

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 20, 2019
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

1. 18-15 ... A request by Jeanne Young and Bonnie Appell, 7505 Herbst Road, for a height and impervious variance to allow a privacy fence in the front yard.
2. 19-15 ... A request by Melissa Koryabina, 4784 Nature View Court, for a side and front yard variance to construct an addition.
3. 19-19...A request by Edward Koss, 4930 Brighton Oaks Trail, for a fence height and an impervious percentage variance to allow an existing 6 foot in height and 100% impervious fence. (Requesting to be postponed)
4. 19-26 ... A request by Jon and Danielle Wloderczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.
5. 19-27 ... A request by Steven G. Ezikian, 4640 Sweet Road, for a variance to construct a detached accessory structure in the front yard.
6. 19-28...A request by Meffert, 6373 Challis Road, for a variance to split property.
7. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.
8. 19-30...A request by Quick, 3940 Highcrest, for two side and front yard setback variances, a height variance, a variance to allow a retaining walls and a detached accessory structure to remain in the waterfront yard to demolish an existing home and a construct a new single family home.
9. 19-31...A request by Cathy Cedar, vacant, parcel# 11-22-302-029 Noble Drive, for a variance to allow a three story structure with side, front, and rear yard setback variances, lot coverage variance, and a height variance to construct a new home.

Administrative Business:

1. Approval of minutes for the July 16, 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

June 11, 2019

Zoning Department
Genoa Township
2911 Dorr Road
Brighton, MI 48116

Re: 7505 Herbst Road – Application for Variance

To Whom It May Concern,

At a hearing on May 13, 2019 in our civil case, case no. 17-029669-CZ pending in the Livingston County Circuit Court, the Court advised the parties that it would like the ZBA to make a ruling on the pending variance request previously submitted by my clients instead of tabling the request until the conclusion of the civil lawsuit. To that end, we are therefore kindly requesting that the ZBA place this matter back on the agenda for the July 16, 2019 meeting.

Enclosed with this letter is a copy of my clients' prior application which includes an enlarged copy of Desine Engineering's recent survey. The only modification from the prior submission is that my clients are no longer seeking a variance to keep the existing eight foot fence, instead my clients' present variance request is to have the fence, in its entirety, be allowed to remain at a reduced height of six feet.

Section 11.04.04 of the Ordinances limits front yard fences to three (3) feet in height¹ and side yard fences to four (4) feet in height, except the Zoning Administrator may approve a privacy fence up to six (6) feet high within the side yard provided it does not extend beyond the front building line. A building line is defined (see Section 25.02) as a horizontal line parallel to a front, side or rear lot line which is located at the point of principal exterior wall or structural feature nearest the front, side or rear lot line, not including permitted yard projections. The Desine Survey (Exhibit B to our Application) shows the location of the existing fence.² The angle of the southern boundary line of my clients' property causes its front dimensional building line (which must run parallel to the front lot line) to cut at the same angle. This, in turn, causes my clients' side yard to be significantly smaller than it would otherwise be. Stated another way, portions of my clients' property that would seemingly be in their side yard are actually considered to be their front yard. The Desine survey demonstrates that approximately half of the existing fence is in the side yard, and the other half is considered to be in their front yard (which by

¹ Fences located in the front yard shall also not be in excess of 49% solid or impervious. See Section 11.04.04.

² Applicants note that portions of the fence are slightly over the western boundary line. Applicants have filed Counterclaims in the pending lawsuit alleging causes of action that would entitle them to keep the fence in its present location based upon theories of adverse possession and acquiescence.

June 11, 2019
Page 2

Township ordinances would limit it to three feet in height).³ Had this fence been constructed by my clients' neighbors to the west, Marty and Laurie Popp, it would have been permitted to be six feet in height because it would be considered to be in their side yard.

Lastly, my clients would also request that they be allowed to wait until the conclusion of the civil litigation to bring the fence in compliance with the ZBA's ultimate determination. My clients' fence has a decorative top on it and in order to reduce the height to whatever is ultimately permitted, each board will need to be individually removed and cut from the bottom to preserve the decorative top. Since there is currently also a boundary line dispute in the pending civil litigation, it makes economic and practical sense to make those modifications once the location of the fence is also determined with finality. There is also low-voltage decorative lighting that is currently installed on the fence which will need to be removed when the fence height is changed. If the location is changed later on down the road, then the decorative lighting will need to be removed a second time. It is for these reasons that we would request that we have until the conclusion of the litigation to bring the fence into conformity with the ZBA's determinations.

As always, please feel free to contact me.

Sincerely,



Jamie K. Stewart

/tmr

Enclosures

cc: Clients
Matt Hagerty, Esq. (via email)
Joseph Seward, Esq. (via email)

³ Applicants' contractor, after the completion of construction, submitted a Fence Permit to Genoa Township on July 12, 2017 (Ex. C) which was never processed or issued.



REVISED

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

RE: ZBA 18-15

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

STAFF REPORT

File Number: ZBA#18-15
Site Address: 7505 Herbst Road
Parcel Number: 4711-13-400-032
Parcel Size: 1.840 Acres
Applicant: Jeanne Young and Bonnie Appell, 7505 Herbst Road, Brighton
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a height and impervious fence variance to allow a six foot tall fence that is 100% impervious located in the front and side yard on the property.

Zoning and Existing Use: RR (Rural Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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 1953.
- In 2014, a land use wavier was issued for a reroof.
- In 2015, a land use wavier was issued for a reroof.
- 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

REVISED SUMMARY: The Applicant's case was heard at the June 2018 ZBA meeting. The case was postponed until court rendered a decision. The Court requested the applicant request the ZBA to make a ruling on the ZBA request. The Applicant has revised the request from an 8 foot fence to a 6 foot fence.

Summary: In spring of 2017, township staff was contacted from the Applicant's contractor in regards to a driveway and landscaping project at that time, no reference to a fence was made. Staff stated permits were not required for driveway and landscape improvements. Subsequently, staff received a complaint about a fence that was constructed on the subject property without township approvals. Staff initiated code enforcement and has been working with the applicant on resolution of the fence violations. There has been considerable delay due to a lot line dispute which also involved a survey being required. The survey verified that the fence was in violation of section 11.04.04 in regards to height and impervious surface. It should be noted that the issue of off-site fence location is being disputed through the courts.

Variance Requests

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

11.04.04 Fences, Walls and Screens

- (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty nine (49) percent (%) solid or impervious.
- (c) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the required side yard or required rear yard in any zoning district shall not exceed a height of four (4) feet, except the Zoning Administrator may approve the following:
 - (1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;

Variance Requests:

HEIGHT - REVISED

Required Front Yard Height: 3'
Proposed Front Yard Height: 6'
Proposed Variance Amount: 3'

IMPERVIOUS

Required Front Yard Impervious: 49%
Proposed Front Yard Impervious: 100%
Proposed Variance Amount: 51%

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

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

- (a) **Practical Difficulty/Substantial Justice** – Strict compliance with the ordinance restrictions would prevent the applicant from having the requested fence height and design but does not unreasonably prevent use of the property. Due to the front building line of the adjacent home to the west, the

area in question would be permitted for a six foot solid fence if requested by the adjacent land owner. The varied building line does create an issue of substantial justice for the applicant when compared to the neighbor.

(b) Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the angle of the house on the property and the angle of the front lot line due to the road. The need for the variance is self-created.

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

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

Recommended Conditions

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

1. Applicant must obtain a land use permit including evidence of property ownership dispute resolution.
2. The correction of the fence height must be completed within 90 days of ZBA decision.

If the Zoning Board of Appeals denies the variance requests, staff recommends the following conditions be placed on the denial:

1. The fence shall be brought into compliance within 90 days of ZBA decision.

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

Approval of this variance is conditioned upon the following:

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

The motion carried unanimously.

4. 18-15 ... A request by Jeanne Young and Bonnie Appell, 7505 Herbst Road for a height and impervious variance to allow a privacy fence in the side and front yard.

Katherine Riesterer, legal counsel for the applicant, and Jeanne Young were present. Ms. Riesterer stated the contractor constructed the fence and he did not obtain a permit. Prior to the applicant coming before the ZBA, the neighbor filed a lawsuit, that is still pending, because they believe the fence is located on their property.

The applicant would like to wait until the court case is settled before the Township makes a determination on the variance request

The call to the public was made at 7:30 pm.

Mr. Martin Popp of 7485 Herbst Road stated that he is the neighbor who is involved in the lawsuit with the applicant. No permits were pulled to construct the fence. He had an engineer do a survey and it showed that the fence is built on his property. He has asked the applicants to move the fence off of his property and they have refused. He would request the Township deny the height and location variances for the fence.

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

Moved by Board Member Rockwell, Seconded by Board Member Rassel, to table Case #18-15 until the next scheduled ZBA meeting following the court ruling on the pending lawsuit. **The motion carried unanimously.**

5. 18-16 ... A request by James Mitte, 5248 Prairie View, for a side yard variance to construct a detached accessory structure.

Mr. Mitte was present. They would like to add a detached garage and are requesting a five-foot side-yard variance. The practical difficulty is that the lot drops 25 to 30 feet from one side to the other. There is currently less than 25 feet from the current garage

MYERS & MYERS, PLLC
ATTORNEYS AT LAW

Kelly A. Myers
Roger L. Myers *
*Also Admitted to Practice in California

915 N. Michigan Avenue
Suite 200
Howell, Michigan 48843
(517) 540-1700
Fax: (517) 540-1701

Matthew M. Hagerty
Rebecca J. S. Cassell
Robert F. Marvin
Michael A. Bussert

August 14, 2019

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
c/o Amy Ruthig, Zoning Official
amy@genoa.org
2911 Dorr Road
Brighton, MI 48116

**VIA FIRST CLASS &
ELECTRONIC MAIL**

RE: **Bonnie Appell and Jeanne Young (7505 Herbst Road) Variance Request –
Objections of Adjacent Neighbors, Laurie and Martin Popp**

Dear Members of the Genoa Township Zoning Board of Appeals:

By way of introduction, my office represents Martin and Laurie Popp who reside at 7485 Herbst Road, the immediately adjacent neighbors to Bonnie Appell and Jeanne Young, hereinafter the “Applicants” (7505 Herbst Road) and who are requesting a variance concerning a side-yard “privacy” fence.¹ For the reasons more fully set forth below, the Applicants meet none of the Genoa Township Ordinance criteria for this requested variance and it must be denied. This request is the quintessential example of asking for forgiveness, rather than permission. In fact, the Township’s legal counsel, Mr. Joseph Seward, wrote to Applicants’ counsel on April 19, 2018 concerning forthcoming litigation by Genoa Township if the subject fence was not brought into compliance with zoning regulations. See, Ex. 1 attached. In that correspondence Mr. Seward opined, in pertinent part, that:

“While I cannot speak on behalf of the ZBA, I have some doubts that the applicant would be able to overcome the hurdle of self-creating this problem and establishing a hardship. Please note that the Township adamantly refutes any claim that the contractor who installed the fence was misinformed by Township staff. The contractor discussed a

¹ The Applicants have also admitted, by way of a survey prepared by Desine, Inc. (and confirmed Boss Engineering, hired by the Poppes), that the installed fence encroaches across the surveyed boundary line, *trespassing onto the Popp’s property*. See, Ex. 2 Desine survey commissioned by Applicants.

driveway project with Township staff multiple times and failed to mention any fence related work as part of the project.”

To be clear, no permit was ever pulled by Applicants prior to construction of this fence. Had a permit application been filed, the Township would have informed Applicants of the requisite zoning requirements and that the fence proposed was not in compliance due to its height, opaque nature, and location. This entire issue and the litigation that has ensued (costing the Poppes thousands of dollars in the process) would have been avoided. To date, the fence violations not been remedied by the Applicants (nor has the trespass) and it remains in violation of Genoa Township Zoning Ordinance Section 11.04.04. See, Ex. 3 attached.

The wooden stockade fence is: **1)** 8’ feet in height and located within Applicants’ front yard; **2)** over 5’ feet taller than the *maximum* 3’ foot front yard fence height under the applicable zoning standard; and **3)** is also completely opaque, whereas the zoning ordinance standard requires the fence be at least 50% impervious in the front yard. (Genoa Zoning Ordinance Sec. 11.04.04(a)). Again, had Applicants actually requested a permit for this fence installation, these violations would have been flagged immediately and the fence never constructed. Instead, the Applicants built the fence – a portion of which is indisputably located on the Poppes’ surveyed property – and *then* obtained a survey several months later, which only confirmed their self-created error.

The Township Zoning Enforcement Officer, Amy Ruthig, has previously detailed the specific areas of the front/rear/side yards of Applicants’ property and where the areas of fencing can be constructed in order to comply with the zoning provisions. See, attachment to Ex. 1. Further exacerbating the bad-faith of Applicants is the fact that they previously acknowledged the fence encroachment and agreed to have it removed in July of 2017. Text message communications during that time with Laurie Popp and Applicant Jeanne Young indicate that Ms. Young agreed to remove the fence “*Likely in a few weeks.*” At that time, the Applicants further told the Poppes as follows as regards their delay:

“We are working on it. Between the builder, the township and Boss Engineering we are trying to get everyone’s schedule to work. It is taking longer than we expected too (sic). Livingston County Road commission held things up too for the last two weeks. We want it resolved as well.”

See, Ex. 4 attached. The Livingston County Road Commission has literally nothing at all to do with this fence issue. As evidenced by the Township attorney’s prior correspondence, the Township was never even informed as to the construction of the fence, so the Township staff’s schedule was not an issue. The fact is, Applicants had (and continue to have) no interest whatsoever in resolving this simple matter and the

fence has now remained the same height and in the same location (trespassing on the Popp's property) for over two years, while the pending litigation the Popp's were forced to bring against the Applicants (Livingston County Circuit Court Case No. 17-29669-CZ, Hon. Suzanne Geddis presiding) continues to be adjudicated.

Judge Geddis has recently instructed the parties during pretrial proceedings that the Applicants' variance request must be decided prior to the Court taking further action on the respective legal claims of the parties. The Popp's have brought claims of trespass, nuisance, declaratory and injunctive relief against the Applicants seeking removal of the fence from their surveyed property. Were the fence required to comply with the Genoa zoning requirements and the variance denied, Applicants could simply relocate their trespassing fence at the same time which could assist in resolution of the litigation.

Despite all this, and knowing the fence violations are of their own making, Applicants now request in their June 11, 2019 ZBA correspondence that the fence be allowed to remain at a height of 6' feet, double the maximum 3' height allowed in the front yard (as opposed to requesting the 8' high fence just stay in place), and still leave the fence 100% opaque. The Applicants' request must be denied and would create a dangerous precedent for any future variance applications, allowing other Genoa residents to construct a fence or other improvements with impunity and then simply seek a variance to sanction their zoning violation.

The Applicable Variance Standards

Genoa Ordinance Sec. 23.05.01 states that "[v]ariations and appeals shall be granted only in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), and based on the findings set forth in this section. Variations and appeals shall not be granted solely upon economic or financial considerations."²

Genoa Ordinance Sec. 23.05.03 entitled "Criteria Applicable to Dimensional Variations" states that "[n]o variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that **all** of the following conditions exist." (Emphasis supplied). In other words, it is Applicants' burden to show that they meet each and every one of the four standards set forth below. Applicants do not meet a single one.

(a) 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

² A significant portion of Applicants' request references and relies upon the alleged "more than \$10,000" expense of the spruce trees and arborvitaes they previously installed as a basis to justify the variance request.

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.

Response: There is absolutely no practical difficulty (setbacks, area, frontage, lot size, etc.) whatsoever in this instance, Applicants have the full use of their land, and any argument to the contrary is entirely specious. The fact of the matter is that *the Popp*s have not sought to construct any fence without a permit, and were they to construct any fence it would be by application and in compliance with Genoa zoning requirements. The orientation of the Applicants' house is something they've known since their purchase in 1996. Privacy via a fence in your residential yard is a not a protected property right in any regard, and certainly not when it results in an 8' foot high stockade fence which trespasses onto their neighbors' land. Applicants knew the location and orientation of their house when they purchased it and had a variety of lawful means at their disposal had they chosen to create a privacy buffer through landscaping or other lawful means. They chose not to. The notion that Applicants could not re-plant additional trees/landscaping of a different species to provide a measure of *lawful* privacy borders on the absurd.

(b) 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.

Response: As pointed out by the Township attorney, Applicants' present predicament is entirely self-created. Applicants' parcel is 1.84 acres. There are absolutely no extraordinary conditions related to this property different from any other large lot residential parcel. They could have simply obtained a permit and constructed a fence in compliance with the ordinances, and done so with the benefit of a survey to ensure they did not trespass on their neighbors' land. They chose not to, thereby creating this entire mess and when they refused to acknowledge their error, forcing their neighbors to bring suit against them to remove their trespass. Their fence is inconsistent with anything else approved by the Township, via variance or otherwise.

(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.

Response: The fence at issue operates as a blight and eyesore to the Popps, and may further impair the resale value of their home, being adjacent to a property owner who installed what amounts to a "spite fence" 8' feet tall. The obvious purpose of the

ordinance requirement of having only a 3' foot tall fence in the front yard of the property concerns an ability of police, fire, and other government officials to clearly see into the property from the roadway in the event of an emergency. Homeowners are not entitled to "wall themselves off" from their neighbors. As concerns the signatures of alleged support from nearby property owners obtained by the Applicants, the vast majority are from the nearby Lake Edgewood condominium development not on Herbst Road (access to their residences is off of Grand River Avenue), and who cannot even see the fence through the surrounding woods. Accordingly, what should take precedence in the ZBA's deliberative process is the impact on *the only property owner* who is harmed by the fence: The Popp's. They believe the fence is ugly, unwelcoming, sets a bad neighborhood precedent, and is the exact opposite of what Genoa Township encourages through its fence regulations.

(d) 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.

Response: As stated above, the fence by its height, design, and location plainly violates the "appropriate development" within this zoning district. Granting the variance request would essentially provide carte blanche to any other property owner to construct a similar fence. The Applicants have an ample amount of side yard available to them. They simply decided they would build a fence of whatever type and design they felt like and after telling their neighbors they would absolutely not build it on their property. When they did build it on the Popp's property; admitted in writing they did so; and then falsely told them they would relocate it after delaying for month after month, the Popp's were forced to sue to remediate the trespass on their land. As an existing encroachment, the fence most certainly impacts legal and marketable title to the Popp's land.

Conclusion and Request for Denial

The undersigned has previously represented the City of Brighton, Putnam Township, and Northfield Township in Washtenaw County as legal counsel and advised Zoning Boards of Appeal on a multitude of variance issues over many years. Suffice it to say, this case represents perhaps the starkest example in memory of a variance request that so utterly failed to meet *any* of the applicable standards of review. Granting this variance would essentially render meaningless the entire Genoa Township fence ordinance. This would be not only set a bad precedent, but be bad stewardship by members of this ZBA, sworn to uphold the Township's variance ordinance standards promulgated under state law.

The Popp's therefore respectfully request as follows:

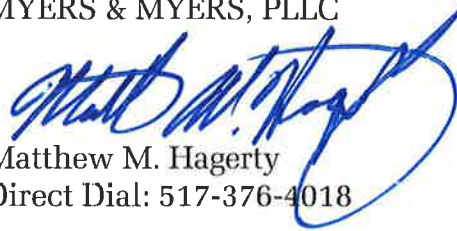
1. That the variance request be denied in its entirety; and

2. That the Genoa Township Zoning Administrator and Legal Counsel thereafter require the fence to immediately be brought into compliance with all applicable Genoa Township fence regulations under Sec. 11.04.04 of the Zoning Ordinance.

My clients and I will be in attendance at the August 20, 2019 ZBA meeting to answer any additional questions.

Very Truly Yours,

MYERS & MYERS, PLLC



Matthew M. Hagerty
Direct Dial: 517-376-4018

mh/cs
Enclosures

Cc: Client
Jamie K. Stewart, Esq., Cooper and Riesterer, PLC

EXHIBIT 1

April 19, 2018

via email and first class mail

Jamie K. Stewart
Cooper Riesterer PLC
7900 Grand River Road
Brighton, MI 48114

Re: 7505 Herbst Road

Dear Ms. Stewart:

I am in receipt of your letter regarding the fence in dispute on your client's property. I understand that Ms. Appell and Ms. Young had the fence constructed without the Township's required permit and that the fence does not comply with the Township's ordinance in regard to the height of the fence. I am aware that litigation has been instituted and is presently pending before the Honorable Michael P. Hatty. I also understand that Ms. Appell and Ms. Young commissioned a survey over 5 months ago but to date that survey is not completed.

The Township has been very patient waiting for the matter to be resolved but the one year anniversary of this issue is fast approaching. The Township must enforce its ordinances and a reasonable length of time has been given to your clients to remedy the violations. It is not acceptable to expect the Township to wait until the end of the litigation before a resolution is reached. The Township expects that the fence will be brought into compliance including obtaining a permit and having the fence comply with ordinance 11.04.04. This needs to be accomplished regardless of the outcome of the litigation. If the fence is going to stand, it needs to be in compliance with the ordinance.

I understand that a variance may be sought from the Township. While I cannot speak on behalf of the ZBA, I have some doubts that the applicant would be able to overcome the hurdle of self-creating this problem and establishing a hardship. Please note the Township adamantly refutes any claim that the contractor who installed the fence was misinformed by Township staff. The contractor discussed a driveway project with Township staff multiple times and failed to mention any fence related work as part of the project.

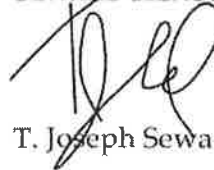


Litigation initiated by the Township can be avoided by bringing the fence into compliance with the ordinance. I am sure the parties can agree that any costs involved with having the fence meet the ordinance requirements can be part of any ultimate resolution. Township staff has prepared the attached documents in an attempt to show where the fence can be located with height restrictions to comply with the ordinance. Please submit the required land use permit application showing a fence that complies with the ordinance and take action to bring the fence into compliance immediately.

I look forward to hearing your clients' agreement to this plan.

Very truly yours,

SEWARD HENDERSON PLLC



T. Joseph Seward

TJS/
Enclosures

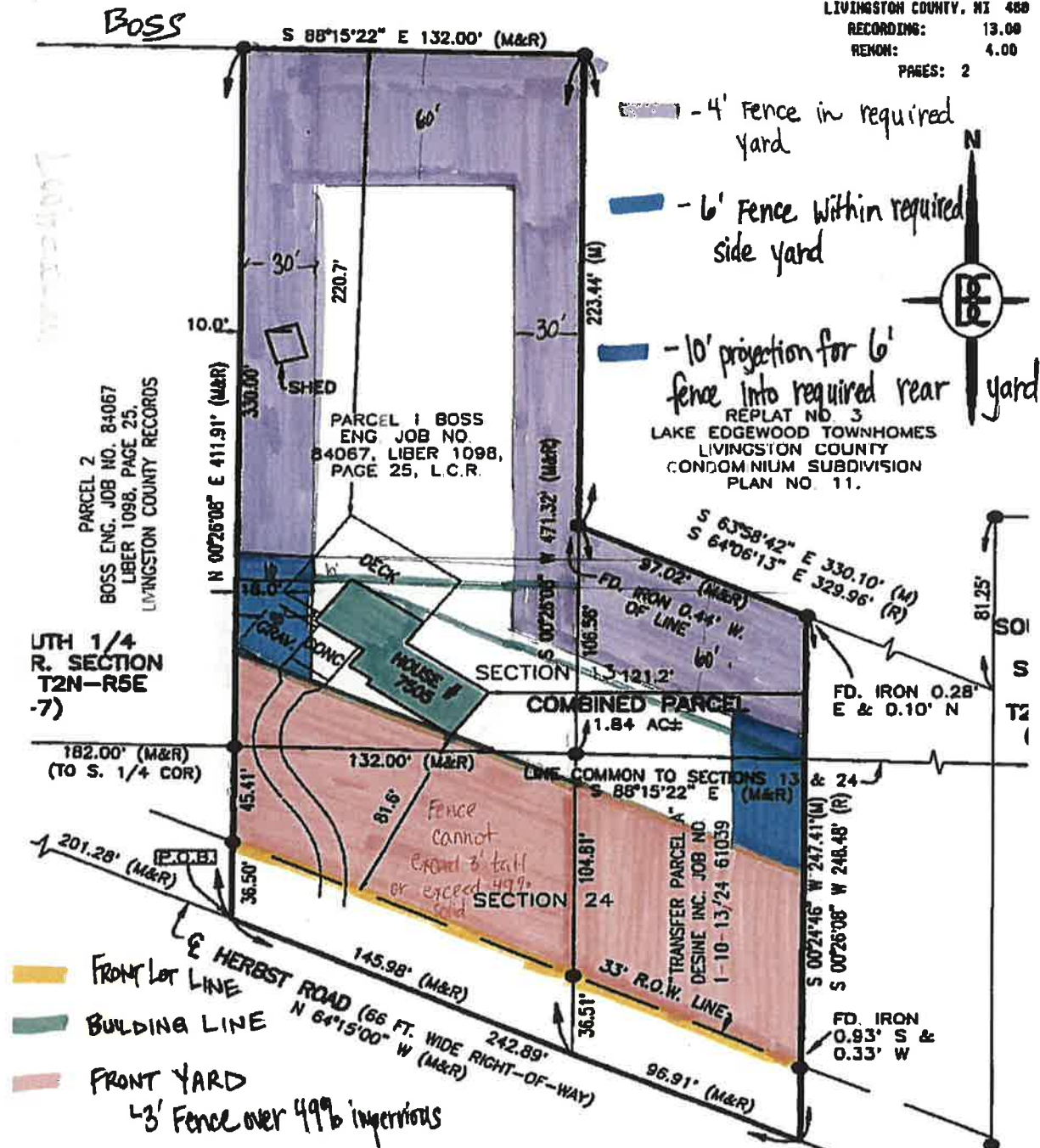
cc: Matthew M. Hagerty, Esq. (via email and first class mail)
Myers & Myers, PLLC
915 North Michigan Avenue
Suite 200
Howell, Michigan 48843



2006S-004

BOUNDARY SURVEY

RECORDED ON
07/24/2006 12:21:
SALLY REYNOLDS
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 480
RECORDING: 13.00
REMOH: 4.00
PAGES: 2



SCALE IS APPROXIMATE

CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/10,000 AND SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-10.

SECTION:
SECTIONS 13 &
R-5E, GENOA
LIVINGSTON
MICHIGAN

BOSS ENGINEERING
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
(734) 248-0000

LIVINGSTON COUNTY OFFICE
3271 E. GRAND ROAD #2
LIVONIA, MI 48150
(800) 248-0000 FAX (734) 248-1000

GRAND BLVD OFFICE
3040 GRAND BLVD
TROY, MI 48063
(313) 781-0200 FAX (313) 781-0400



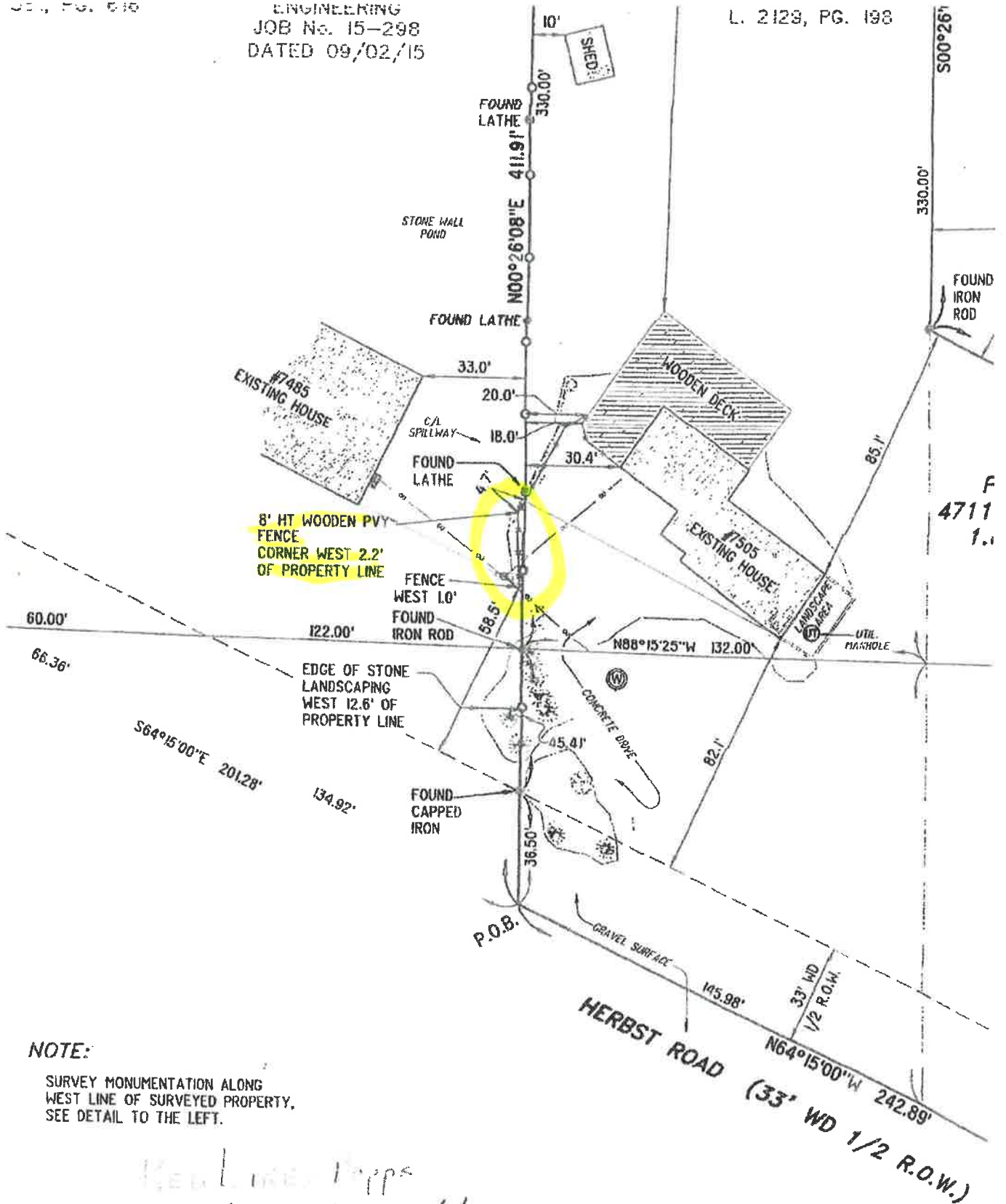
YOUNG	60 NOT TO SCALE 60	LEGEND
08216	DATE 06/23/06	○ = IRON SET
1 OF 2	FB 433 CREW GD/PAK DR. JPL CHKD. JPL	● = IRON FOUND
		⊙ = MONUMENT FOUND
		- = FENCE
		(R) = RECORDED
		(M) = MEASURED



PINK SHADED AREA SHOWN
HERE REPRESENTS AREA WHERE
U' TALL FENCE IS ALLOWED.

U1
33

EXHIBIT 2



F
4711
1.

NOTE:

SURVEY MONUMENTATION ALONG
WEST LINE OF SURVEYED PROPERTY,
SEE DETAIL TO THE LEFT.

New Line Apps
BLUE LINE = APPELL/YOUNG
= Fence

EXHIBIT 3

- (b) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property (site condominium) lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks).
- (c) Shoreline Lots: Decks without roofs on a waterfront lot shall extend a maximum fifteen (15) feet from the rear building line of the principal structure. A minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline. A separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.
- (d) Gazebos/Pergolas: Decks may include a covered or enclosed pergola or gazebo with a maximum size of one hundred fifty (150) square feet and a maximum height of fourteen (14) feet (see Article 25 for calculation of building height). (as amended 5/13/05 and 3/5/10)

11.04.03 Swimming Pools

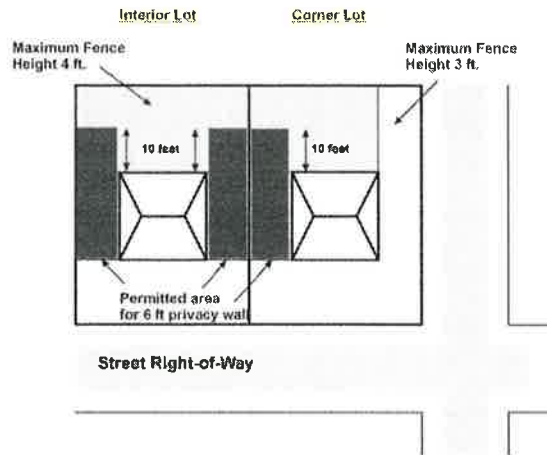
- (a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Official surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children. A hot tub with a locking cover shall not require a fence.
- (b) Relationship of Height to Setback: Swimming pools, spas, hot tubs, similar facilities and surrounding decks with an elevation measured from the mean grade at any point adjacent to such facility of three (3) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than three (3) feet above grade at any point, the setback shall be at least fifteen (15) feet from any lot line.
- (c) Restriction from Front Yard: Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

11.04.04 Fences, Walls and Screens

- (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty nine (49) percent (%) solid or impervious.
- (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. Fences shall not be permitted in the required waterfront yard.

- (c) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the required side yard or required rear yard in any zoning district shall not exceed a height of four (4) feet, except the Zoning Administrator may approve the following:

- (1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;



- (2) A six (6) foot high dog run or pet enclosure enclosing a maximum of twenty percent (20%) of the required rear yard or two hundred (200) square feet maximum area within the required rear yard, whichever is less

- (3) A six (6) foot high fence in an Agricultural or Country Estate District, which does not exceed forty nine percent (49%) solid or impervious area except as provided for in 11.04.04(c).;

- (4) An eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, commercial use or industrial use, which may also include a maximum of one (1) additional foot of barb wire.

- (d) Fences, walls or screens shall not be erected within any public right-of-way or maintained in such a way as to obstruct the vision of motorists exiting driveways or within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

- (e) The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the Agricultural and Country Estate Residential District, intended to enclose permitted livestock, or electronic fences buried beneath the ground. (as amended 12/31/06 and 3/5/10)

11.04.05 Waterfront Accessory Structures: Waterfront structures and appurtenances are permitted structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e. the minimum required setback from the ordinary high water mark.) in all zoning districts.

- (a) Only the following structures and appurtenances shall be permitted within the required waterfront yard:

- (1) docks and mooring apparatus;

EXHIBIT 4

too good of neighbors to let
this divide us.

Mon, Jul 17, 3:14 PM

ree came down in the wind
storm. It landed on our
driveway and fence area.
No damage was done
fortunately. I thought you
would want to know. Take
care.

Hi Laurie. I think emotions
got the best of all of us. I
truly hope we can patch
things up. I need to tell you
that a good sized branch
from the hollow t

Fri, Jul 21, 6:08 PM

July 21, 2017

Text
Message
From Laurie
Popp to
Jeanne Young

We had DTE out today to
take care of branches. We
will have a tree specialist
out later this year to
evaluate rest of tree.

On another note, when can

we expect to have the fence and landscaping removed from our property?

Tue, Jul 25, 7:42 PM

Likely in a few weeks

Text response from Jeanne Young

Mon, Aug 28, 2:10 PM

It's been more than a few weeks.

I just spoke to the Sheriff's office. They agreed we can begin removing the landscaping.

We are working on it. Between the builder, the township, and Boss Engineering, we are trying to get everyone's schedule to work. It is taking longer than

Text response from Jeanne Young

we expected too.

Livingston County Road



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

Case # 18-15 Meeting Date: June 19, 2018

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

Applicant/Owner: Jeanne Young and Bonnie Appell Email: appellbsa@att.net

Property Address: 7505 Herbst Road, Brighton Phone: 810-224-2741

Present Zoning: RR Residential Tax Code: 4711-13-400-032

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: See "Attachment to Application for Zoning Board of Appeals"

2. Intended property modifications: See "Attachment to Application for Zoning Board of Appeals"

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 "Attachment to Application for Zoning Board of Appeals"

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

See "Attachment to Application for Zoning Board of Appeals"

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

See "Attachment to Application for Zoning Board of Appeals"

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

See "Attachment to Application for Zoning Board of Appeals"

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

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

Date: May 23, 2018 Signature: Bonnie S. Appell 

Attachment to Application for Zoning Board of Appeals

**Genoa Township ZBA
Fence Located at 7505 Herbst Road, Brighton, MI 48114
Tax Id No: 4711-13-400-032
Application Date: May 25, 2018
Hearing Date: June 19, 2018**

I. SUMMARY OF VARIANCE REQUEST

The subject property, commonly known as 7505 Herbst Road, is located in the RR Residential Zoning district which is comprised primarily of single family residences and owned by Bonnie Appell and Jeanne Young (“Applicants”). The parcel is approximately 1.84 acres and contains a residential home which is disproportionately located on the far west side of the parcel. The owners are requesting permission to maintain a section of existing stockade fencing near the western boundary of their property that is approximately seventy feet in length and eight feet tall (“the Fence”) as a means of privacy against their neighbor to the west.¹ Ex. A – Photos of Fence.

II. ANALYSIS

A. Variance and Fence Standards

Section 23.02.02 of the Genoa Township Zoning Ordinances governs the ZBA’s review of a dimensional or use variance application. Section 23.05.03 outlines the criteria applicable to dimensional variances. The ZBA has authority under the Michigan Zoning and Enabling Act (“MZEA”), MCL 125.3604, and Section 23.02.02 of the Ordinance to “authorize, upon a variance from the strict application of the provisions of this Ordinance, where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.”

¹ Appell and Young’s neighbors to the west (Marty and Laurie Popp) have filed a lawsuit against them which is currently pending in the Livingston County Circuit Court, *Popp v. Appell, et al.*, Case No. 17-29669-CZ. Several improvements, including the section of stockade fencing, are alleged to be encroaching onto the Popp property. Applicants understand that Genoa Township does not wish to wait for the conclusion of the property dispute to bring this fence into compliance. Therefore, Applicants are requesting this variance with the condition that if the Court requires the Applicants to relocate the fence that it be permitted to do so in the same configuration (size, height, and material) positioned on Applicant’s western boundary line as determined by the court. Applicants have filed counterclaims that would entitle them to keep the fence in its present location. Applicants are not requesting Genoa Township to make any declarations concerning the disputed property line as such determination should be properly made by the court and is irrelevant for purposes of granting Applicants’ variance request.

May 24, 2018
Page 2

Section 11.04.04 of the Ordinances limits front yard fences to three (3) feet in height² and side yard fences to four (4) feet in height, except the Zoning Administrator may approve a privacy fence up to six (6) feet high within the side yard provided it does not extend beyond the front building line. A building line is defined (see Section 25.02) as a horizontal line parallel to a front, side or rear lot line which is located at the point of principal exterior wall or structural feature nearest the front, side or rear lot line, not including permitted yard projections. The attached Desine Survey (Exhibit B) shows the location of the existing fence.³ The angle of the southern boundary line of Applicants' property causes its front dimensional building line (which must run parallel to the front lot line) to cut at the same angle. This, in turn, causes Applicants' side yard to be significantly smaller than it would otherwise be. Stated another way, portions of Applicants' property that would seemingly be in their side yard are actually considered to be their front yard. The Desine survey demonstrates that approximately half of the existing fence is in Applicants' side yard, and the other half is considered to be in their front yard (which by Township ordinances would limit it to three feet in height).⁴

B. The Variance Request Should Be Granted Because the Applicant Has Shown Practical Difficulty, and all of the additional requirements of the Ordinance Section 23.05.03.

In order to vary the terms of the Ordinance, Section 23.05.03 requires that the ZBA find that certain facts and circumstances exist. The variance request relating to the Applicants' Fence meets all four of these criteria.

- 1. Practical Difficulties: The ZBA must find that compliance with the strict letter of restrictions governing area, setbacks, frontage, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property. Granting of a requested variance 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.**

Applicants purchased their home in 1996. Because their home is disproportionately located on the far west side of the parcel⁵, to obtain additional privacy from the neighbors to the west, Applicant Appell purchased forty arborvitaes which were planted along the western boundary line of Applicants' property. Shortly thereafter, the trees all started dying for unknown reasons. In 2005, Applicants attempted once again to create natural privacy against their neighbors to the west by again purchasing

² Fences located in the front yard shall also not be in excess of 49% solid or impervious. See Section 11.04.04.

³ Applicants note that portions of the fence are slightly over the western boundary line. Applicants have filed Counterclaims in the pending lawsuit alleging causes of action that would entitle them to keep the fence in its present location based upon theories of adverse possession and acquiescence.

⁴ Applicants' contractor, after the completion of construction, submitted a Fence Permit to Genoa Township on July 12, 2017 (Ex. C) which was never processed or issued.

⁵ The Popp property is also disproportionately located on the east side of their property. Ex. D – Popp Survey

May 24, 2018
Page 3

several trees (this time spruce trees) which were planted along the western boundary line. Ex. E – Invoice. These trees also all started dying for unknown reasons. As a result, Applicants concluded that the construction of a fence was the only way for them to obtain privacy against their neighbors to the west. In 2017, Applicants hired Davis Outdoor Services to perform some landscaping improvements, which included the construction of the Fence.

Interestingly, if the Applicants' neighbor to the west had elected to construct this same fence in the same location, the entirety of it would be considered to be in their side yard, not front yard (based on the location of their home in relation to their front lot line). However, when analyzed in relation to Applicants' existing home, the Fence is considered to be partially in Applicants' side yard and partially in Applicants' front yard. It seems fundamentally unfair that Applicants' neighbor to the west would be entitled to a six foot tall privacy for a fence in that same location while Applicants would only be entitled to three (at least for a portion of the fence).

Maintaining a reasonable level of privacy is a substantial property right possessed by all property owners and indeed Applicants' neighbor, had they elected to construct this same fence would be entitled to maintain up to 6 feet in height for the purpose of privacy (with Zoning Administrator approval) since it would fall entirely within their side yard. Applicants recognize that the instant Application is for 8 feet in height, however, given the proximity of the two homes to one another and the fact that natural barriers have proven to not be feasible, Applicants are seeking reasonable privacy in the only method remaining available to them.

- 2. Extraordinary Circumstances: The ZBA must find that exceptional or extraordinary circumstances or conditions apply to the property in question or the intended use which are different from other properties and the need for the variance was not self-created by the applicant.**

The characteristics which necessitate the need for the current variance request is the angle of the roadway and the location of Applicants' home on the parcel which significantly limits the size of their side yard. Neither of these characteristics were self-created by the Applicants.⁶ Additionally, Applicants contend that there are extraordinary conditions to allow the Fence given the expensive and repeated failed attempts at creating natural privacy between Applicants and their neighbors to the west. Applicants did not create any of these conditions.

⁶ Applicants understood that its contractor Davis would be handling obtaining any necessary permits in connection with the 2017 landscaping project. The owner of Davis maintains that he discussed his construction of the Fence with Genoa Township staff and was assured that it was compliant and no permit was required. Applicants understand and can appreciate that Genoa Township staff disputes this representation. Applicants point this out so the Township understands that they did not blindly embark on this process without due consideration to applicable ordinances. However, importantly, Applicants would be seeking this same variance even if the Fence was not yet constructed.

May 24, 2018
Page 4

- 3. Public Safety and Welfare: The ZBA must find that the variance will not impair an adequate supply of light and air to adjacent property ... or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.**

There is no danger to public safety created by the variance. Furthermore, Applicants have surveyed the surrounding neighborhood and secured signatures from 43 neighboring property owners who have agreed that they do not object to the Fence, believe it to be of high quality, nice in appearance and not negatively impacting property values. In short, the neighborhood stands behind the Applicants' request with the exception of their neighbor, the Poppo. Ex. F – Neighbor Signatures.

- 4. Impact on Surrounding Neighborhood: The ZBA must find that the variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.**

Granting the requested variance to the Applicants will not interfere with the value of adjacent properties or the surrounding neighborhood given the overwhelming support Applicants have received from 43 neighboring property owners. Ex. F. It is unlikely that there are any other property owners that have as compelling of circumstances as the Applicants do when you consider the limited side yard they have available to them with the fact that they have attempted on multiple occasions to secure alternative means of privacy, unsuccessfully. Applicants have a reasonable expectation to privacy in the use of their property and home. Under the circumstances, the only way for them to achieve that is by way of the Fence.

III. CONCLUSION

The applicant's request for a variance for the Fence should be granted. Practical difficulties clearly exist which warrant and support the request. Applicants have attempted, repeatedly, to create natural privacy features near the western boundary line of their property. Applicants have conservatively spent more than \$10,000 to pay for the installation of arborvitaes and spruce trees, all of which have inexplicably died. Applicants have significant support from the surrounding property owners as reflected on the petition attached with this application which contains the signatures of 43 property owners. While Applicants' request is to maintain the Fence in its current configuration, at minimum, their request would be to have it no less than six feet in height, as that is permitted in any side yard (with Zoning Administrator approval).

