 35 feet. They would like to demolish the existing home and build a new one.. They will be putting the home closer to the road to meet the rear yard setback requirements. The front of the house will sit within a foot of where the existing house is located. He noted that this home is the smallest house on the lake and smaller than the two on either side of it.

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

Mr. Phillip Barton, representing his father who owns 800 Pathway Drive, noted that the setback is being measured from the edge of the road, but he questioned the distance from the property line to the front of the building. Mr. Doyle stated it is approximately 45 feet from the property line.

The call to the public was closed at 7:25 pm.

**Moved** by Commissioner Rockwell, seconded by Commissioner Ledford, to approve Case #17-03 for Brad and Amber Bush for a front-yard setback variance of 20 feet from the required 35 feet to construct a new single-family home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the new home. The applicant is proposing to not encroach any further into front yard setbacks as the current house location. There are other homes in the vicinity with reduced 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 location of the non-platted road. Granting of the variance would make it consistent with many homes in the vicinity.
- 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 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.

This approval is conditioned upon:

1. Structure must be guttered with downspouts.
2. The existing single-family home must be removed before construction begins on the new home.
3. Drainage shall be directed toward the lake.
4. 19-04... A request by Matt Wilson, 4761 Bauer Road, for a size variance to construct a detached accessory structure.

Mr. Matt Wilson and his architect, Brian Kratz, were present. Mr. Wilson stated he would like to build a detached garage that is 150 square feet over the ordinance. He would like to attach the garage to his home; however, he cannot because of the topography of his site. There is a drop in grade in this area. If the garage was attached to his home, he would not need a variance.

The allowable size will fit two cars, but there is no room for additional storage. He uses the existing storage sheds for other storage and he keeps his tractor outside covered by a tarp. These two storage sheds will be removed if he is granted the variance.

The call to the public was made at 7:32 pm with no response.

Mr. Smith stated that his home was built in 1877 so he has a unique case. He does not have a garage. All of the other homes in the area have garages. He reiterated that he would be able to build an attached garage of this size, or larger, without the need for a

variance; however, the slope on his property prevents this. He cannot attach it to the other side of the house because the septic field is there.

The Board discussed the request in detail with the applicant. There were concerns with the architecture of the garage, is the request self-created because the applicant is asking for a larger size garage due to wanting more storage, is it setting a precedent, etc.

The applicant requested to have his item postponed this evening.

**Moved** by Board Member Rockwell, seconded by Board Member Kreuzberg, to table Case #19-04, for Matt Wilson of 4761 Bauer Road for a dimension variance until the February 19, 2019 Zoning Board of Appeals meeting. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of the minutes for the December 18, 2018 Zoning Board of Appeals Meeting.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve the December 18, 2018 Zoning Board of Appeals Meeting minutes as presented. **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 meeting held on January 7, 2019.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on January 14, 2019.
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 Rockwell, to adjourn the meeting at 8:10 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary