

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 17, 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)*

OLD BUSINESS:

1. 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)
2. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.

NEW BUSINESS:

3. 19-32...A request by Allen and Sharon Miotke, 1142 Chemung Drive, for side yard variance to construct a covered porch.
4. 19-33...A request by Michael Dowling, 7887 State St., for a front and side yard variance to construct an addition to an existing home.
5. 19-34...A request by Edward Koss, 4930 Brighton Oaks Trail, for an appeal of an administrative decision per Section 23.02.011 and use permit for a fence that was denied.
6. 19-35... A request by Speros Kapetaneas, 5397 Brady Road, for a front yard variance to construct an addition to an existing home.

Administrative Business:

1. Approval of minutes for the August 20, 2019 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



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

Case # 19-19 Meeting Date: May 21, 2019
@ 6:30pm

PAID Variance Application Fee
~~-\$125.00 for Residential | \$300.00 for Commercial/Industrial~~
\$215.00

Applicant/Owner: EDWARD KOS S Email: edkoss2000@yahoo.com

Property Address: 4930 BRIGHTON OAKS TRL Phone: 248-709-6602

Present Zoning: RESIDENTIAL Tax Code: 4711-26-300-051

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: PRIVACY FENCE FOR DOGS

2. Intended property modifications: 6' PRIVACY FENCE INSTALLED

IN OCTOBER.

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.

NO NEIGHBORS. FENCE IS 15 foot below BRINGTON RD.
SEE PICTURES. HAVE 2 FRONT YARDS.
4184 BAVER RD HAS FENCE ALONG BAVER RD. RIGHT AT THE STREET. (SEE PICS)

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.

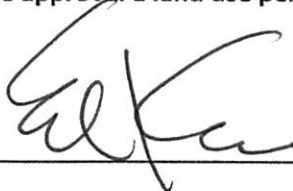
IMPACTS NO ONE.

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: 2/19/19 Signature: 

1. 19-19... A request by Edward Koss, 4930 Brighton Oaks Trail, for a fence height and an impervious percentage variance to allow an existing six-foot in height and 100% impervious fence.

Mr. Koss and Mr. Ryan Myers, Mr. Koss' attorney, were present. Mr. Myers stated Mr. Koss is requesting a variance for a six-foot privacy fence to the rear of his property. The fence is not permissible because this is a thru lot, so it has two front yards. The justification for granting the variance is that the clear intent of the prohibition of a fence of this size in the front yard is because the Township doesn't want large privacy fences along the front of residential properties. He agrees that makes sense. What is unique with this property is that it has two front lots as well as the topography of this site. The change from Brighton Road to the rear of Mr. Koss' property is approximately 20 feet. His property is 20 feet lower than the road. He referenced the photograph submitted with the packet. Even in the winter months, the side yard fence is not visible and the rear fence is only somewhat visible through the little bit of vegetation. If Mr. Koss' property was at the same elevation of Brighton Road, then the ordinance would be apparent and a variance should not be granted. Also, having a smaller fence is less effective in terms of privacy, keeping dogs in the yard, and keeping other animals out of their yard.

Mr. Myers noted that staff's report states that granting the variance would not negatively affect the public safety and welfare nor would it have an impact on the surrounding neighborhood. He agrees with her comments.

Mr. Koss stated that this home is for his in-laws and they have three larger dogs. A three-foot fence would not contain the dogs.

The impervious variance request is due to them wanting the fence to provide privacy for his in-laws as well as the neighbors.

Ms. Ruthig noted that an administrative decision was made to make this the front yard for set-back purposes when the home was built.

Board Member Ledford questioned why the applicant did not request the variance before the fence was built. Mr. Koss stated he thought the fence contractor was going to obtain the appropriate permits.

The call to the public was made at 6:47 pm with no response.

Board Member McCreary understands the argument of the decrease in elevation; however, in the winter, the entire fence can be seen because there is no vegetation. She also agrees that since the applicant accesses the home from the other side, they would consider that their front yard and this their rear yard. She still believes this type of fence in this location is what the ordinance is trying to prevent, especially with the fence being 100 percent impervious.

Board Member Ledford agrees with Board Member McCreary's points. She would not be in favor of granting these variances.

Mr. Myers stated that Mr. Koss would accept a condition of approval of the variances the planting of evergreen trees to screen the fence from Brighton Road.