Very truly yours,


Jamie K. Stewart

May 24, 2018
Page 5

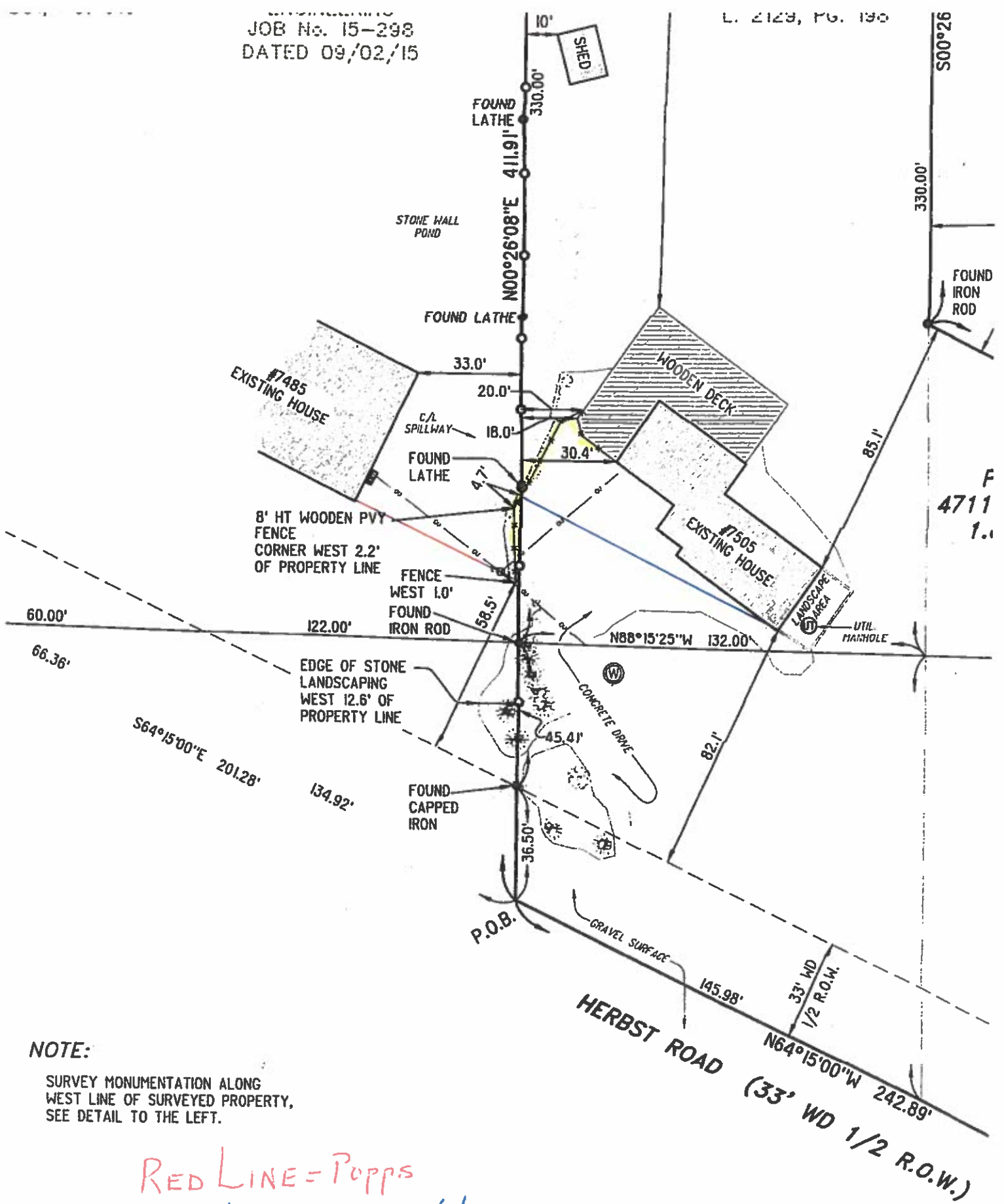
LIST OF EXHIBITS

- | | | |
|---------|----|---------------------|
| Exhibit | A. | Photos of Fence |
| Exhibit | B. | Desine Survey |
| Exhibit | C. | Fence Permit |
| Exhibit | D. | Popp Survey |
| Exhibit | E. | Invoice |
| Exhibit | F. | Neighbor Signatures |

EXHIBIT A



EXHIBIT B



F
4711
1..

NOTE:

SURVEY MONUMENTATION ALONG
 WEST LINE OF SURVEYED PROPERTY,
 SEE DETAIL TO THE LEFT.

RED LINE = Popp's
 BLUE LINE = APPELL/YOUNG
 [Yellow Box] = fence

EXHIBIT C

JUL 12 2017



Residential Land Use Permit
Genoa Charter Township • 2911 Dorr Rd. • Brighton, MI 48116
Phone (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

RECEIVED

PERMIT NO. _____

revised 10/09/14

1. PROJECT INFORMATION

Site Address: 7505 HERBST RD. BRIGHTON, MI 48114 Acreage: 1.84 ac.

2. OWNER/CONTRACTOR INFORMATION

Owner Name: BONNIE APPELL & JEANNE YOUNG Phone No.: 810-225-0423

Owner Address: 7505 HERBST RD. City: BRIGHTON State: MI Zip: 48114

Contractor name: DAVIS Outdoor Services LLC Phone No.: 248-432-0404

Contractor Address: 3795 CHELDS LAKE RD City: MILWAUKEE State: WI Zip: 53311

3. TYPE OF IMPROVEMENT

A. Principal Structure
 New Single Family New Multiple Family Addition to Existing Building Grading/Site Work
 Other: _____

B. Accessory Structure
 Fence Deck Detached Accessory (garage, shed, pole barn) Pool/Hot Tub
 Other: _____

4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION

A. Proposed Principal Structure Setbacks (in feet)

Front: _____ (measured from front property line, right-of-way line or private road easement, whichever is less)
Rear: _____ Least Side: _____ Side: _____ Water/Wetland: _____

B. Proposed Accessory Structure Setbacks (in feet) FENCE

Front: 65' Least Side: 6" Side: 121' Rear: 220' Water/Wetland: _____ Distance from Principle Structure: 18'

C. Proposed Building/Improvement Dimensions FENCE

Size of Building/Improvement: _____ square feet Height: 8' feet

6. SIGNATURE OF APPLICANT

I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent. The owner and applicant agree to conform to all applicable ordinances of Genoa Township. Any modification to location, size or dimensions must be approved by Genoa Township. A Land Use Permit is valid for a period of 12 months from the date of issue. In signing of this application, I am permitting an official representative of Genoa Charter Township to do on-site inspections. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.

Applicant is: Owner Contractor Lessee/Renter Architect/Engineer Other:

Signature of Applicant: [Signature] Printed Applicant name: ROBERT F. DAVIS Date: 7/12/17

FOR OFFICE USE ONLY

FLOODPLAIN
Floodplain: _____ Parcel #: _____ Zone #: _____

ASSESSING APPROVAL

Approved Disapproved Approved by: _____ Date: _____

ZONING APPROVAL

Parcel I.D. No.: _____ Zoning: _____
 Approved Disapproved Approved by: _____ Date: _____

Comments/Conditions: _____

Date picked up: _____

ZBA Case #/Approval date: _____ Conditions: _____

3. FEES


Land Use: S Water/Sewer: S / Meter: S

ck. # 10647



GENOA TOWNSHIP ASSESSING DEPARTMENT
REQUIRED LAND USE INFORMATION FORM
 2921 Dorr Road ♦ Brighton, Michigan 48116
 Phone: (810) 227-5225 ♦ Fax: (810) 227-3420 ♦ www.genoa.org

PERMIT NO. _____

1. PROJECT INFORMATION									
Site Address: <u>7505 HERBST ROAD</u> <u>BRIGHTON MICHIGAN 48114</u>				Parcel I.D. No.:			Zoning:		
2. TYPE OF IMPROVEMENT									
A. Principal Structure <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Addition to Existing Building									
B. Accessory Structure <input checked="" type="checkbox"/> Fence <input type="checkbox"/> Deck <input type="checkbox"/> Detached Accessory (garage, shed, pole barn) <input type="checkbox"/> Sunroom <input type="checkbox"/> Pool/Hot Tub: <input type="checkbox"/> Above ground <input type="checkbox"/> In-ground									
C. Total Project Cost: \$ <u>3500</u>									
3. SELECTED CHARACTERISTICS OF IMPROVEMENT									
Building Style		<input type="checkbox"/> Ranch		<input type="checkbox"/> 1.5 Story		<input type="checkbox"/> 2 Story			
Frame		<input type="checkbox"/> Masonry, Wall Bearing		<input type="checkbox"/> Wood Frame		<input type="checkbox"/> Structural Steel		<input type="checkbox"/> Reinforced Concrete	
Exterior		<input type="checkbox"/> Brick		<input type="checkbox"/> Stone		<input type="checkbox"/> Siding		<input type="checkbox"/> Wood	
Foundation		<input type="checkbox"/> Basement		<input type="checkbox"/> Craw		<input type="checkbox"/> Slab			
Area		New Building Square Footage:				Addition Square Footage:			
Bedrooms		No. of:							
Bathrooms		No. of Full:		No. of Half:		No. of Sinks:		No. of Showers	
Basement		Walkout: <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished: <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished Square Footage:		Basement Baths:	No. of Full:		No. of Half:
Central Air		<input type="checkbox"/> Yes <input type="checkbox"/> No			Fire Suppression:		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Fireplace		<input type="checkbox"/> Direct Vent		<input type="checkbox"/> Pre-fab		<input type="checkbox"/> Other:			
Garage		<input type="checkbox"/> Attached	<input type="checkbox"/> Detached	Height:	feet	Depth:	feet	Width: feet	
Inground Pool		<input type="checkbox"/> Fiberglass			<input type="checkbox"/> Gunite			<input type="checkbox"/> Plastic	
Driveway		<input type="checkbox"/> Gravel	<input type="checkbox"/> Asphalt	<input type="checkbox"/> Concrete	<input type="checkbox"/> Brick	<input type="checkbox"/> Other:			
Accessory Structure		Height:	feet	Depth:	feet	Width:	feet	Flooring: <input type="checkbox"/> Concrete <input type="checkbox"/> Dirt <input type="checkbox"/> Wood	
4. APPLICANT SIGNATURE (below)									
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.									
Signature of Applicant: 					Date: <u>7/12/17</u>				

revised 2/21/14

11-13-400-032



* 2006S-0047 *

2006S-0047

BOUNDARY SURVEY

RECORDED ON
07/24/2008 12:21:45PM

SALLY REYNOLDS

REGISTER OF DEEDS

LIVINGSTON COUNTY, MI 48843

RECORDING: 13.00

REWORK: 4.00

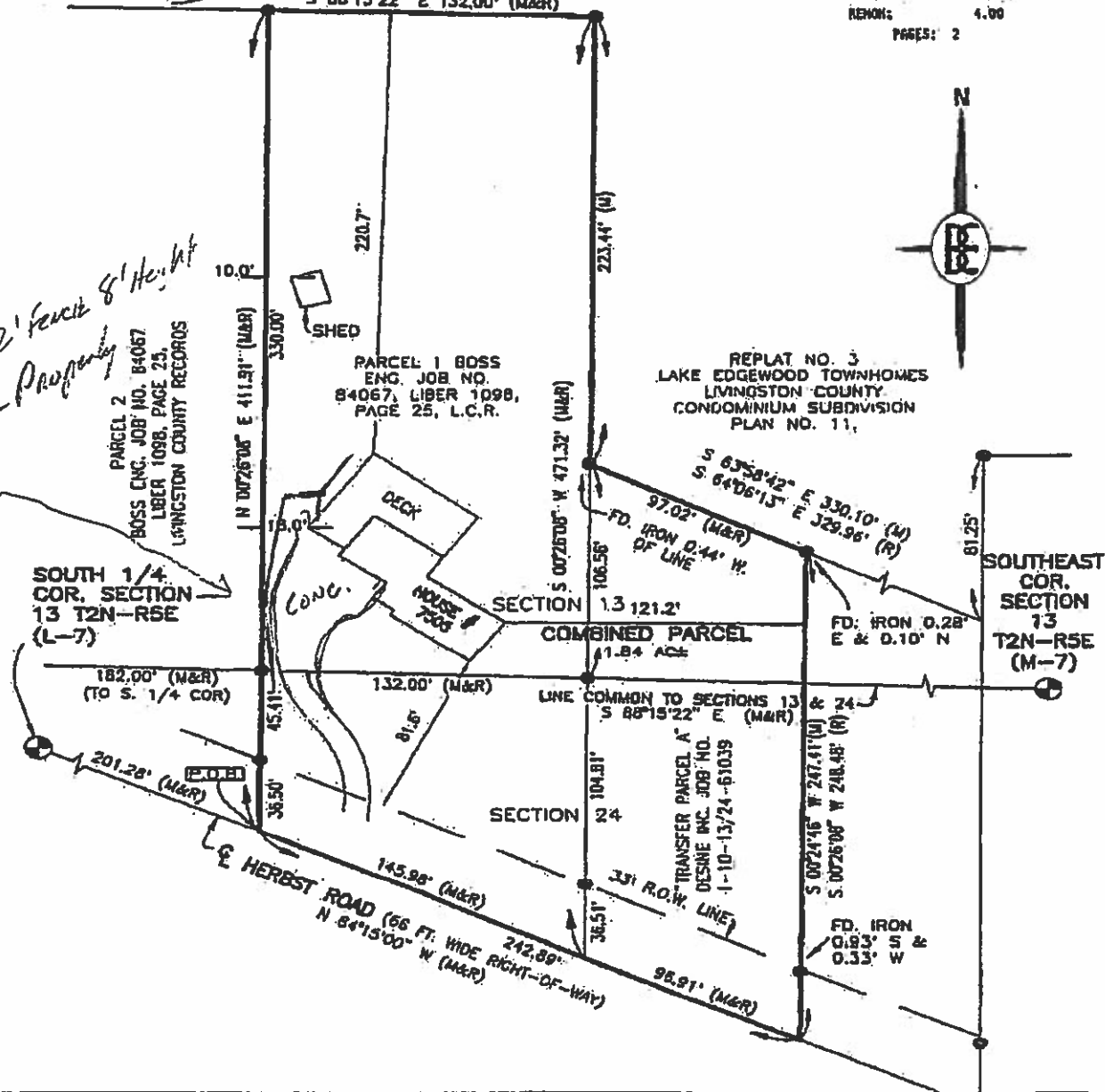
PAGES: 2

Z

BOSS

S 88°15'22" E 132.00' (M&R)

*Force 72' fence 8' Height
6" Inside Property
Line.*



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/10,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-10.

DESCRIPTION:
PART OF SECTIONS 13 & 24, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



3111 E. GRAND ROAD, SUITE 100, LANSING, MI 48206-1000
PHONE: (313) 487-1000 FAX: (313) 487-1001



CLIENT: YOUNG
JOB NO. 06216
SHEET 1 OF 2

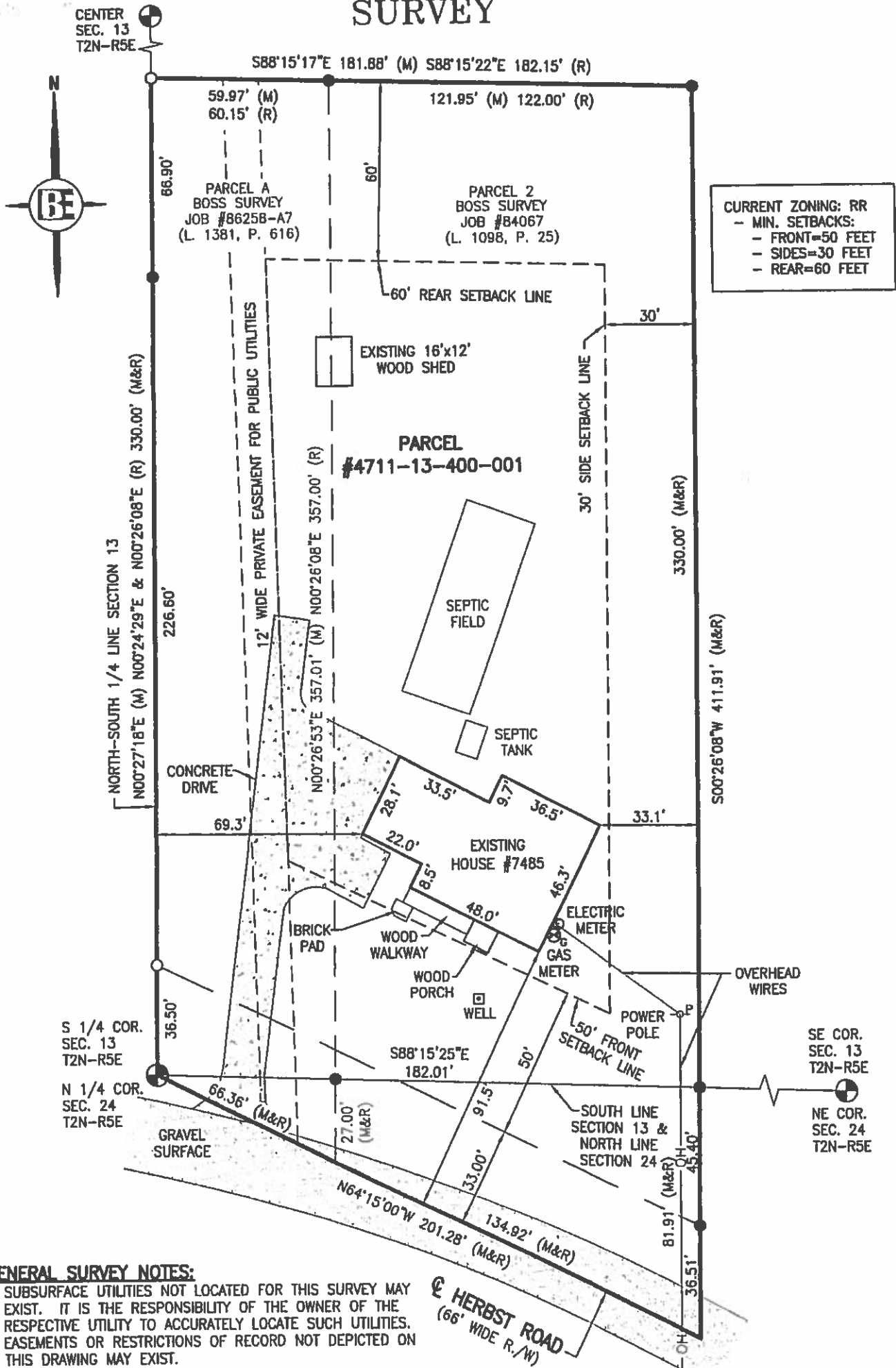
DATE 08/23/06
DATE 08/23/06
FB 433 CREW GO/PAK DR. JPL CHKD. JPL

LEGEND
○ = IRON SET
● = IRON FOUND
■ = MONUMENT FOUND
--- = FENCE
(R) = RECORDED
(M) = MEASURED

G:\06216\dwg\06216 S.dwg, 6/26/2006 1:51:38 PM, JOHN L. 2006S-0047, Livingston County Register of Deeds

EXHIBIT D

SURVEY



CURRENT ZONING: RR
 - MIN. SETBACKS:
 - FRONT=50 FEET
 - SIDES=30 FEET
 - REAR=60 FEET

GENERAL SURVEY NOTES:

1. 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.
2. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

HERBST ROAD
 (66' WIDE R./W)

DESCRIPTION OF TAX PARCEL #4711-13-400-001 PER LIVINGSTON COUNTY TAX ROLL:

SEC 13 T2N R5E BEG S 1/4 COR SEC 13, TH N 330 FT, TH E 162.15 FT, TH S 411.91 FT, TH N64°W 201.37 FT TO POB. CONT 1.55 AC M/L. CORR 4/94 FR L-1811 P-090 & FR L 2014 P-518 TVF

DESCRIPTION OF PARCEL #4711-13-400-031, AS SURVEYED:

Part of the Southeast 1/4 of Section 13 and part of the Northeast 1/4 of Section 24, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Beginning at the South 1/4 Corner of Section 13; thence along the North-South 1/4 line of Section 13, N 00°27'18" E (recorded as N 00°24'29" E and N 00°26'08" E), 330.00 feet; thence S 88°15'17" E, 181.88 feet (recorded as S 88°15'22" E, 182.15 feet); thence S 00°26'08" W, 411.91 feet; thence along the centerline of Herbst Road (66 foot wide Right of Way), N 64°15'00" W, 201.28 feet, to the POINT OF BEGINNING, containing 1.55 acres, more or less, and subject to the rights of the public over existing Herbst Road. Also subject to any other easements or restrictions of record.

Bearings were established from a previous survey by Boss Engineering, Job No. 84067, dated April 9, 1984, as recorded in Liber 1098, Page 25, Livingston County Records.

REFERENCES:

1. Previous survey by Boss Engineering, Job No. 84067, dated April 9, 1984, as recorded in Liber 1098, Page 25, Livingston County Records.
2. Previous survey by Boss Engineering, Job No. 86258-A, dated 7-11-89, as recorded in Liber 1381, Page 616, Livingston County Records.



EXHIBIT E



Invoice

MCN MNLA
MGIA ICPI
Affiliated

11000 Roberts Road, Stockbridge MI 49285
 PHONE: (517) 851-7017 / FAX: (517) 851-4783
 EMAIL: skyhorse@dmci.net / WEB: skyhorsestation.com

"From Concept to Completion...with Competence, Integrity and a Smile"

Bill To:
Jeanne Young 7505 Herbst Brighton, MI 48114

Phone #	2134
Customer Phone	810-225-0423
Customer Alt. Phone	517-304-4089
Customer Alt. contact	
Customer Fax	
Customer E-mail	

Invoice Date:	5/7/2005
Skyhorse Rep:	
Installation Date:	
Tree Warranty:	1 year W...
Flagging:	typd.

Description	Qty	Unit	Price
Blue Spruce 10-12'	3		
12 MONTH Tree Guarantee + Complete Installation	3		
Blue Spruce 8'	2		
12 MONTH Tree Guarantee + Complete Installation	2		
Blue Spruce 7.5'	1		
12 MONTH Tree Guarantee + Complete Installation	1		
Arden (purple) Hibiscus 24-36"	2		
Lucy (pink) Rose of Sharon	2		
ADD			
Blue Spruce 10-12'	4		
12 MONTH Tree Guarantee + Complete Installation	4		
Build Berm	1		
Discount			
Sales Tax			

Customer Acceptance:	Date:
Authorizing Acceptance:	Date:

Total	\$5,825.07
Payments/Credits	\$-5,825.07
Balance Due	\$0.00

We value our customers and have two new programs that can provide substantial benefits to you. 1) Our Customer Referral Program- provides current cash rebates. 2) Our Good Customer Loyalty Program- provides discounts on future phases.



Invoice

MCN MNLA
MGIA ICPI
Affiliated

11000 Roberts Road, Stockbridge MI 49285
PHONE: (517) 851-7017 / FAX: (517) 851-4783
EMAIL: skyhorse@dmci.net / WEB: skyhorsestation.com

"From Concept to Completion...with Competence, Integrity and a Smile"

Bill To:
Jeanne Young 7505 Herbst Brighton, MI 48114

Customer Phone	810-225-0423
Customer Alt. Phone	517-304-4089
Customer Alt. contact	
Customer Fax	
Customer E-mail	

Invoice #	45
Invoice Date:	6/7/2006

Installation Date:	
Tree Warranty:	1 year Warranty

Flagging Color	
----------------	--

Description	Qty	Unit	Amount
Blue Spruce 7-8' replacement-Install Serv. charge	1		65.00
Sales Tax			0.00
<p><i>PAID ✓ #2856</i> <i>6-12-06</i> <i>NEW TREE</i> <i>INSTALLED</i> <i>6-12-06</i></p>			

Total	\$65.00
Payments/Credits	\$0.00
Balance Due	\$65.00

We value our customers and have two new programs that can provide substantial benefits to you. 1) Our Customer Referral Program- provides current cash rebates. 2) Our Good Customer Loyalty Program- provides discounts on future phases.

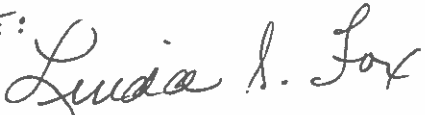
EXHIBIT F

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.


1. NAME: James Rohrer
ADDRESS: 7447 Herbst

SIGNATURE & DATE:  4/22/18

2. NAME: Lucia Fox
ADDRESS: 7466 Herbst Rd

SIGNATURE & DATE:  4/22/18

3. NAME: Julie L'Esperance
ADDRESS: 2490 Spring Grove

SIGNATURE & DATE:  4/22/18

4. NAME: Patricia O'heary
ADDRESS: 2580 Spring Grove

SIGNATURE & DATE:  4/26/18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

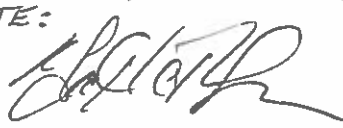



1. NAME: Lori Hauser
ADDRESS: 7520 Herbst Rd.
SIGNATURE & DATE: Lori Hauser 4-22-18

2. NAME: Ronda Golip
ADDRESS: 11401 Herbst Rd
SIGNATURE & DATE:
Ronda Golip 4-22-18

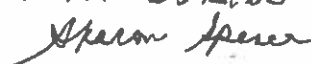
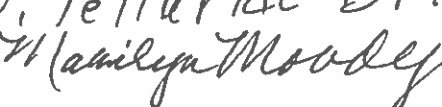


3. NAME: FRANK BERGER
ADDRESS: 2915 DUNSARY LN
BRIGHTON MI 48114
SIGNATURE & DATE:
Frank Berger 4/22/18

4. NAME: Ian Kerr
ADDRESS: 2933 Dunsary Ln
SIGNATURE & DATE:
Ian Kerr 4/22/18

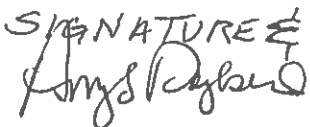
I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: MATTHEW RIESTERER
ADDRESS: 2533 SPRING GROVE
SIGNATURE & DATE:  7/26/18
2. NAME: CHARLES LEWIS
ADDRESS: 2447 SPRING GROVE
SIGNATURE & DATE:  4/26/18
3. NAME: DATHY PIZNER
ADDRESS: 7590 HERBST
SIGNATURE & DATE:  4.26.18
4. NAME: JEFF PIZNER
ADDRESS: 7590 HERBST
SIGNATURE & DATE:  4.26.18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.


1. NAME: SHARON SPENCE
ADDRESS: 3069 W. TELLURIDE BRIGHTON
SIGNATURE & DATE:  5/2/17
2. NAME: Marilyn Moody
ADDRESS: 3056 W. Telluride Brighton
SIGNATURE & DATE:  5/1/18
3. NAME: Aaron Gage
ADDRESS: 2500 Spring Grove Dr, Brighton, MI
SIGNATURE & DATE:  5/7/18
4. NAME: CONNIE DEBRINCAT
ADDRESS: 2608 SPRING GROVE DRIVE
SIGNATURE & DATE:  5/7/18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: Amy Daybird
ADDRESS: 3033 West Telluride, Brighton 48114
SIGNATURE & DATE:  4/26/18

2. NAME: CHERYL VRABEL
ADDRESS: 3041 W. TELLURIDE BRIGHTON, MI 48114
SIGNATURE & DATE: Cheryl A. Vrabel 4-26-18

3. NAME: PAT MORLEY
ADDRESS: 3049 W TELLURIDE
SIGNATURE & DATE: Pat Morley 4-24-18

4. NAME: JEFFREY BAWETT
ADDRESS: 7516 RADCLIFFE
SIGNATURE & DATE:  5/7/18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: Thomas John
ADDRESS: 7514 RADCLIFFE

SIGNATURE & DATE:

Thomas John 05/07/2018

2. NAME: Barbara Shafi
ADDRESS: 7517 Radcliffe

SIGNATURE & DATE:

Barbara Shafi 5/7/2018.

3. NAME: Sue E. Kerr
ADDRESS: 7531 Radcliffe

SIGNATURE & DATE:

S. E. Kerr 5/7/18

4. NAME: Carole Scott

ADDRESS: 3040 W. Telegraph

SIGNATURE & DATE:

Carole J. Scott 5-7-18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: Dorothy Strong
ADDRESS: 2896 W. Telluride
SIGNATURE & DATE: Dorothy Strong
4-26-18
2. NAME: M. Ivan Zyr
ADDRESS: 2912 W Telluride
SIGNATURE & DATE: M Ivan Zyr 4/26/18
3. NAME: Nancy Stoddard
ADDRESS: 2964 W. Telluride
SIGNATURE & DATE: Nancy A. Stoddard 4/26/18
4. NAME: Sail Bliss
ADDRESS: 2982 W. Telluride
SIGNATURE & DATE: Sail Bliss 4-26-18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: Art Wood
ADDRESS: 7690 DUMMISON
SIGNATURE & DATE: Art Wood 4.26.18
2. NAME: Mary Ellen Bell
ADDRESS: 2848 W. TELLURIDE
SIGNATURE & DATE: Mary Ellen Bell 4-26-18
3. NAME: Elaine Quesada
ADDRESS: 2872 W Telluride
SIGNATURE & DATE: Elaine Quesada
4. NAME: Dee Brock
ADDRESS: 2888 W. Telluride
SIGNATURE & DATE: Dennis Brock

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES.


1. NAME: Nancy Hester
ADDRESS: 2955 Breckenridge
SIGNATURE & DATE: N Hester 4.19.18


2. NAME: CATHY BAMRICK
ADDRESS: 2957 BRECKENRIDGE BRIGHTON MI 48114
SIGNATURE & DATE: Cathy Bamrick 4/19/18

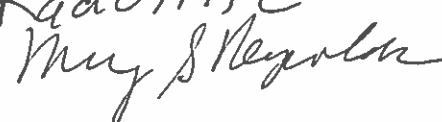
3. NAME: JOAN MATHONEY
ADDRESS: 3017 N. TELLURIDE, BRIGHTON, MI 48114
SIGNATURE & DATE: Joan Mathoney 4-19-2018

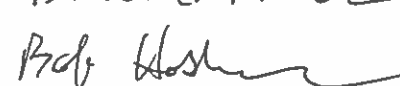
4. NAME: Dave Drain
ADDRESS: 7560 Herbst Rd
SIGNATURE & DATE:
David J Drain 4-19-18

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES.

1. NAME: Sue Gannon
ADDRESS: 7493 Radcliffe
SIGNATURE & DATE:  4/19/18

2. NAME: KAYE ROBINE
ADDRESS: 7499 Radcliffe
SIGNATURE & DATE:  4/19/18

3. NAME: Mary Reynolds
ADDRESS: 7505 Radcliffe
SIGNATURE & DATE:  4/19/18

4. NAME: Bob Hoshaw
ADDRESS: 2975 BRECKENRIDGE
SIGNATURE & DATE: 

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES, OR THE TOWNSHIP IN ANY WAY.

1. NAME: LINDA JOHANSON
ADDRESS: 2624 SPRING GROVE DR
BRIGHTON, MI 48114
SIGNATURE & DATE: *Linda Johanson* 5/7/18

2. NAME: Paul A. South
ADDRESS: 7311 Herbst Rd Brighton Mi.
SIGNATURE & DATE: *Paul A. South* 5/9/2018

3. NAME:
ADDRESS:
SIGNATURE & DATE:

4. NAME:
ADDRESS:
SIGNATURE & DATE:

I/WE DO NOT OPPOSE A VARIANCE BEING GRANTED FOR THE PRIVACY FENCE LOCATED AT 7505 HERBST RD, BRIGHTON, MI 48114. WE/I DO NOT OPPOSE THE LOCATION OR HEIGHT OF THE FENCE. I/WE BELIEVE THE FENCE IS OF HIGH QUALITY AND IS NICE IN APPEARANCE. IN OUR OPINION THE FENCE IS NOT NEGATIVELY IMPACTING PROPERTY VALUES.

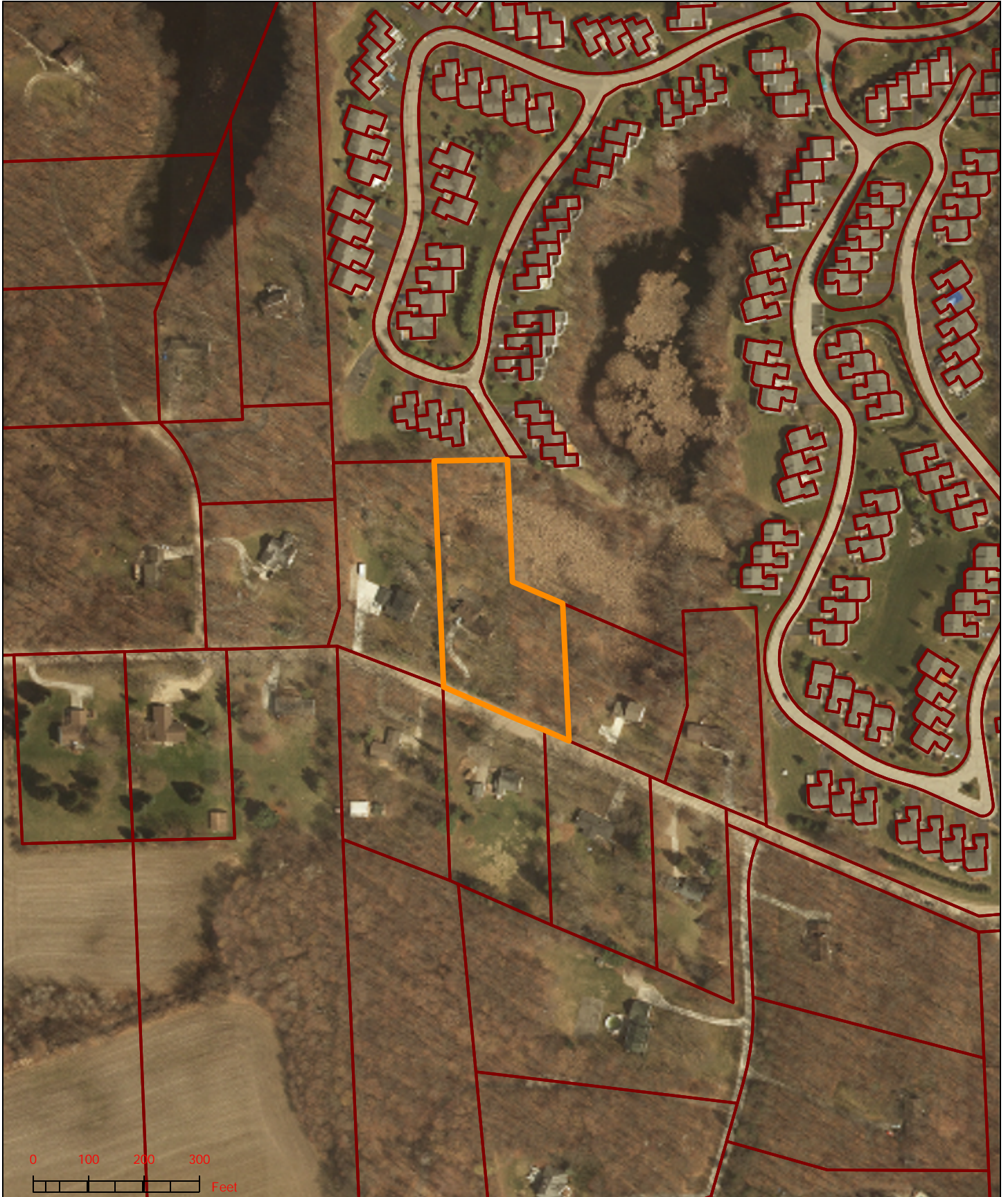
1. NAME: Aaron Pfeifer
ADDRESS: 7545 Herbst Rd Brighton
SIGNATURE & DATE: *Aaron Pfeifer* 4/19/18

2. NAME:
ADDRESS:
SIGNATURE & DATE:

3. NAME:
ADDRESS:
SIGNATURE & DATE:

4. NAME:
ADDRESS:
SIGNATURE & DATE:

GENOA TOWNSHIP



June 5, 2018

RE: ZBA - Fence Variance Request – 7505 Herbst Road, Genoa Township, Brighton, Michigan

FACTS

- May 2017 – Homeowners, Bonnie Appell and Jeanne Young, caused to be erected a fence without pulling the required permit, nor inquiring about fence requirements (ordinances). This information was verified by Genoa Township's attorney.
- Fence in the front yard exceeds not only height restrictions, but also exceeds the 49% impervious requirement. The fence resembles a stockade type of construction.

OUR VIEW OF THE VARIANCE REQUEST

We, Martin and Laurie Popp, are the homeowners immediately impacted by the non-permitted fence (7485 Herbst Road). We have owned and lived in our home since 1987. We enjoy the neighborhood and feel very fortunate to live in such a beautiful area. We have always appreciated the openness and unimpeded views of the neighborhood around us.

Our objections to the fence in its current condition are:


- The fence is extremely high – 10' in some areas. Ordinance states 3' maximum for a front yard fence and 4' for a side yard.
- Materials – the fence looks like a stockade, visually prevents any views of the beautiful area. Ordinance requires 49% or less solid construction.
- Promotes an unfriendly environment – looks like the homeowners are blocking themselves off from the neighborhood.
- The fence is unsightly – it is viewable not only from our front yard, but also from our backyard patio. The resemblance to a fort comes to mind. In addition, this type of fence construction is typically installed with the finished side facing out. The homeowners elected to instead have the unfinished side face our property.

Granting this variance would also set a precedent – the once beautiful open spaces we all now enjoy could become segregated looking and promote a feeling of unfriendliness if other neighbors in the area elected to also build this type of stockade fence in their front yards.

We are asking that the Township uphold the fence requirements and not grant the variance request. This problem was of the homeowner's own making when they elected not to secure a permit or bother asking about the fence requirements before constructing.

The variance request will be presented at the next Genoa Township Zoning Board of Appeals meeting scheduled for Tuesday, June 19, 2018 beginning at 6:30 pm.

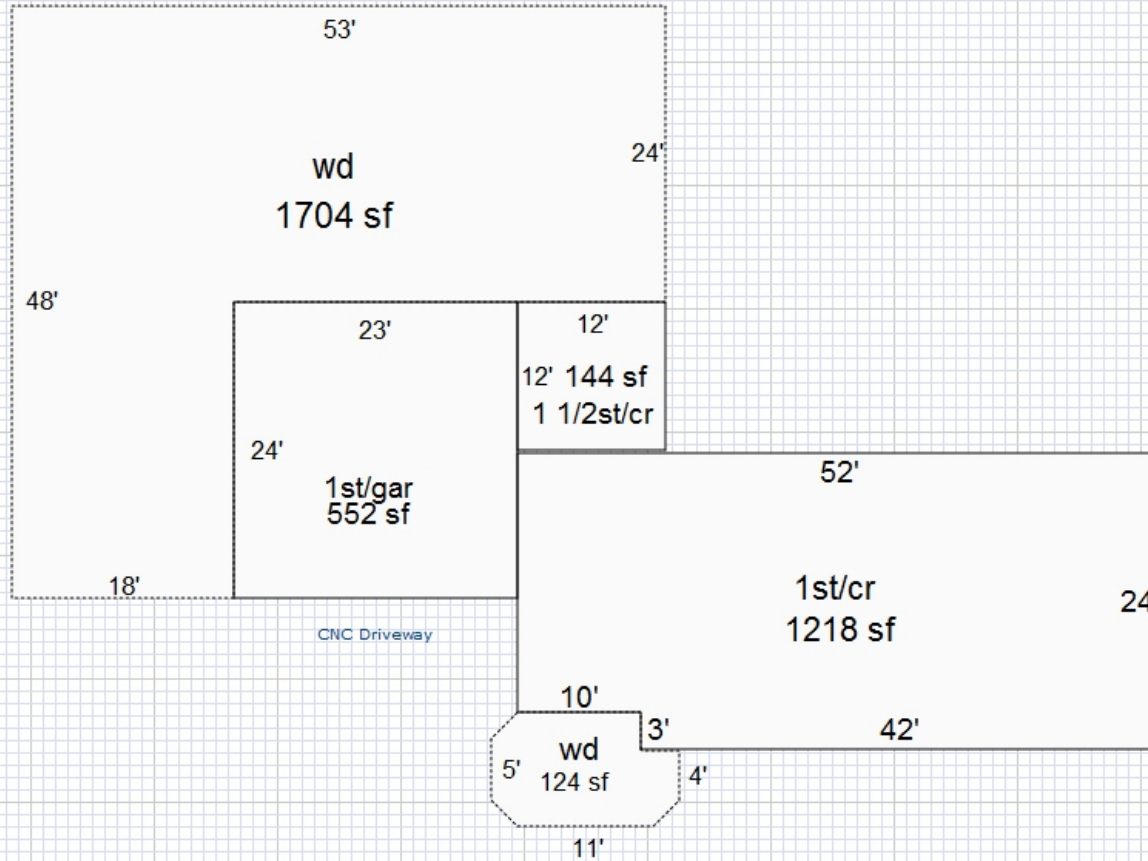
Our wish is that our neighbors will take both parties' comments into account before providing your response at the Zoning meeting on June 19.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.						
ROD PIERON BUILDING	APPELL BONNIE & YOUNG JEANNE	0	06/28/2006	WD	INVALID SALE	2006R-011877	BUYER	0.0						
APPELL, BONNIE S.	APPELL, BONNIE & YOUNG, JEANNE	0	11/16/2001	QC	QUIT CLAIM	3180-0768	BUYER	0.0						
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: RR		Building Permit(s)		Date	Number	Status				
7505 HERBST RD		School: BRIGHTON		REROOF		05/27/2015		W15-081	NO START					
		P.R.E. 100% 11/07/2006		REROOF		11/05/2014		W14-260	NO START					
Owner's Name/Address		MAP #: V18-15		2019 Est TCV Tentative										
APPELL, BONNIE & YOUNG, JEANNE 7505 HERBST RD BRIGHTON MI 48114		X Improved		Vacant		Land Value Estimates for Land Table 122.BRIGHTON M & B								
Tax Description		Public Improvements		Description		* Factors *		Reason		Value				
SEC 13 T2N R5E COMM AT S 1/4 COR TH S64*15'00"E 201.29 FT TO POB TH N00*26'08"E 411.91 FT TH S88*15'22"E 132 FT TH S00*26'08"W 222.57 FT TH S64*06'31"E 97.02 FT TH S00*26'08"W 248.48 FT TH N64*15'00"W 242.89 FT TO POB CONT. 1.84 AC M/L PARCEL A SPLIT ON 07/31/2006 FROM 4711-24-200-021, 4711-24-200-068, 4711-13-400-002;		Dirt Road		TABLE A		1.840 Acres		29,457 100		54,200				
Comments/Influences		Gravel Road		Frontage		Depth		Rate %Adj.		Total Est. Land Value =				
Split/Comb. on 07/31/2006 completed 07/31/2006 DUFFY ;		Paved Road		Depth		Front		Reason		Value				
		Storm Sewer		1.84		Total Acres		Total Est. Land Value =		54,200				
		Sidewalk		Topography of Site		Year		Land Value		Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Water		Level		2019		Tentative		Tentative	Tentative			Tentative
		Sewer		Rolling		2018		27,100		57,800	84,900			66,077C
		Electric		Low		2017		27,100		58,200	85,300			64,718C
		Gas		High		2016		27,100		54,500	81,600			64,141C
		Curb		Landscaped										
		Street Lights		Swamp										
		Standard Utilities		Wooded										
		Underground Utils.		Pond										
		Topography of Site		Waterfront										
		Level		Ravine										
		Rolling		Wetland										
		Low		Flood Plain										
		High		REFUSE										
		Landscaped												
		Swamp												
		Wooded												
		Pond												
		Waterfront												
		Ravine												
		Wetland												
		Flood Plain												
		REFUSE												
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		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	1	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 1704 124	Type Treated Wood Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:	
X	Wood Frame		Drywall Paneled		Plaster Wood T&G										
Building Style: BC		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 X Forced Heat & Cool Heat Pump No Heating/Cooling											
Yr Built 1953	Remodeled 0	Ex	X	Ord		Min									
Condition: Good		Lg	X	Ord		Small									
Room List		(5) Floors		Central Air Wood Furnace											
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric 0 Amps Service											
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family BC			Cls BC		Blt 1953			
X	Wood/Shingle Aluminum/Vinyl Brick						No. of Elec. Outlets			E.C.F. X 1.150					
	Insulation						Ex.	X	Ord.						
(2) Windows		(7) Excavation		(13) Plumbing			Ground Area = 1362 SF Floor Area = 1986 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=45/100/100/100/45								
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 1362 S.F. Slab: 0 S.F. Height to Joists: 0.0			Many			X	Ave.		Few		
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(8) Basement		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			Building Areas								
(3) Roof		(9) Basement Finish		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Stories			Foundation		Size			
X	Gable Hip Flat		Gambrel Mansard Shed	(14) Water/Sewer			1.5 Story			Siding		Crawl Space			
X	Asphalt Shingle	(10) Floor Support		Lump Sum Items:			1 Story			Siding		Crawl Space			
Chimney: Brick							1 Story			Overhang		Overhang			
							Other Additions/Adjustments			Total:		240,031 86,855			
							Plumbing			1		5,572 2,507			
							3 Fixture Bath			1		4,597 2,069			
							Water/Sewer			1		9,556 4,300			
							1000 Gal Septic			1		2,609 1,174			
							Water Well, 200 Feet			1		19,119 8,604			
							Deck			124		5,640 2,538			
							Treated Wood			1704		Totals: 287,124 155,066			
							Treated Wood			1		ECF (47010 BRIGHTON M & B) 1.150 => TCV: 178,326			
							Fireplaces			1					
							Interior 1 Story								

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



Sketch by Apex Sketch

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

August 8, 2019

Geneo Township Variance Board
2911 Dorr Road
Brighton, MI 48116

RE: Variance Application for 4784 Nature View Court

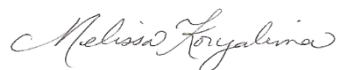
Dear Variance Board Members,

Thank you for the opportunity to resubmit our request for a variance for our home's addition. During our last review we discussed the possibility of pushing back the planned addition to our home and we have worked with our architect on a revision to the initial plan submitted. The architect was able to move back the start of the addition 6 feet from the original plan, which would now have the addition starting 8 feet from the current southeast corner of our home. The new addition would be 56 feet 9 inches from Nature View Court and would be 11.5 feet into the 40 foot setback line. Please see the attached site plan which aims at showing the area that would be within the setback.

We have also included photos of our home to show the hardship of our property and elevation which are limiting factors in where the addition can go and why we are requesting a variance into the setback. The inground pool, that was installed prior to us purchasing the home and only 20 feet from the closest point of existing footprint, would only be 26 feet from the back of the planned addition and if pushed back further would eliminate function of our home and be too close to the pool, even considering a very narrow pool deck (8 feet). Please see the included photos.

We thank you for your review and consideration of our resubmitted site plan and drawings of the addition, we welcome you to visit our home where the planned addition is marked on our driveway, hope that you will consider our neighbors letter of support submitted with the initial variance request and are available to answer any questions that you may have while you are making your decision on our variance request.

Kindest Regards,



Melissa Koryabina
4784 Nature View Court
Howell, MI 48843



View from northeast to southwest showing the narrow distance between our home and pool, even with a very narrow pool deck.



View from southwest to northeast showing that even though there is a deck it's very narrow and would not accommodate the addition towards the north.



View from the north to the south showing how close the pool is the existing house.

1. Variance requested:

We are requesting a variance to remodel our current garage into additional square footage for our house and then build a new garage over our current driveway which would be within the 40 foot setback off the property line.

2. Intended property modifications:

Our property modifications would include remodeling our current kitchen into a family room, our current garage into a kitchen and playroom, and then we would like to build a garage directly off our current garage.

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.

Our 10-acre property is pied shaped and our home was built towards the narrowest part of the pie and already sits within the setback. Our inground pool prohibits us to expand off the back of our current kitchen and therefore permitting us a variance to expand into the setback off current garage is the only way for us to accomplish our goals of expanding our kitchen and building a family room and playroom.

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 footprint of our home was built within the now setback lines in 1989 and the inground pool was added prior to us purchasing the home in 2008. Even though we have 10 acres due to the pie shape of the property and the position of our home there are no other options to expand the footprint and accomplish our goals if not within the setback whereas others with this much acreage may not have such limitations.

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 neighbor's home to the west is approximately 200 feet (to be verified) from the property line and would be approximately 235 feet from our proposed addition. We have spoken with our neighbors and they are in full support of our proposed addition and we submit the attached letter indicating their support.

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 neighborhood is very developed, homes have been established for 25 plus years and there is no vacant property of development. No, the variance will not interfere or the value of our neighbor's property as any neighbor's property is 200 plus feet from the proposed addition to our home.



REVISED

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

RE: ZBA 19-15

STAFF REPORT

File Number: ZBA#19-15
Site Address: 4784 Nature View Court
Parcel Number: 4711-30-300-016
Parcel Size: 10.00 Acres
Applicant: Melissa Koryabina, 4784 Nature View Court, Howell
Property Owner: Melissa and Nikolas Koryabina
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a front and side yard variance to construct an addition to an existing single family home.
Zoning and Existing Use: CE (Country Estates) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday March 31, 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 1989.
- The parcel is serviced by well and septic.
- See Assessing Record Card.

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

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Summary-REVISED

The applicant has submitted new information for the August 20, 2019 ZBA meeting. The applicants have reduced variance requests.

Summary

The proposed project is to construct an addition to an existing single family home. In order to construct the addition, the applicant is requesting a front and side yard variance. The existing home was constructed within the front yard setback in 1989.

Variance Requests

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

Table 3.04.01 (CE District): REVISED

Required Front Yard Setback:	75'	Required Side Yard Setback:	40'
Proposed Front Yard Setback:	56'9"	Proposed Side Yard Setback:	28'6"
Proposed Variance Amount:	18'3"	Proposed Variance Amount:	11'6"

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

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

- (a) Practical Difficulty/Substantial Justice** – Strict compliance with the front and side yard setback would prevent the applicant from constructing the addition however does not unreasonably prevent use of the property. The side yard variance does not provide substantial justice since it would greatly reduce the side yard setback and would not make the home consistent with properties in the same zoning or vicinity. The addition is proposed to be located a few feet from the current non-conforming front setback however it would still not meet setback requirement. There are homes in the immediate area that appear to have non-conforming front yard setbacks therefore substantial justice would be supported.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home and pie shape lot. The applicant provided information as to why the property prevents an addition to the existing home behind the current garage however did not address the north or west side of the property. There is an ample building envelope on this lot and the variance request must be the least necessary. If other options exist than the need for the variance is self-created.
- (c) Public Safety and Welfare** – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

N/A

The call to the public was made at 8:21 pm.

Chris Bonk of 5755 Long Pointe is in favor of this request. If the garage is pushed further from the front property line, it will impede his view of the lake.

The call to the public was closed at 8:22 pm.

Moved by Board Member Rockwell, seconded by Board Member Rassel, to approve Case #19-14 for Patrick and Robin Fisher of 5766 Long Pointe Drive for a front-yard setback variance of 35 feet from the required 35 feet and waterfront variance of 47.55 feet from the required 99.25 feet to demolish an existing home and construct a new home, based on the following findings of fact:

- Strict compliance with the waterfront front-yard setback would prevent the applicant from constructing a new single family home as proposed. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity.
- The exceptional or extraordinary condition of the property is the irregular shorelines as it pertains to this parcel. The need for the variances is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. Structure must be guttered with downspouts.
2. Dust control measures shall be taken during the demolition of the existing home.

The motion carried unanimously.

6. 19-15... A request by Melissa Koryabina, 4784 Nature View Court, for side and front yard variances to construct an addition.

Melissa and Nick Koryabina were present. They would like to add an addition to their home. The current garage would become a kitchen, a family room and a mudroom and the addition would be a new garage.

Their property is pie shaped and when the home was built, it was placed at the narrowest part of the property. If the home was put in the wider part of the property, they would be able to meet the setback requirements with this addition. There is an existing inground pool behind the home so the additional cannot go in that area. There is a steep slope to the rear of the home next to the pool. Their well is on the other side of the home so they cannot put the garage on that side and put a driveway over the well. They currently have a three-car garage and are going to build a two-car garage. The existing home already sits within the 40-foot setback on the other side of the home.

Call to the public was made at 8:49 pm with no response.

Vice-Chairperson McCreary stated a letter of support was received from Donald Gaines of 2911 Dorr Road.

The applicant and the Board discussed the request and other options for the addition. The applicant requested to have their item tabled this evening.

Motion by Board Member Rassel, seconded by Board Member Rockwell, to table Case #19-15 at the petitioner's request until the May 21, 2019 Zoning Board of Appeals meeting. **The motion carried unanimously.**

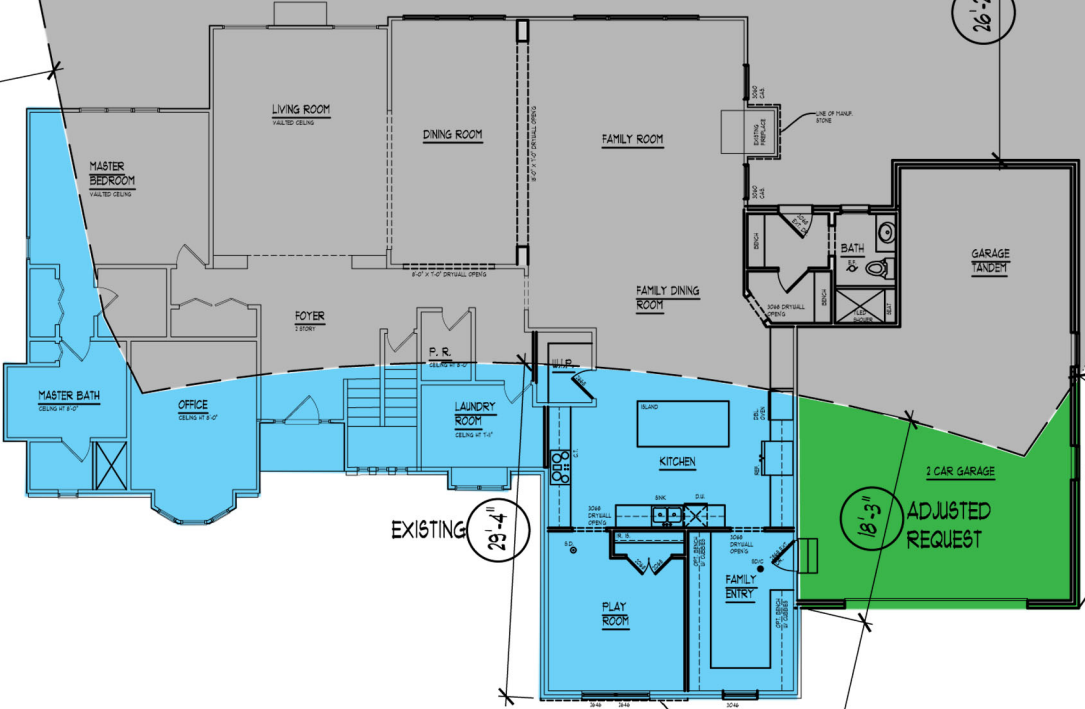
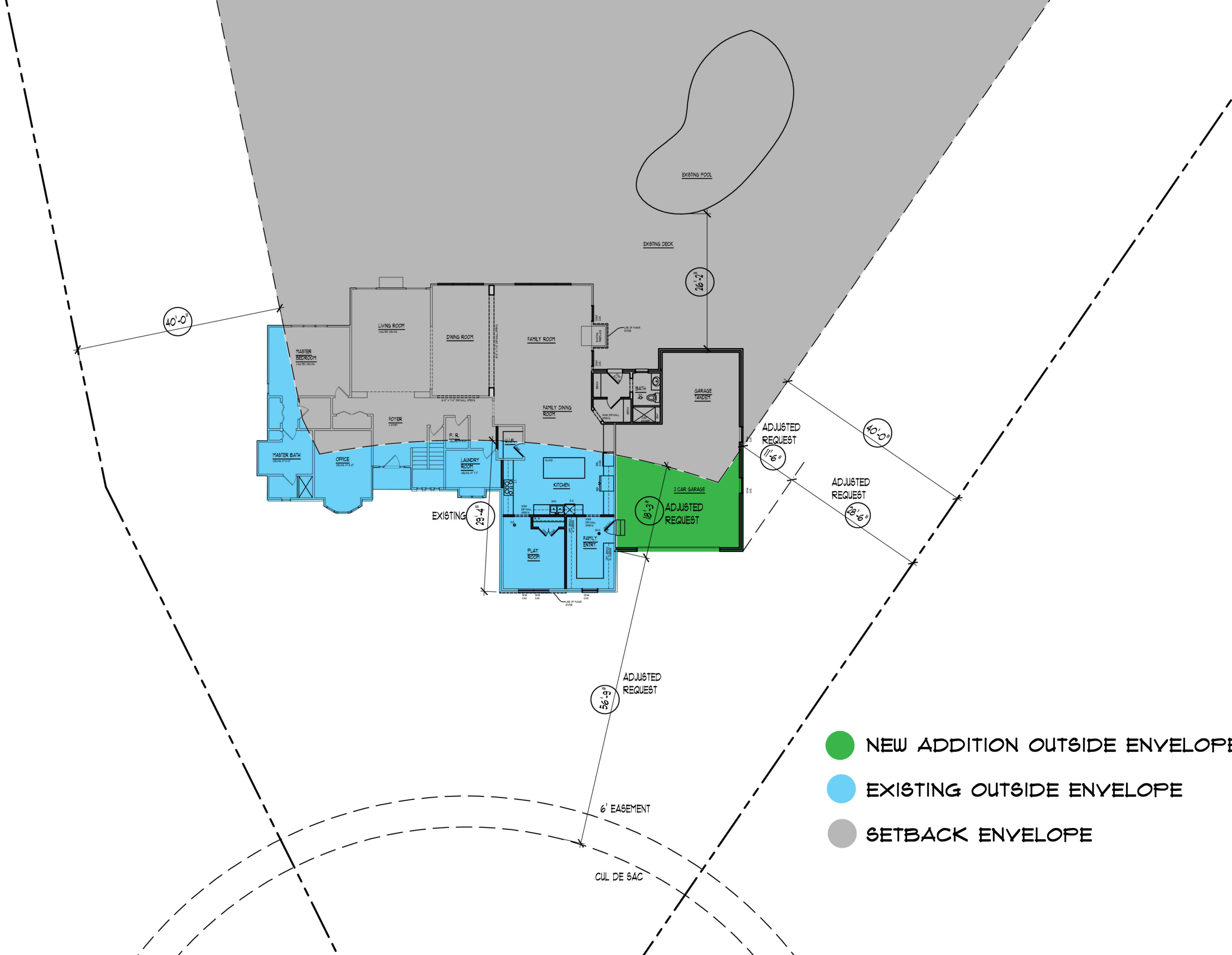
7. 19-16... A request by Joseph and Maria Perri, 3994 Highcrest, for a front yard and height variance to construct a new home.

Mr. Joseph Perri and Ms. Amy Crotty of Dreamworks, the developer, were present. Mr. Perri noted that they no longer require a height variance.

Ms. Crotty stated the measurement for the front yard is calculated by where the road is platted and not where it is located. If it was measured from the actual road location, then they would not need a variance. The home will be 35 feet away, at its closest point, to the roadway. Additionally, this home would be further away from the road than many of the other homes on Highcrest.

Mr. Perri stated there are 13 homes within 300 feet that have three-car garages.

Vice-Chairperson McCreary would like to see a survey that shows where the home is going to be located, the required setback, and the proposed setback. What is being presented is sketch on a piece of graph paper. Ms. Ruthig presented a survey of the property that was in the Township's file. After a discussion, it was decided that if the



- NEW ADDITION OUTSIDE ENVELOPE
- EXISTING OUTSIDE ENVELOPE
- SETBACK ENVELOPE

40'-0"

26'-2"

EXISTING 23'-4"

18'-3"

ADJUSTED REQUEST 11'-6"

40'-0"

ADJUSTED REQUEST 28'-6"

ADJUSTED REQUEST 56'-9"

6' EASEMENT

CUL DE SAC

NOTE:
 PROVIDE MIN. (2) 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

PLAN NOTES

INTERIOR WALLS:
 1/2" GYPSUM WALL BOARD ON EACH SIDE OF 2x4 WOOD STUDS @ 16" O.C. 3 1/2" THICK TYPICAL (UNLESS NOTED OTHERWISE).

EXTERIOR WALLS:
 SIDING 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-20 WALL CONSTRUCTION. 1/2" GYPSUM WALL BOARD (GLUE & SCREW). WALL TO BE 4" THICK WITH SIDING AND 8" THICK WITH MASONRY (TYPICAL UNLESS NOTED OTHERWISE).

1. TRUSSES TO BEAR ON EXTERIOR WALLS ONLY UNLESS NOTED OTHERWISE.
2. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH 20-MINUTE FIRE RATED DOORS (OR EQUIVALENT PER 2019 IRC SECTION R302.5.1).
3. VENT ALL EXHAUST FANS TO EXTERIOR.
4. WHEN POSSIBLE DIRECT ALL FLUES AND VENTS THAT PENETRATE ROOF BEHIND MAIN RIDGE.
5. INSTALL WATER SUPPLY AND DRAIN BOX (GREY BOX) AT WASHING MACHINE LOCATION.
6. USE MOISTURE RESISTANT DRYWALL AT ALL AREAS SUSCEPTIBLE TO MOISTURE.
7. 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.
8. PROVIDE GUARDRAIL AT STAIRS DURING CONSTRUCTION.
9. PROVIDE SQUASH BLOCKS UNDER ALL BEARING CONDITIONS.
10. GARAGE WALLS TO BE 2x6 STUDS IF OVER 10'-0" TALL.

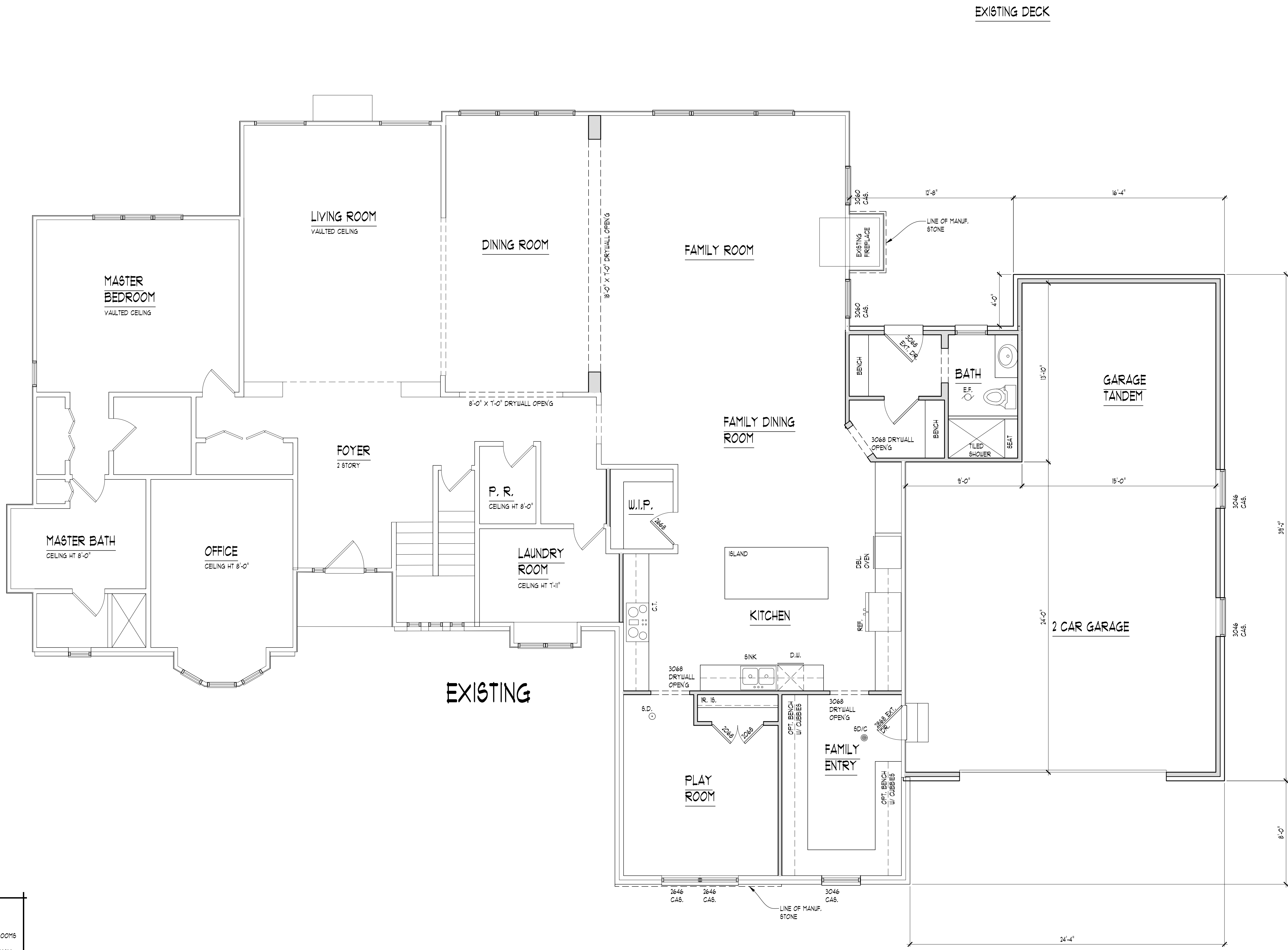
NOTE: S.D. ○
 S.D./C. ⊙
 ALL SMOKE & CARBON MONOXIDE DETECTORS INTERCONNECTED W/ BATTERY BACK-UP PER CODE.

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 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 SEPARATION NOTE
 FIRE SEPARATION (R302.6)
 GARAGE SPACE BETWEEN HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPARATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPARATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. ALL OTHER GARAGE SPACE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN 1/2-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE. DROP CLG. UNDER FLR. ABV. (ENCLOSE MECHANICAL AND STRUCTURAL ELEMENTS) VERIFY W/ BLDG.



EXISTING DECK



TK DESIGN & ASSOCIATES
 WWW.TKHOMEDSIGN.COM
 26030 PONTIAC TRAIL, SOUTH LYON, MI 48178
 PHONE: (248)-446-1960
 FAX: (248)-446-1961

COPYRIGHT 2014 TK DESIGN AND ASSOCIATES
 DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY.
 CONTRACTOR TO FIELD VERIFY ALL DRAWING APPLICABLE CONSTRUCTION, DISCREPANCIES AND DESIGN CHANGES SHALL BE REPORTED TO THE DESIGNER IN WRITING IMMEDIATELY.
 CALL MET/DIG AT 800-480-7273 3 DAYS PRIOR TO ANY EXCAVATION.
 CONSTRUCTION IS THE SOLE RESPONSIBILITY OF THE PERMIT HOLDER.

CLIENT / PROJECT
 KORYABINA RENOVATION
 NATURE VIEW CT.
 HOWELL, MI
 GENOA TOWNSHIP

JOB No. 18-132
DRAWN: -
CHECKED: -
REVIEW: -
FINAL: -
REVISION: -

SCALE:
 PER PLAN

SHEET #
 A-2

PLAN NOTES

INTERIOR WALLS:
1/2" GYP/UM WALL BOARD ON EACH SIDE OF 2x4 WOOD STUDS @ 16" O.C. 3 1/2" THICK TYPICAL (UNLESS NOTED OTHERWISE).



EXTERIOR WALLS:
SIDING AND/OR MASONRY WITH AIRSPACE, MOISTURE BARRIER PAPER (HOUSE WRAP) ON 1/16" O.S.B. SHEATHING ON 2x4 WOOD STUDS @ 16" O.C. OR AS NOTED. MIN. R-20 WALL CONSTRUCTION. 1/2" GYP/UM WALL BOARD (GLUE & SCREW). WALL TO BE 4" THICK WITH SIDING AND 8" THICK WITH MASONRY TYPICAL UNLESS NOTED OTHERWISE.

- TRUSSES TO BEAR ON EXTERIOR WALLS ONLY UNLESS NOTED OTHERWISE.
- OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL BE EQUIPPED WITH 20-MINUTE FIRE RATED DOORS (OR EQUIVALENT PER 2015 IRC SECTION R302.5.1).
- VENT ALL EXHAUST FANS TO EXTERIOR.
- WHEN POSSIBLE DIRECT ALL FLUES AND VENTS THAT PENETRATE ROOF BEHIND MAIN RIDGE.
- INSTALL WATER SUPPLY AND DRAIN BOX (GREY BOX) AT WASHING MACHINE LOCATION.
- USE MOISTURE RESISTANT DRYWALL AT ALL AREAS SUSCEPTIBLE TO MOISTURE.
- 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.
- PROVIDE GUARDRAIL AT STAIRS DURING CONSTRUCTION.
- PROVIDE SQUASH BLOCKS UNDER ALL BEARING CONDITIONS.
- GARAGE WALLS TO BE 2x6 STUDS IF OVER 10'-0" TALL.

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

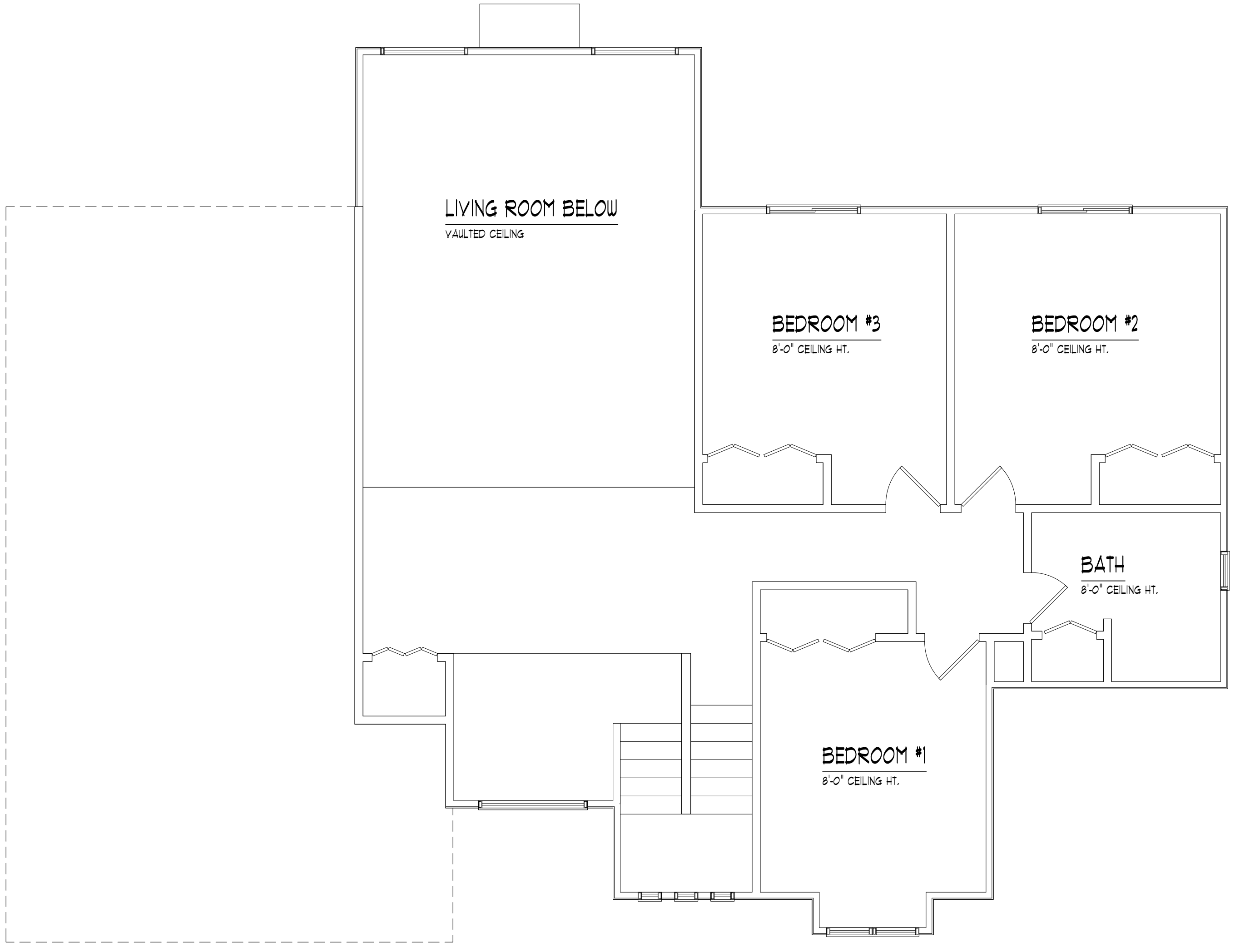
NOTE:
PROVIDE MIN. (1) JACK STUD & (1) KING STUD AT EACH END OF ALL HEADERS (UNLESS NOTED OTHERWISE).

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

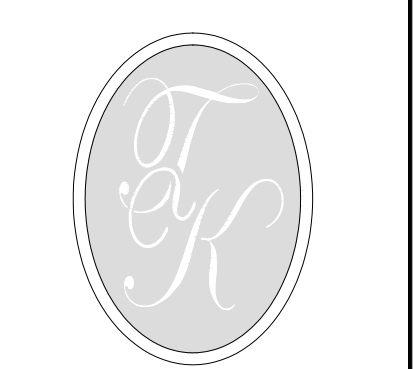
NOTE: S.D. 
S.D./C 
ALL SMOKE & CARBON MONOXIDE DETECTORS INTERCONNECTED W/ BATTERY BACK-UP PER CODE.

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 CABING UNLESS NOTED OTHERWISE.

NOTE:
VERIFY DROPPED FLOOR AREAS FOR TILE WITH BUILDER.



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



TK DESIGN & ASSOCIATES

WWW.TKHOMEDESIGN.COM
26030 PONTIAC TRAIL, SOUTHLI LYON, MI 48178
PHONE: (248)-446-1960
FAX: (248)-446-1961

COPYRIGHT 2014 TK DESIGN AND ASSOCIATES
DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY.
CONTRACTOR TO FIELD VERIFY ALL DRAWING APPLICABLE CONSTRUCTION. DISCREPANCIES AND DESIGN CHANGES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.
CALL METRO DCA AT 800-480-7273 3 DAYS PRIOR TO ANY EXCAVATION. CONSTRUCTION IS THE SOLE RESPONSIBILITY OF THE PERMIT HOLDER.

CLIENT / PROJECT
KORYABINA RENOVATION
NATURE VIEW CT.
HOWELL, MI
GENOA TOWNSHIP

JOB No. 18-132
DRAWN: -
CHECKED: -
REVIEW: -
FINAL: -
REVISION: -

SCALE:
PER PLAN

SHEET #
A-3



LEFT ELEVATION

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

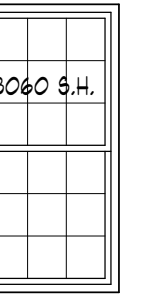
ELEVATION NOTES

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 & SOFFIT 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 SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
7. CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK

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

TYPICAL WINDOW DESIGNATION

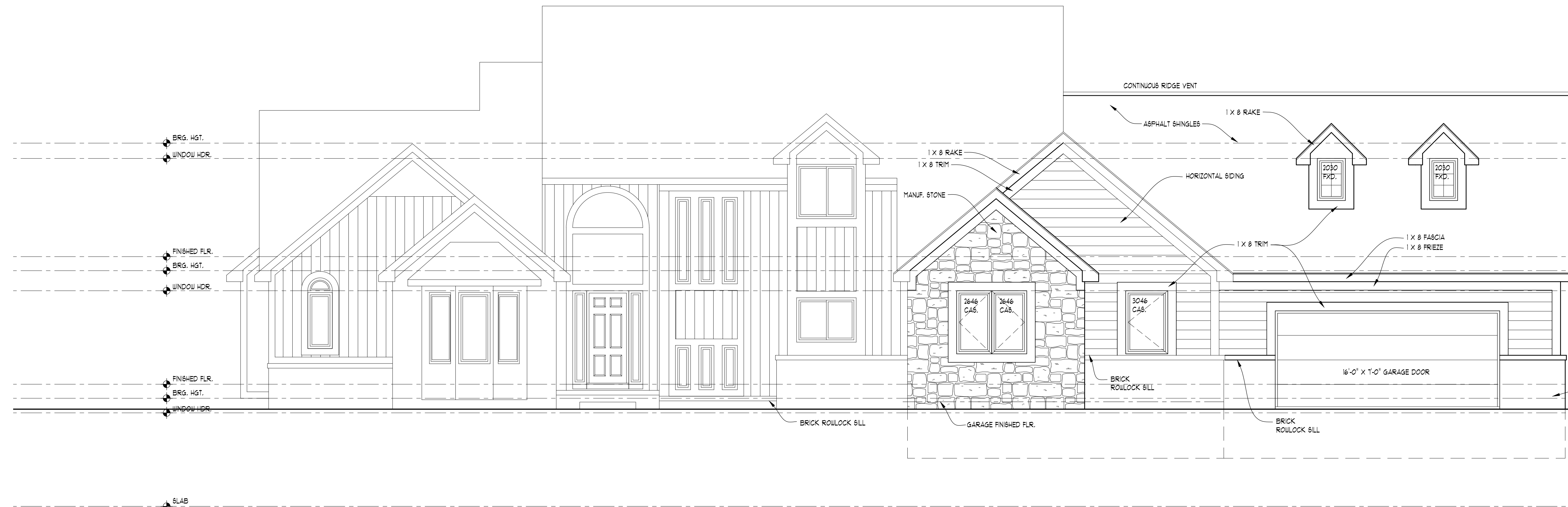
NOTE:
GENERAL REFERENCE FOR ROUGH OPENING SIZES ONLY. CONSULT WITH WINDOW MANUFACTURER FOR EXACT WINDOW SIZES & REQUIREMENTS.



NOTE:
ALL CASEMENT VENTING TO BE VERIFIED W/ BUILDER/ HOMEOWNER PRIOR TO ORDERING WINDOWS

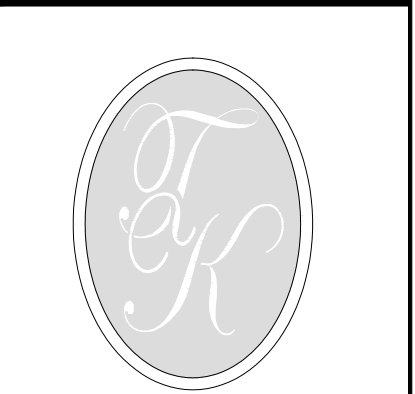
NOTE:
WINDOW MANUFACTURER TO VERIFY ALL WINDOW GRID PATTERNS WITH HOME OWNER.

NOTE:
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 2" ABOVE FINISHED FLOOR OR HAVE SASH LIMITERS PER CODE REQUIREMENTS



FRONT ELEVATION

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



TK DESIGN & ASSOCIATES

WWW.TKHOMEDSIGN.COM
26030 PONTIAC TRAIL, SOUTH LYON, MI 48178
PHONE: (248)-446-1960
FAX: (248)-446-1961

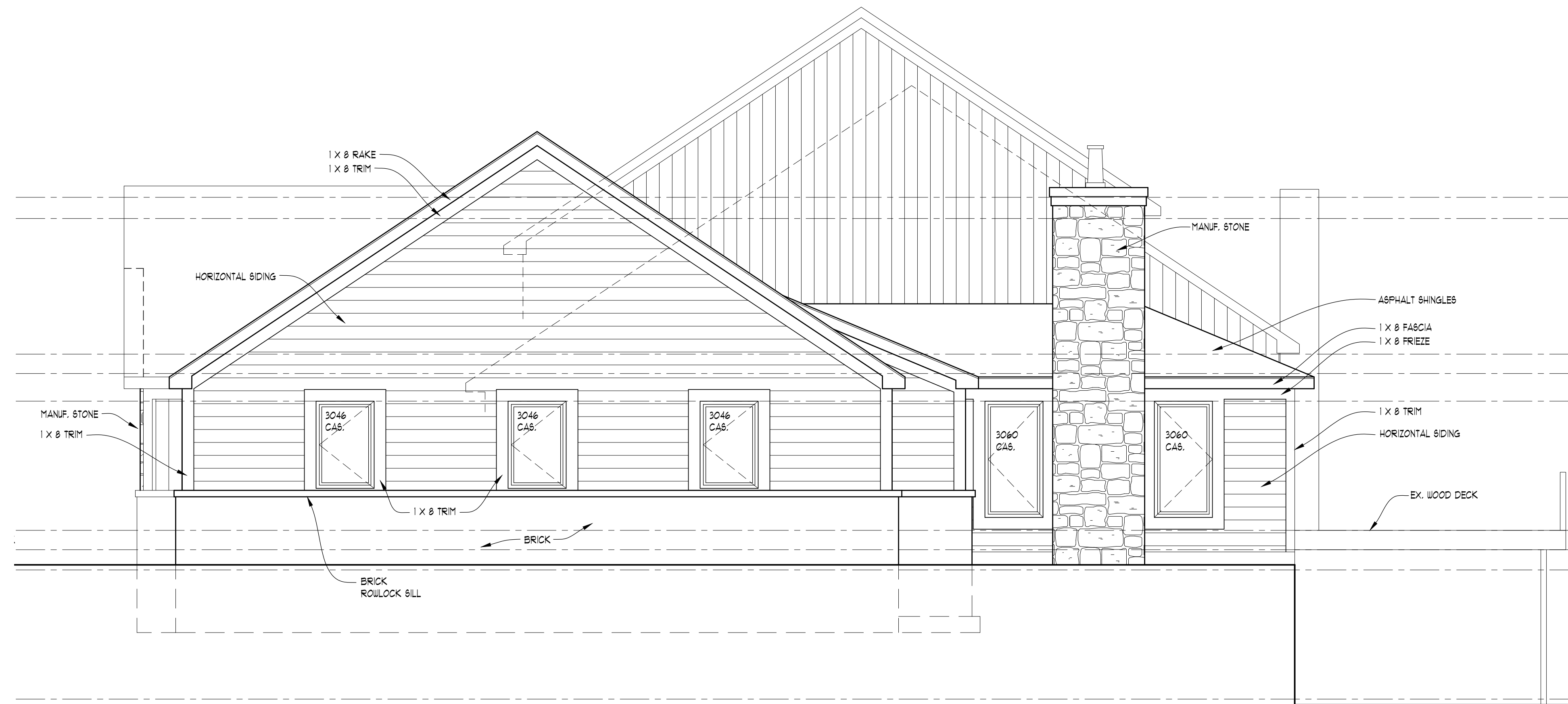
COPYRIGHT 2014 TK DESIGN AND ASSOCIATES
DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY.
CONTRACTOR TO FIELD VERIFY ALL DRAWING APPLICABLE
CONSTRUCTION. DISCREPANCIES AND DESIGN CHANGES SHALL BE
REPORTED TO THE DESIGNER IN WRITING IMMEDIATELY.
CALL MET.DIG AT 800-480-7273 3 DAYS PRIOR TO ANY EXCAVATION.
CONTRACTOR IS THE SOLE RESPONSIBILITY OF THE PERMITS HOLDER.

CLIENT / PROJECT
KORYABINA
RENOVATION CT.
NATURE VIEW CT.
HOWELL, MI
GENOA TOWNSHIP

JOB No. 18-132
DRAWN: -
CHECKED: -
REVIEW: -
FINAL: -
REVISION: -

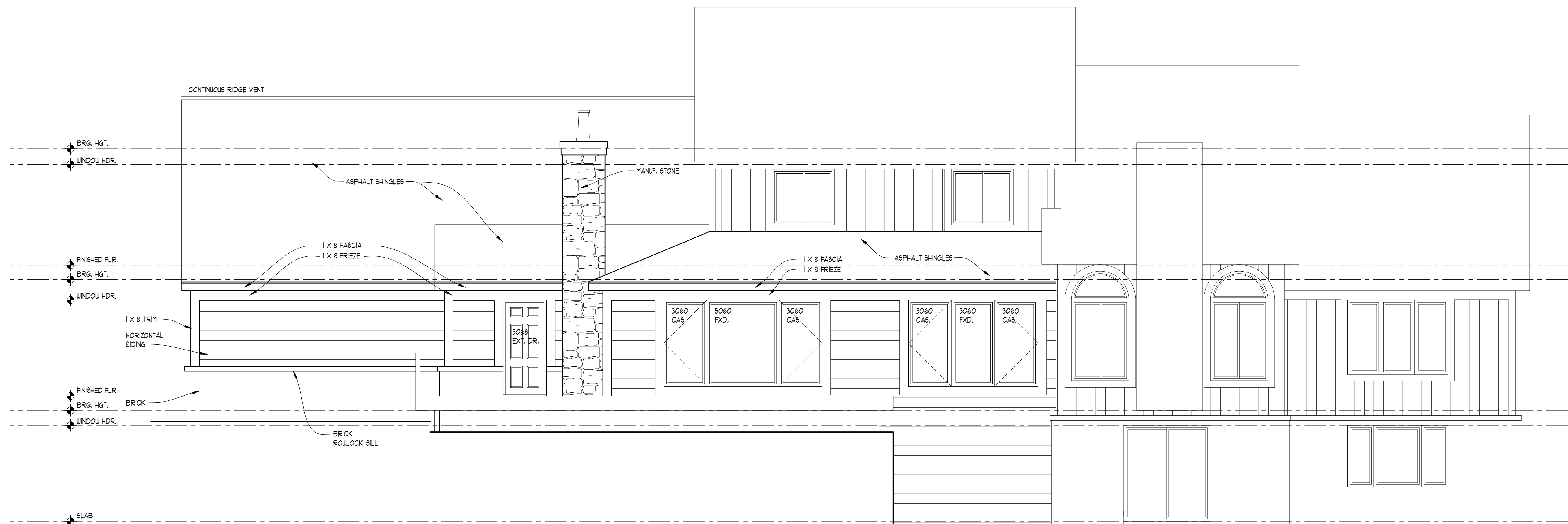
SCALE:
PER PLAN

SHEET #
A-4



RIGHT ELEVATION

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



REAR ELEVATION

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

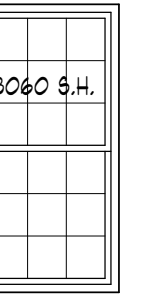
ELEVATION NOTES

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 & SOFFIT 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 SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
7. CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK

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

TYPICAL WINDOW DESIGNATION

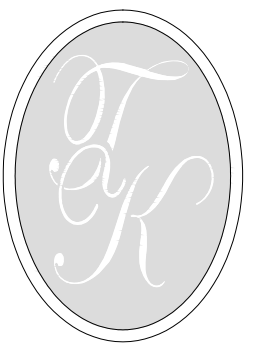
NOTE:
GENERAL REFERENCE FOR ROUGH OPENING SIZES ONLY. CONSULT WITH WINDOW MANUFACTURER FOR EXACT WINDOW SIZES & REQUIREMENTS.



NOTE:
ALL CASEMENT VENTING TO BE VERIFIED W/ BUILDER/ HOMEOWNER PRIOR TO ORDERING WINDOWS

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

NOTE:
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 2" ABOVE FINISHED FLOOR OR HAVE BASH LIMITERS PER CODE REQUIREMENTS



TK DESIGN & ASSOCIATES

WWW.TKHOMEDSIGN.COM
36030 PONTIAC TRAIL, SOUTH LYON, MI 48178
PHONE: (248)-446-1960
FAX: (248)-446-1961

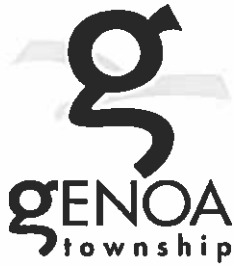
COPYRIGHT 2014 TK DESIGN AND ASSOCIATES
DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY.
CONTRACTOR TO FIELD VERIFY ALL DRAWING APPLICABLE CONSTRUCTION. DISCREPANCIES AND DESIGN CHANGES SHALL BE REPORTED TO THE DESIGNER IN WRITING IMMEDIATELY.
CALL MET DSG AT 800-482-7273 3 DAYS PRIOR TO ANY EXCAVATION. CONSTRUCTION IS THE SOLE RESPONSIBILITY OF THE PERMIT HOLDER.

CLIENT / PROJECT
KORYABINA
RENOVATION
NATURE VIEW CT.
HOWELL, MI
GENOA TOWNSHIP

JOB No. 18-132
DRAWN: -
CHECKED: -
REVIEW: -
FINAL: -
REVISION: -

SCALE:
PER PLAN

SHEET #
A-5



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

Case # 19-15 Meeting Date: 4-16-19

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

Applicant/Owner: Melissa Korvabine Email: mnkorvabine@gmail.com
Property Address: 4784 Nature View Ct. Phone: 317-256-8658
Howell, MI 48843
Present Zoning: Residential Tax Code: _____

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: Please see attached explanation.

2. Intended property modifications: Please see attached explanation.

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.

Please see attached explanation.

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.

Please see attached explanation.

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.

Please see attached explanation.

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.

Please see attached explanation.

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: 3/21/2019 Signature: Melissa Korybina

Genoa Charter Township Variance Application
March 21, 2019

Melissa Koryabina & Nick Koryabin
4784 Nature View Court
Howell, MI 48843

Explanation to the proposed variance below:

1. Variance requested:

We are requesting a side and front yard setback variance. The garage sits 45'-7" from the front lot line and will be repurposed into living space while we hope to add a new garage to the side which will be 51' from the front lot line and 25'2" from the side lot line.

2. Intended property modifications:

Our property modifications would include remodeling our current kitchen into a family room, and repurposing our current garage into a kitchen and playroom, We would then add a garage onto the side of where the current garage sits. The new garage will be no closer to the front lot line than the current .

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.

Our 10-acre property is pied shaped and our home was built towards the narrowest part of the pie and already sits within the setback. Our inground pool prohibits us to expand off the back of our current kitchen and therefore permitting us a variance to expand into the setback off current garage is the only way for us to accomplish our goals of expanding our kitchen and building a family room and playroom.

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 footprint of our home was built within the now setback lines in 1989 and the inground pool was added prior to us purchasing the home in 2008. Even though we have 10 acres due to the pie shape of the property and the position of our home there are no other options to expand the footprint and accomplish our goals if not within the setback whereas others with this much acreage may not have such limitations.

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 neighbor's home to the west is approximately 150 feet from the property line and would be approximately 175 feet from our proposed addition. We have spoken with our neighbors and they are in full support of our proposed addition and we submit the attached letter indicating their support.

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 neighborhood is very developed, homes have been established for 25 plus years and there is no vacant property of development. No, the variance will not interfere or the value of our neighbor's property as any neighbor's property is 200 plus feet from the proposed addition to our home.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: April 9, 2019

RE: ZBA 19-15

STAFF REPORT

File Number: ZBA#19-15

Site Address: 4784 Nature View Court

Parcel Number: 4711-30-300-016

Parcel Size: 10.00 Acres

Applicant: Melissa Koryabina, 4784 Nature View Court, Howell

Property Owner: Melissa and Nikolas Koryabina

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a front and side yard variance to construct an addition to an existing single family home.

Zoning and Existing Use: CE (Country Estates) Single Family Dwelling located on property.

Other: Public hearing was published in the Livingston County Press and Argus on Sunday March 31, 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 1989.
- The parcel is serviced by well and septic.
- See Assessing Record Card.

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

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Summary

The proposed project is to construct an addition to an existing single family home. In order to construct the addition, the applicant is requesting a front and side yard variance. The existing home was constructed within the front yard setback in 1989.