Ms. Ruthig showed the locations on the applicant's lot where a six-foot fence would be allowed. It was noted that this location would allow more of the fence to be seen from Brighton Road.

Mr. Koss referenced a picture of a home on Bauer Road that he submitted with his application. They have a fence in the front yard.

Mr. Myers questioned if a variance could be requested to designate this as the rear yard. Ms. Ruthig stated she would like to clarify if this variance would be possible. A new application would need to be submitted and the applicant would need to return to the Board.

Chairman Rassel agrees that the extraordinary circumstance is the grade of his lot as compared to Brighton Road.

Mr. Myers stated they agree to have their item postponed and allow Ms. Ruthig to determine if this variance is possible.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to postpone Case #19-19 until the July 16, 2019 meeting so the Board can reassess the application with a definition of the front yard. **The motion carried unanimously.**

2. 19-22... A request by John and Wendy Myers, 6505 Forest Beach Drive, for a variance to construct a detached accessory structure in the front yard.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: June 11, 2019
RE: ZBA 19-19

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

STAFF REPORT

File Number: ZBA#19-19
Site Address: 4930 Brighton Oaks Trail Brighton 48116
Parcel Number: 4711-26-300-051
Parcel Size: 2.0 Acres
Applicant: Edward Koss, 4920 Brighton Oaks Trail Brighton
Property Owner: Koss, Edward and Lindsay, 4930 Brighton Oaks Trail Brighton

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a variance for a fence height variance and an impervious percentage variance to allow an existing non-conforming 6 foot fence to remain.

Zoning and Existing Use: LDR (Low Density Residential), the property is occupied by a single family residence.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday June 2, 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 single family home was constructed in 2018.
- The property is serviced by a private well and septic.
- See Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

A 6 foot fence was installed on the property in 2018 without Township Approval. The fence exceeds a maximum height of 3 feet allowed in the front yard and the required 49% impervious for a front yard fence. The section of the fence in need of the variance is depicted on the site plan in yellow.

Variance Requests

The following is the section of the Zoning Ordinance that the variances are 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.

Required Height:	3 Feet	Required Impervious Percentage:	49%
Existing Height:	6 Feet	Existing Percentage:	100%
Proposed Variance Amount:	3 Feet	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.

The following are findings based upon the presented materials.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the Zoning Ordinance in regards to the fence ordinance would prevent the applicant from keeping the 6 foot, 100% impervious fence that was erected on the property but would not unreasonably prevent use of the property and is not necessary for the preservation of the property. A 6 foot, 100% impervious fence in the front yard is not a property right possessed by other properties in the zoning district or vicinity.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is Brighton Road by definition is considered the front yard of the parcel however per the Zoning Administrator at time of the split approval, considered the shared driveway a front yard also for setback purposes making the property a through lot. On a typical lot, a 6 foot fence is allowed on the side and 10 feet past the rear of the home only. Granting of the variance will not make the property more consistent with surrounding properties. The need for the variance is self-created.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