Variance Requests

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

Table 3.04.01 (CE District):

Required Front Yard Setback:	75'	Required Side Yard Setback:	40'
Proposed Front Yard Setback:	51'	Proposed Side Yard Setback:	25'2"
Proposed Variance Amount:	24'	Proposed Variance Amount:	14'10"

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

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

- (a) Practical Difficulty/Substantial Justice** – Strict compliance with the front and side yard setback would prevent the applicant from constructing the addition however does not unreasonably prevent use of the property. The side yard variance does not provide substantial justice since it would greatly reduce the side yard setback and would not make the home consistent with properties in the same zoning or vicinity. The addition is proposed to be located a few feet from the current non-conforming front setback however it would still not meet setback requirement. There are homes in the immediate area that appear to have non-conforming front yard setbacks.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home. The applicant shall provide evidence why the property prevents an addition to the existing home to the north and west or behind the current garage. The required setback from a pool is 10 feet. There is an ample building envelope on this lot and the variance request must be the least necessary. If other options exist than the need for the variance is self-created.
- (c) Public Safety and Welfare** – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

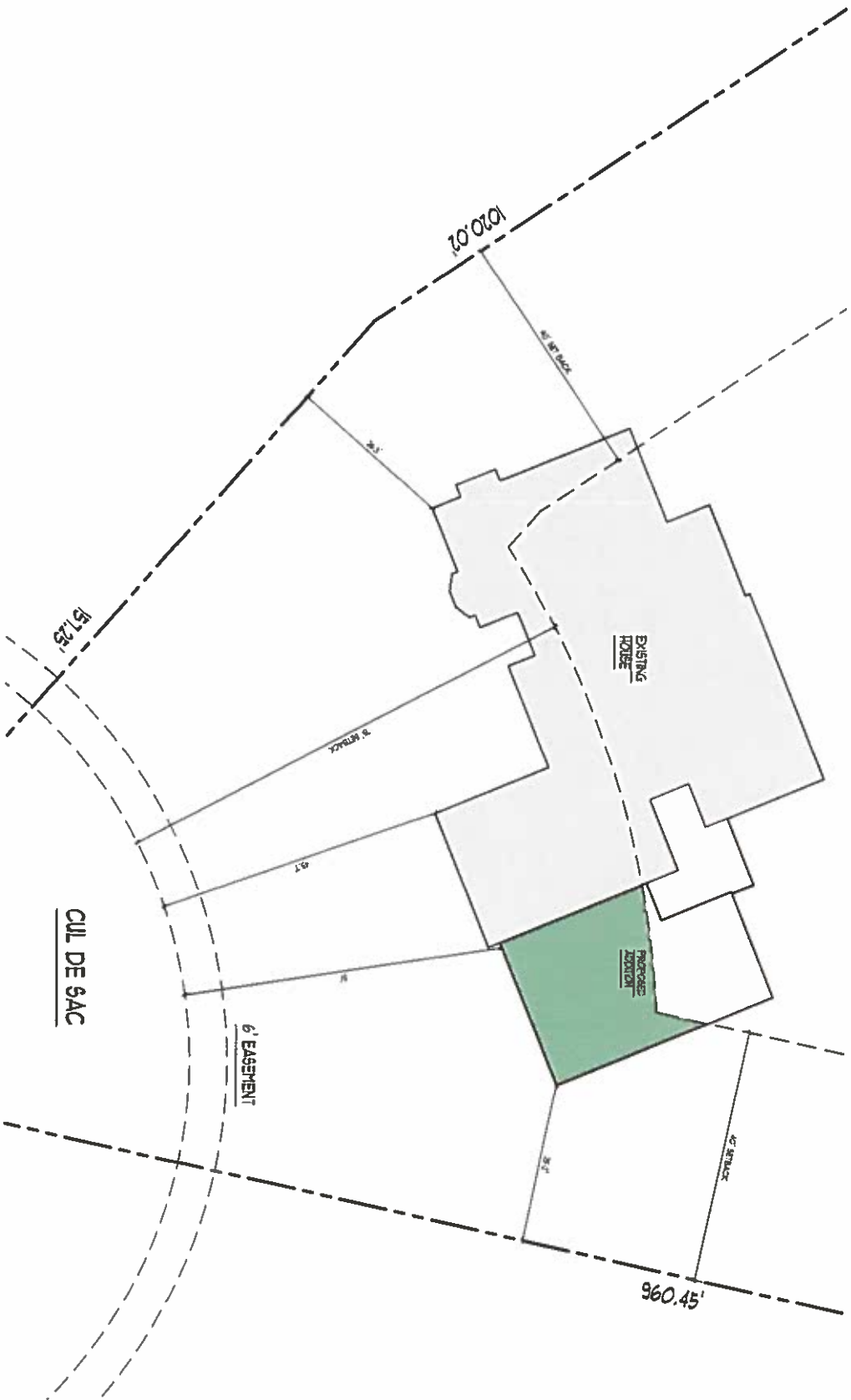
Recommended Conditions

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

N/A

GENOA TOWNSHIP

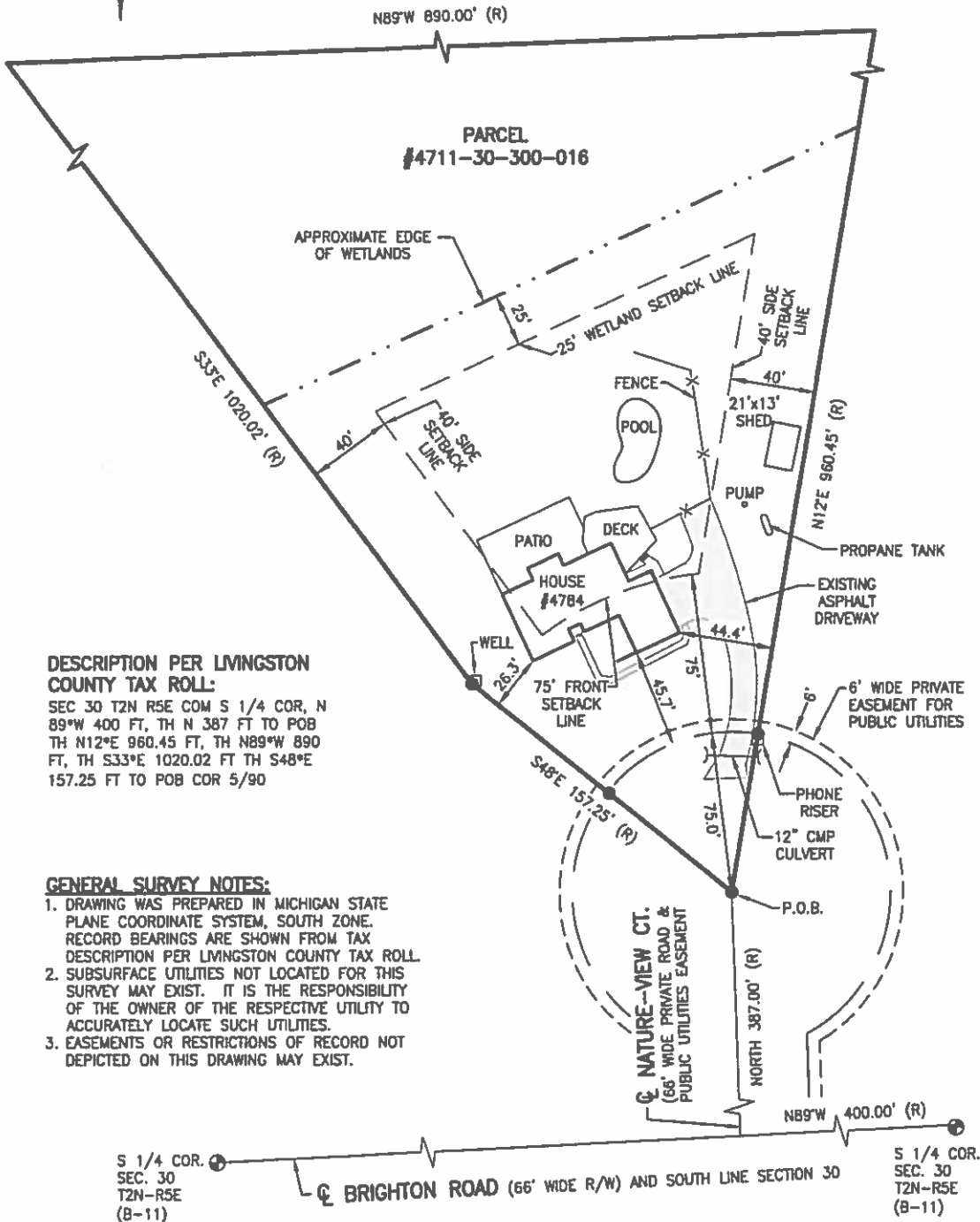




PLOT PLAN



CURRENT ZONING: CE (COUNTRY ESTATE)
 MINIMUM SETBACK REQUIREMENTS:
 FRONT = 75 FEET
 SIDES = 40 FEET
 REAR = 60 FEET
 NATURAL FEATURES/WETLANDS = 25 FEET



DESCRIPTION PER LIVINGSTON COUNTY TAX ROLL:
 SEC 30 T2N R5E COM S 1/4 COR, N 89°W 400 FT, TH N 387 FT TO POB TH N12°E 960.45 FT, TH N89°W 890 FT, TH S33°E 1020.02 FT TH S48°E 157.25 FT TO POB COR 5/90

- GENERAL SURVEY NOTES:**
1. DRAWING WAS PREPARED IN MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. RECORD BEARINGS ARE SHOWN FROM TAX DESCRIPTION PER LIVINGSTON COUNTY TAX ROLL.
 2. 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.
 3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

DESCRIPTION:
 PART OF THE SOUTHWEST 1/4 OF SECTION 30, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

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



CLIENT: KORYABINA	SCALE: 1 INCH = 60 FEET	
JOB NO. 18-355	DATE 10-9-18	
SHEET 1 OF 1	FB 590	CREW CE/KC DR. AEB CK. JJ

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

G:\18-355\dwg\18-355_S.dwg, 10/12/2018 9:47:40 AM, andy



FRONT ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
2024.07.17

Donald Gaines
4871 Nature View Court
Howell, MI 48843

March 19, 2019

Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116

RE: Koryabin Request for ZBA Variance Approval

To Whom It May Concern:

Our neighbors, Nick Koryabin and Melissa Koryabina, at 4784 Nature View Court, have shared with us their desire to expand the footprint of their home and that they are seeking the township's approval for a variance to remodel their current garage into a kitchen and playroom and then build a garage that would be within the 40 foot set back off the property line. We would like to confirm that we see no issues with our neighbors doing this on their property that would have any impact on our property and hope you will approve this request.

Sincerely,


Donald Gaines


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SKLARCZYK, SANDRA MARIE	KORYABINA MELISSA & NIKOLAY	435,000	09/28/2007	WD	ARMS-LENGTH	2007R-034986	BUYER	100.0
DOWN, WILLIAM G.	SKLARCZYK	550,000	08/17/1999	WD	ARMS-LENGTH	26420394	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: CE	Building Permit(s)	Date	Number	Status
4784 NATURE VIEW CT	School: HOWELL					
	P.R.E. 100% 12/15/2008					
Owner's Name/Address	MAP #:					
KORYABINA MELISSA & NIKOLAY 4784 NATURE VIEW CT HOWELL MI 48843	2019 Est TCV 547,789 TCV/TFA: 212.98					

Tax Description	X Improved		Vacant	Land Value Estimates for Land Table 124.HOWELL M& B							
	Public Improvements			Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
SEC 30 T2N R5E COM S 1/4 COR, N 89*W 400 FT, TH N 387 FT TO POB TH N12*E 960.45 FT TH N89*W 890 FT, TH S33*E 1020.02 FT TH S48*E 157.25 FT TO POB COR 5/90	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.			LAND TABLE A			10.00	Acres	12,000	100	120,000
				10.00 Total Acres		Total Est. Land Value =					120,000

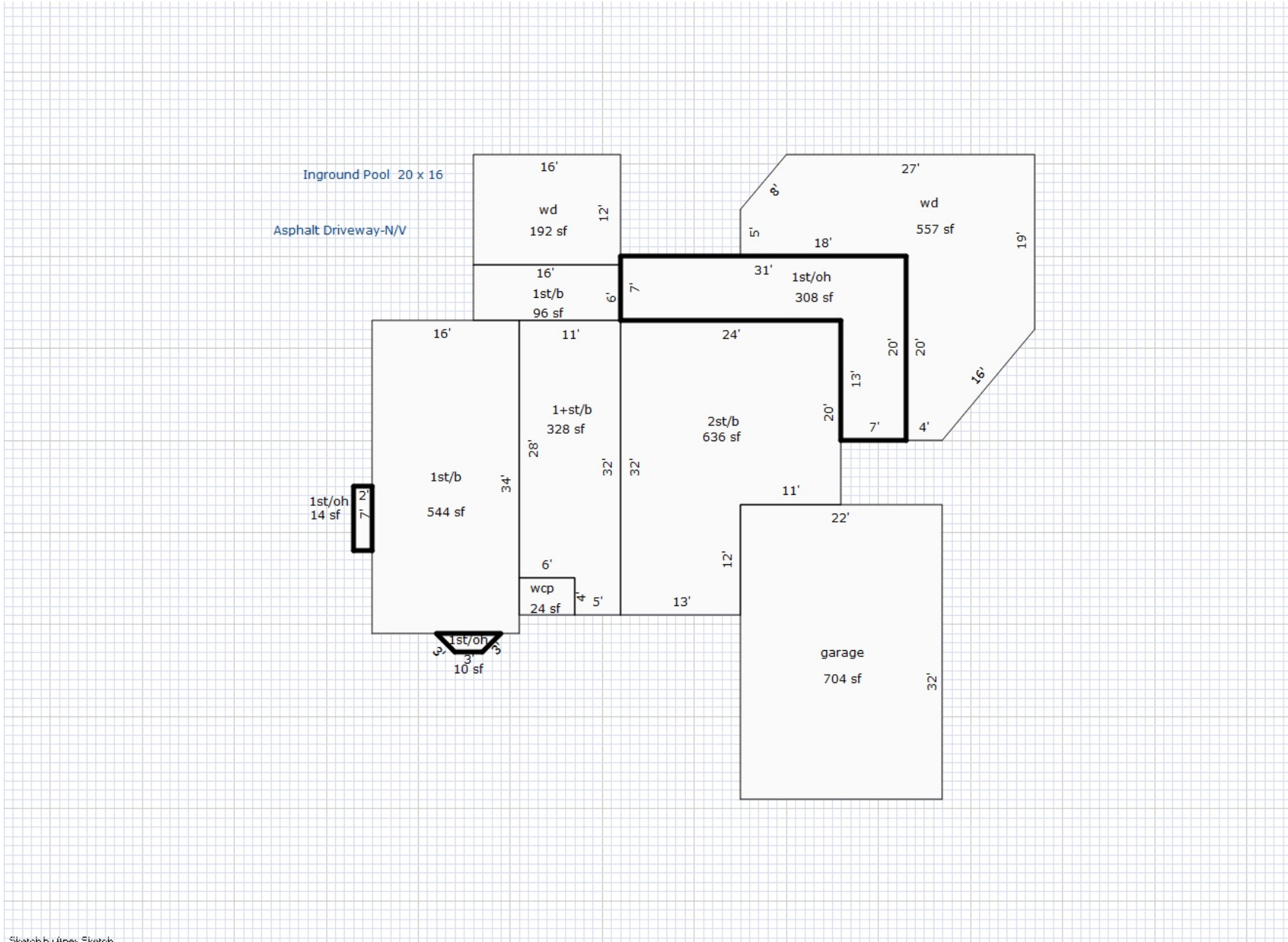
Comments/Influences	X Improved		Vacant	Land Improvement Cost Estimates					
	Description	Rate	Size	% Good	Cash Value				
	Pool: Gunite	62.22	840	42	21,951				
	Total Estimated Land Improvements True Cash Value =				21,951				

Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain REFUSE						

	Who	When	What	2019	60,000	213,900	273,900			221,496C
	LM	12/21/2017	REVIEWED R	2018	60,000	185,400	245,400			216,305C
				2017	60,000	190,900	250,900			211,857C
				2016	60,000	177,500	237,500			209,968C
	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		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: B Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 704 % Good: 0 Storage Area: 0 No Conc. Floor: 0							
X	Wood Frame		Drywall Paneled		Plaster Wood T&G			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling				24 557 192	WCP (1 Story) Treated Wood Treated Wood									
Building Style: B		Trim & Decoration		Central Air Wood Furnace			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System			Class: B Effec. Age: 22 Floor Area: 2,572 Total Base New : 559,469 Total Depr Cost: 436,385 Estimated T.C.V: 405,838			E.C.F. X 0.930		Bsmnt Garage:							
Yr Built 1989	Remodeled 0	Size of Closets		(12) Electric			0 Amps Service			Total Depr Cost: 436,385			X 0.930		Carport Area: Roof:							
Condition: Good		Lg	X Ord	Small	No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family B			Cls B			Blt 1989								
Room List		(5) Floors		Ex. X Ord. Min			Ground Area = 1604 SF Floor Area = 2572 SF.			Phy/Ab.Phy/Func/Econ/Comb. % Good=78/100/100/100/78												
	Basement 1st Floor 2nd Floor 4 Bedrooms	Kitchen: Other: Other:		No. of Elec. Outlets			Building Areas			Stories			Size		Cost New		Depr. Cost					
(1) Exterior		(6) Ceilings		(13) Plumbing			Other Additions/Adjustments			Exterior			Foundation									
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 1604 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s) 3 3 Fixture Bath 1 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			Brick Veneer Basement, Outside Entrance, Below Grade			Plumbing			Basement		Basement		Basement					
(2) Windows		(8) Basement		(14) Water/Sewer			Water/Sewer			1000 Gal Septic Water Well, 200 Feet			Deck		Treated Wood Treated Wood		557 192		7,313 3,644		5,704 2,842	
X	Many Avg. Few	X	Large Avg. Small	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Public Water Public Sewer			Deck			Garages		Class: B Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost		704 36,200		28,236			
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(9) Basement Finish		Lump Sum Items:			<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>															
(3) Roof		Recreation SF Living SF 1 Walkout Doors No Floor SF		1 Water Well 1 1000 Gal Septic 2000 Gal Septic																		
X	Gable Hip Flat	Gambrel Mansard Shed		Joists: Unsupported Len: Cntr.Sup:																		
X	Asphalt Shingle																					
Chimney: Brick																						

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



Sketch by Apex Eketch

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

Case 19-26, Addendum for 8/20/19

- 1) The purpose of the requested variance is to allow full utilization of the home, property and adjacent lake at 4183. The previous variance (99-56) permitted a deck only, thus there is no access to allow use of the existing deck nor the home dining area from the front yard (shore side), and this request is the least necessary to afford relief.
 - a. Previous variance 99-56 allowed for “an elevated front porch, that is all.”
 - i. Existing setback is 43.9’. This request is for an additional 8 feet to 35.9’.
 - b. This location is least necessary and does not extend beyond the existing envelope.
 - c. The benefit sought by the applicant cannot be achieved by some method other than an area variance. This method is in line with other properties in the area (*see Figure 1*)
- 2) Due to the narrow nature of the lot, slope, and the location of the home on the lot, there are no other suitable locations for the room.
 - a. The plight is due to the unique circumstances of the property and is not shared by neighboring properties (*Figure 2*).
 - i. In the 500’ inclusion area, there are eight included lots, of which only two are of similar width to 4183.
 1. Four lots to the North, three lots to the South
 2. $584' / 8 = 73'$ on average (full width of all eight lots)
 - a. $45 / 73 = .62$ (4183 is 38% smaller than average)
 - ii. There are two 45’ lots included in this area (4183 & 4165).
 1. The other (4165) has an enclosed room facing the lake, similar setback to our request.
 - a. Their neighboring setbacks are 64.6’ & 53.5’;
59.05 required setback. 20.1’ variance necessary
 - b. There is no variance is on record for this home
 - b. The grade/slope on the side yards are not present on neighboring properties.
 - i. This lot has a drop of 5’, which is not present on adjoining lots.
 - c. Not self-created. Relied on good faith of building permits from contractor (*see figure 3*).

Case 19-26, Addendum for 8/20/19

- 3) The granting of the variance will have no impact on the light, air, or view of neighboring properties. There will be no effect on Homestead Drive or danger to public safety.
- 4) The variance will not interfere with the use or value of neighboring properties. The structure will blend with the deck and style of the home and is similar to other area structures (*see Figure 1*).

Case 19-26, Addendum for 8/20/19



Figure 1: Example of similar deck enclosures in area.

Case 19-26, Addendum for 8/20/19

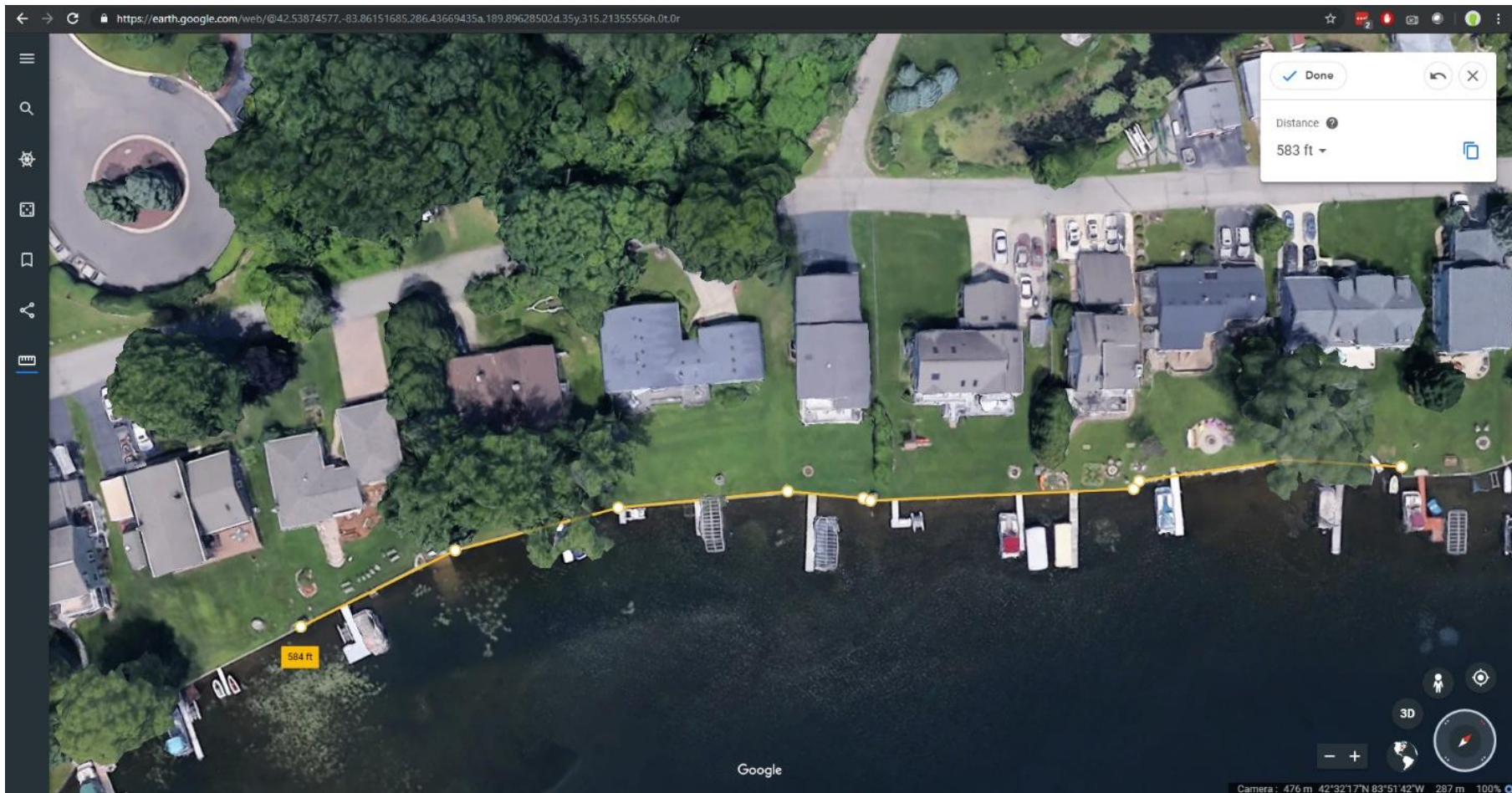


Figure 2: Lot size

Measured 250' each direction from outside lot line, this contained 8 houses including 4183.

Extended the length to contain all lots, totaling 584'

$584/8 = 73'$ wide average lot size. $1 - (45/73) = 38.4\%$, lot at 4183 is smaller than average.

Only 2 lots 45' wide (measured 90, 80, 90, 45, 90, 45, 75, 65). $6/8 = 75\%$ have larger lots (unique!)

Of the two 45' wide lots, one has an existing under deck enclosure 39' from the water. (neighboring setbacks 64.6 & 53.5, 59.05 required setback)

Case 19-26, Addendum for 8/20/19

ACCEPTANCE OF PROPOSAL


The Contract prices, specifications, and conditions are satisfactory and are hereby accepted by the Owner. MBDB is authorized to order materials and proceed with the Work according to the construction schedule estimate provided.

Client [Signature] Date 4-8-19

Client _____ Date _____

Michigan's Best Deck Builders
Builder License Number: (2101175439)

By: [Signature] Date 4-8-19
Warren D. Hinzman


MICHIGAN'S
bestdeckbuilders

ADDENDUM "A" (Phase I)

This Addendum A to that Contract between "Owners" and Michigan's Best Deck Builders ("MBDB") supersedes all prior addenda and is by this reference incorporated into the Contract between the parties. In the event of a conflict between the terms of the Contract and this Addendum A, the terms and conditions of this Addendum A shall prevail.

Specifications and Scope of Work

General Description

All required construction drawings, specifications, building permits, fees, taxes, building inspections, construction trash removal, final cleaning, and Contractor's profit, supervision and overhead for the scope of work per plan and listed below to provide the remodel work and improvements to the property listed above are included. **Please note that any required engineering and all final specifications must be made before work starts.**

1. General Conditions

- Pricing includes the costs of any final construction drawings and details.
- Pricing includes or does not include 0 structural engineering as required.
- The building permit from Livingston County included at an allowance of \$ 0, any additional costs to be paid by Owner.
- Frost Conditions:** Due to the variable temperature extremes possible in our region during the winter and spring, frost conditions in excess of 6 - 8" in depth may be encountered during excavation or foundation and/or utility trenches. This requires removal and replacement with frost free soil. We have assumed that the conditions are in the above range. If conditions beyond these are encountered, MBDB will immediately inform the client regarding any additional costs. These costs may include, but are not limited to additional digging costs, import of frost-free backfill and export of frozen soils. Any additional costs will be presented to Owner on a written change order to the contract prior to work performed.
- Winter Protection:** The nature of this project involves exterior concrete, stucco, painting, and/or masonry which are all susceptible to damage due to cold and freezing temperatures. Winter protection including, but not limited to tenting, heating and/or blanketing may be necessary. We have not included any cost for this and if required will incur additional costs to the Owners. Any additional costs will be presented to Owner on a written change order to the contract prior to work performed.
- Pricing includes an allowance of 0 hours of design selection time with an MBDB designer, additional costs will be incurred if allowance is exceeded.

Page 4 of 7

Figure 3: Good faith assumption of permit



MEMORANDUM

(Applicant submitted new information on 8-13-19)
(No changes were made to the staff report)

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

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: July 9, 2019
RE: ZBA 19-26

STAFF REPORT

File Number: ZBA#19-26
Site Address: 4183 Homestead Drive
Parcel Number: 4711-28-201-035
Parcel Size: 0.116 Acre
Applicant: Wlodarczak, Jon and Danielle, 4183 Homestead Drive, Howell
Property Owner: Same as Applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a waterfront yard variance to enclose under an existing deck.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday June 30, 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 parcel has an existing single family dwelling built in 2000.
- In 1999, a side yard and waterfront variance was approved the construction of a new home.
- In 2019, a land use permit was issued for the reconstruction of the existing deck.
- The property utilizes a well and a septic system.
- See Real 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

A permit was issued to replace the existing wood deck with composite material in April 2019. The Township Assessing Dept. visited the property to verify measurements and discovered that the applicant was in the process of enclosing under the deck for living space. Pursuant to the ordinance, enclosure of the deck makes it part of the principle structure for purposes of determining setbacks therefore the applicant is requesting a waterfront yard setback variance to allow for an addition that was constructed without a land use permit. The applicant applied for another land use permit after the Genoa Township Code Enforcement Officer sent a notice. The permit could not be approved due to the setback not meeting the Zoning Ordinance.

Variance Requests

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

Sec. 3.04 DIMENSIONAL STANDARDS

Table 3.04.01 - LRR District	Waterfront Setback
Requirement	56.25
Request	35.90
Variance Amount	20.35

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 setback would cause the applicant to be unable to construct the addition however it does not unreasonable prevent use of the property. There are other homes in the vicinity that do not meet the waterfront setback however staff conducted a 500 foot waterfront setback average from neighboring properties and determined that the average waterfront setback is 51.18 feet therefore the variance would not provide substantial justice and is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home and narrow lot. The variance would not make the property consistent with the majority of other properties in the vicinity. The need for the variance to construct the addition is self-created.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

If the Zoning Board of Appeals grants the variance requests, staff recommends the following conditions be placed on the approval: N/A

feet to 19 feet and a rear yard variance of 26 feet from the required 40 feet to 14 feet to construct a second story addition with two covered porches and a 12 x 22 carport with a deck above, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted site plan. Granting of the variance would offer substantial justice and is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties in the same zoning and vicinity.
- The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is least necessary.
- Granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and public safety.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following condition:

1. An easement shall be recorded for the use of the well on a separate lot.
2. The applicant shall confirm authorization from the property owner that the applicant can apply for the variances.
3. Additional parking shall be installed east of the existing driveway.
4. The proposed carport shall remain open with no sides

The motion carried unanimously.

2. 19-26... A request by Jon and Danielle Wlodeerczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.

Mr. Wlodeerczak was present. He stated that due to the location of the existing home and the fact that the lot is only 45 feet wide, there is no other location on his property to build a three-season porch. The previous owner obtained a variance for the existing deck, which is included as part of the main structure. He is proposing to enclose the area under the existing deck. He will not be going out any further. The construction is already underway. He hired a contractor who pulled a deck permit and not a permit to build the enclosure. When the Township went out to do an inspection, they noticed what was being done. This will not restrict the views of the homes on either side of his property. He submitted letters from his two next door neighbors at 4177 Homestead and 4195 Homestead, who are both in favor of granting this request. Both of these homes are further back from the lake than his. There is a similar structure at 4165

Zoning Board of Appeals
July 16, 2019 Unapproved Minutes

Homestead that has an enclosed deck and there is no variance for this on file. This will not impair the light or the views of the lake for any properties in the area.

Vice-Chairperson McCreary noted that enclosing this area will bring the home closer to the water and could impede the views of his neighbors. Mr. Wloderczak reviewed photos submitted with his application showing how this addition would not block the view of the lake for the neighbors on either side of his property. He added that 4165 Homestead has a room like to what he is proposing, and that lot is of similar nature to his.

Vice-Chairperson McCreary reiterated her concerns with an additional variance being granted for this property and the structure now being an additional eight feet further toward the lake. She is concerned about the views of the neighbors. Mr. Wloderczak stated that the neighbors on both sides of his property do not have any concerns with this request.

The call to the public was made at 7:15 pm with no response.

Mr. Wloderczak requested to have his case tabled until the August 20, 2019 ZBA meeting.

Moved by Commissioner Kreutzberg, seconded by Commissioner Ledford, to postpone Case #19-26 for Jon and Danielle Wloderczak at 4183 Homestead until the August 20, 2019 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the June 18, 2019 Zoning Board of Appeals Meeting.

There was one change needed.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the June 18, 2019 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously.**

2. Correspondence – Ms. VanMarter had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the July 1 and July 15 Board meetings.



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

Case # 19-26 Meeting Date: July 16, 2019
@ 6:30 pm
 PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: Jon & Danielle Wlodarczak Email: jonjw9@gmail.com
Property Address: 4183 Homestead Phone: 517-256-1684
Present Zoning: LRR Tax Code: 11-28-201-035

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

Each application for Variance is considered individually by the ZBA. The ZBA is a 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 application, 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/intended property modifications: Complete Construction of area beneath existing approved second-story deck structure. Renewal of existing variance (99-56) for setback from shoreline. No change in envelope or footprint.

The following is per Article 23.05.03 of the Genoa Township Ordinance:

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

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

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

See attached.

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

See attached

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

See attached

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

See attached.

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

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

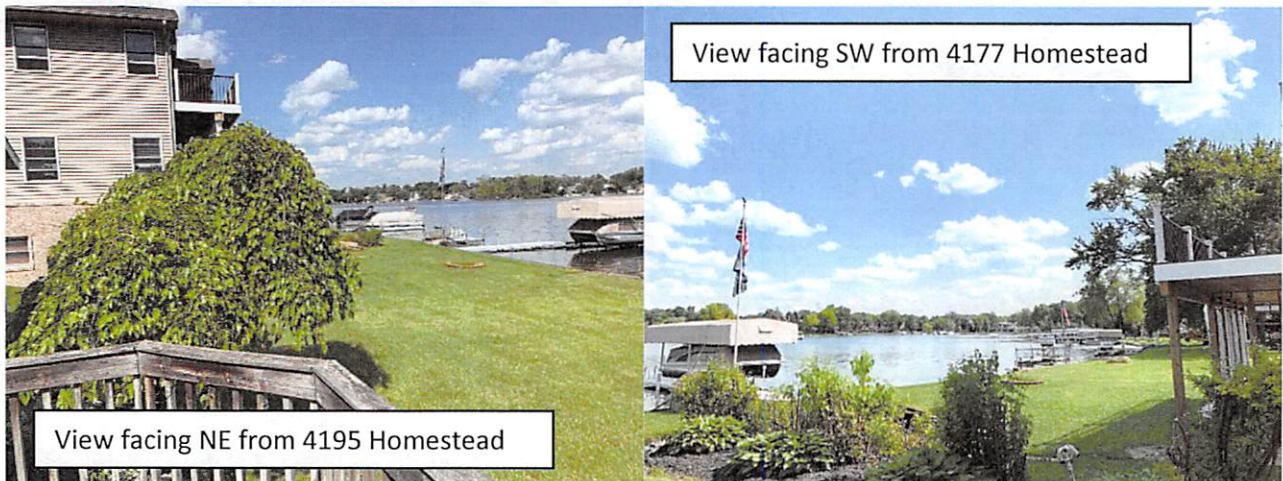
Date: _____ Signature: _____

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

The existing home construction required a variance (99-56) due to the narrow nature of the lot. That variance approved a permanent structure (elevated deck) to be built at the currently requested setback. The subject of this variance request will not protrude beyond the envelope of the existing deck structure.



Granting of this variance will not restrict the lake views of the surrounding homes as shown below.



- 2) 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.*

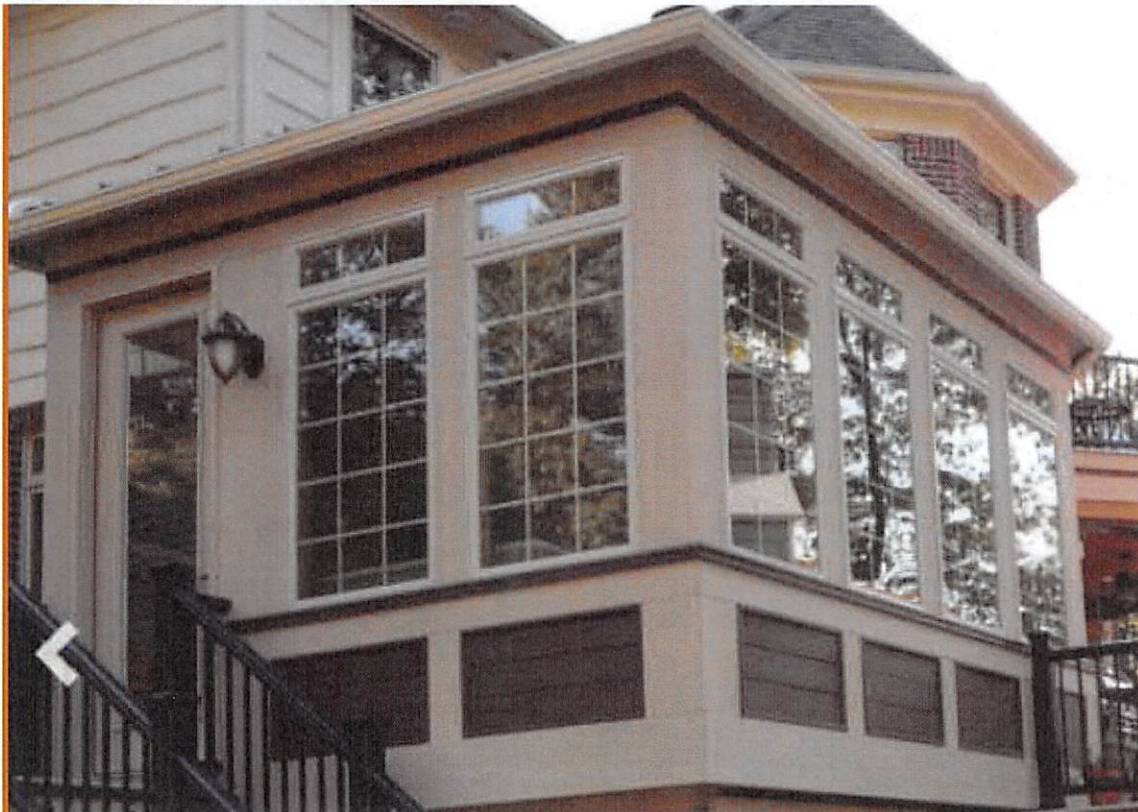
The exceptional or extraordinary condition of the property is the narrowness of the lot and the existing location of the home. Neighboring homes on both sides are “double lots” and afford greater amounts of area to build without encroaching on setbacks. A similar enclosure beneath a deck exists at 4165 Homestead (shared neighbor at 4177 Homestead), which has a lot of similar size to 4183.

- 3) 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.*

The granting of the variance will have no impact to the supply of light or air to adjacent properties. There will be no effect to congestion on the private road of Homestead Drive, or increase the danger of fire or to the public safety.

- 4) 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.*

This variance will not interfere with other development and is similar in size and structure of surrounding properties and elsewhere on the lake. The ground level location minimizes visual impact and design will blend with building architecture (style example below).







MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: July 9, 2019

RE: ZBA 19-26

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

STAFF REPORT

File Number: ZBA#19-26
Site Address: 4183 Homestead Drive
Parcel Number: 4711-28-201-035
Parcel Size: 0.116 Acre
Applicant: Wlodarczak, Jon and Danielle, 4183 Homestead Drive, Howell
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a waterfront yard variance to enclose under an existing deck.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday June 30, 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 parcel has an existing single family dwelling built in 2000.
- In 1999, a side yard and waterfront variance was approved the construction of a new home.
- In 2019, a land use permit was issued for the reconstruction of the existing deck.
- The property utilizes a well and a septic system.
- See Real 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

A permit was issued to replace the existing wood deck with composite material in April 2019. The Township Assessing Dept. visited the property to verify measurements and discovered that the applicant was in the process of enclosing under the deck for living space. Pursuant to the ordinance, enclosure of the deck makes it part of the principle structure for purposes of determining setbacks therefore the applicant is requesting a waterfront yard setback variance to allow for an addition that was constructed without a land use permit. The applicant applied for another land use permit after the Genoa Township Code Enforcement Officer sent a notice. The permit could not be approved due to the setback not meeting the Zoning Ordinance.

Variance Requests

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

Sec. 3.04 DIMENSIONAL STANDARDS

Table 3.04.01 - LRR District	Waterfront Setback
Requirement	56.25
Request	35.90
Variance Amount	20.35

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 setback would cause the applicant to be unable to construct the addition however it does not unreasonable prevent use of the property. There are other homes in the vicinity that do not meet the waterfront setback however staff conducted a 500 foot waterfront setback average from neighboring properties and determined that the average waterfront setback is 51.18 feet therefore the variance would not provide substantial justice and is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home and narrow lot. The variance would not make the property consistent with the majority of other properties in the vicinity. The need for the variance to construct the addition is self-created.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

If the Zoning Board of Appeals grants the variance requests, staff recommends the following conditions be placed on the approval: N/A

- The trees along the fence/property line should be preserved;
- The plan will obstruct the view of neighboring homes;
- The house should be centered on the property;
- Sparks from the fireplace could start a fire on the nearby neighbor;
- Who will pay the cost of changing the Detroit Edison lines;
- Drainage is a concern with so much of the lot covered;
- A deck over 3' above the ground is considered part of the house.

Moved by Murray, supported by Figurski, to table the petition until the concerns raised here this evening can be addressed. The motion carried.

99-54... A request by EBI Inc., Section 10, 5309 Wildwood Drive, for a 17' front variance, a 10' side variance and a 23.5 rear variance to rebuild a home.

A call to the public was made with the following response: Eileen Procus - I am glad to see this new construction. Moved by Murray, supported by Litogot, to grant the following variances: the garage will be located no closer than 18' from the property line calculated from the southeast corner of the front yard, a 10' side yard and 23.5' rear variances.

Further, the garage will be attached to the home with a breezeway and no variance will be granted for the distance between the house and garage. The hardship is the shallow depth and narrowness of the lot. The motion carried as follows: Ayes - Murray, Litogot and Staley. Nay - Figurski and Hensick.

99-55... A request by Rollerama II, Section 14, for a sign variance.

A call to the public was made with no response. Staley advised the petitioner that no hardship or extraordinary circumstance was presented for the request. Moved by Hensick, supported by Figurski, to table at the petitioner's request. The motion carried.

99-56... A request by Tom Rafferty, Section 28, 4183 Homestead, for a 5' variance to rebuild a home.

A call to the public was made with the following response: Jack Weatherly - I have no objection to this petition. Staley - The neighbor at 4177 Homestead is in favor of this variance. Archinal - Any deck that is raised more than 3' above ground is considered to be part of the main structure when it comes to setbacks. Staley - Do you intend on raising the elevation of the home? Rafferty - I intend on having an elevated front porch, that is all.

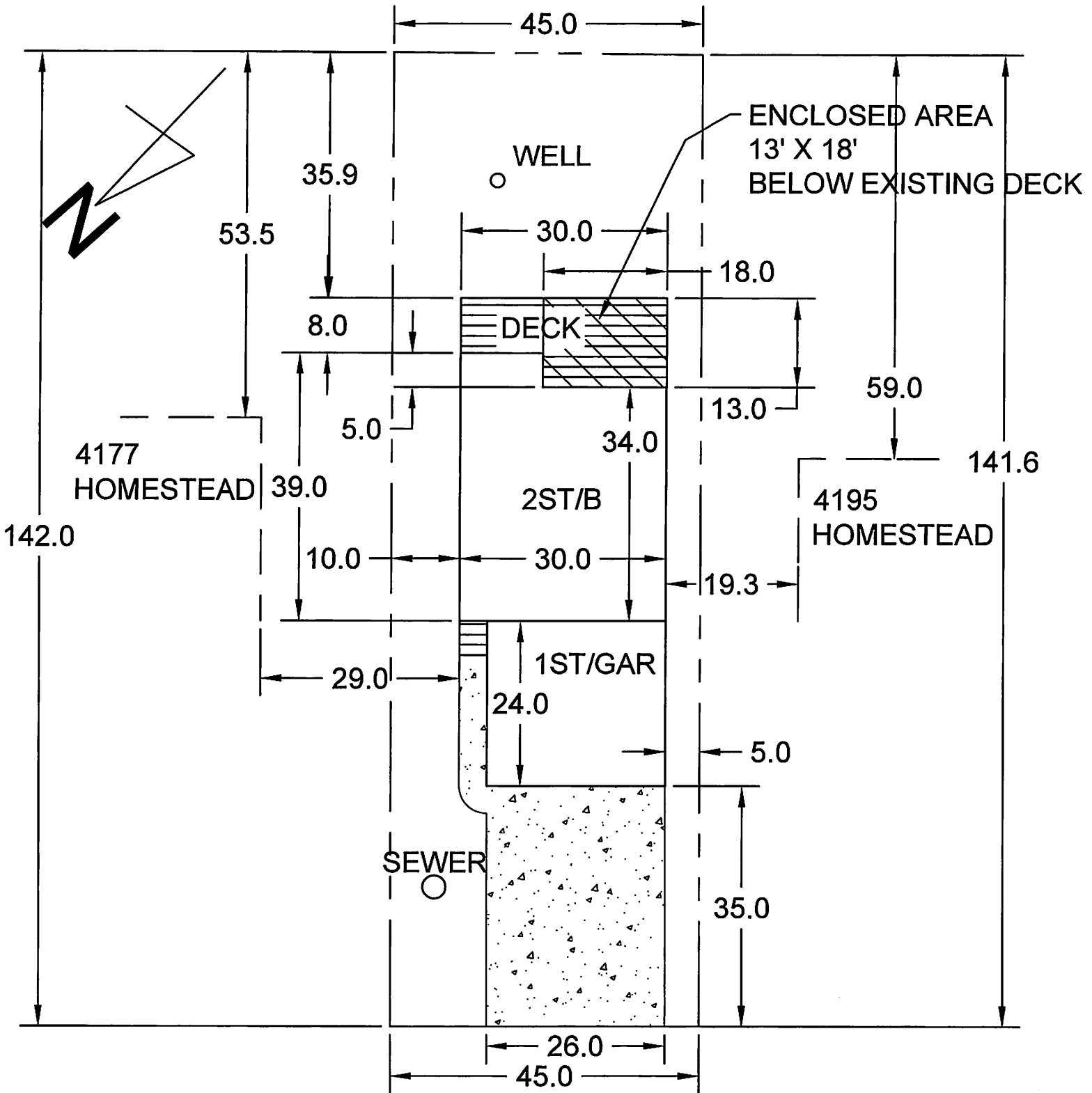
Moved by Murray, supported by Hensick, to grant a 10' side yard and a 5' waterside variance to construct a new home per the plans. The hardship is the narrowness and the depth of the lot. Note: No variance was granted with regard to the height. The motion carried unanimously.

99-57... A request by Michigan National Bank, Section 04, 3883 East Grand River, for a variance to place a sign on the Meijers store elevation.

GENOA TOWNSHIP



CROOKED LAKE



HOMESTEAD DRIVE 20' WD.

June 17, 2019

Victor Zammit
4177 Homestead Drive
Howell, MI 48843

To whom it may concern,

We the undersigned are the residents of 4177 Homestead Drive. We have no issues or concerns with the underdeck enclosure at 4183 Homestead.

Regards,

Victor F. Zammit
resident 4177 Homestead
25+ years

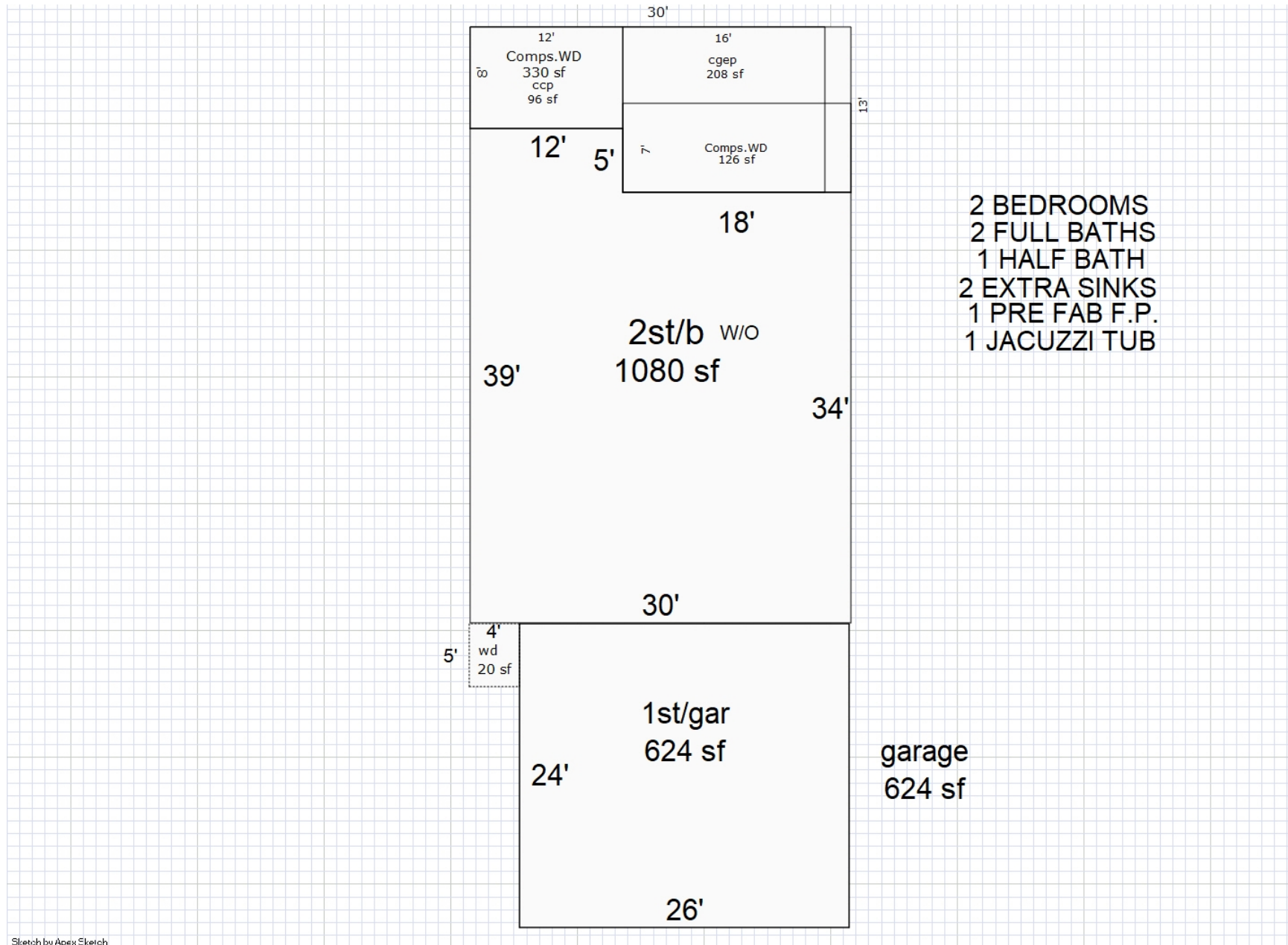
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
RAFFERTY SHANNON	WLODARCZAK JON & DANIELLE	470,000	08/21/2013	WD	ARMS-LENGTH	2013R-035762	BUYER	100.0				
RAFFERTY, THOMAS III & SHANNON	RAFFERTY SHANNON	0	07/29/2008	QC	INVALID SALE	2008R-024044	BUYER	0.0				
RAFFERTY, THOMAS G. III	RAFFERTY III, MR. & MRS.	1	12/06/1996	WD	ARMS-LENGTH	2129-0649	BUYER	0.0				
		0	03/21/1993	IV	QUIT CLAIM		BUYER	0.0				
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR		Building Permit(s)		Date	Number	Status		
4183 HOMESTEAD		School: BRIGHTON		Deck		04/15/2019		P19-044				
		P.R.E. 100% 08/21/2013		RES MISCEL		10/26/1999		99-0001		NO START		
Owner's Name/Address		MAP #: V19-26		HOME		08/13/1999		99-594		NO START		
WLODARCZAK JON & DANIELLE 4183 HOMESTEAD HOWELL MI 48843		2020 Est TCV Tentative										
		X	Improved	Vacant	Land Value Estimates for Land Table 4304.OLD HOMESTEAD							
Tax Description		Public Improvements		* Factors *								
SEC. 28 T2N, R5E, OLD HOMESTEAD LOT 35		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
Comments/Influences		Gravel Road		A LAKE FRONT	45.00	142.00	1.0000	1.0000	4000	100		180,000
		Paved Road		45 Actual Front Feet, 0.15 Total Acres Total Est. Land Value = 180,000								
		Storm Sewer										
		Sidewalk										
		Water										
		Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who	When	What	2020	Tentative	Tentative	Tentative		Tentative		
		JB	06/03/2019	INSPECTED	2019	85,500	205,800	291,300		253,162C		
					2018	67,500	221,500	289,000		247,229C		
					2017	67,500	225,600	293,100		242,144C		



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: 2000 Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 624 % Good: 0 Storage Area: 0 No Conc. Floor: 0																																																																																																													
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							96 20 330 126	CCP (1 Story) Treated Wood Composite Composite																																																																																																														
Building Style: C		Trim & Decoration		Central Air Wood Furnace						Class: C Effec. Age: 15 Floor Area: 2,784 Total Base New : 353,243 Total Depr Cost: 301,529 Estimated T.C.V: 422,141			E.C.F. X 1.400		Bsmnt Garage: Carport Area: Roof:																																																																																																												
Yr Built 2000	Remodeled 0	Size of Closets		(12) Electric																																																																																																																							
Condition: Good		Lg	X Ord	Small	0 Amps Service																																																																																																																						
Room List		(5) Floors		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C			Blt 2000																																																																																																														
	Basement 1st Floor 2nd Floor 4 Bedrooms	Kitchen: Other: Other:		(13) Plumbing			<table border="1"> <thead> <tr> <th>Stories</th> <th>Exterior</th> <th>Foundation</th> <th>Size</th> <th>Cost New</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>2 Story</td> <td>Siding/Brick</td> <td>Basement</td> <td>1,080</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding</td> <td>Overhang</td> <td>624</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>273,057</td> <td>232,097</td> </tr> </tbody> </table>			Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	2 Story	Siding/Brick	Basement	1,080			1 Story	Siding	Overhang	624			Total:				273,057	232,097	<table border="1"> <thead> <tr> <th>Other Additions/Adjustments</th> <th>Quantity</th> <th>Cost</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>Basement, Outside Entrance, Below Grade</td> <td>1</td> <td>2,124</td> <td>1,805</td> </tr> <tr> <td>Plumbing</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3 Fixture Bath</td> <td>2</td> <td>7,710</td> <td>6,553</td> </tr> <tr> <td>2 Fixture Bath</td> <td>1</td> <td>2,579</td> <td>2,192</td> </tr> <tr> <td>Extra Sink</td> <td>2</td> <td>1,576</td> <td>1,340</td> </tr> <tr> <td>Porches</td> <td></td> <td></td> <td></td> </tr> <tr> <td>CCP (1 Story)</td> <td>96</td> <td>2,247</td> <td>2,202</td> </tr> <tr> <td>Garages</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)</td> </tr> <tr> <td>Base Cost</td> <td>624</td> <td>21,753</td> <td>18,490</td> </tr> <tr> <td>Common Wall: 1 Wall</td> <td>1</td> <td>-2,228</td> <td>-1,894</td> </tr> <tr> <td>Water/Sewer</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Public Sewer</td> <td>1</td> <td>1,240</td> <td>1,054</td> </tr> <tr> <td>Water Well, 200 Feet</td> <td>1</td> <td>8,914</td> <td>7,577</td> </tr> <tr> <td>Fireplaces</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Prefab 1 Story</td> <td>1</td> <td>2,151</td> <td>1,828</td> </tr> <tr> <td>Deck</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Composite</td> <td>330</td> <td>5,019</td> <td>4,919</td> </tr> <tr> <td>Composite</td> <td>126</td> <td>2,543</td> <td>2,492</td> </tr> <tr> <td>Treated Wood</td> <td>20</td> <td>758</td> <td>644</td> </tr> </tbody> </table>			Other Additions/Adjustments	Quantity	Cost	Depr. Cost	Basement, Outside Entrance, Below Grade	1	2,124	1,805	Plumbing				3 Fixture Bath	2	7,710	6,553	2 Fixture Bath	1	2,579	2,192	Extra Sink	2	1,576	1,340	Porches				CCP (1 Story)	96	2,247	2,202	Garages				Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)				Base Cost	624	21,753	18,490	Common Wall: 1 Wall	1	-2,228	-1,894	Water/Sewer				Public Sewer	1	1,240	1,054	Water Well, 200 Feet	1	8,914	7,577	Fireplaces				Prefab 1 Story	1	2,151	1,828	Deck				Composite	330	5,019	4,919	Composite	126	2,543	2,492	Treated Wood	20	758	644			
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																																																																																																						
2 Story	Siding/Brick	Basement	1,080																																																																																																																								
1 Story	Siding	Overhang	624																																																																																																																								
Total:				273,057	232,097																																																																																																																						
Other Additions/Adjustments	Quantity	Cost	Depr. Cost																																																																																																																								
Basement, Outside Entrance, Below Grade	1	2,124	1,805																																																																																																																								
Plumbing																																																																																																																											
3 Fixture Bath	2	7,710	6,553																																																																																																																								
2 Fixture Bath	1	2,579	2,192																																																																																																																								
Extra Sink	2	1,576	1,340																																																																																																																								
Porches																																																																																																																											
CCP (1 Story)	96	2,247	2,202																																																																																																																								
Garages																																																																																																																											
Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)																																																																																																																											
Base Cost	624	21,753	18,490																																																																																																																								
Common Wall: 1 Wall	1	-2,228	-1,894																																																																																																																								
Water/Sewer																																																																																																																											
Public Sewer	1	1,240	1,054																																																																																																																								
Water Well, 200 Feet	1	8,914	7,577																																																																																																																								
Fireplaces																																																																																																																											
Prefab 1 Story	1	2,151	1,828																																																																																																																								
Deck																																																																																																																											
Composite	330	5,019	4,919																																																																																																																								
Composite	126	2,543	2,492																																																																																																																								
Treated Wood	20	758	644																																																																																																																								
(1) Exterior		(6) Ceilings		Ex. X Ord. Min			No. of Elec. Outlets Many X Ave. Few																																																																																																																				
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		No. of Elec. Outlets																																																																																																																							
	Insulation	Basement: 1080 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(14) Water/Sewer																																																																																																																							
(2) Windows		(8) Basement		Average Fixture(s)																																																																																																																							
X	Many Avg. Few	X	Large Avg. Small	3 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 2 Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan																																																																																																																							
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		(9) Basement Finish																																																																																																																									
X	Gable Hip Flat	Gambrel Mansard Shed	800 Recreation SF Living SF 1 Walkout Doors No Floor SF																																																																																																																								
X	Asphalt Shingle	(10) Floor Support		Public Water Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic																																																																																																																							
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:																																																																																																																							

<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>

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



Sketch by Apex Sketch

*** 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 # 19-27 Meeting Date: 7-16-19 @ 6:30p.m.

PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: Steven G. Ezikian Email: ezikias@jbcglobal.net
Property Address: 4640 Sweet Rd. Howell Phone: 517-410-6692
Present Zoning: Country Estate Tax Code: 11-16-200-005

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

Each application for Variance is considered individually by the ZBA. The ZBA is a 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 application, 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/intended property modifications: _____
See attached

The following is per Article 23.05.03:

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

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

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

See attached

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

See attached

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

See attached

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

See attached

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

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

Date: June 17, 2015 Signature: [Signature]

Please explain the proposed variance below:

	Response
<p>1. Variance requested/ intended property modifications:</p>	<p>Zoning requires that the structure be behind the front plane of the house located on the property. We are requesting a variance to allow a barn to be built that breaks the plane of the front of the house.</p>
<p>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 <u>all</u> of the following conditions exist:</p> <p>Under each please indicate how the proposed project meets each criteria.</p>	
<p><u>Practical Difficulty/Substantial Justice</u>, 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 substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.</p>	<p>Full compliance with zoning requirements would prevent me from being able to build a barn. Specifically, the requirement that the structure be placed behind the plane of the front of the house. The house is set back in a triangular shaped piece of property. Therefore most of the land available to build on lies in front of the plane of the house.</p>
<p><u>Extraordinary Circumstances</u>, 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 the other properties in the vicinity. The need for the variance was not self-created by the applicant.</p>	<p>The property shape is triangular. A 1200 square foot structure directly behind the house would pose difficulties in meeting set back requirements. (It would also require the clearing of many trees). A structure (barn) to the east of the house would not meet set back requirements. A structure west of the house would run into issues with set back from the drain field and the reserved drain field. A variance to the requirement that the structure be behind the plane of the house is being requested because of these conditions. The existence of a barn in the district is not untypical and the granting of the variance would not change the character of the surrounding area.</p>

<p><u>Public Safety and Welfare</u>, The granting of the variance will not impair an adequate supply of light, and air to the adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort or welfare of the inhabitants of the Township of Genoa.</p>	<p>The granting of the variance will not impose a hardship, in any way to adjacent property owners. The variance if granted and the structure then built will not impede adjacent property owners ability to use their property as they currently do. It will not add to traffic congestion or provide additional risk of any sort.</p>
<p><u>Impact on Surrounding Neighborhood</u>, The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.</p>	<p>The requested variance would be consistent with land use of the adjacent properties and neighborhood. It would not discourage or impede any development of the surrounding area.</p>



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 7, 2019
RE: ZBA 19-27

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

STAFF REPORT

File Number: ZBA#19-27
Site Address: 4640 Sweet Road, Howell 48843
Parcel Number: 4711-16-200-005
Parcel Size: 3.480 Acres
Applicant: Steven G. Ezikian
Property Owner: Same as applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance

Project Description: Applicant is requesting a variance to construct a detached accessory structure in the front yard.

Zoning and Existing Use: CE (Country Estates), the property is occupied by a single family home.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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:

- See Real Estate Summary and Record Card.
- Per assessing data, the single family home was built in 1991.
- In 1990, a variance to the property was approved. (See attached minutes)
- In 2002, an in ground pool permit was issued.
- The property is serviced by well and septic.

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 construct a detached accessory structure located 10 feet into the front yard. It was observed from the GIS aerial that there is an in ground pool and shed on the property which is not shown on the submitted site plan. Applicant did indicate that the sheds in the front yard have been removed. If the shed is remaining near the pool, the applicant would need to reduce the size of the proposed building by the square footage of the shed. **Please note: the applicant's builder requested if they could start to clear the land prior to ZBA decision knowing the risk of possibly receiving an unfavorable decision.**

Variance Requests

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

Sec. 11.04.01 (C) Restrictions in front yard

(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.

(2) Lots of at least five (5) acres when the front setback is equal to or greater than the average setback of established buildings on adjoining lots, as determined by the Zoning Administrator. If the adjacent lots are undeveloped, then front yard accessory buildings are permitted with a minimum front yard setback of two hundred (200) feet.

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

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

Practical Difficulty/Substantial Justice –Compliance with the strict letter of the ordinance would prevent the applicant from constructing a detached accessory structure. Detached accessory structures are typical in this rural area of the Township and granting the variance would provide substantial justice 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.

Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the location of the existing single family home, location of septic field and reserve septic field, non-conforming lot size, location of swimming pool and the shape of the lot. The granting of the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is the least amount necessary.

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.

Impact on Surrounding Neighborhood – The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

1. Any existing detached accessory structures will be removed prior to Certificate of Occupancy.

Minutes of the July 10, 1990 Regular Meeting as presented.
The motion carried.

14-200-005
006

B. A Call to the Public was made with no response.

Considering the absence of Chris Hensick, a quorum was not present for consideration of the Wright Case. It was the consensus of the board that case 90-37 would be heard first.

* Case 90-37. A Call to the Public was made with no response. Moved by Hensick, supported by Johnson, to approve A request by Steven and Denise Ezikian, 4660 Sweet Road, Section 16, for a variance to the township zoning ordinance to split a parcel in an A-1 (General Agricultural District) into two pieces as follows: The triangular piece identified as 3.48 acres and listed as parcels 1 & 2 on the survey to become one tax i.d. no. A second rectangular parcel identified as 2.98 acres and listed as parcel #3 on the survey to become one tax i.d. no. This action being taken because of similar development in the area, the unusual configuration of the property, and the boundaries of the railroad tracks. The motion carried.

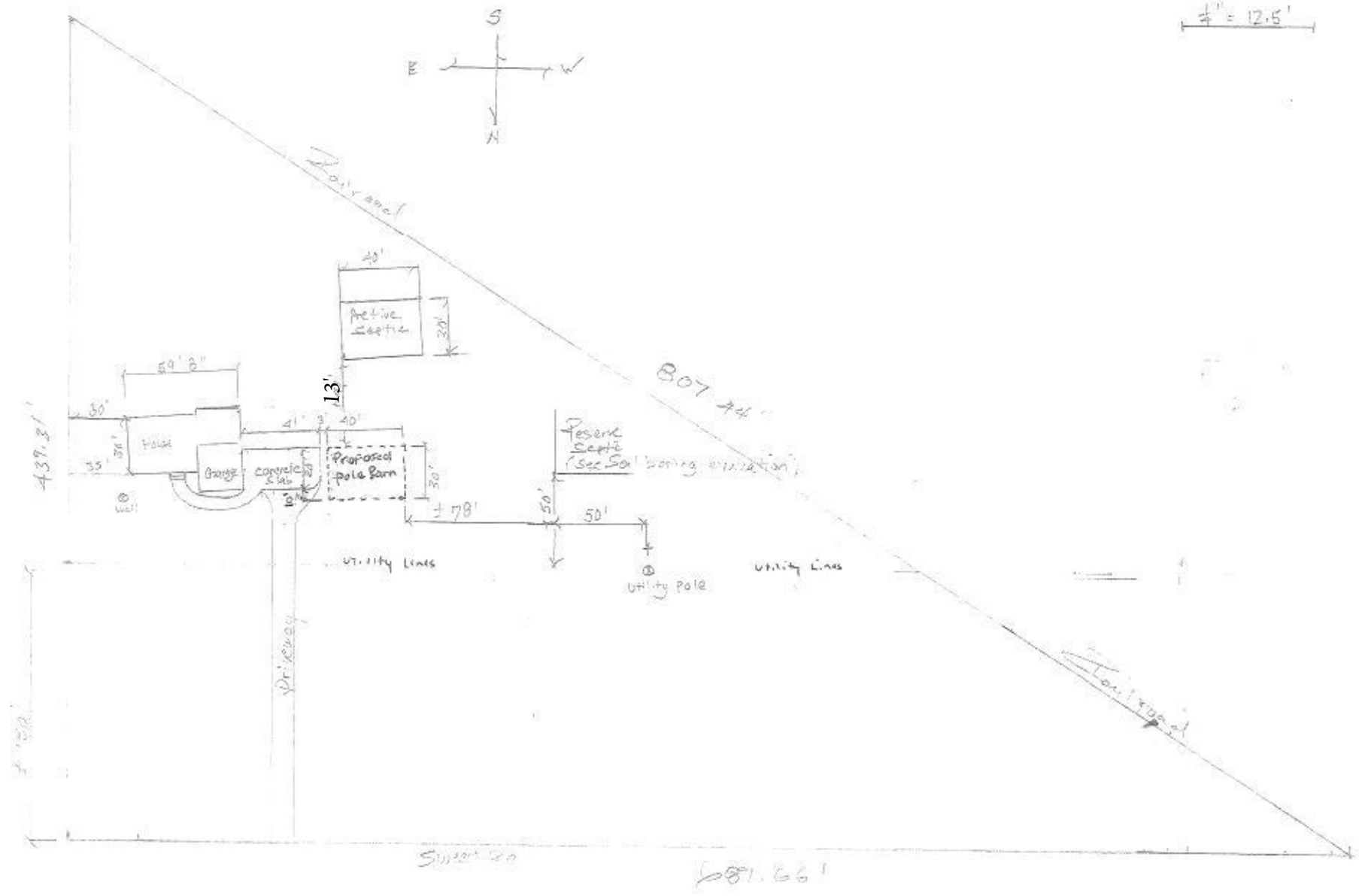
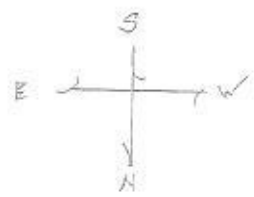
Chris Hensick arrived during the previous hearing and was able to partake in that discussion and decision.

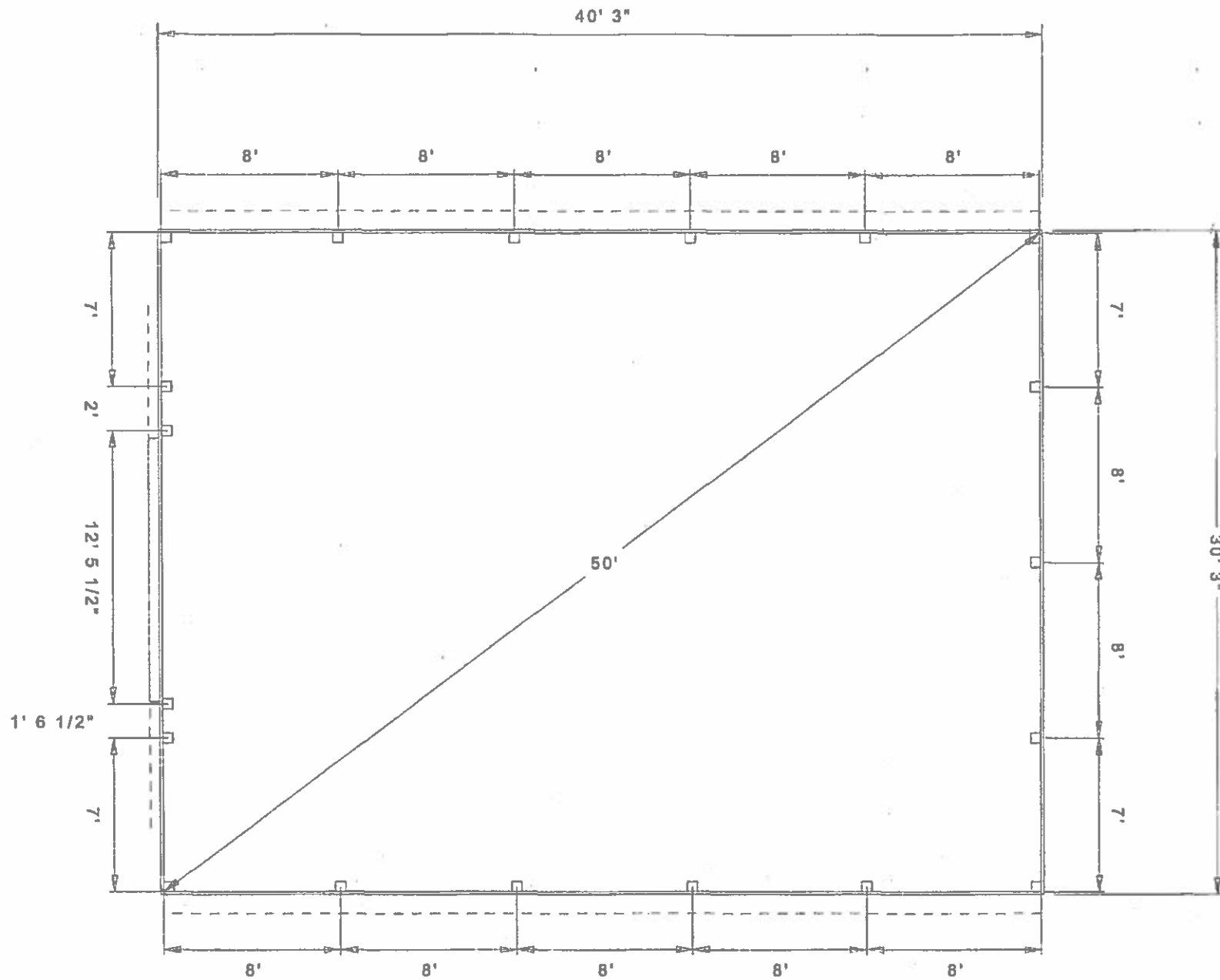
Case 90-36. A Call to the Public was made with Jerry Figurski expressing opposition to the placement of the decking immediately adjacent to his property line because of a loss of privacy. Moved by Skolarus, supported by Johnson, to table A request by Herb and Donna Wright, 1428 Hughes Road, Section 10, for a variance to the waterfront and side setback requirements for construction of a deck, to allow the petitioner and neighbor to

GENOA TOWNSHIP

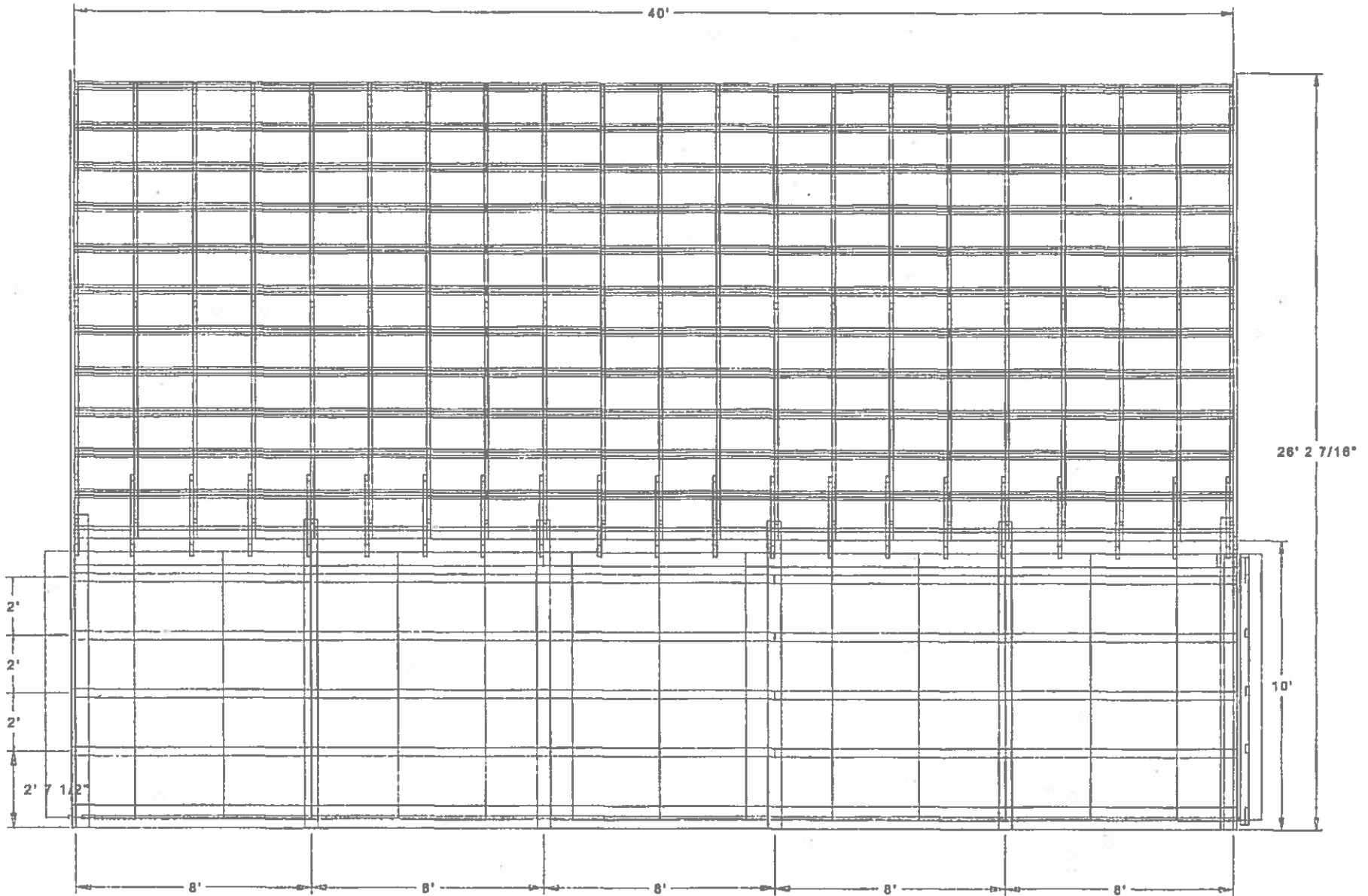


$\frac{1}{4}'' = 12.5'$

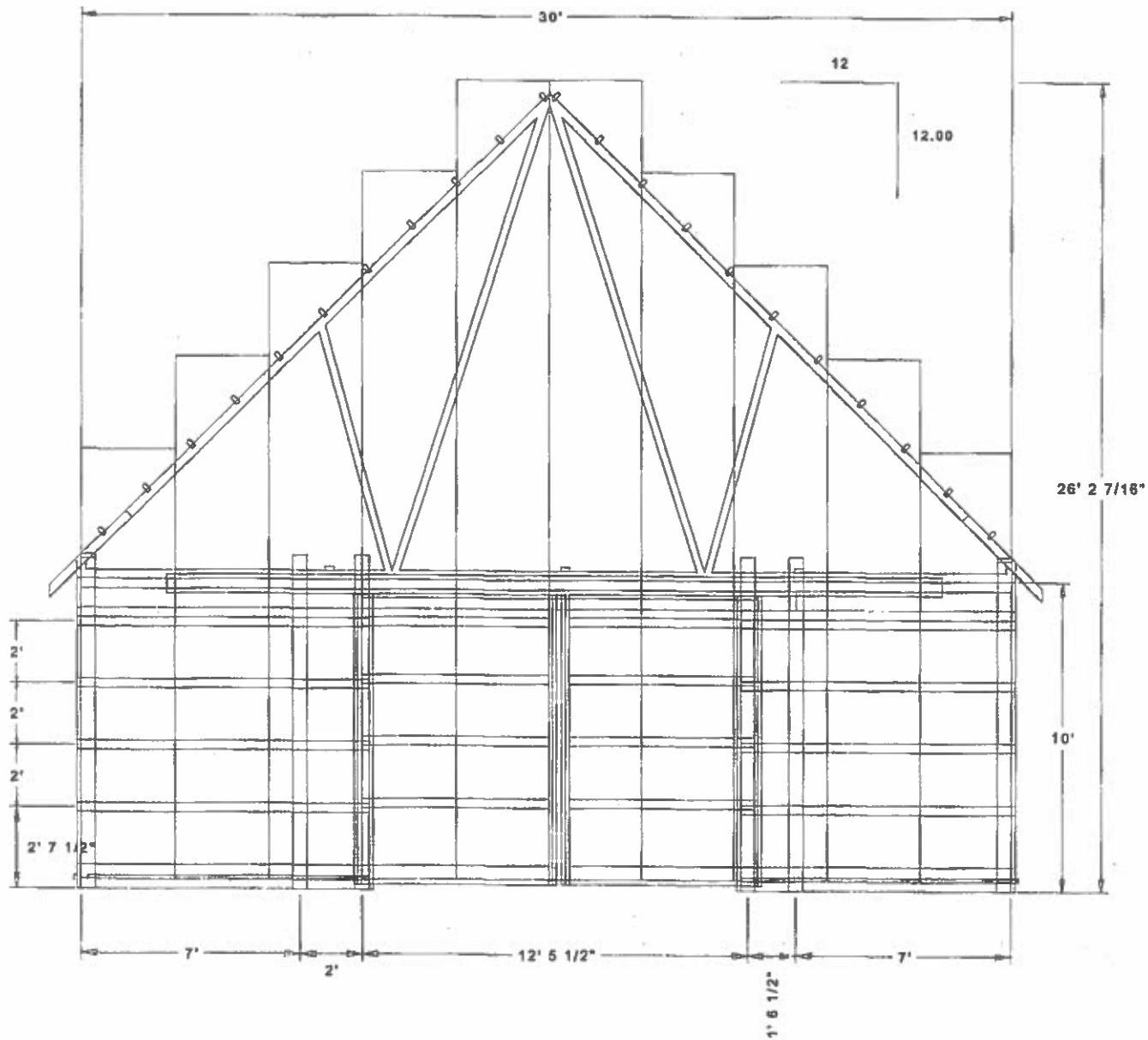




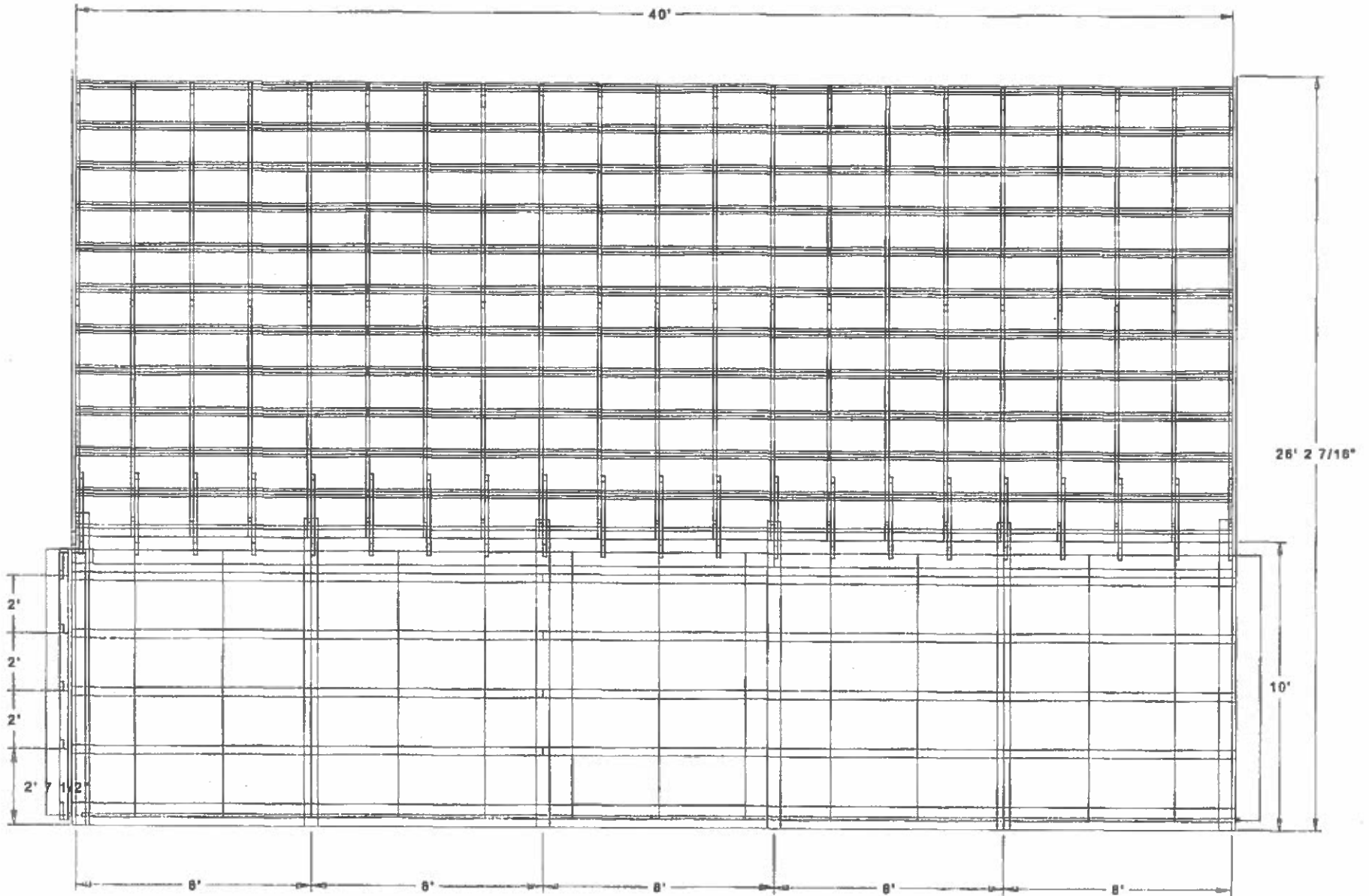
Plan View	PROJECT:		PROJECT NUMBER:
SCALE: 2' 1/8" = 1'	CUSTOMER:		
DATE: Wednesday, June 19, 2018	SHEET NUMBER:	SHEET NUMBER:	SHEET NUMBER:
BY: (518)885-5311	(518)885-5311	(518)885-5311	



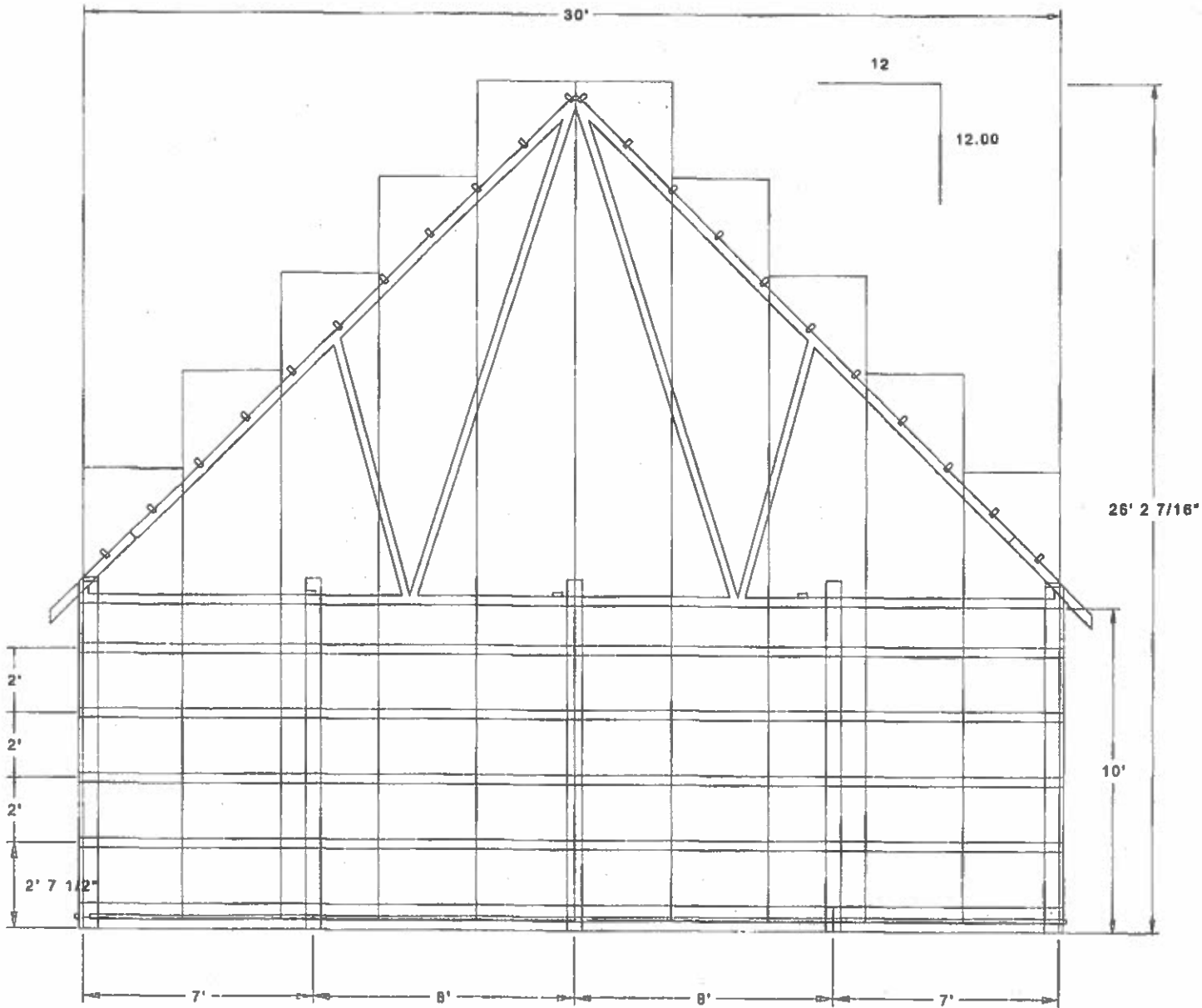
Left Elevation	PROJECT:	PROJECT NUMBER:
SCALE: 2 1/2" = 1'-0"	CUSTOMER --	
DATE: Wednesday, June 19, 2019 10:21:11 AM	PROJECT NUMBER: 19-2014	DATE: 2019-06-19 10:21:11 AM
BY: (518)885-5311	(518)885-5311	(518)885-5311



Front Elevation	PROJECT:	DATE:	PROJECT NUMBER:
SCALE: 2/3/8"=1'-0"	CUSTOMER --	DATE:	PROJECT NUMBER:
DATE: Wednesday, June 19, 2019 10:42:58 AM	DATE: Wednesday, June 19, 2019 10:42:58 AM	DATE: Wednesday, June 19, 2019 10:42:58 AM	DATE: Wednesday, June 19, 2019 10:42:58 AM
BY: (518)865-5311	BY: (518)865-5311	BY: (518)865-5311	BY: (518)865-5311



Right Elevation	PROJECT:	PROJECT NUMBER:
SCALE: 20/2" = 1'	CUSTOMER --	
DATE: Wednesday, June 19, 2019	DATE: Wednesday, June 19, 2019	SHEET NUMBER: Wednesday, Jun
DRAWN BY: (518)865-5311	BY: (518)865-5311	BY: (518)865-5311



Rear Elevation	PROJECT:	DATE:	PROJECT NUMBER:
SCALE: 2 9/16" = 1'	CUSTOMER --	DATE:	PROJECT NUMBER:
DATE: Wednesday, June 19, 2019	DATE: Wednesday, June 19, 2019	DATE: Wednesday, June 19, 2019	DATE: Wednesday, June 19, 2019
BY: (518)886-5311	BY: (518)886-5311	BY: (518)886-5311	BY: (518)886-5311

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.													
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: CE		Building Permit(s)		Date	Number	Status											
4640 SWEET RD		School: HOWELL		INGROUND POOL		06/13/2002		02-264	NO START												
Owner's Name/Address		P.R.E. 100% / /		MAP #: V19-27		2020 Est TCV Tentative															
EZIKIAN, STEVEN & DENISE 4640 SWEET RD HOWELL MI 48843		X Improved		Vacant		Land Value Estimates for Land Table 4500.HOWELL M& B															
Tax Description		Public Improvements		* Factors *																	
SEC 16 T2N R5E COM N1/4 COR, TH N89*E 389.59 FT TO POB, TH N89*E 687.66 FT, TH S1*W 439.31 FT, TH N57*W 807.44 FT TO POB. 3.48 AC M/L SPLIT 11-90 FROM 004		Dirt Road		Description		Frontage		Depth		Front Depth		Rate %Adj. Reason		Value							
Comments/Influences		Gravel Road		LAND TABLE A		3.480 Acres		20,057		100		69,800		69,800							
		Paved Road		Land Improvement Cost Estimates		Rate		Size % Good		Cash Value											
		Storm Sewer		Pool: Plastic		47.27		648 41		12,559											
		Sidewalk		Total Estimated Land Improvements		True Cash Value =				12,559											
		Water																			
		Sewer																			
		Electric																			
		Gas																			
		Curb																			
		Street Lights																			
		Standard Utilities																			
		Underground Utils.																			
		Topography of Site																			
		Level																			
		Rolling																			
		Low																			
		High																			
		Landscaped																			
		Swamp																			
		Wooded																			
		Pond																			
		Waterfront																			
		Ravine																			
		Wetland																			
		Flood Plain																			
		X REFUSE																			
		Who		When		What		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
								2020		Tentative		Tentative		Tentative						Tentative	
								2019		34,900		129,400		164,300						129,206C	
								2018		34,900		115,500		150,400						126,178C	
								2017		34,900		117,800		152,700						123,583C	



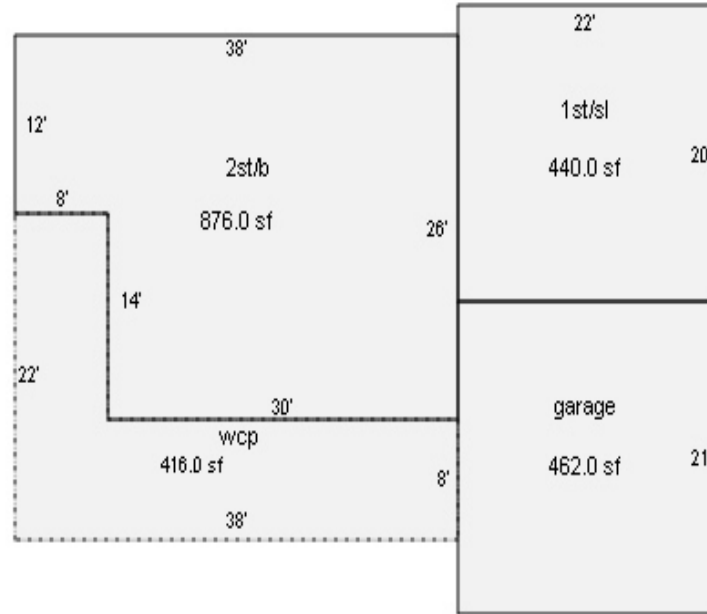
The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 416	Type WCP (1 Story)	Year Built: Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 462 % Good: 0 Storage Area: 0 No Conc. Floor: 0	
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: BC Effec. Age: 22 Floor Area: 2,192 Total Base New : 345,663 Total Depr Cost: 269,616 Estimated T.C.V: 253,439		E.C.F. X 0.940	Bsmnt Garage: Carport Area: Roof:	
Building Style: BC		Trim & Decoration		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family BC			Cls BC			Blt 1991				
Yr Built 1991	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1316 SF Floor Area = 2192 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=78/100/100/100/78							
Condition: Good	Lg	X	Ord		Small		Many X Ave. Few			Building Areas							
Room List	(5) Floors		Kitchen: Other: Other:			(13) Plumbing			Stories Exterior Foundation Size Cost New Depr. Cost								
Basement	Kitchen:		Basement: 876 S.F.			Average Fixture(s)			1 Story Siding Slab 440								
1st Floor	Other:		Crawl: 0 S.F.			2 3 Fixture Bath			2 Story Siding Basement 876								
2nd Floor	Other:		Slab: 440 S.F.			1 2 Fixture Bath			Total: 278,220 217,011								
-16 Bedrooms	Height to Joists: 0.0		Height to Joists: 0.0			Softener, Auto			Other Additions/Adjustments								
(1) Exterior	(7) Excavation		Basement: 876 S.F.			Softener, Manual			Plumbing								
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 876 S.F.		Crawl: 0 S.F.			Solar Water Heat			3 Fixture Bath 1 5,669 4,422							
Insulation	Height to Joists: 0.0		Slab: 440 S.F.			No Plumbing			2 Fixture Bath 1 3,798 2,962								
(2) Windows	Many Avg. Few	X	Large Avg. Small	Height to Joists: 0.0			Extra Toilet			Extra Sink 1 1,168 911							
Wood Sash	Conc. Block		Height to Joists: 0.0			1 Extra Sink			Water/Sewer								
Metal Sash	Poured Conc.		Height to Joists: 0.0			Separate Shower			1000 Gal Septic 1 4,677 3,648								
Vinyl Sash	Stone		Height to Joists: 0.0			Ceramic Tile Floor			Water Well, 200 Feet 1 9,722 7,583								
Double Hung	Treated Wood		Height to Joists: 0.0			Ceramic Tile Wains			Porches								
Horiz. Slide	Concrete Floor		Height to Joists: 0.0			Ceramic Tub Alcove			WCP (1 Story) 416 15,013 11,710								
Casement	(9) Basement Finish		Height to Joists: 0.0			Vent Fan			Garages								
Double Glass	Recreation SF		Height to Joists: 0.0			(14) Water/Sewer			Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished)								
Patio Doors	Living SF		Height to Joists: 0.0			Public Water			Base Cost 462 22,906 17,867								
Storms & Screens	Walkout Doors		Height to Joists: 0.0			Public Sewer			Common Wall: 1 Wall 1 -2,586 -2,017								
(3) Roof	No Floor SF		Height to Joists: 0.0			1 Water Well			Fireplaces								
X	Gable Hip Flat	Gambrel Mansard Shed		Height to Joists: 0.0			1 1000 Gal Septic			Exterior 1 Story 1 7,076 5,519							
X	Asphalt Shingle	Cntr.Sup:		Height to Joists: 0.0			2000 Gal Septic			Totals: 345,663 269,616							
Chimney: Brick	Lump Sum Items:		Height to Joists: 0.0						Notes: ECF (4500 (47070) HOWELL M & B) 0.940 => TCV: 253,439								

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

36 x 18 inground pool



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

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

Case # 19-28 Meeting Date: Aug 20, 2019 @ 6:30pm

PAID Variance Application Fee
\$215 ~~\$125.00~~ for Residential | \$300.00 for Commercial/Industrial

Applicant/Owner: Messat Rudolf + Dorzen Email: dormeffert@comcast.net
Property Address: 6373 Chellis Rd Phone: 810.229.8233
Present Zoning: LDR Tax Code: 4711-23-300-004

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: see attached word doc

2. Intended property modifications:

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.