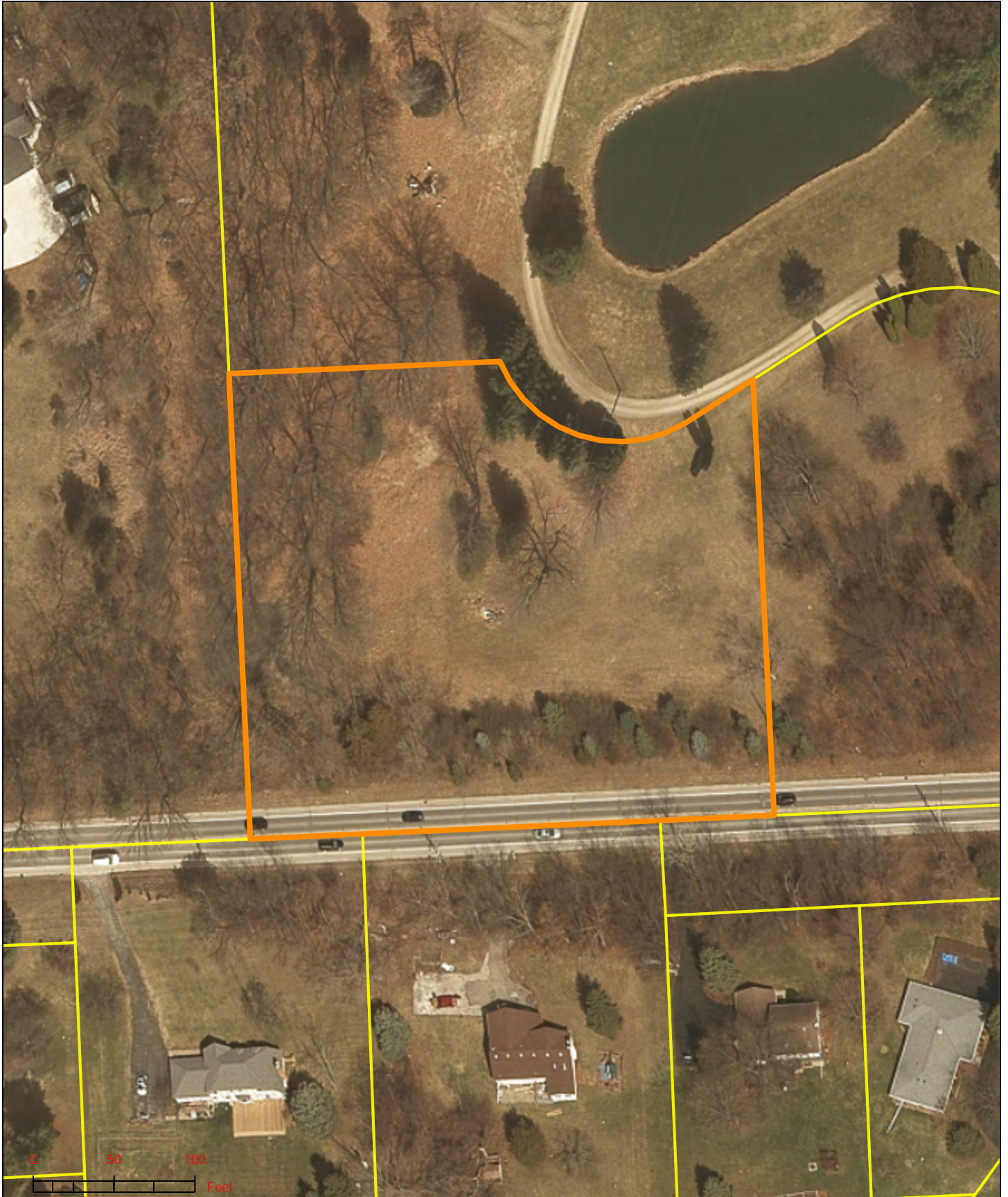
If the Zoning Board of Appeals grants the variance request staff recommends the following conditions be placed on the approval:

1. Applicant must apply for a land use permit.

If the variance request is denied, staff recommends the following conditions:

1. The existing fence must be removed or brought into compliance within 90 days of Zoning Board of Appeals decision.
2. The applicant must apply for a land use permit for any section of the fence, if it should remain.

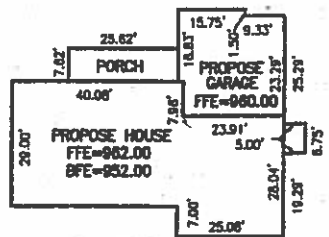
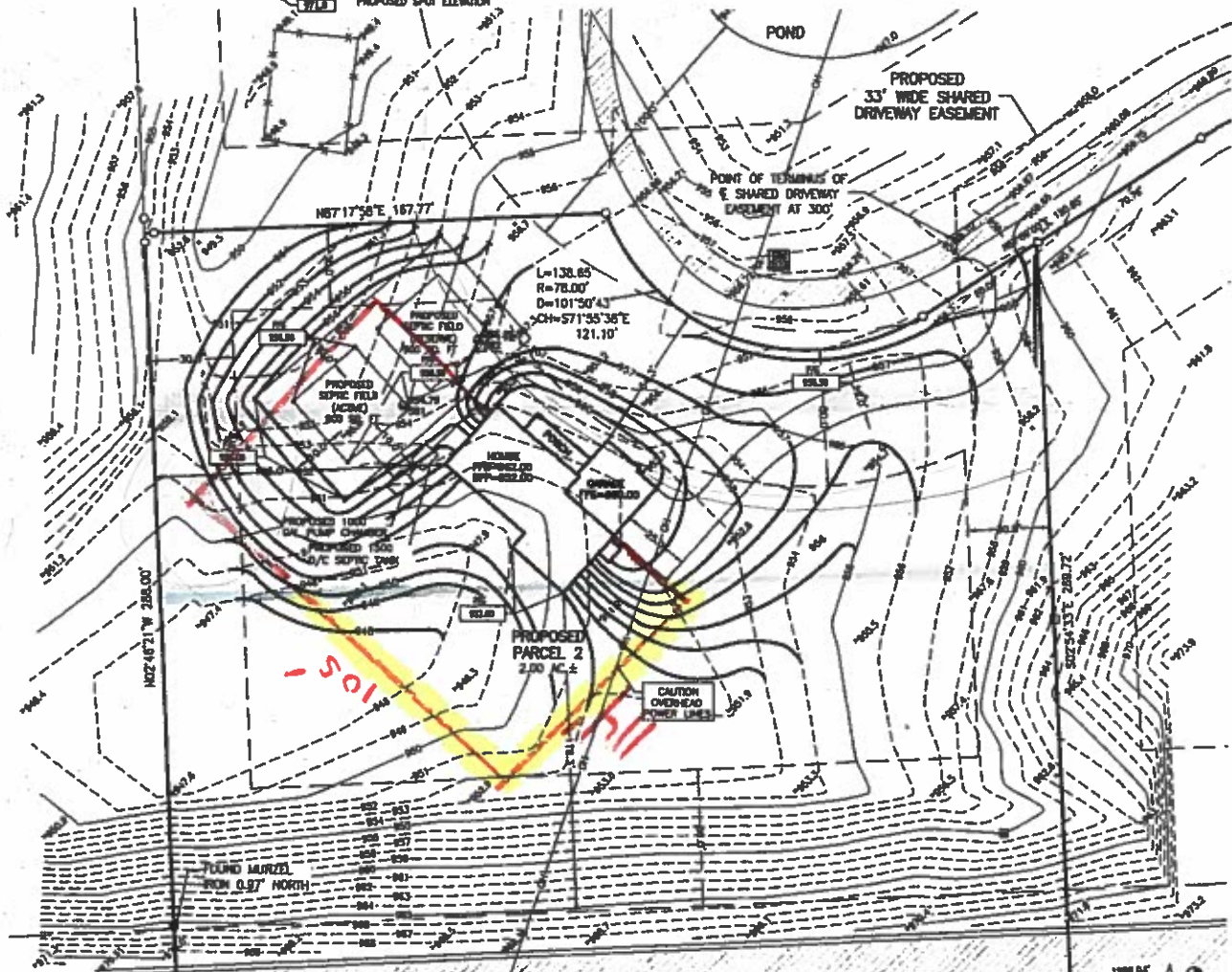
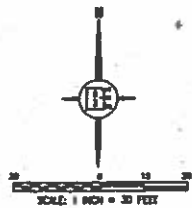
GENOA TOWNSHIP



PLOT PLAN

LEGEND

- - - PROPOSED CONTOUR
- - - EXISTING CONTOUR
- EXISTING SPOT ELEVATION
- POWER POLE
- SOIL BORING
- IRON SET
- SECTION CORNER
- OVERHEAD WIRES
- FENCE
- PROPOSED SPOT ELEVATION



HOUSE DETAIL - SCALE: 1" = 20'

CURRENT ZONING: LDR (LOW DENSITY RESIDENTIAL)
MINIMUM SETBACK REQUIREMENTS:
 FRONT = 50 FEET
 SIDES = 30 FEET
 REAR = 50 FEET
 MINIMUM FEATURES SETBACK: 25 FEET FROM ALL WEDS REGULATED WETLANDS, PONDS AND STREAMS.
 SHORING ON CROWNED HIGH WATER MARK FOR SITES LACKING PUBLIC SANDARY CENTER = 100 FEET.
 MINIMUM LOT WIDTH = 120 FEET
 MINIMUM LOT AREA = 1 ACRE

GENERAL SURVEY NOTES:

- BOUNDARIES ARE BASED ON SECTION CORNER PLANE COORDINATE SYSTEM (SOUTH ZONE). RECORD BOUNDARIES ARE FROM PREVIOUS SURVEYS BY BOSS ENGINEERING, JOB NO. 87421-4 AND 87421-5, BOTH DATED 12-18-87.
- SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY BUT EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
- EXISTENCES OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
- ELEVATIONS WERE CORRELATED WITH CFS LEVINGHI 0445-85 BULLYBUSH, DATED 04-04-18. (UNDESIGN DRL#8)

SEE REVISIONS (UNDESIGN DRL#8):
 -M (502) = BOSS PNL/DIG SET 1/2 OF P.P. 1/4 N/4'S OF ASPHALT DRIVE NORTH OF PARCEL 2. ELEV. = 958.42

PROPERTY DESCRIPTION:

PARCEL 2:
 Part of the West 1/2 of the Southwest 1/4 of Section 25, T2N-R5E, Range Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 corner of Section 25; thence along the centerline of Brighton Road (50 feet wide Right of Way) and the South line of Section 25, S 87°14'42" W (measured on S 87°18'20" W), 1996.04 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the centerline of Brighton Road and the South line of Section 25, S 87°14'42" W (measured on W 80°17'25" W), 356.30 feet; thence N 82°40'21" W (measured on W 22°38'20" E), 258.00 feet; thence S 87°17'07" E, 117.37 feet; thence (curved) along an arc left, having a length of 128.85 feet, a radius of 78.00 feet, a central angle of 101°20'43", and a long chord which bears S 71°25'38" E, 121.10 feet; thence N 37°08'07" E, 46.30 feet; thence S 02°54'33" E, 258.32 feet, to the POINT OF BEGINNING, containing 2.00 acres, more or less, and subject to the rights of the public over the existing Brighton Road. Also including the use of existing Brighton Drive Trail (50 feet wide Private Road Easement). Also including the use of a 33 foot wide shared driveway easement, as depicted below. Also subject to any other easements or restrictions of record.

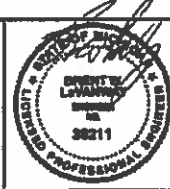
SW COR. SEC. 28 T2N-R5E (1-11)
 331.54'
 587°16'42"W (M) N89°18'25"W (R) 2851.88'
 BRIGHTON ROAD (66' WIDE R/W) AND SOUTH LINE SECTION 26
 324.30'
 S 1/4 COR. SEC. 28 T2N-R5E (1-11)

BOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI 48843
 800.246.6735 FAX 517.548.1070

PARCEL 2
KOSS
 4920 BRIGHTON OAKS TRAIL
 BRIGHTON, MI 48118
 (248) 708-6802

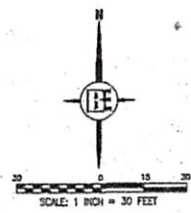
PROJECT	TITLE	DATE
PREPARED FOR		
DESIGNED BY:		
DRAWN BY:		
CHECKED BY:		
SCALE		
JOB NO.		
DATE		
SHEET NO.		

THE LOCATION AND ELEVATION OF CONTROL POINTS SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY. NO WARRANTY IS MADE BY THE ENGINEER AS TO THE ACCURACY OF THESE POINTS. THE ENGINEER SHALL BE RESPONSIBLE FOR THE LOCATION AND ELEVATION OF ALL CONTROL POINTS SHOWN ON THIS PLAN. NO WARRANTY IS MADE BY THE ENGINEER AS TO THE LOCATION OR ELEVATION OF ANY CONTROL POINTS SHOWN ON THIS PLAN.