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.

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.

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.

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: 6.19.2019 Signature: Harren L. Meppert

06/17/19 Meffert - Genoa Charter Township Variance Application

Please explain the proposed variance below:

- 1) Variance requested/intended property modifications: The applicant currently owns a 2.06 acre parcel (1.84 acre net) on Challis Road. The applicants parcel is surrounded by the Mountain View subdivision in Section 23 of Genoa Township. Due to the applicants' parcel proximity and relationship to the platted subdivision, the parcel is a part of the Mountain View neighborhood. The surrounding platted lots vary in size as indicated on the attached exhibit. Predominantly the lots in the subdivision are less than 1 acre in size with many of the lots between 0.50 acres and 0.75 acres. The property is currently zoned Low Density Residential (LDR) which requires a minimum of 1 acre parcels. The applicant is seeking a variance from Section 3.04 of the Genoa Township Zoning Ordinance which requires 1 acre minimum lot area excluding the Challis Road right of way.

The applicant is proposing a land division with the existing home and appurtenant improvements remaining on the proposed Parcel A, a 1.31 acre (1.17 acre net) parcel. Parcel A will be compliant with the Genoa Township Zoning Ordinance, Proposed Parcel B is a vacant parcel consisting of 0.75 acres (0.67 acre net). Parcel B will be compliant with and consistent with the majority of other properties within the Mountain View neighborhood. Parcel B will be accessed thru the neighborhood local streets and be served by on-site sewer and water.

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:

Practical Difficulty/Substantial Justice:

The parent parcel has road frontage on three sides. The parcel is bounded by the two platted streets which which serve the Mountain View Subdivision, Grand Circle Drive and Catalpa Drive on the west and east sides. Challis Road is along the south boundary. The parent parcel includes the north ½ of Challis Road which consists of 0.22 acres. Footnote (a) to Table 3.04.01 requires the exclusion of the road right of way from the lot area when determining compliance with the Genoa Township Zoning Ordinance. The existing home and appurtenant improvements are located on the westerly portion of the parcel, while the easterly portion is vacant. Due to the existing configuration of the property and the inclusion of Challis Road right-of-way within the parent parcel description it is not feasible to reasonably utilize the vacant easterly lands without the variance being granted. The proposed land division will result in one parcel compliant with the Zoning Ordinance consisting of 1.17 acres. The vacant parcel will be 0.67 acres net. In determining the configuration of the proposed parcel the

existing constructed improvements on the parcels were considered. The location of existing septic tank and field serving the existing home was located. The Livingston County Health Department requires that the septic system be located on the parcel which it serves. This results in the configuration of the proposed parcels as illustrated on the attached exhibits. Granting of the requested size variance would preserve the applicants property rights and allow the use of the property in the same manner as surrounding properties in the neighborhood. The property is surrounded by Mountain View subdivision which consists of a substantial number of lots less than 1 acre in size. The granting of the variance will be consistent with and allow the applicant to enjoy the substantial property rights similar to that possessed by other properties in the adjacent similarly zoned property which are in the same vicinity and neighborhood. The variance would allow for a parcel similarly sized and consistent with the majority of the other nearby parcels (most of which are less than one acre and were platted in the 1970s prior to the current Zoning Ordinance).

Extraordinary Circumstances:

The parent parcel fronts on three roads, two of which were part of the Mountain View subdivision. The subject property does include the right of way of Challis Road on the south side. The portion of Challis Road contained within the property description can not be included in the lot area calculation of the proposed parcels. Due to the unique configuration of the parent parcel, existing improvements and being excluded from the platted subdivision, the property is subject to conditions which impacts the ability to divide the parcel and create parcels which would be consistent with the platted lots. The variance would not create any inconsistent or non-compatible parcels. The variance would bestow upon the applicant similar and substantial property rights which the neighboring properties enjoy. The circumstances and configuration of the parcel were not self-created.

Public Safety and Welfare –

Livingston County Road Commission has approved the proposed parcel B for a driveway onto Catalpa Drive. Soils evaluations for the proposed parcel were conducted and the soils on the site can support a septic system. The created parcels will have adequate road access from County maintained roads which provide acceptable access for fire and emergency vehicles. The request for a variance is for a slight reduction in required minimum land size. All other standards will be met allowing for a supply of light and air to our neighbors as well as limited congestion to neighboring streets and no increase of dangers to inhabitants of our township.

Impact on Surrounding Neighborhood-

Granting the variance will not interfere with appropriate development, continued use or value of adjacent properties and the surrounding neighborhood. The development to occur on parcel B is an appropriate use of the property. Any new home will comply with the Township regulations and will be consistent with the neighboring homes. The proposed site is consistent with the parcels in Mountain View subdivision. No negative impact is anticipated as a result of the granting of the variance.

Aileen Meffert 6/19/2019



MEMORANDUM

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

RE: ZBA 19-28

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

STAFF REPORT

File Number: ZBA#19-28
Site Address: 6373 Challis Road
Parcel Number: 4711-23-300-004
Parcel Size: 2.060 Acres
Applicant: Rudolf and Doreen Meffert, 6373 Challis Rd. Brighton 48116
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to split property that will create a non-conforming parcel.

Zoning and Existing Use: LDR (Low Density Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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 1971.
- The parcel is serviced by well and private 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

The proposed project is to split an existing parcel into 2 parcels. In order to complete the proposed split, a variance would be required to allow for a non-conforming parcel to be created.

Variance Requests

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

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance requirement would not unreasonably prevent the use of the property. The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other LDR zoned parcels however it would provide for a parcel size similar to those in the platted subdivision located north of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary circumstances of the property is the unusual shape and that it contains three road right of way front yard easements. The road right of way easement square footage cannot be used within the calculations for lot area. The variance would make the property consistent with other properties to the north east of the parcel however the remaining vicinity is larger than one acre parcels which is consistent with the LDR Zoning. The need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