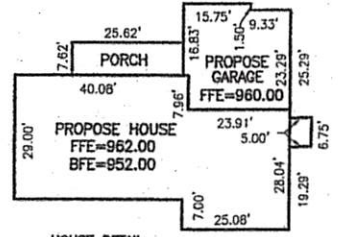
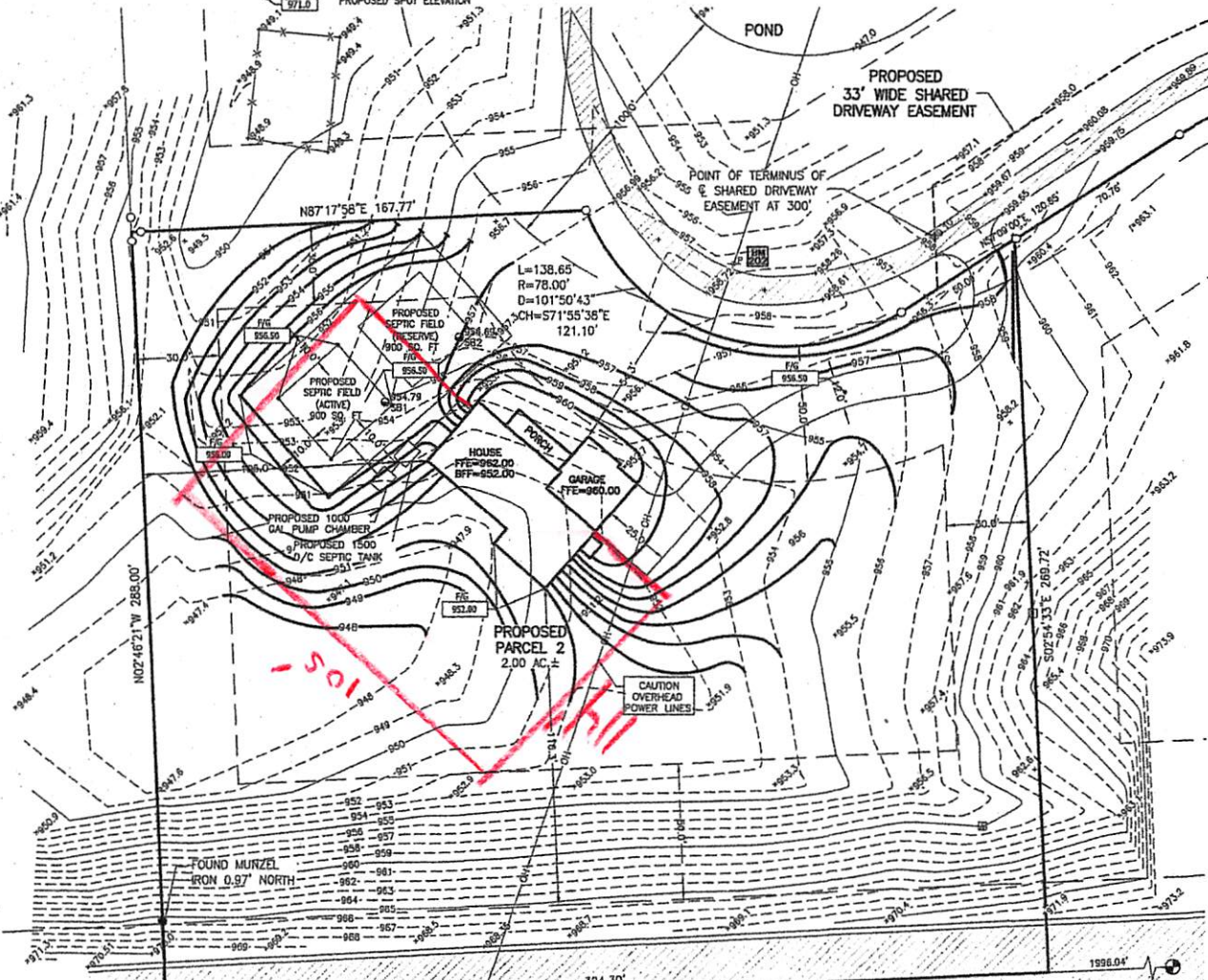


DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE 1" = 30'
 JOB NO. 17-483
 DATE 04-06-18
 SHEET NO. 1 OF 1

PLOT PLAN



- LEGEND**
- 900 PROPOSED CONTOUR
 - - - 900 EXISTING CONTOUR
 - EXISTING SPOT ELEVATION
 - POWER POLE
 - SOIL BORING
 - IRON SET
 - SECTION CORNER
 - OH OVERHEAD WIRES
 - FENCE
 - X PROPOSED SPOT ELEVATION



HOUSE DETAIL:
SCALE: 1" = 20'

CURRENT ZONING: LDR (LOW DENSITY RESIDENTIAL)
MINIMUM SETBACK REQUIREMENTS:
 FRONT = 50 FEET
 SIDES = 30 FEET
 REAR = 60 FEET
 NATURAL FEATURES SETBACK: 25 FEET FROM ALL ADJACENT REGULATED WETLANDS, PONDS AND STREAMS.
 SHORELINE OR