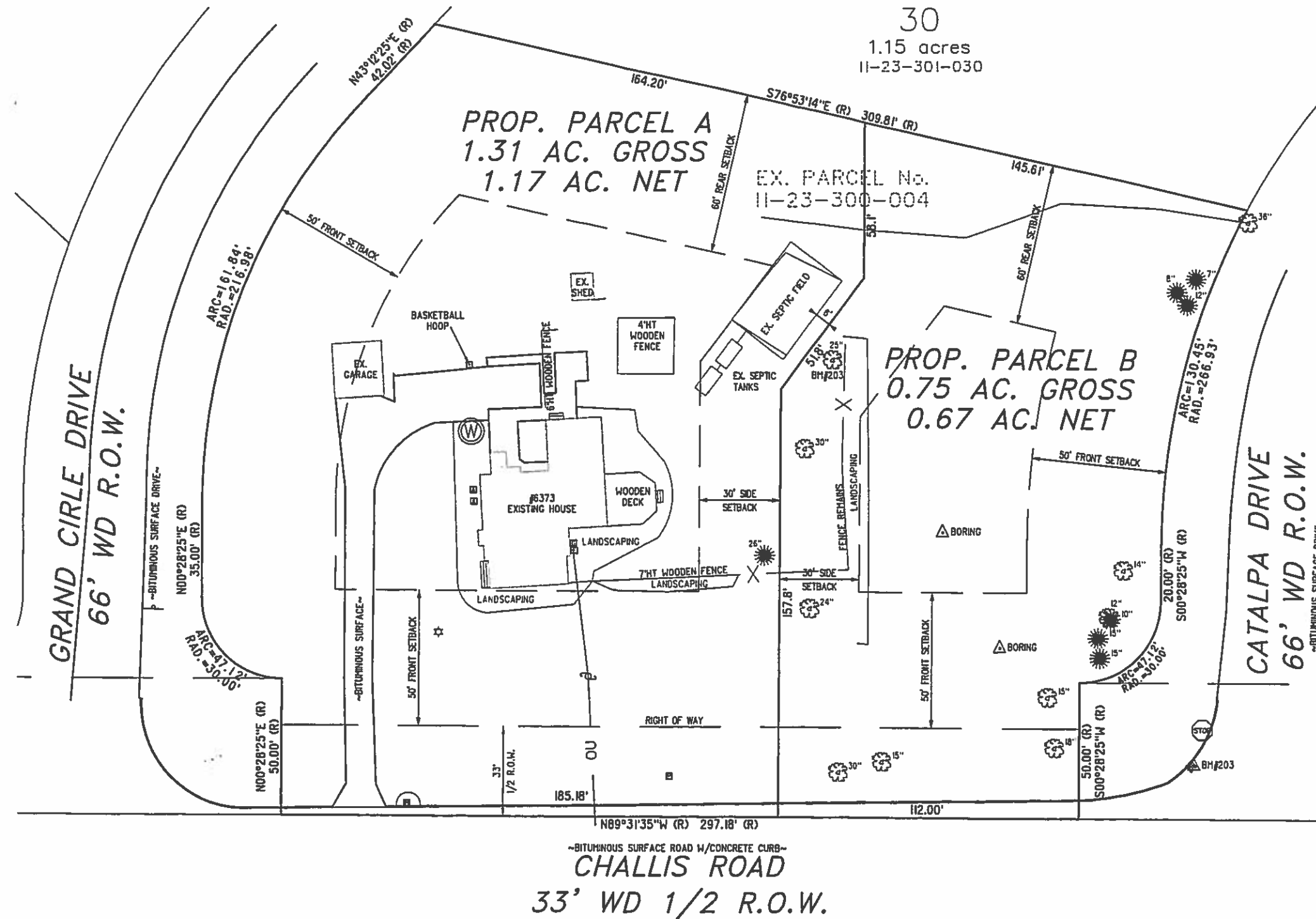
Recommended Conditions

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

N/A

GENOA TOWNSHIP





GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
1 INCH = 30 FEET

LEGEND

- = MISC. STRUCTURE (AS LABELED)
- = SIGN
- △ = SOL. BORING / BENCHMARK W/IDENTIFIER
- = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX, UTIL. BOX)
- ⊞ = AIR CONDITIONER UNIT
- ⊙ = UTILITY MANHOLE (AS LABELED)
- ⊞⊞⊞⊞ = UTILITY POLE W/CUT WIRE
- OU — = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLED)
- U/C — = U/C UTILITY LINES (PHONE/FIBER OPTIC/ELECTRIC/CABLE TV/MISC UTILITIES)
- ~~~~~ = EDGE OF WOODS / TREE DRIP LINE
- ⊙ = DECIDUOUS TREE W/IDENTIFIER
- ⊙ = CONIFEROUS TREE W/IDENTIFIER
- X — = FENCE (CHAIN LINK UNLESS OTHERWISE STATED)
- = EDGE OF GRAVEL
- = CONCRETE CURB (UNLESS OTHERWISE STATED)
- GAS — = GAS SHUT OFF
- = U/G GAS
- = 1' CONTOUR
- = 5' CONTOUR

811
Know what's below.
Call before you dig.

3 WORKING DAYS
BEFORE YOU DIG
CALL 811 OR 1-800-482-7171
(TOLL FREE)
OR VISIT CALL811.COM

DESIGN INC
(810) 227-9533
CIVIL ENGINEERS
LAND SURVEYORS
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

DESIGN: JMB DRAFT: JHG CHECK: JMB	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">DATE</th> <th style="width: 90%;">REVISION-DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISION-DESCRIPTION									MEFFERT LAND DIVISION 6373 CHALLIS RD., GENOA TOWNSHIP CONCEPT SKETCH	CLIENT: DOREEN MEFFERT 6373 CHALLIS ROAD BRIGHTON, MICHIGAN 48116 810-229-8233	SCALE: 1in. = 30ft. PROJECT No.: 193662 DWG NAME: 3662 LD	1
DATE	REVISION-DESCRIPTION														



Environmental Health Division
2300 E. Grand River - Suite 200 - Howell, MI 48843
Fax (517) 546-9853 - Phone (517) 546-9858
www.lchd.org
Soils Evaluation For Sub-Surface Sewage Disposal System

 Case No.
11-23-300-004
 Current Desc. #
Genoa Township
 Township

Challis Rd

Location: CHALLIS RD **Lot:** **Subdivision:** MOUNTAIN VIEW **Acerage:** +/- 1 **Parcel:**

Applicant

MEFFERT RUDOLF & DOREEN JT LIV TR
 6373 CHALLIS RD
 BRIGHTON MI 48116
 (810) 229 8233

Owner

MEFFERT RUDOLF & DOREEN JT LIV TR
 6373 CHALLIS RD
 BRIGHTON MI 48116
 (810) 229 8233

Soil Description

<u>Date</u>	<u>Boring #</u>	<u>Soil Type</u>	<u>Soil Desc</u>	<u>Beg Depth</u>	<u>End Depth</u>	<u>SWT Depth</u>	<u>WT Depth</u>
02/26/2019	01	Sandy Clay Loam	Topsoil	0.00	0.50	None	None
02/26/2019	01	Sandy Clay Loam		0.50	1.50	None	None
02/26/2019	01	Loamy Sand		1.50	3.00	None	None
02/26/2019	01	Medium Sand	Dry	3.00	8.00	None	None
02/26/2019	02	Sandy Clay Loam	Topsoil	0.00	0.50	None	None
02/26/2019	02	Sandy Loam		0.50	3.00	None	None
02/26/2019	02	Loamy Sand		3.00	5.00	None	None
02/26/2019	02	Medium Sand	Dry	5.00	8.00	None	None

Genoa Rd

Further Info Needed (Refer to Comments)

Within 800 of a potential or known source of contamination: No
Alternative Review: No

Conditions:

Oversize: No

Proposed split of 6373 Challis Rd.
 The review of this site by the Livingston County Health Department. by no means guarantees that a permit will be issued. However, soil conditions indicate that soils are suitable for the treatment of onsite wastewater in the area of soil borings # 1 & # 2. It must be demonstrated that the existing septic system located at 6373 Challis Rd. is located within the proposed boundaries of the property in which it serves.
 Locate the system in the exact area of the approved soil borings # 1 & # 2.
 Locate and install trenches in area approved. BUC size 24" to 36". Max. cover 24", Min. cover 12".
 Note: Maintain enough area for a future replacement septic area.
 Install tank filter.
 Prior to issuance of a permit, it must be demonstrated through a detailed site plan (engineered) that all applicable isolation distances can be met as well as location of existing septic system at 6373 Challis Rd.

T-lac

Aaron Aumock
 Environmental Health Representative

02/27/2019
 Date

Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.

~~This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal~~



Environmental Health Division
2300 E. Grand River - Suite 200 - Howell, MI 48843
Fax (517) 546-9853 - Phone (517) 546-9858

www.lchd.org
Soils Evaluation For Sub-Surface Sewage Disposal System

 Case No.
11-23-300-004
 Current Desc. #
Genoa Township
 Township

Location: CHALLIS RD **Lot:** **Subdivision:** MOUNTAIN VIEW **Acerage:** +/- 1 **Parcel:**

A soil evaluation is conducted by the Environmental Health Division of the Livingston County Health Department to determine the suitability of utilizing onsite subsurface sewage treatment for a particular parcel of property. Comments might be made regarding the utilization of an onsite water well supply based on historical information in the general area, but in no instance can the information on this evaluation be specific for any particular parcel. We advise any prospective buyer to contact a licensed well driller, familiar with the area, for more specific information on water quality, yield, depth of wells, etc. The following discussion describes those factors which are evaluated during a soil evaluation and their effect on the operation of subsurface sewage treatment systems.

1. Soil type and permeability is a quality of a soil that enables it to transmit water or air. Slow permeable soils, such as clays and silts, are not suitable for utilizing onsite subsurface sewage treatment. Wetland soils such as muck and marl are poorly drained and therefore unsuitable for subsurface sewage treatment.
2. Highest known groundwater evaluation is an important consideration in determining if a site is suitable for the utilization of subsurface sewage treatment. In addition to the problems associated with saturated conditions, bacteria and viruses can survive if allowed to move in a water medium. Groundwater is our drinking water and must be protected from contamination by maintaining adequate isolation distances. Where the highest zone of groundwater saturation is less than 24 inches below the original ground surface the site will be considered unsuitable.
3. Deep excavations or cut-down systems can only be accepted under the following conditions:
 - a. Adequate and suitable material is within 20 ft. of the original grade.
 - b. The soils encountered shall not be saturated.
 - c. The drinking water aquifer will not become contaminated as a result of the wastewater discharge.
4. Other considerations evaluated during a soils evaluation include but are not limited to:
 - a. Adequate suitable area for a replacement system.
 - b. Isolation distances to water well supplies, surface waters, severe slopes, and property lines:
 - c. If the site is subject to flooding

A determination of "suitable" soils does not guarantee that this property will be approved for development. It is the responsibility of the owner/purchaser to perform their due diligence with respect to other local, county, state, or federal requirements and/or restrictions that may impact the development potential of this property. These requirements and/or restrictions may void or restrict this soil evaluation.

This soil evaluation is valid for a specific building site. Any change in the legal description or a division of the original parcel into smaller parcels may void the original soils evaluation. A suitable soils evaluation does not necessarily mean that a permit to construct a subsurface sewage treatment system will automatically be issued. Some factors that might change the rating for permit approval include:

- a. Revisions to the current Sanitary Code Requirements for Permit Approval. This soils evaluation was conducted under the criteria for Permit Approval stated in the Livingston County Sanitary Code effective April 1, 2009.
- b. Grading, filling or excavation on the parcel.
- c. Construction on neighboring properties where location of water wells and/or sewage treatment systems encroach on required isolation distances.
- d. A soils evaluation for commercial property is only valid if specific wastewater flow is stated.
- e. Should some other condition of the property become known after the date of this soil evaluation that could impact the feasibility of development, or impact the quality of drinking water due to the discovery of a previously unknown source of contamination, the potential development of the property could be impacted. These discoveries may void or restrict this soil evaluation.

SWT - Seasonal Water Table
GW - Ground Water
WT - Water Table

LEGEND - Soil Description

MOT	Mottled	SAT	Saturated
GRE	Grey	LIG	Light
HEA	Heavy	DRY	Dry
WET	Wet		

Aaron Aumock
 Environmental Health Representative

02/27/2019
 Date

Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.

~~This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal~~



Environmental Health Division
2300 E. Grand River - Suite 200 - Howell, MI 48843

Fax (517) 546-9853 - Phone (517) 546-9858

www.lchd.org
Soils Evaluation For Sub-Surface Sewage Disposal System

Case No.

11-23-300-004

Current Desc. #

Genoa Township

Township

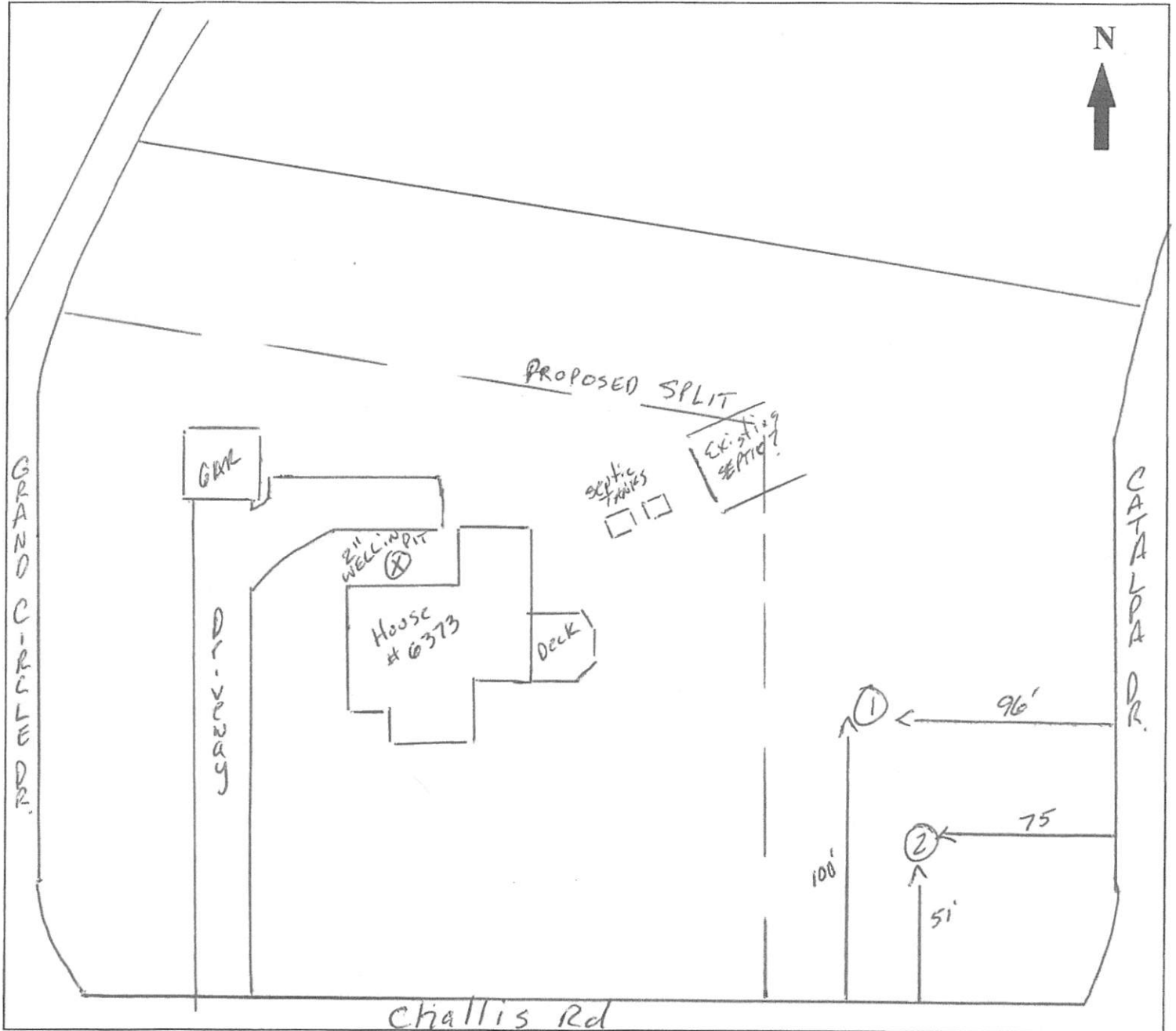
Location: CHALLIS RD

Lot:

Subdivision: MOUNTAIN VIEW

Acerage: +/- 1

Parcel:



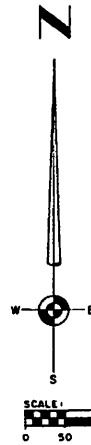
Aaron Aumock
Environmental Health Representative

02/27/2019
Date

Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal

Letter	Radius	Delta	Arc	Ch. Bearing	Chord
A	30.00	90°00'	47.12	N45°28'25"E	42.43
B	30.00	90°00'	47.12	S44°31'34"E	42.43
C	266.93	27°59'37"	130.45	N14°28'23"E	129.19
D	266.93	54°18'45"	253.04	N27°37'47"E	243.67
DD	200.93	54°18'45"	190.47	N27°37'47"E	183.42
E	216.98	42°44'	161.84	S21°50'25"W	158.11
F	202.98	19°41'32"	97.26	N10°19'11"E	96.78
G	202.98	42°44'	211.06	N21°50'25"E	206.20
H	217.00	29°55'	113.31	S28°4'55"W	112.02
I	283.00	29°55'	147.77	S28°4'55"W	146.09
J	263.00	58°00'	266.23	N42°17'25"E	255.01
K	197.00	58°00'	199.42	N42°17'25"E	191.02
L	20.00	71°34'30"	24.98	S10°50'20"E	23.39
M	20.00	86°36'48"	30.24	N89°56'59"W	27.44
N	197.00	60°00'	206.30	S41°17'25"W	197.00
O	263.00	60°00'	275.41	S41°17'25"W	263.00
P	259.80	119°52'15"	525.40	N69°13'33"E	440.33
Q	193.80	119°52'15"	391.92	N69°13'33"E	328.47
R	20.00	90°00'	31.42	N82°09'40"E	28.88
S	20.00	90°00'	31.42	N7°50'20"W	28.28
T	263.00	51°52'15"	238.10	S26°54'13"E	230.05
U	197.00	51°52'15"	178.35	S26°54'13"E	172.32
V	20.00	90°00'	31.42	S45°58'05"E	28.20
W	20.00	90°00'	31.42	S44°01'55"W	28.28
X	30.00	90°00'	47.12	S45°58'05"E	42.43
Y	263.00	34°14'45"	157.20	N71°54'32"E	154.87
Z	197.00	34°14'45"	117.75	N71°54'32"E	116.00

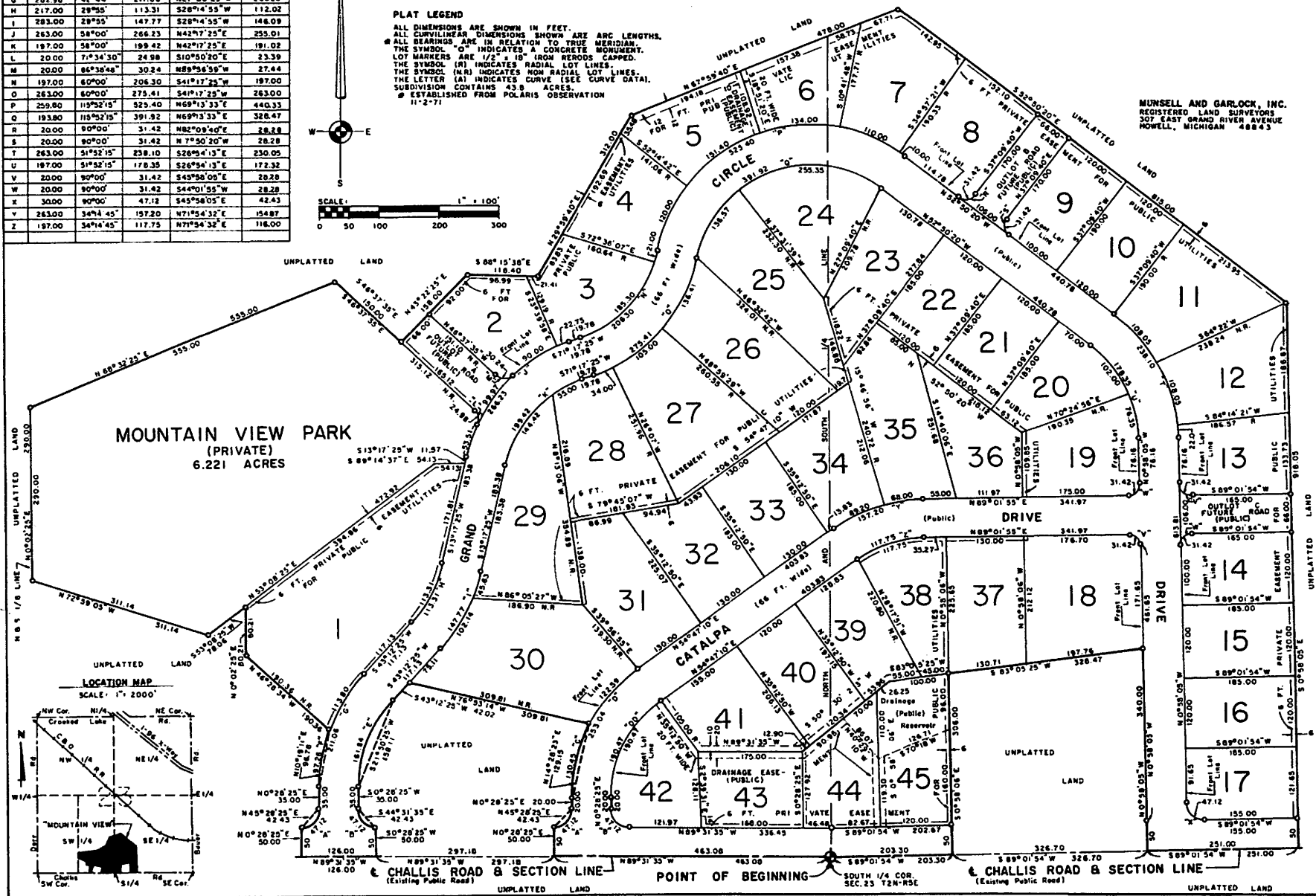


"MOUNTAIN VIEW"

A SUBDIVISION OF A PART OF THE SW 1/4 AND SE 1/4 SECTION 23 T2N-R5E GENOA TOWNSHIP LIVINGSTON COUNTY MICHIGAN

PLAT LEGEND
 ALL DIMENSIONS ARE SHOWN IN FEET.
 ALL CURVILINEAR DIMENSIONS SHOWN ARE ARC LENGTHS.
 ALL BEARINGS ARE IN RELATION TO TRUE MERIDIANS.
 THE SYMBOL "O" INDICATES A CONCRETE MONUMENT.
 LOT MARKERS ARE 1/2" IRON RODS CAPPED.
 THE SYMBOL (R) INDICATES RADIAL LOT LINES.
 THE SYMBOL (NR) INDICATES NON RADIAL LOT LINES.
 THE LETTER (A) INDICATES CURVE (SEE CURVE DATA).
 SUBDIVISION CONTAINS 43.8 ACRES.
 ESTABLISHED FROM POLARIS OBSERVATION 11-2-71

MURSELL AND GARLOCK, INC.
 REGISTERED LAND SURVEYORS
 307 EAST GRAND RIVER AVENUE
 HOWELL, MICHIGAN 48843



ROAD DRIVE



LIVINGSTON COUNTY ROAD COMMISSION LAND SPLIT / SIGHT DISTANCE REVIEW

ROAD
****NOTE: THIS IS NOT A
DRIVEWAY PERMIT.****

Review Number 1805-018REV

Property Owner and Applicant Information

Location

Owner: Rudolf & Doreen Meffert
Street Address: 6373 Challis Road
City, State, ZIP: Brighton, MI 48116
Day Phone: (810) 229-8233 Fax: (810) 229-4209
Applicant:
Company:
Address:
City, State:
Applicant Phone: Applicant Fax:

Township: Genoa Section: 23
Development:
Approach Type: Residential
Speed Limit (if posted): 25
Speed Factors (if any): Subdivision
Roadway On: Catalpa Side of Street: West

Field Measurements

Location of existing property corners from nearest crossroad: 0 and 226 feet North of Challis

Parcel	Property/ Easement Corners		Access Point(s)	Sight Distance Req.		Sight Distance Measured		Sight Distance Comply	Clear Vision Comply	Neighbor Consent Required	Approve
	0	226		Std	Min						
2 - Catalpa	0	226	125 201	350	260	350 North	125 South	Yes	Yes	Yes	Yes
2 - Challis	0	161		600	450			No	No	No	No
2 - Grand Circle	288	360		350	260			Yes	No	Yes	No

Comments:

The proposed Parcel 1 will use the existing driveway off Challis Road. Proposed Parcel 2 is denied for any access of Challis Road due to lack of sight distance. A driveway could be located on Catalpa Drive between 125 and 201 feet north of Challis Road. A driveway could be located on Grand Circle Drive with major tree removal on the neighboring parcels to establish a clear vision area. A certified survey sketch will be required before the issuance of a residential driveway approach permit. A residential driveway approach application will be required.

Inspection Date: 9/27/2018

Inspector:

Pat Hogan

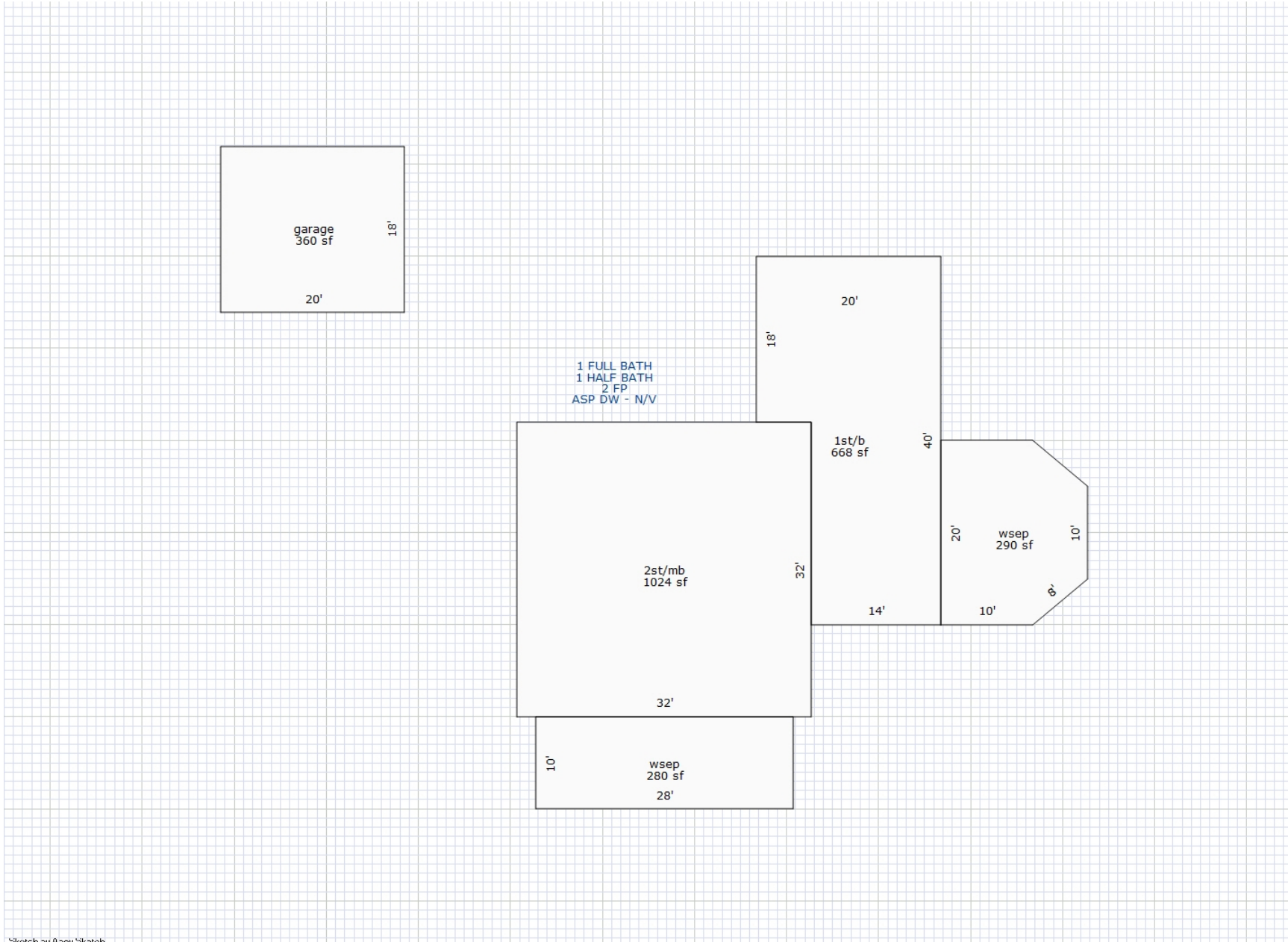
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
MEFFERT, RUDOLF OR DOREEN	MEFFERT RUDOLF & DOREEN JT	0	05/12/2014	TA	INVALID SALE		BUYER	0.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status			
6373 CHALLIS RD		School: BRIGHTON									
Owner's Name/Address		P.R.E. 100% / /									
MEFFERT RUDOLF & DOREEN JT LIV TR 6373 CHALLIS RD BRIGHTON MI 48116		MAP #: V19-28		2020 Est TCV Tentative							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4501.BRIGHTON M & B						
SEC 23 T2N R5E COM AT S 1/4 COR OF SEC TH N 89*31'35"W 463.08 FT FOR POB, TH N 50 FT, TH ARC LEFT LONG CHORD BEARING, N 45*E 42.23 FT, TH N 20 FT, TH ARC RIGHT, LONG CHORD BEARING, N 14*E 129.15 FT, TH N 76*W 309.81 FT, TH S 43*W 42.02 FT, TH ARC LEFT, LONG CHORD BEARING, S 21*W 158.11 FT, TH S 35 FT, TH ARC LEFT, LONG CHORD BEARING, S 44*E 42.43 FT, TH S 50 FT, TH E 297.18 FT TO POB, 2.056AC M/L		Public Improvements		* Factors *							
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		TABLE A			2.060	Acres	29,417	100	60,600
		Paved Road		2.06 Total Acres Total Est. Land Value =						60,600	
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		Who	When	What	2020	Tentative	Tentative	Tentative		Tentative	
				2019	30,300	64,700	95,000			84,316C	
				2018	28,100	69,800	97,900			82,340C	
				2017	28,100	71,900	100,000			80,647C	

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

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage				
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 280	Type WSEP (1 Story)	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: 360 % 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: 55 Floor Area: 2,608 Total Base New : 314,100 Total Depr Cost: 141,346 Estimated T.C.V: 137,105			E.C.F. X 0.970		Bsmnt Garage: Carport Area: Roof:				
Yr Built 1950	Remodeled 0	Size of Closets		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C			Blt 1950						
Condition: Good		Lg	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1584 SF Floor Area = 2608 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=45/100/100/100/45									
Room List		(5) Floors		(13) Plumbing			Building Areas			Stories			Size		Cost New		Depr. Cost		
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric			Average Fixture(s)			2 Story			Brick			1,024			
(1) Exterior		(6) Ceilings		0 Amps Service			1 3 Fixture Bath			1 Story			Siding			560			
X	Wood/Shingle Aluminum/Vinyl Brick			Ex. X Ord. Min			1 2 Fixture Bath			Other Additions/Adjustments			Plumbing			2 2,579 1,161			
	Insulation			Many X Ave. Few			Softener, Auto			Water/Sewer			1000 Gal Septic			1 4,036 1,816			
(2) Windows				(13) Plumbing			Softener, Manual			Porches			WSEP (1 Story)			280 10,808 4,864			
X	Many Avg. Few	X	Large Avg. Small	(14) Water/Sewer			Solar Water Heat			Garages			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)			Base Cost 360 15,073 6,783			
	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			No Plumbing			Fireplaces			Exterior 2 Story			2 13,316 5,992			
(3) Roof		(9) Basement Finish		Public Water Public Sewer			Extra Toilet			Notes:			ECF (4501 (47010) BRIGHTON M & B) 0.970 => TCV: 137,105						
X	Gable Hip Flat	Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors No Floor SF		1 1000 Gal Septic 2000 Gal Septic			Separate Shower											
X	Asphalt Shingle	(10) Floor Support		Lump Sum Items:			Extra Sink												
Chimney: Brick							Separate Shower												

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



Sketch by Apex Sketch

*** 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 # 19-29 Meeting Date. Aug 29, 2019
@ 6:30 pm

PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: John Conely Email: jjconely@gmail.com
Property Address: 7208 Grand River Phone: 810-227-3530
Present Zoning: 201 Commercial Tax Code: 4711-13-100-058

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

Each application for Variance is considered individually by the ZBA. The ZBA is a 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 application, 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/intended property modifications: Sign / side yard
set back due to watermain location and
required easment

The following is per Article 23.05.03 of the Genoa Township Ordinance:

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.

Due to the requirement of a water main/fire hydrant with a 10ft easement, it makes it impossible to get the additional few feet for side yard setback. Right away set back is in specs at 10ft. Height & all dimensions are in spec, meet ordinance requirements (picture provided showing water main location vs sign foundation/footing).

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.

Sign foundation cannot be moved any closer due to the required water main per MHOG. The required water main & easement was required to turn over & property forfeited for this purpose.

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.

This sign & cabinet are the original physical size & location for the last 10 years. We have never received any complaints or notices

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.

NONE

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:

6/20/19

Signature:

J. Lopez



MEMORANDUM

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

RE: ZBA 19-29

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

STAFF REPORT

File Number: ZBA#19-29
Site Address: 7208 W. Grand River Avenue, Brighton
Parcel Number: 4711-13-100-058
Parcel Size: 3.284 Acres
Applicant: John Conely, 6169 Island Lake Drive, Brighton
Property Owner: Same as Applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a sign setback variance.

Zoning and Existing Use: GCD (General Commercial District) car business is located on the property.

Other:
Public hearing was published in the Livingston County Press and Argus on Sunday August 4, 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:

- The property has had multiple site plan and special use approvals.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford
H. James Mortensen
Terry Craft
Diana Lowe

MANAGER

Michael C. Archinal

Summary

It was brought to the Township's attention that the applicant replaced the previous sign with an illegal LED sign. The Code Enforcement Officer contacted the applicant and requested that the sign be removed. After research was conducted, it was discovered that the applicant never received approval for the location of the previous sign. The applicant is proposing to install an electronic message sign as allowed by ordinance, however to make the location legal which is required to add changeable message sign, the applicant is required to obtain a variance for the location for the sign.

Variance Requests

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

16.06.03 Sign setbacks:

- (a) **All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.**

Required Side Yard Setback: 10'
Proposed Side Yard Setback: 5.52'
Proposed Variance Amount: 4.48'

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

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

- (a) **Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance would not unreasonably prevent use of the property. The applicant should demonstrate that there are no other practical locations or configurations for a sign. However the variance 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 due to an additional sign that is located on the car pod that does have Township approval.
- (b) **Extraordinary Circumstances** – The exceptional or extraordinary conditions of the property is the location of the water main easement and the non-compliance location with regard to the required 20 foot parking lot setback from the Road Right of Way. The need for the variance is self-created since the applicant has not demonstrated that there is not another location on the property.
- (c) **Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) **Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

- 1.. Applicant shall demonstrate that the site is in conformance with Genoa Township Ordinances and Site plan and Special Use previous approval conditions prior to land use permit issuance.
2. The sign shall meet the Zoning Ordinance in regards to size and the LED portion of the size can only occupy one third (1/3) of the sign per Section 16.07.02 of the Zoning Ordinance.

GENOA TOWNSHIP







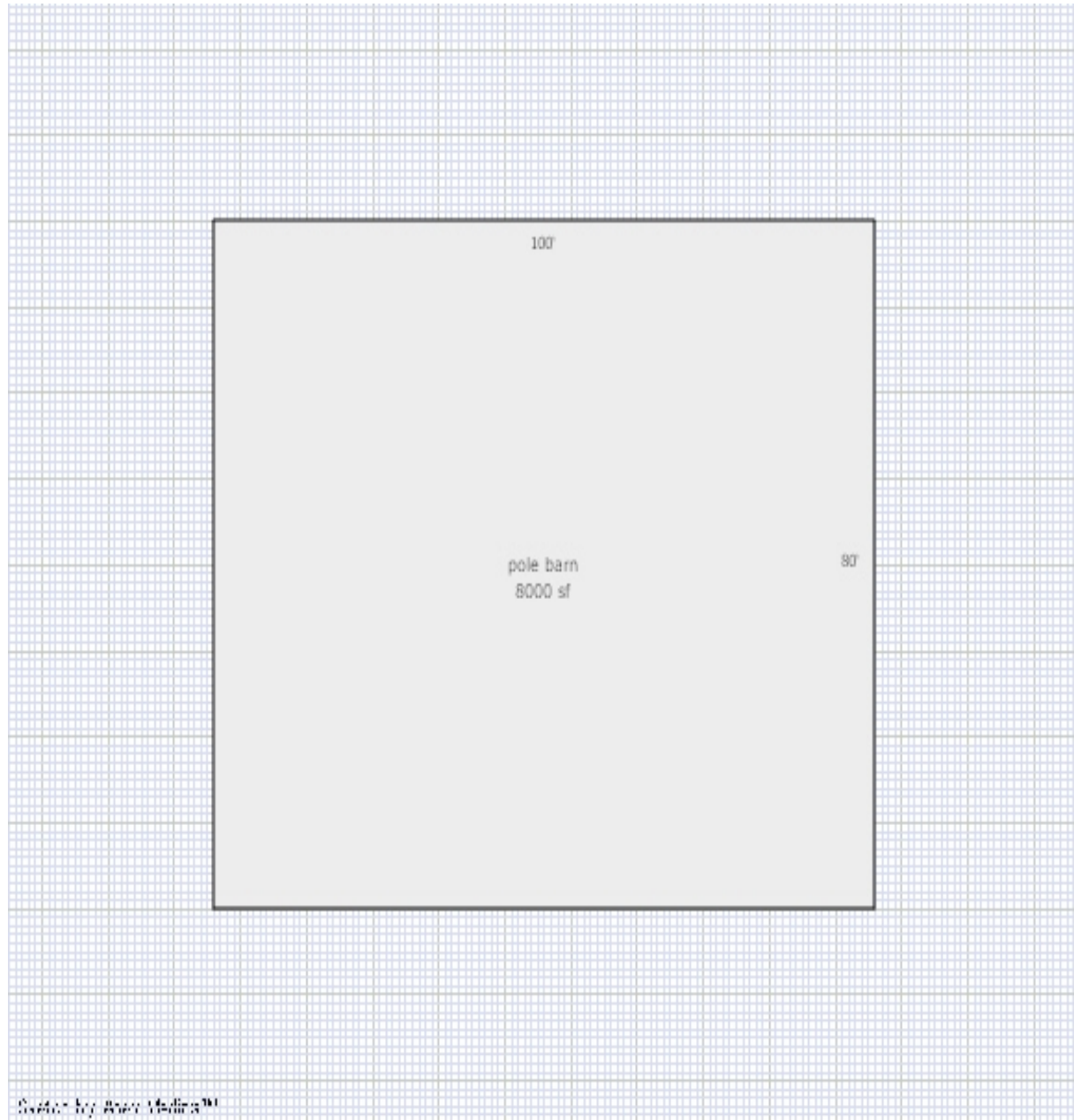




Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
Property Address		Class: 201 COMMERCIAL- IM		Zoning: GCD		Building Permit(s)		Date	Number	Status			
7208 W GRAND RIVER		School: HOWELL		COMM MISCEL		04/04/2018		W18-038	NO START				
		P.R.E. 0%		WATER CONNECTION		10/04/2011		W11-113	NO START				
Owner's Name/Address		MAP #: V19-29		COMMERCIAL BLDG		07/07/2010		10-081	NO START				
CONELY, JOHN 6169 ISLAND LAKE DR. BRIGHTON MI 48116		2020 Est TCV Tentative		COMM MISCEL		06/10/2008		W08-048	NO START				
		X	Improved	Vacant	Land Value Estimates for Land Table GRIVE.GRAND RIVER FRONTAGE								
Tax Description		Public Improvements			* Factors *								
SEC 13 T2N R5E COMM AT W 1/4 COR TH N89*41'40"E 659.19 FT TH N01*01'10"W 293.36 FT TO POB TH CONT N01*01'10"W 149.96 FT TH N89*14'40"E 141.06 FT TH N01*01'10"W 614.79 FT TH S71*08'30"E 232.86 FT TH S01*01'10"E 878 FT TH N62*48'56"W 408.55 FT TO POB CON.T 4.92 AC M/L SPLIT FR 042 5/04 PC CASE # PC03-20 PACEL "A"		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
					GRDRIVER 1200	233.00	614.00	1.0000	1.7521	1200	100		489,899
					233 Actual Front Feet, 3.28 Total Acres Total Est. Land Value = 489,899								
					Land Improvement Cost Estimates								
					Description	Rate	Size	% Good	Arch	Mult	Cash Value		
					Commercial Local Cost Land Improvements								
					Description	Rate	Size	% Good	Arch	Mult	Cash Value		
					PAVING LC	1.50	38218	45	100		25,797		
					WELL/WATER	4,475.00		1	72	100	3,222		
					SEPTIC/SEWER	4,400.00		1	72	100	3,168		
					Total Estimated Land Improvements True Cash Value = 32,187								
Comments/Influences		Topography of Site			Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain			2020	Tentative	Tentative	Tentative			Tentative		
		Who When What			2019	244,900	337,000	581,900			475,431C		
		DLR 11/11/2010 INSPECTED			2018	204,100	386,200	590,300			464,289C		
		DLR / / REVIEWED R			2017	204,100	336,200	540,300			454,740C		
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan													

Desc. of Bldg/Section: FRONT SECTION Calculator Occupancy: Office Buildings				<<<<<< Calculator Cost Computations >>>>>>			
Class: C Floor Area: 2,248 Gross Bldg Area: 17,688 Stories Above Grd: 1 Average Sty Hght : 12 Bsmnt Wall Hght				Class: C Quality: Average Stories: 1 Story Height: 12 Perimeter: 174			
Depr. Table : 1.5% Effective Age : 22 Physical %Good: 72 Func. %Good : 100 Economic %Good: 100				Base Rate for Upper Floors = 118.55 (10) Heating system: Package Heating & Cooling Cost/SqFt: 22.36 100% Adjusted Square Foot Cost for Upper Floors = 140.91			
Year Built Remodeled Overall Bldg Height				Total Floor Area: 2,248 Base Cost New of Upper Floors = 316,766 Reproduction/Replacement Cost = 316,766 Eff.Age:22 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 72 /100/100/100/72.0 Total Depreciated Cost = 228,072			
Comments:				ECF (2014 MAIN COMMERCIAL) 0.850 => TCV of Bldg: 1 = 193,861 Replacement Cost/Floor Area= 140.91 Est. TCV/Floor Area= 86.24			
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets: Fixtures:			
X Poured Conc.	Brick/Stone	Block	Footings	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures		Flex Conduit		Incandescent	
		3-Piece Baths		Rigid Conduit		Fluorescent	
		2-Piece Baths		Armored Cable		Mercury	
		Shower Stalls		Non-Metalic		Sodium Vapor	
		Toilets		Bus Duct		Transformer	
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(40) Exterior Wall:	
						Thickness Bsmnt Insul.	
(5) Floor Cover:		(10) Heating and Cooling:		(14) Roof Cover:			
		Gas Oil					
		Coal Stoker					
		Hand Fired Boiler					
(6) Ceiling:							

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



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

Desc. of Bldg/Section: REAR SECTION Calculator Occupancy: Garages - Service/Fleet Facilities Repair				<<<<<< Calculator Cost Computations >>>>>>			
Class: C Floor Area: 7,440 Gross Bldg Area: 17,688 Stories Above Grd: 1 Average Sty Hght : 18 Bsmnt Wall Hght				Class: C Quality: Average Stories: 1 Story Height: 18 Perimeter: 338			
Depr. Table : 1.5% Effective Age : 22 Physical %Good: 72 Func. %Good : 100 Economic %Good: 100				Base Rate for Upper Floors = 66.37			
Year Built Remodeled				(10) Heating system: Space Heaters, Radiant Cost/SqFt: 4.89 100% Adjusted Square Foot Cost for Upper Floors = 71.26			
Overall Bldg Height				Total Floor Area: 7,440 Base Cost New of Upper Floors = 530,175			
Comments:				Eff.Age:22 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 72 /100/100/100/72.0 Total Depreciated Cost = 381,726			
(1) Excavation/Site Prep:				(7) Interior:			
(2) Foundation:				(8) Plumbing:			
X Poured Conc. Brick/Stone Block				Outlets: Fixtures:			
(3) Frame:				Few Average Many Unfinished Typical			
(4) Floor Structure:				(9) Sprinklers:			
(5) Floor Cover:				(10) Heating and Cooling:			
(6) Ceiling:				(11) Electric and Lighting:			
(7) Interior:				(12) Miscellaneous:			
(8) Plumbing:				(13) Roof Structure: Slope=0			
(9) Sprinklers:				(14) Roof Cover:			
(10) Heating and Cooling:				(40) Exterior Wall:			
Gas Oil Coal Stoker Hand Fired Boiler				Thickness Bsmnt Insul.			

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

Desc. of Bldg/Section: Calculator Occupancy: Sheds - Equipment 4 Wall Building		<<<<< Calculator Cost Computations >>>>>							
Class: S Floor Area: 8,000 Gross Bldg Area: 17,688 Stories Above Grd: 1 Average Sty Hght : 16 Bsmnt Wall Hght		Construction Cost				Class: S Quality: Average Stories: 1 Story Height: 16 Perimeter: 360			
Depr. Table : 1.75% Effective Age : 9 Physical %Good: 85 Func. %Good : 100 Economic %Good: 100		High Above Ave. Ave. X Low		Base Rate for Upper Floors = 23.48					
2010 Year Built Remodeled		** ** Calculator Cost Data ** **		(10) Heating system: No Heating or Cooling Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 23.48					
Overall Bldg Height		Area: Perimeter: Type:		Total Floor Area: 8,000 Base Cost New of Upper Floors = 187,840					
Comments: 7216 W GRAND RIVER ADDRESS		Heat: Hot Water, Radiant Floor		Reproduction/Replacement Cost = 187,840 Eff.Age:9 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 85 /100/100/100/85.0 Total Depreciated Cost = 159,664					
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:			
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:			
X Poured Conc. Brick/Stone Block		Many Above Ave. Average Typical Few None		Few Average Many Unfinished Typical		Few Average Many Unfinished Typical			
(3) Frame:		Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets		Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners		Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct		Incandescent Fluorescent Mercury Sodium Vapor Transformer	
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(40) Exterior Wall:			
(5) Floor Cover:		(10) Heating and Cooling:		Gas Oil Coal Stoker Hand Fired Boiler		Thickness Bsmnt Insul.			
(6) Ceiling:		(14) Roof Cover:							

*** 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 # 19-30 Meeting Date: August 20, 2019

PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: JIM QUICK Email: jim.e.quick@gm.com
Property Address: 3940 HIGHCREST DR. Phone: 517-719-9802
Present Zoning: LRR Tax Code: _____

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

Each application for Variance is considered individually by the ZBA. The ZBA is a 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 application, 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/intended property modifications: See ATTACHMENT.
-
-
-

The following is per Article 23.05.03 of the Genoa Township Ordinance:

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 ATTACHMENT.

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

SEE ATTACHMENT.

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

SEE ATTACHMENT.

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

SEE ATTACHMENT.

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: July 25, 2019 Signature: M. M'Boile, Architect

McBride STUDIO

ARCHITECTURE

July 25, 2019 **ADDENDUM #2 - July 29, 2019**
ADDENDUM #3 - August 13, 2019

RE: James and Angela Quick
3940 Highcrest Drive
Genoa Township, MI 48126

Proposed Scope of Work: Demo existing house & garage, construct new 2-story residence with lakeside walk-out and attached garage. Please see attached plans/elevations.

Variance Application for the Zoning Board of Appeals

Proposed Meeting Date: Tuesday, August 20, 2019 – 6:30pm

Dear Board Members:

James and Angela Quick, long-time residents of the community, are requesting (3) zoning variances for their proposed home at 3940 Highcrest Drive, Genoa Township, Michigan. The requested variances are outlined on the attached Site Plan/Elevations and are as follows:

- 1) The existing non-conforming shed (structure) is to remain in the rear & side yard setbacks.
- 2) The primary residence with attached garage is to project 31'-1" into the 35 ft. front yard setback and 4'-0" into the 10 ft. north side yard setback.
- 3) The proposed height of the residence (29 ft.) is to project 4'-0" beyond the required 25 ft. maximum at the front elevation.
- 4) **The proposed waterfront yard would be allowed to include open, paved patio areas, retaining walls and steps as shown on the proposed Site Plan-Sheet A5.**

We realize the construction of a home with variance requests is a sensitive issue in many communities and this township is no exception. However, we believe that the proposed residence faces certain hardship when it comes to these issues. The original home, built in 1930, was not constructed under the standards of the Genoa Charter Township modern-day zoning ordinance.

Given the disparity between the standards of the day (1930) and today's guidelines, we believe the size and configuration of the property creates extraordinary circumstances for its development. Its failure to meet **modern dimensional standards for both WIDTH and DEPTH** set forth in section 3.04 -Table 3.04.01 "Dimensional Standards -Residential Districts" of the Genoa Township Zoning Ordinance has lead to our request for the above noted variances.

LOT WIDTH: (AS PER TABLE 3.04.01):

Required lot width:	80 ft
Lot Width at 3940 Highcrest Drive	48.44 ft
Difference in required vs. actual lot width	31.56 ft (39% shortfall)

LOT DEPTH: (AS PER TABLE 3.04.01-d)

Depth to Width Ratio: "All lots shall have a minimum depth to width ratio of four-to-one (4:1)"

Required lot depth:	4 x 80 ft = 320ft
Lot Depth - south side of property	175.60 ft
Difference in required vs. actual depth at south side	144.40 ft (45% shortfall)

These significant (39% and 45%) shortfalls in both lot width and depth create an extraordinary circumstance which other, more recently created, larger lot owners in the community do not face with respect to their development. Given the practical difficulty caused by the constrictive existing dimensions of the property, falling far short of modern day standards, the granting of the requested variances would provide substantial justice to the Quick family with respect to their proposed residence and "even the playing field" granting the Quick family rights similar to those possessed by other properties in the same zoning district with lots compliant to township standards.

Support for these requests include:

- 1) **Shed** - The majority of the shed is buried into the side of the hill and has little visual impact to neighbors. It has been at its present location for many, many years.
- 2) **House / Garage** - The proposed garage would back up to the neighbor's garage to the north creating a back-to-back effect with the existing tree on the neighbor's lot providing a landscape buffer. It's size and layout would allow for the needs of a modern family with respect to vehicle storage. Similar to the resident to the south, the attached garage would provide a much desired modern amenity with shelter from the elements while traveling from garage to home, especially with elderly relatives.
- 3) **Residence height** - Due to the existing catch basin, located at our site's south-east corner, we have decided to not alter any of the street side (front yard / east) grade elevations. In response to these existing grade elevations remaining the same, we are proposing to match the new home's finished floor elevation to the existing structure's finished floor at 962.35' = 100'-0". Therefore, the existing water drainage flow for the proposed site, street, and existing catch basin will not be alter & remain the same.

Unfortunately, the existing catch basin, grade elevations, and the proximity of the adjacent sites and their structures have impacted onto our narrow site.

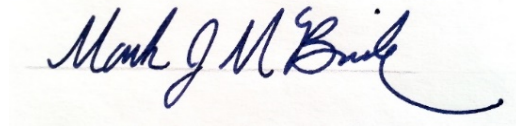
Given the narrow width of the site the proposed variance for the height of the residence would allow the Quick family to maintain the proportion of the proposed design elements enjoyed by property owners with wider lots.

(4) **Retaining walls, open patio areas and steps** – The proposed elements would provide for the safe transition of residents to the shore while working with the natural slope of the landscape.

The proposed variances will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets. It will neither increase hazard of fire or flooding nor endanger public safety. It will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Charter Township of Genoa.

It will increase property values in surrounding area. It will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Respectfully submitted,



Mark J McBride, Architect, NCARB, President
McBride STUDIO - architecture



and

James and Angela Quick

James and Angela Quick
Home Owners



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 9, 2019

RE: ZBA 19-30

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

STAFF REPORT

File Number: ZBA#19-30
Site Address: 3940 Highcrest Drive, Brighton
Parcel Number: 4711-22-302-062
Parcel Size: .213 Acres
Applicant: Jim Quick, 5567 Arbor Bay Ct. Brighton 48116
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: Applicant is requesting two side and front yard setback variances, a height variance, a variance to allow a retaining wall and a detached accessory structure to remain in the waterfront yard to demolish and construct a new single family 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 August 4, 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 was constructed in 1930.
- The parcel is serviced by a 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

Summary

The proposed project is to demolish the existing home and construct a new single family home. In order to construct the new home as proposed, the applicant is required to obtain two side and front yard setback variances, a height variance, a variance to allow a retaining wall and a detached accessory structure to remain in the waterfront yard. The applicant has been working closely with the Utility Department to ensure adequate access is available to the sewer line and grinder pump.

Variance Requests

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

Table 3.04.01 (LRR District):

Table 3.04.01 LRR District	Building Height	Front Yard Setback	Side Yard Setback	Side Yard Setback
Requirement	25'	35'	10'	10'
Request	29'	31'	4'	5.33'
Variance Amount	4'	4'	6'	4.67'

11.04.04 Fences, Walls and Screens

(b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. Fences shall not be permitted in the required waterfront yard.

Sec. 25.02 Definitions

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, (see also "Wall").

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.

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

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

(a) **Practical Difficulty/Substantial Justice** –Strict compliance with the front yard and side yard setbacks, height and retaining walls in the waterfront yard would prevent the applicant from constructing the proposed new single family home. There are other homes in the vicinity with

reduced front and side yard setbacks that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel. Staff cannot confirm granting of the height variance or retaining wall in the waterfront yard would be necessary to provide substantial justice. The Board could request the applicant to supply additional information in regards to the height and retaining wall request.

- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the topography, narrowness of the lot and the adjacent properties have non-conforming detached accessory structures that encroach on the subject property that hinder the applicant’s ability to meet the side yard setbacks. The need for the front and side yard setback variances is not self-created however due to the unusual amount of variances requested applicant should demonstrate that the variances requested are the least amount necessary.
- (c) Public Safety and Welfare** – The granting of these variances could impair an adequate supply of light and air to adjacent property. It might cause an increase in congestion to the public streets with parking. The applicant should demonstrate there will be sufficient on-site parking and height of the house will not impact light and air
- (d) Impact on Surrounding Neighborhood** – Providing the parking concerns are addressed, the proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

1. Sufficient on-site parking shall be maintained at all times.
2. Structure must be guttered with downspouts.
3. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
 - a. If a permit to construct a new principal residence is not issued within 6 months of the ZBA decision; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
 - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
4. If improvements are requested for the expansion of the current accessory building, they shall comply with Section 24.04.06 of the zoning ordinance.

GENOA TOWNSHIP



The Quick Residence
3940 Highest Drive
Genoa Township, Michigan
USA

SHEET TITLE
Proposed
Exterior Elevations
JOB NO
2019-12
DRAWN BY
MJM

ISSUE / REVISIONS
07-25-19 ZBA Submittal

DO NOT SCALE DRAWINGS

© Copyright 2019 McBride STUDIO, Inc. - all rights reserved. No part of these plans may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the express written permission and consent of McBride STUDIO, Inc. - architects.

A2



LAKE FRONT ELEVATION

scale: 1/4" = 1'-0"

WEST



FRONT ELEVATION

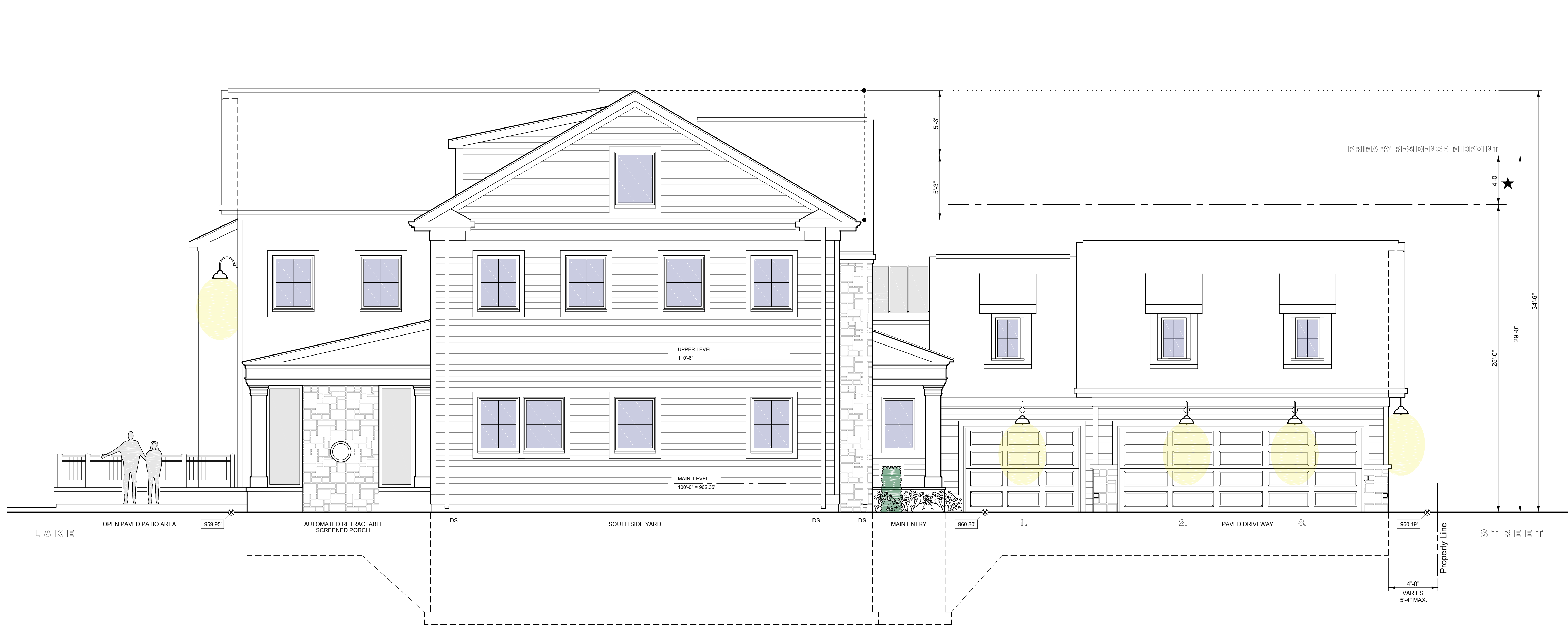
scale: 1/4" = 1'-0"

EAST

REGISTRATION SEAL

ARCHITECT No. 1301042303





SOUTH ELEVATION

scale: 1/4" = 1'-0"

SOUTH

SHEET TITLE
Proposed
Exterior Elevation

JOB NO
2019-12

DRAWN BY
MJM

ISSUE / REVISIONS
07-25-19 ZBA Submittal

DO NOT SCALE DRAWINGS

© Copyright 2019 McBride STUDIO, Inc. - all rights reserved. This drawing is the property of McBride STUDIO, Inc. and is not to be reproduced, changed or copied in any form or manner whatsoever. All are they to be assigned to any third party without first obtaining the express written permission and consent of McBride STUDIO, Inc. - architects.

REGISTRATION SEAL
ARCHITECT No. 1301042303



A3

The Quick Residence
3940 Highest Drive
Genoa Township, Michigan
USA

SHEET TITLE
Proposed
Exterior Elevation

JOB NO
2019-12

DRAWN BY
MJM

ISSUE / REVISIONS
07-25-19 ZBA Submittal

DO NOT SCALE DRAWINGS

© Copyright 2019 McBride STUDIO, Inc. - all rights reserved. This drawing is the property of McBride STUDIO, Inc. and is not to be reproduced, changed or copied in any form or manner whatsoever. No part of this drawing is to be used for any other project without the express written permission and consent of McBride STUDIO, Inc. - architects.

REGISTRATION SEAL
ARCHITECT No. 1301042303



A4



NORTH ELEVATION
scale: 1/4" = 1'-0" NORTH

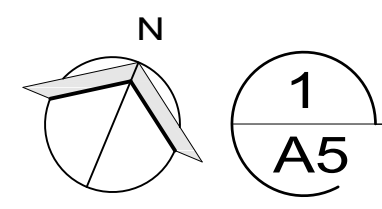
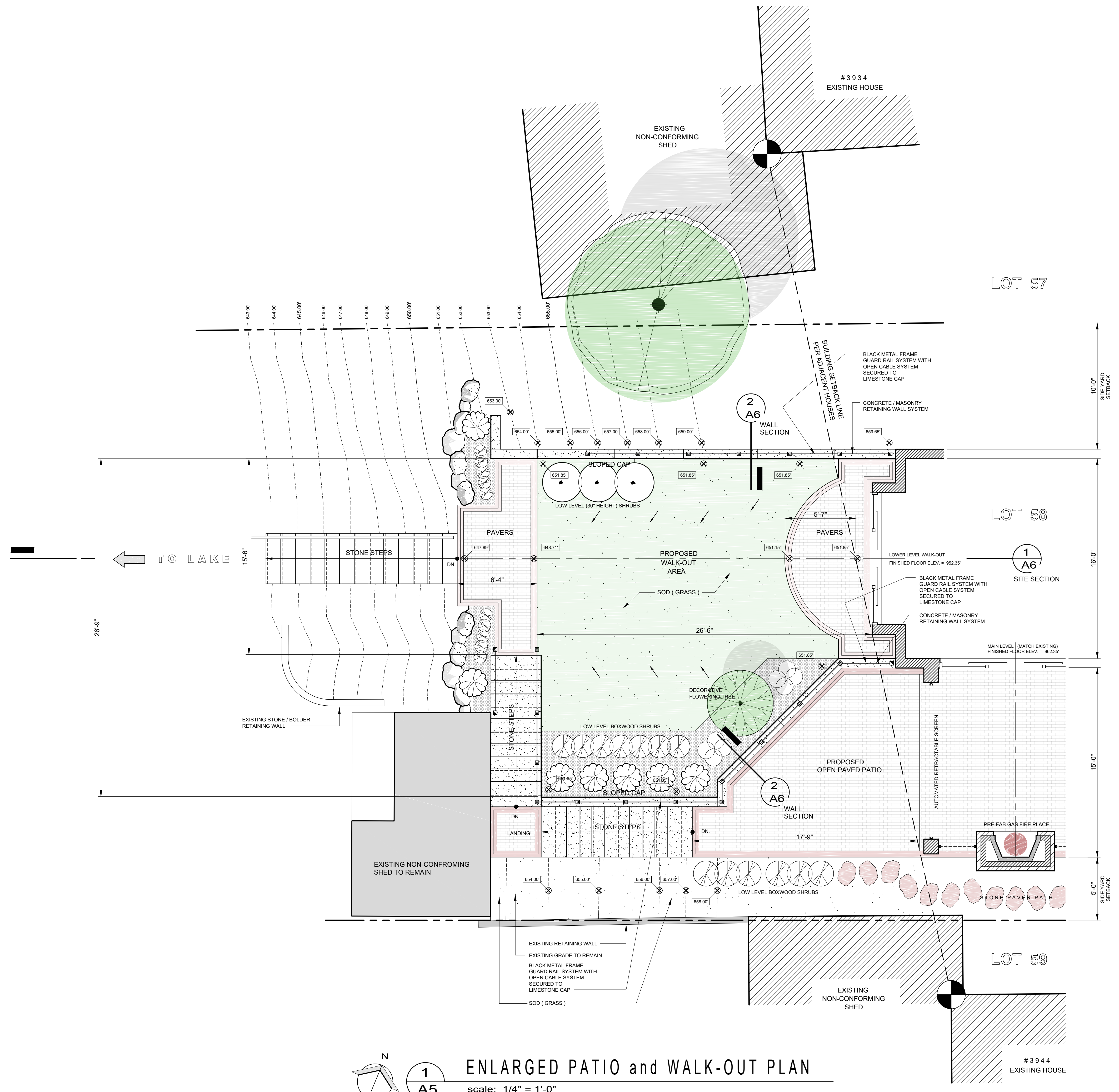
The Quick Residence
3940 Highest Drive
Genoa Township, Michigan
USA

SHEET TITLE	Proposed Exterior Elevation
JOB NO	2019-12
DRAWN BY	MJM
ISSUE / REVISIONS	07-25-19 ZBA Submittal 07-29-19 Addendum 1
DO NOT SCALE DRAWINGS	

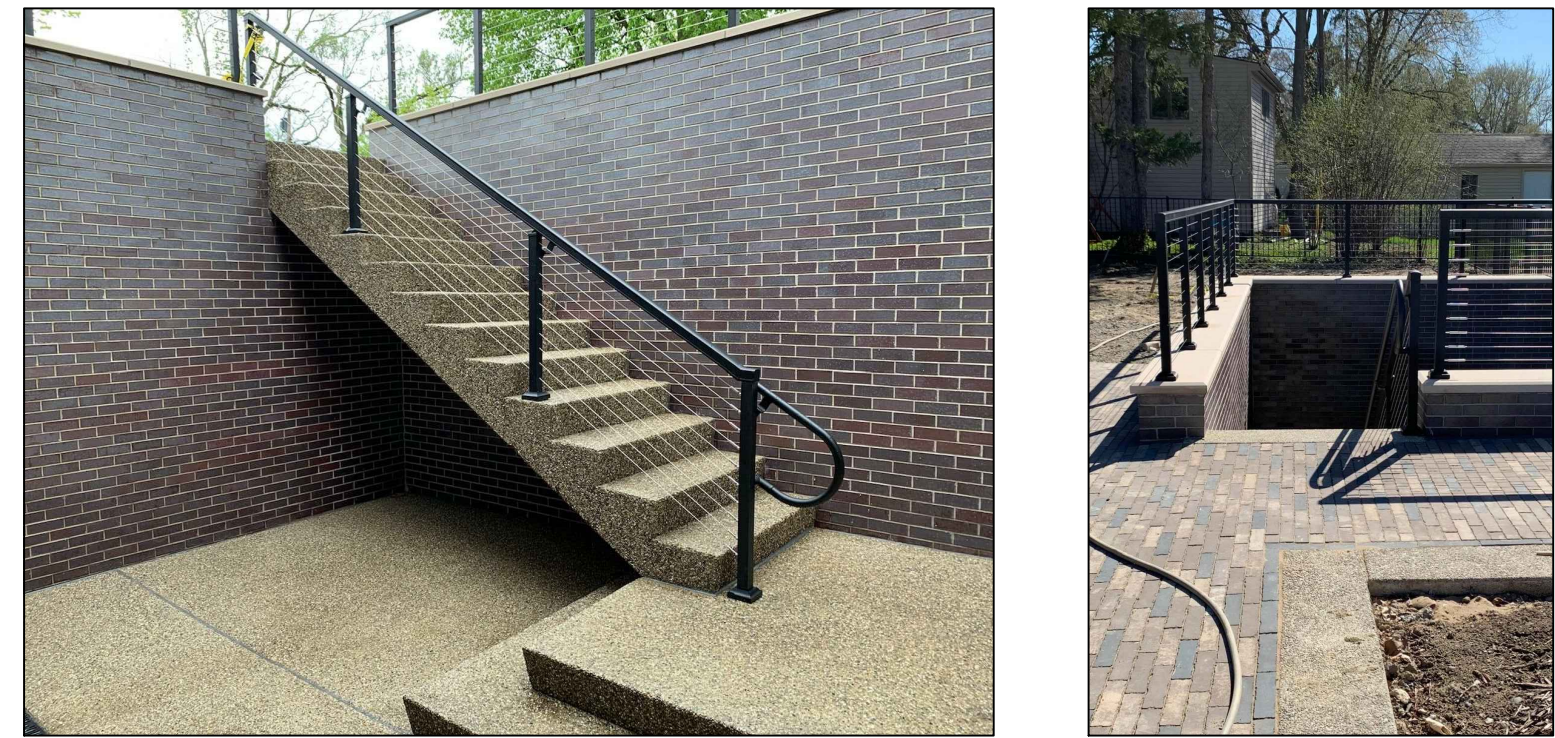
REGISTRATION SEAL
ARCHITECT No. 1301042303



A5

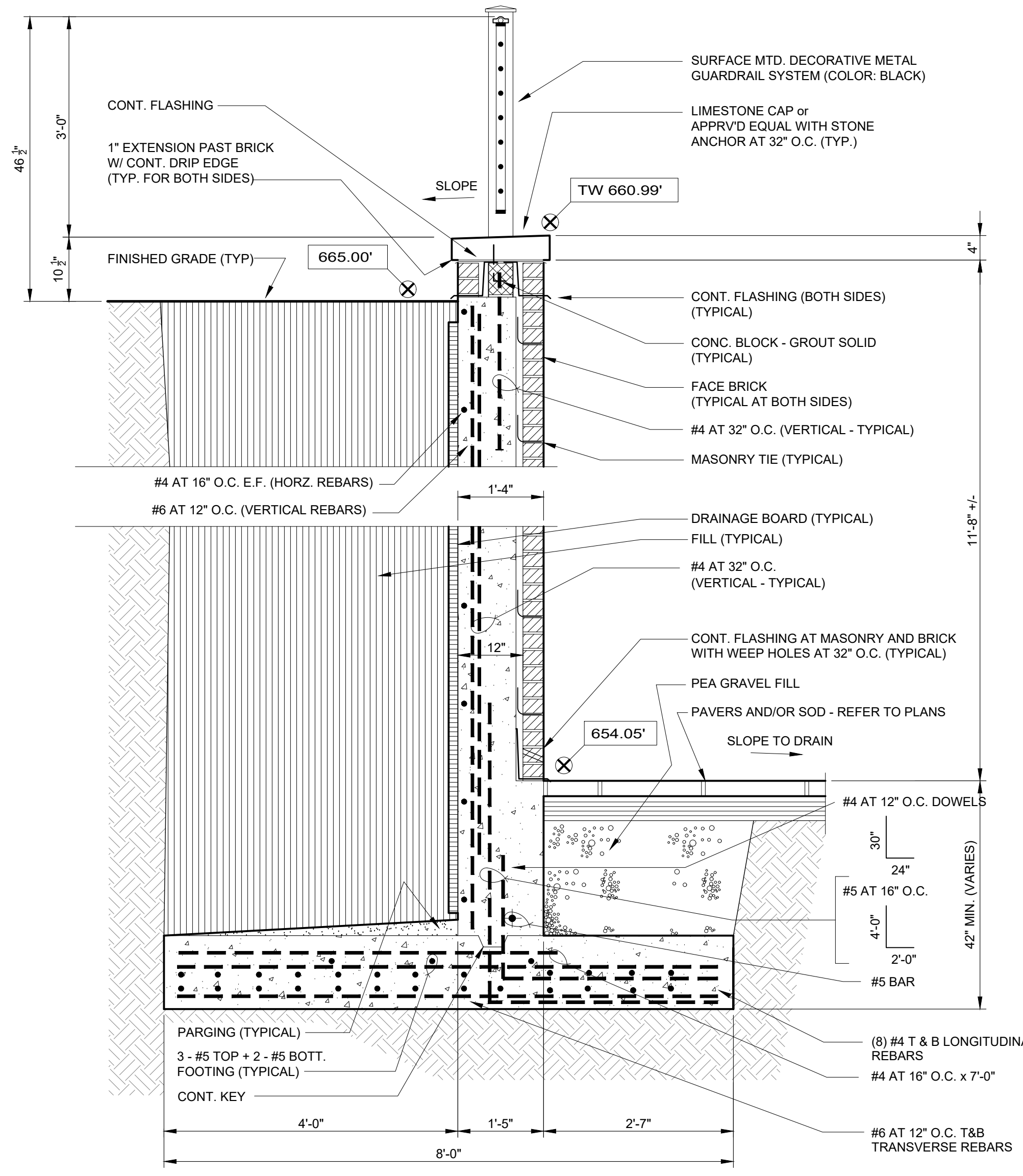


ENLARGED PATIO and WALK-OUT PLAN
scale: 1/4" = 1'-0"

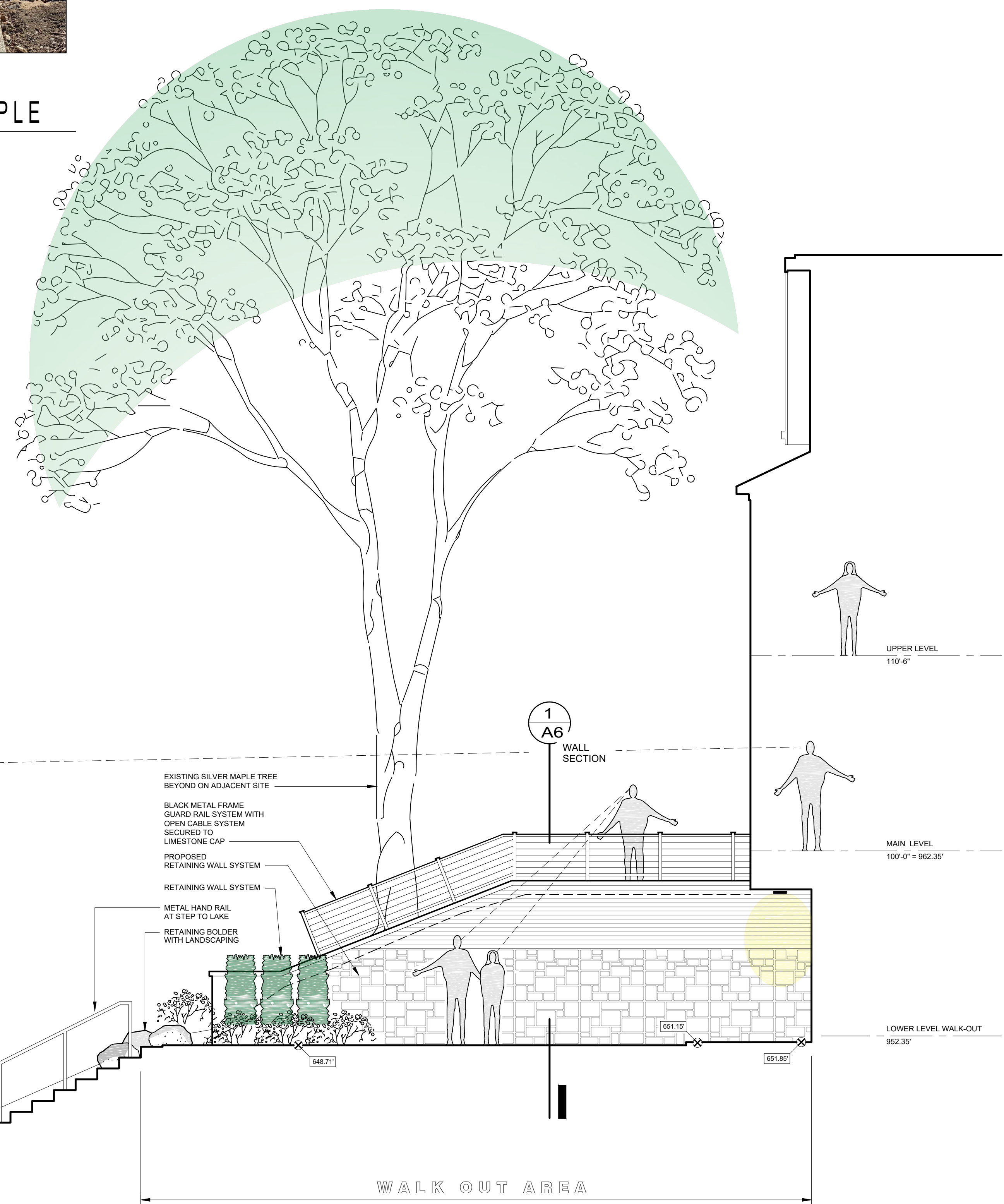


RETAINING WALL and GUARDRAIL EXAMPLE

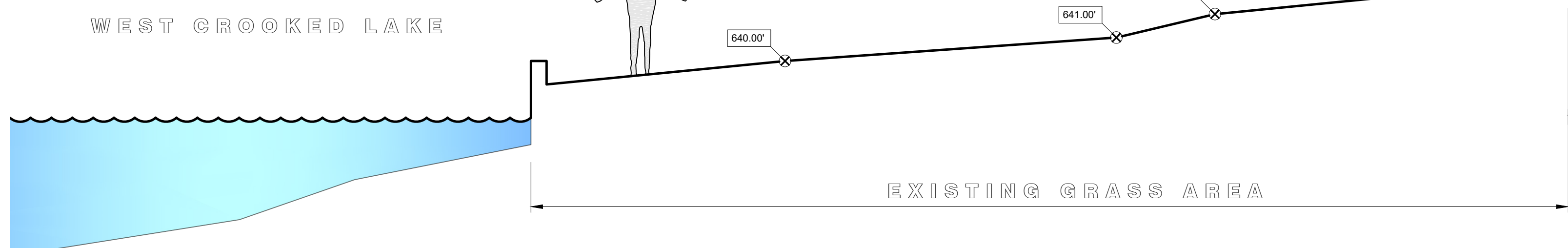
no scale



2 RETAINING WALL SECTION
A6 scale: 3/4" = 1'-0"



1 PROPOSED SITE SECTION
A6 scale: 1/4" = 1'-0"



McBride STUDIO
ARCHITECTURE
1600 ROCHESTER ROAD
ROYAL OAK • MICHIGAN 48067
P. 248 - 219 - 6054
mcbridestudioinc.com

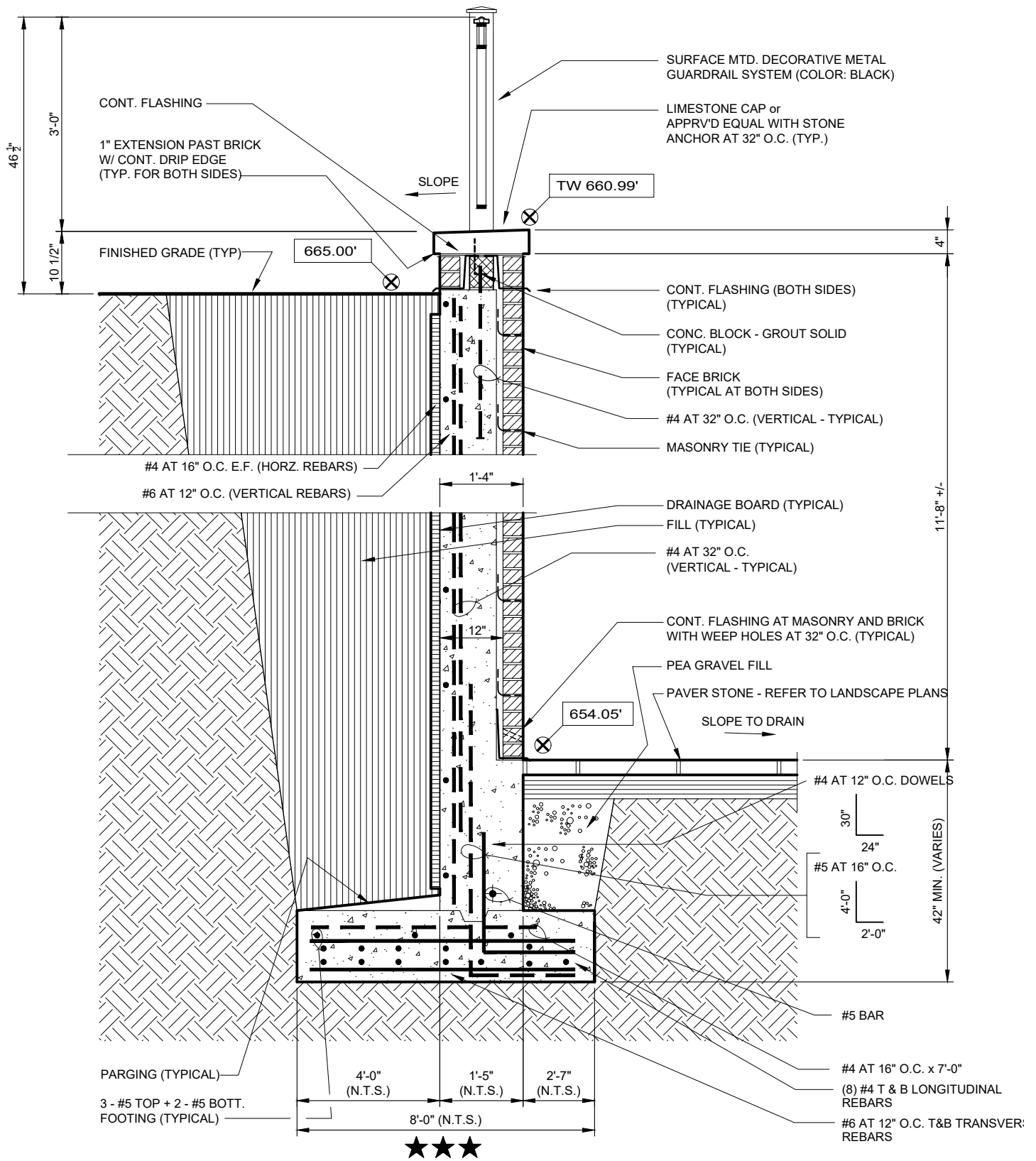
The Quick Residence
3940 Highest Drive
Genoa Township, Michigan
USA

SHEET TITLE
Proposed Site Section,
Photos, & Wall Section
JOB NO
2019-12
DRAWN BY
MJM
ISSUE / REVISIONS
07-25-19 ZBA Submittal
07-29-19 Addendum 1
DO NOT SCALE DRAWINGS

REGISTRATION SEAL
ARCHITECT No. 1301042303



A6



5 RETAINING WALL SECTION

A1.2 scale: 3/4" = 1'-0"





McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

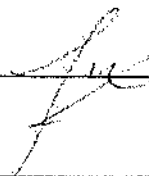
We hope our support will provide help in seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print)

James A. Paquette

Neighbor's Signature:



Neighbor's Signature:

Address:

3953 Highcrest Dr Brighton, MI

Contact number:

734-604-2611

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide help to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) ADAM J. PERKOWSKI II

Neighbor's Signature: 

Neighbor's Signature: _____

Address: 3944 HIGHCREST BOULEVARD GENOA MICH 48116

Contact number: C 313 318 1560 H. 810 229 7609

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide helpful to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) LEIGH LINDSEY

Neighbor's Signature: 

Neighbor's Signature: _____

Address: 3920 HIGHCREST

Contact number: 248-379-0478

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: Support Letter - Variance Application for the Zoning Board of Appeals

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide help to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) Eric C. Cook

Neighbor's Signature: 

Neighbor's Signature: _____

Address: 3924 Highcrest Dr. Brighton, MI 48116

Contact number: 810 602-7967

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide help to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) Barbara Cook

Neighbor's Signature: Barbara E. Cook

Neighbor's Signature: _____

Address: 3930 Highcrest Drive

Contact number: (810) 602-0584

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide helpful to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) RONALD SOCIA Betty Socia

Neighbor's Signature: Ronald A Socia

Neighbor's Signature: Betty & Socia

Address: 3950 Highcrest Dr

Contact number: 313-910-7725
Betty's cell

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

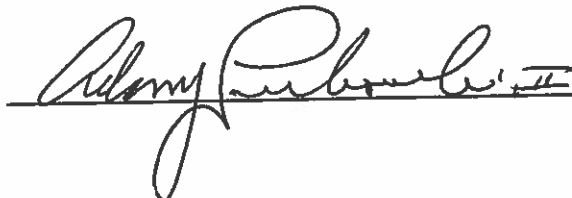
Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide helpful to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) ADAM J. PERKOWSKI II

Neighbor's Signature: 

Neighbor's Signature: _____

Address: 3944 HIGHCREST BRIGHTON MICH. 48116

Contact number: C 313 318 1560 H. 810 229 7609

McBride STUDIO
ARCHITECTURE

August 1, 2019

RE: **Support Letter - Variance Application for the Zoning Board of Appeals**

Jim and Angela Quick & family
3940 Highcrest Drive
Genoa Township, MI 48126

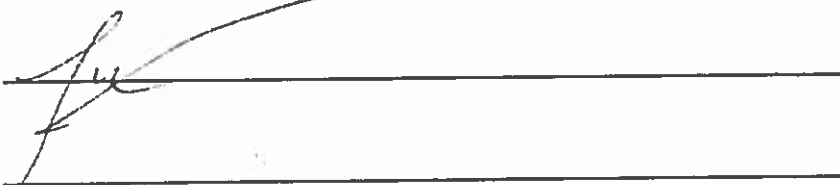
Dear ZBA Board Members:

I/We have recently met with our neighbors, Jim & Angela Quick, regarding their proposed new house project at the above noted address. We have discussed the need for variances as a condition of moving forward with the project. I/We are in favor of their proposed development of the property and wish to offer our support of their variance request. Therefore, I/We support their proposed new construction of their home and have no objections to the variances they are requesting.

We hope our support will provide help to seeing their proposal become a reality. Thank you for your time and consideration.

Sincerely yours,

Neighbor's Name: (please print) James A. Bourette

Neighbor's Signature: 

Neighbor's Signature: _____

Address: 3953 Highcrest Dr. Brighton, MI

Contact number: 734-604-2611

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
WHITE LARRY & WHITE BRODY	QUICK JAMES & ANGELA	430,000	07/19/2019	WD	ARMS-LENGTH	2019R-019351	BUYER	100.0		
WHITE LARRY	WHITE LARRY & WHITE BRODY	1	04/30/2019	QC	QUIT CLAIM	2019R-010407	BUYER	0.0		
MESSING TRUST	WHITE LARRY	382,500	10/03/2018	WD	ARMS-LENGTH	2018R-027520	BUYER	100.0		
MESSING TRUST	MESSING ARNOLD A & MARY B	0	06/17/2011	TA	INVALID SALE		BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status	
3940 HIGHCREST		School: BRIGHTON								
Owner's Name/Address		P.R.E. 0%								
QUICK JAMES & ANGELA 5567 ARBOR BAY CT BRIGHTON MI 48116		MAP #: V19-30								
Tax Description		2020 Est TCV Tentative		Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT						
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 58		X	Improved	Vacant	* Factors *					
Comments/Influences		Public Improvements		Description Frontage Depth Front Depth Rate %Adj. Reason				Value		
		X	Dirt Road	A LAKE FRONT 48.00 193.00 1.0000 1.0000 3800 100				182,400		
			Gravel Road	48 Actual Front Feet, 0.21 Total Acres				Total Est. Land Value = 182,400		
			Paved Road							
			Storm Sewer							
			Sidewalk							
			Water							
			Sewer							
			Electric							
			Gas							
			Curb							
			Street Lights							
			Standard Utilities							
			Underground Utils.							
			Topography of Site							
			Level							
			Rolling							
			Low							
			High							
			Landscaped							
			Swamp							
			Wooded							
			Pond							
			Waterfront							
			Ravine							
			Wetland							
			Flood Plain							
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Who	When	What	2020	Tentative	Tentative			Tentative
		CG	07/20/2016	REVIEWED R	2019	91,200	61,400	152,600		152,600S
					2018	72,000	58,900	130,900		66,810C
					2017	72,000	57,900	129,900		65,436C

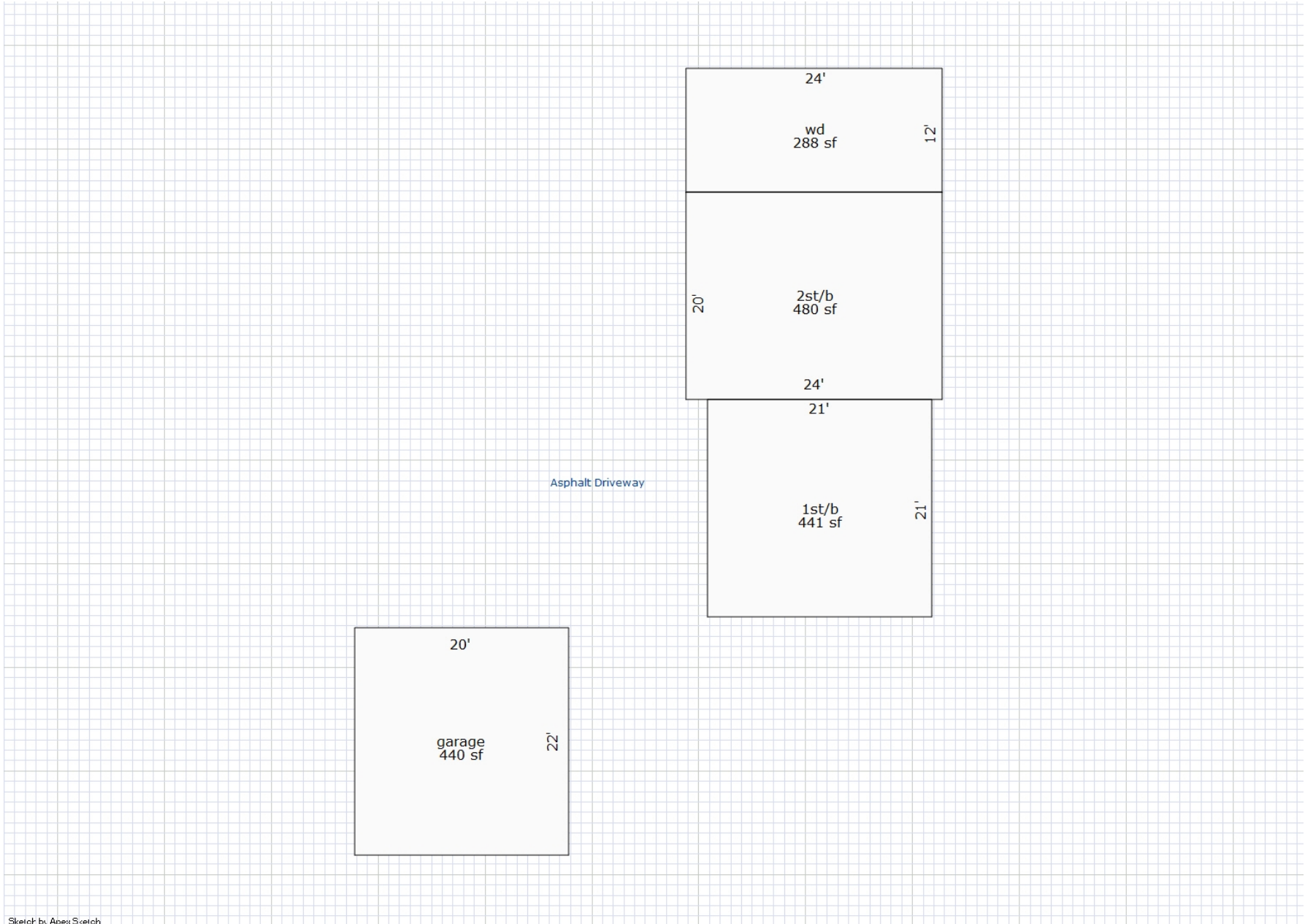


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 288	Type 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: 440 % Good: 0 Storage Area: 0 No Conc. Floor: 0			
X	Wood Frame		Drywall Paneled		Plaster Wood T&G												
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 X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: C Effec. Age: 50 Floor Area: 1,401 Total Base New : 198,385 Total Depr Cost: 99,190 Estimated T.C.V: 140,850			E.C.F. X 1.420		Bsmnt Garage: Carport Area: Roof:		
Yr Built 1930	Remodeled 0	Size of Closets		No. Heating/Cooling			(12) Electric			E.C.F. X 1.420							
Condition: Good		Lg	X	Ord		Small	0 Amps Service			Total Depr Cost: 99,190							
Room List		(5) Floors		Kitchen: Other: Other:			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C		Blt 1930		
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric			Ex. X Ord. Min			Ground Area = 921 SF Floor Area = 1401 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=50/100/100/100/50							
(1) Exterior		(6) Ceilings		No. of Elec. Outlets			Many X Ave. Few			Building Areas							
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 921 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing			Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Stories Exterior Foundation 2 Story Siding Basement 480 1 Story Siding Basement 441 Total: 162,837 81,417							
(2) Windows		(7) Excavation		(14) Water/Sewer			Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Other Additions/Adjustments Plumbing 3 Fixture Bath 1 3,855 1,927 Deck Treated Wood 288 4,366 2,183 Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 440 17,173 8,586 Water/Sewer Public Sewer 1 1,240 620 Water Well, 200 Feet 1 8,914 4,457 Totals: 198,385 99,190							
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			Lump Sum Items:			Notes: ECF (4306 TRI LAKES LAKE FRONT) 1.420 => TCV: 140,850							
	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		(9) Basement Finish													
(3) Roof		(10) Floor Support															
X	Gable Hip Flat	Recreation SF Living SF Walkout Doors No Floor SF															
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:															
Chimney: Brick																	

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



Sketch by Apex Sketch

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



REVISED

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

Case # 19-31 Meeting Date: 8-20-19

PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: Cathy Cedar Email: cspisak@umich.edu
Property Address: Vacant lot / #1122302029 Phone: 810 623 6933
Present Zoning: LRR Tax Code: 11-22-302-029

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

Each application for Variance is considered Individually by the ZBA. The ZBA is a 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 application, 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/Intended property modifications: Requesting 16 feet front variance and 21 feet rear variance to build long and narrow home to accommodate east side entrance garage. Requesting 4 feet west side variance to accommodate east side entrance garage driveway. West neighbors have only a garage on property and it's approx 19 feet from lot line. Should not cause any issues to neighbors garage/property. Requesting 9 1/2 feet height variance Building home on top of garage due to small lot size (50x100) Would not cause any additional view obstructions to surrounding neighbors.

The following is per Article 23.05.03 of the Genoa Township Ordinance:

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.

Plan to construct a new very pleasant to the eye, single family home. This home will complement the current homes in the surrounding area.

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

Land hardships include size of lot and topography of property. Lot is very small 50 x 100. Property slopes down in front and lower at the road. (Noble Street)

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. Proposed new home construction will not cause any of the above mentioned issues.

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. Proposed new home construction will not cause any of the above mentioned issues.

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: 7/25/2019 Signature: Cathy Cedar



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 8, 2019

RE: ZBA 19-31

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

STAFF REPORT

File Number: ZBA#19-31
Site Address: Vacant Noble Drive, Brighton
Parcel Number: 4711-22-302-029
Parcel Size: .115 Acres
Applicant: Cathy Cedar, 1113 Milan Oakville Road, Milan 48160
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: Applicant is requesting a variance to allow a three story structure with side, front and rear yard setback variances, lot coverage variance and a height variance to construct a new single family 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 August 4, 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 lot is vacant.
- 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 construct a three story single family structure on a vacant lot.

Variance Requests

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

Sec. 3.04 DIMENSIONAL STANDARDS

Table 3.04.01 LRR District	Building Height	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Lot Coverage	Stories
Requirement	25'	35'	40'	5'	50%	2
Request	29'8"	11'	19'	1'	66.8%	3
Variance Amount	4'8"	24'	21'	4'	16.8%	1

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 building height, lot coverage and side yard setbacks would not unreasonably prevent the use of the property. Strict compliance with the front and rear yard setbacks would unreasonably prevent the use of the property due to the building envelope size. Granting of the variances would not offer similar property rights or would not offer substantial justice due to the properties of similar size that are located in the immediate area are detached accessory structures or much smaller homes.

- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small lot size and topography of the lot. The need for the setback variances is not self-created and would be consistent with the immediate area however the variances are not the least necessary. The need for the three story structure, lot coverage and height variance is self-created and would not make it consistent with the immediate area.

- (c) Public Safety and Welfare** – The granting of these variances could impair an adequate supply of light and air to adjacent property due to the requested height of the building. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and endanger the public safety.

- (d) Impact on Surrounding Neighborhood** – The proposed variances could have impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

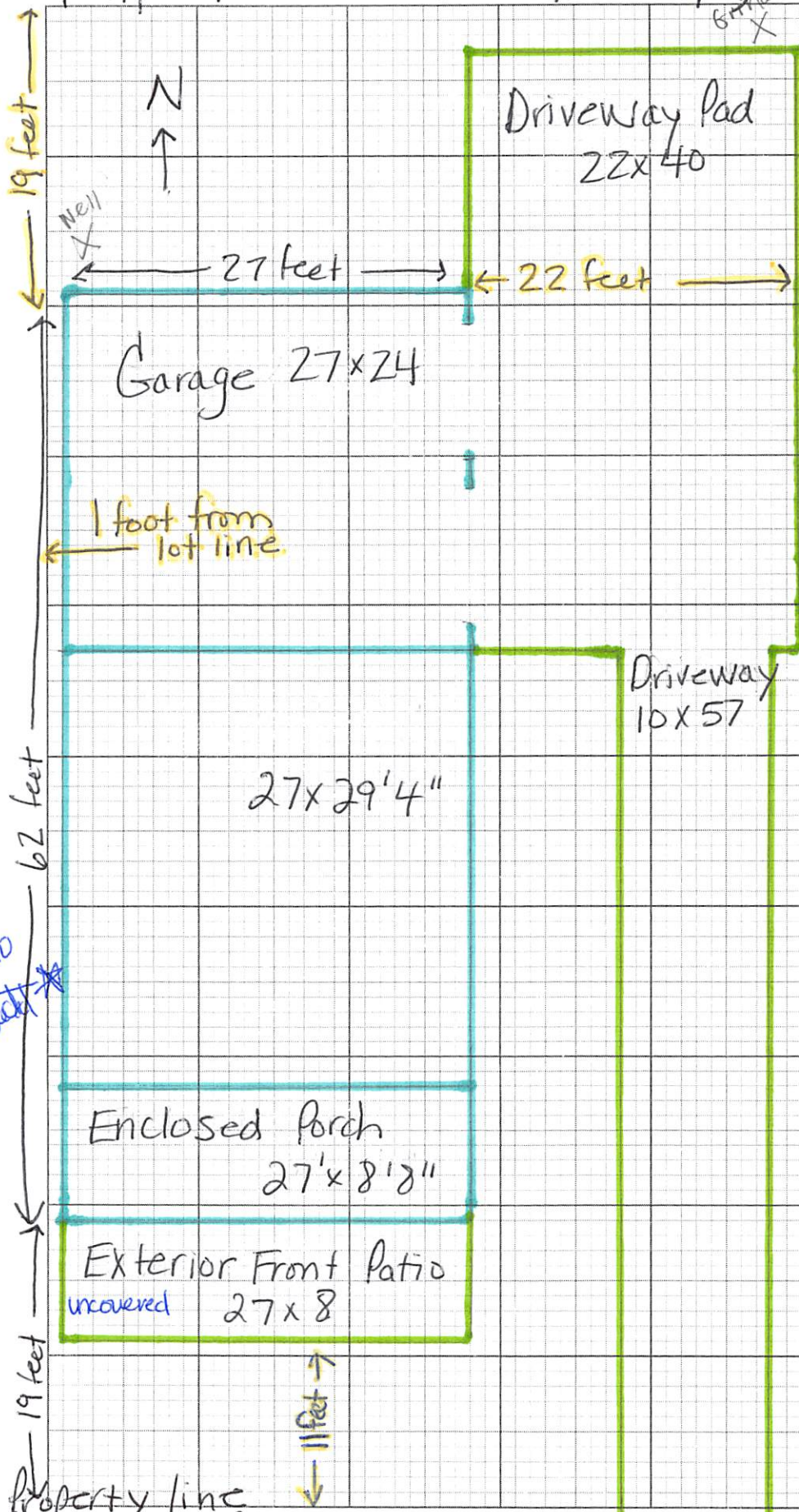
1. Drainage from the detached structure must be maintained on the lot.

GENOA TOWNSHIP



Lot 50x100

Footprint 27x62 (33.5% coverage)



tree to be removed

Property line
Road Right of Way
8 more feet grass until road
← Noble Street →
+ 8 feet past proper

Lot 50x100 5,000 sq ft

(35%)	Footprint	27x62	1674 sq ft	33.5% coverage
	Driveway pad	22x40	880	
	Driveway	10x57	570	
	Front patio	27x8	<u>216</u>	

(50%) total coverage 3340 66.8% coverage

Green space 1660 33.2% coverage

* Will also need variance to go over 50% total coverage

Requesting total property coverage of 66.8%

Requesting to build new home construction with:

- (40) 19 feet rear setback (21 feet variance)
- (35) 19 feet front setback (16 feet variance)
- (5) 1 foot west side setback (4 feet variance)
- (10) 22 feet east side setback
- (25) 33 feet needed to build over garage (height) 8 feet variance

Lot 50x100

↑
N

~~Allowed variances / setbacks~~

40 feet rear setback

35x25 (875 sq feet)

5 feet
side

10
feet
side

35 feet front setback

← Noble Street →

PLAN BROWSER

Keyword Search:

Search

Find by Plan Name:

Calusa Cottage Jun ▾

Find by Plan #:

CHP-27-134 ▾

Browse Plans by:

- Alphabetical List
- Top Selling Plans
- Editor's Picks
- Newest House Plans
- Most Viewed Plans

Style of Home:

- Beach Front Designs
- Beach House Plans
- Coastal Traditional
- Mediterranean
- Florida House Plans
- Lake House Plans
- Cabin House Plans

Design Need:

- Elevated House Plans
- Narrow Lot House Plans
- Sloping Lot House Plans
- Inverted Floor Plan
- View from Back
- Master Bed on Main
- Duplex House Plans

Square Footage:

- Under 1500 Sq Ft
- 1501 - 2500 Sq Ft
- 2501 - 3500 Sq Ft
- 3501 - 5000 Sq Ft
- 5001 Sq Ft & Up

Find a Custom Home Designer

CLICK HERE

Calusa Cottage Junior

To Order Call 1-843-886-5500



★ Building over garage instead of on stilts.

Plan Number: **CHP-27-134**

- Square Ft: **1581'**
- Bedrooms: **3**
- Bathrooms: **2/0**
- Levels: **3**

- Width: **27'0"**
- Depth: **62'0"**

- Total Height: **33'0"**
- Ceiling Height:
 - Ground: *10 garage*
 - 1st Level: **10'**
 - 2nd Level: **9'**
 - 3rd Level:

VIEW FLOORPLANS

SAVE TO myPLANS

ORDER THIS PLAN

[More plans by this designer](#) | [Tell a friend about this plan](#) | [Printer Friendly Version](#)

BACK

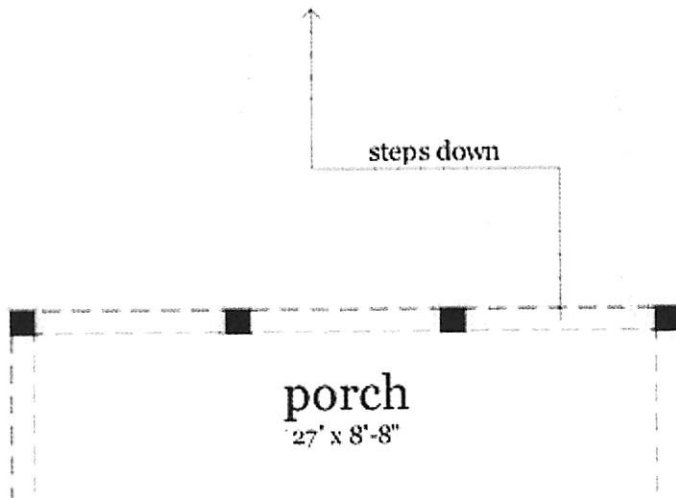
ABOUT PLAN MODIFICATIONS

QUESTIONS ABOUT THIS PLAN?

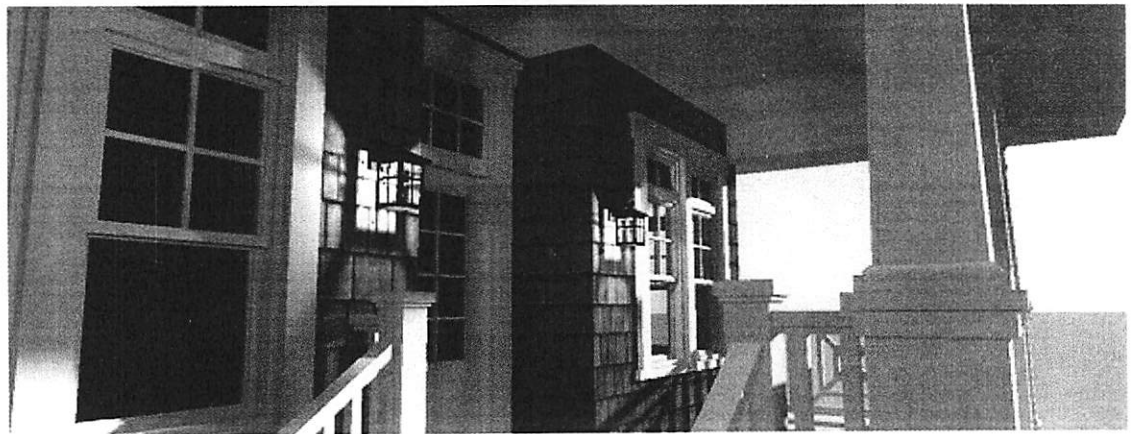
• Blueprints - 5 sets: \$1610	• Reproducible Master: \$1460
• Blueprints - 8 sets: n/a	• Auto CAD file: \$1460

To Order Call 1-843-886-5500

Floorplans/Additional Images



* This is front
of house

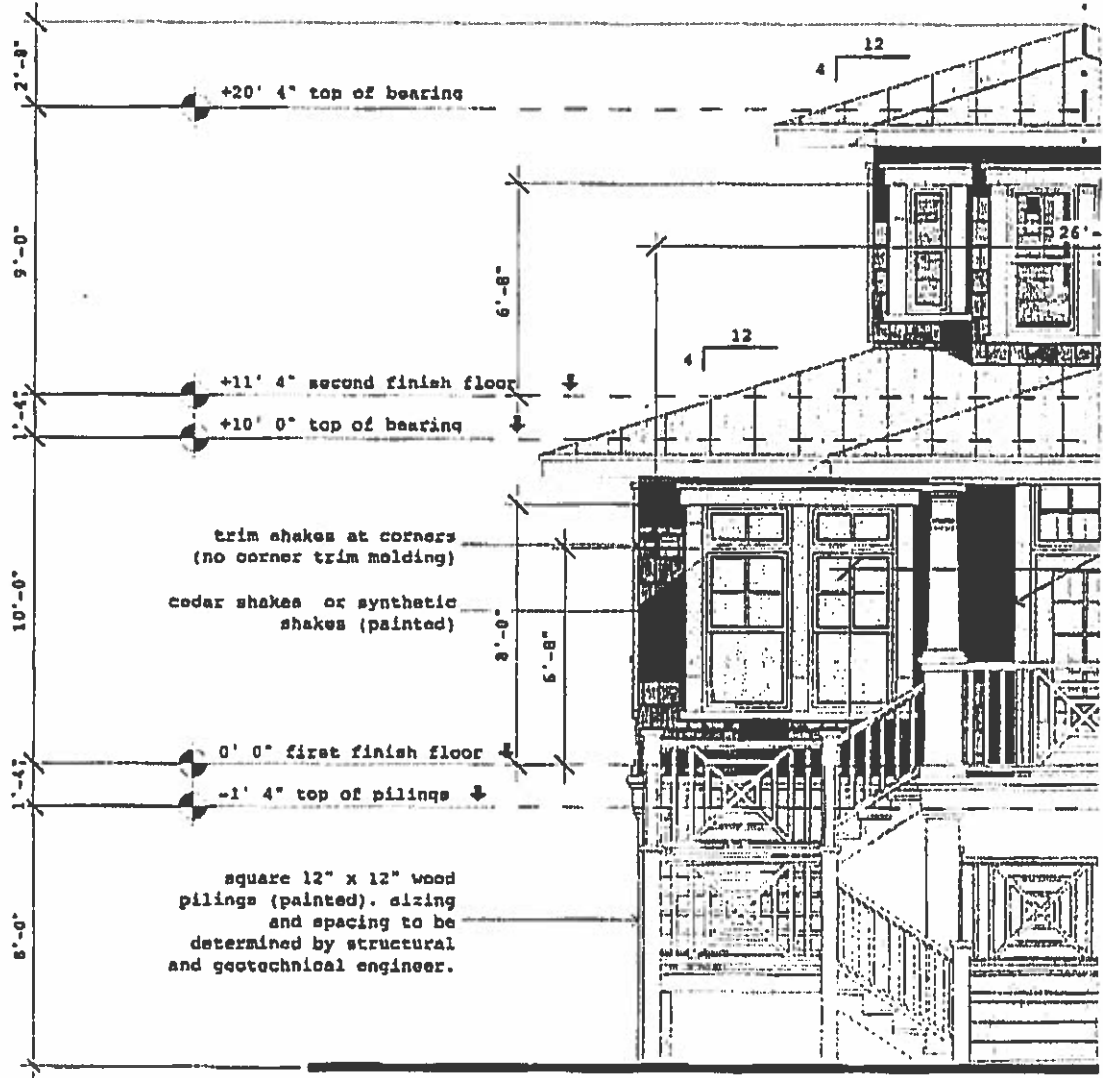


Found my plan at:



Preview over 2,264 authentic coastal, beach, seaside and lake house designs from 50+ talented designers and architects at www.CoastalHomePlans.com

Calusa Cottage Junior Ceiling Heights



Coastal Home Network, LLC
3301 Hartnett Blvd
Isle of Palms, SC 29451
www.coastalhomeplans.com

©Copyright 1998-2015 held by the designer or architect. All house plans/designs, floor plans, renderings and associated artwork are copyrighted materials and may not be reproduced, modified or reused without written permission from the copyright owner. If you would like to build a home from these designs, you must first purchase a license.

front

How to build on the coast. Sign-up to receive how-to tips and info.

Name:

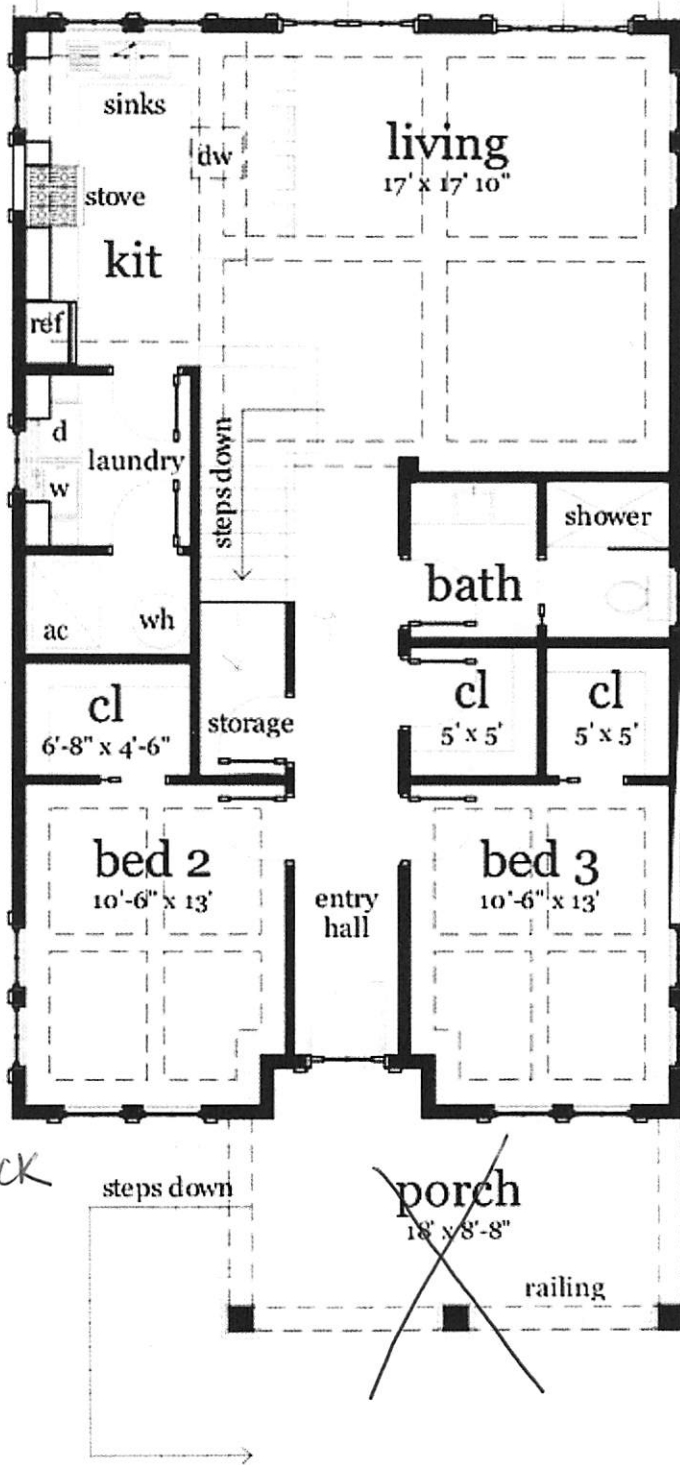
Email:

Sign-up

To Order Call 1-843-886-5500

SPONSORS

Best Active Adult Living Florida Rentals. Florida's Ultimate Active Retirement Living from \$199K

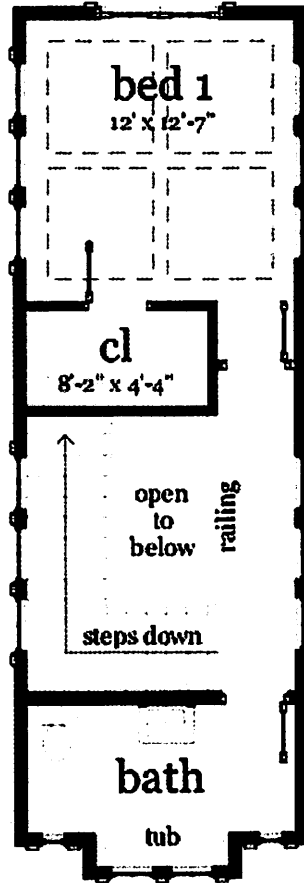


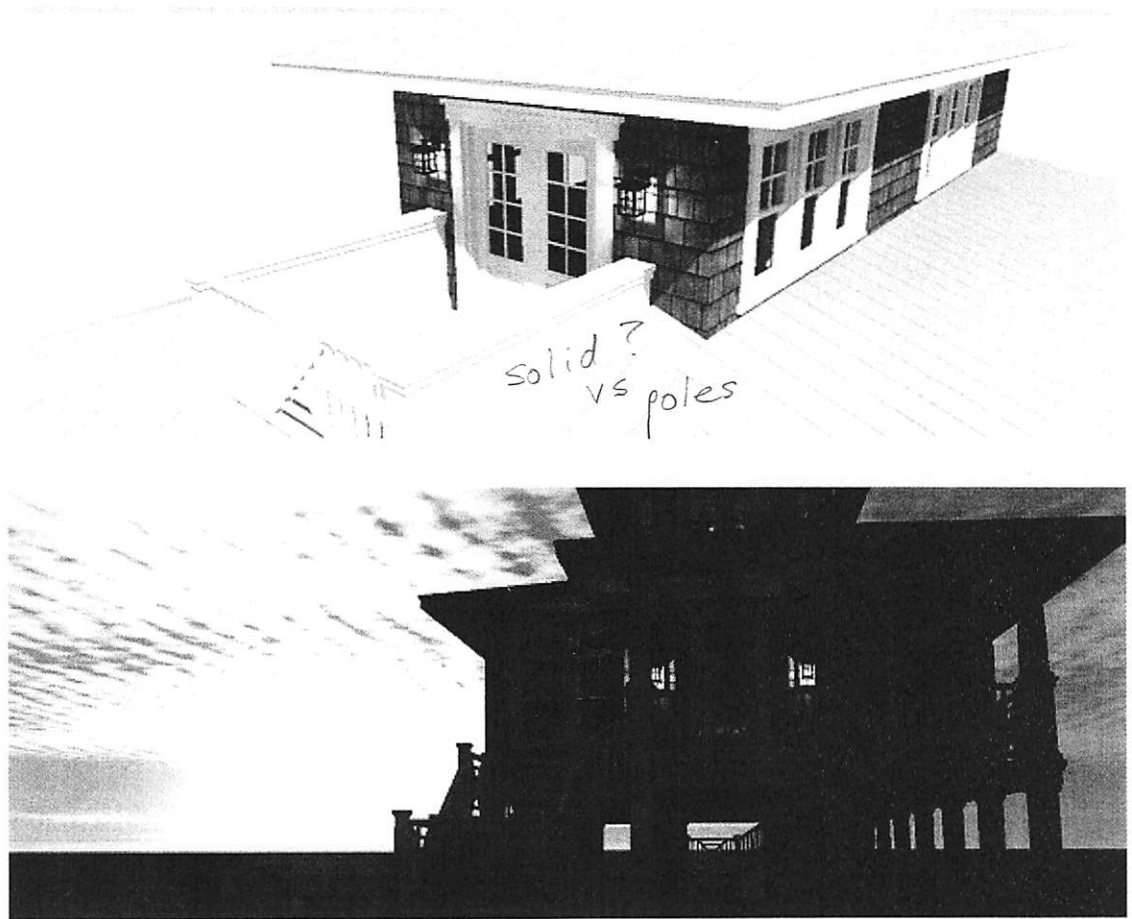
back

extending home 8'8"

railing

deck
7'-8" x 8'





©Copyright 1998-2013. All house plans/designs are protected under federal copyright laws and may not be copied, reproduced, modified or reused without authorized permission from the copyright owner.

Additional Features

- Wood pilings
- 2x6 wood frame
- First and second floor systems are pre-engineered wood trusses
- The roof is standing seam metal over plywood deck and pre-engineered wood trusses
- The exterior is finished with cedar shakes and white moldings
- 392 sq. feet of additional space (porches)
- 1973 sq. feet under roof

About Plan Modifications

Most of the designers and architects whose plans we sell offer modification services. As a free service to you, we will request modification estimates directly from the designers. To receive an estimate please e-mail your list of requested changes, along with the Plan Name/Plan Number, to us at questions@coastalhomeplans.net. We will respond within 48 hours. You are also welcome, for any plan we sell, to have modifications performed by your local design professional. Please call us at 843-886-5500 if you have any questions about the modification process.

From: [Deb Goeglein](#)
To: [Amy Ruthig](#)
Subject: Fwd: Variance request for parcel #11-22-302-029 Noble Drive
Date: Friday, August 9, 2019 3:54:36 PM

>

> Good Morning Amy,

>

> I am writing regarding the request by Cathy Cedar for a variance to build a three story structure on Noble Drive.

>

> We live across the street at 3762 Noble and have been dealing with serious issues of flooding on our property for the 3 years we have owned our home. The current storm drains do not handle the water from the street and we sit at the lowest point and thus have large amounts of water overflow onto our property. This causes our basement to flood and washes away both landscaping beds and our beach area during heavy rains.

>

> About six months ago, I initially contacted the Road Commission in an attempt to resolve this issue. Trevor Bennett recently visited our property and viewed several videos I have taken during rainstorms that clearly show the issue on the street.

>

> Our concern is that building a three story structure will undoubtedly cause more rainfall to be directed down the property and onto our street. We are requesting this issue be addressed and assurance that the new home will not contribute to additional flooding of our property.

>

> Thank you,

>

> Deb Goeglein

> 3762 Noble

>

> Sent from my iPad

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
KING SCOTT M & TRACEY L	CEDAR CATHY	42,000	07/29/2016	WD	ARMS-LENGTH	2016R-024305	BUYER	100.0				
JARVIS DEVELOPMENT, INC	KING SCOTT M & TRACEY L	189,900	05/29/2014	WD	ARMS-LENGTH	2014R-016370	BUYER	100.0				
LESIW ROMANA & VICTOR	JARVIS DEVELOPMENT, INC	130,000	04/26/2012	WD	ARMS-LENGTH	2012R-017252	BUYER	100.0				
Property Address		Class: 402 RESIDENTIAL-VA		Zoning: LRR	Building Permit(s)	Date	Number	Status				
VACANT		School: BRIGHTON										
		P.R.E. 0%										
Owner's Name/Address		MAP #: V19-31										
CEDAR CATHY 1113 MILAN OAKVILLE RD MILAN MI 48160		2020 Est TCV Tentative										
		Improved	X	Vacant	Land Value Estimates for Land Table 4303.TRI LAKES							
Tax Description		Public Improvements		* Factors *				Value				
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 24		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
Comments/Influences		Gravel Road		B NON LF	50.00	100.00	1.0000	1.0000	1100	100		55,000
		Paved Road		50 Actual Front Feet, 0.12 Total Acres				Total Est. Land Value =		55,000		
		Storm Sewer										
		Sidewalk										
		Water Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2020	Tentative	Tentative	Tentative		Tentative		
					2019	27,500	0	27,500		27,500S		
					2018	27,500	0	27,500		27,500S		
					2017	27,500	0	27,500		27,500S		

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

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 16, 2019 - 6:30 PM**

MINUTES

Call to Order: Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Michelle Kreutzberg, Jean Ledford and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent were Greg Rassel and Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Vice-Chairperson McCreary noted that Cases #19-15, #19-19, and #19-27 have all been requested by the applicants to be tabled until the August 20, 2019 ZBA meeting.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to postpone Cases #19-15, #19-19, and 19-27 until the regularly-scheduled ZBA meeting of August 20, 2019.

Call to the Public:

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

Vice-Chairman McCreary advised that only three members were present this evening. There are two members absent. An approval would need a unanimous vote with the members present. Each of the applicants has the option to have their cases postponed until the next meeting.

Zoning Board of Appeals
July 16, 2019 Unapproved Minutes

1. 19-25... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a variance to construct a deck in the front yard and front and rear yard variances to construct a second-story addition.

Ms. Whiteside and Mr. John Liogas were present. Ms. Whiteside stated that the existing structure is already non-conforming. They are wishing to add a second story, a deck under the second story and a porch on the front of the home. There is currently a 4x4 stoop on the front of the home and that will be expanded to a larger porch. The second story will not be larger than the first story, except for the deck. The deck will also be used as a carport. She believes remodeling this home would be a benefit to the neighborhood and the community. Most of the homes in the area are two stories and have decks. It is not beyond what is already existing in the neighborhood.

It was noted that the applicant is not the owner of the property. Staff did receive an email authorizing the applicants to apply for the variance; however, it was not sent by the property owner. Staff will verify that the sender of the email has the right to grant the applicant permission to apply for the variances.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the property to the rear of hers. There is a legal easement on file for this.

Board Member Ledford questioned if the shed will be removed. Ms. Whiteside stated the shed will remain.

Vice- Chairman McCreary is concerned with the proposed deck on the second story and that it would be used for a carport. The cars will be very close to the road. There is a curve in Glen Echo right at this property. Ms. Whiteside stated the existing two-car garage will remain and that will be used for parking also. She added that they will be expanding the driveway so they can use that area for extra parking.

The call to the public was made at 6:54 pm with no response.

A request by Yvette Whiteside, 5780 Glen Echo Drive, for a variance to construct a deck in the front yard and front and rear yard variances to construct a second-story addition.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg to approve Case #19--25 for 5780 Glen Echo Drive by applicant Yvette Whiteside and property owner A.V. Doris Life Estate for a front yard variance of 16 feet from the required 35

feet to 19 feet and a rear yard variance of 26 feet from the required 40 feet to 14 feet to construct a second story addition with two covered porches and a 12 x 22 carport with a deck above, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted site plan. Granting of the variance would offer substantial justice and is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties in the same zoning and vicinity.
- The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is least necessary.
- Granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and public safety.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following condition:

1. An easement shall be recorded for the use of the well on a separate lot.
2. The applicant shall confirm authorization from the property owner that the applicant can apply for the variances.
3. Additional parking shall be installed east of the existing driveway.
4. The proposed carport shall remain open with no sides

The motion carried unanimously.

2. 19-26... A request by Jon and Danielle Wlodeerczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.

Mr. Wlodeerczak was present. He stated that due to the location of the existing home and the fact that the lot is only 45 feet wide, there is no other location on his property to build a three-season porch. The previous owner obtained a variance for the existing deck, which is included as part of the main structure. He is proposing to enclose the area under the existing deck. He will not be going out any further. The construction is already underway. He hired a contractor who pulled a deck permit and not a permit to build the enclosure. When the Township went out to do an inspection, they noticed what was being done. This will not restrict the views of the homes on either side of his property. He submitted letters from his two next door neighbors at 4177 Homestead and 4195 Homestead, who are both in favor of granting this request. Both of these homes are further back from the lake than his. There is a similar structure at 4165

Zoning Board of Appeals
July 16, 2019 Unapproved Minutes

Homestead that has an enclosed deck and there is no variance for this on file. This will not impair the light or the views of the lake for any properties in the area.

Vice-Chairperson McCreary noted that enclosing this area will bring the home closer to the water and could impede the views of his neighbors. Mr. Wloderczak reviewed photos submitted with his application showing how this addition would not block the view of the lake for the neighbors on either side of his property. He added that 4165 Homestead has a room like to what he is proposing, and that lot is of similar nature to his.

Vice-Chairperson McCreary reiterated her concerns with an additional variance being granted for this property and the structure now being an additional eight feet further toward the lake. She is concerned about the views of the neighbors. Mr. Wloderczak stated that the neighbors on both sides of his property do not have any concerns with this request.

The call to the public was made at 7:15 pm with no response.

Mr. Wloderczak requested to have his case tabled until the August 20, 2019 ZBA meeting.

Moved by Commissioner Kreutzberg, seconded by Commissioner Ledford, to postpone Case #19-26 for Jon and Danielle Wloderczak at 4183 Homestead until the August 20, 2019 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the June 18, 2019 Zoning Board of Appeals Meeting.

There was one change needed.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the June 18, 2019 Zoning Board of Appeals Meeting minutes as amended. **The motion carried unanimously.**

2. Correspondence – Ms. VanMarter had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the July 1 and July 15 Board meetings.

Zoning Board of Appeals
July 16, 2019 Unapproved Minutes

4. Planning Commission Representative Report – Board Member McCreary provided a review of the July 8 Planning Commission Meeting.
5. Zoning Official Report – Ms. VanMarter provided a review of the upcoming variance requests.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:38 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary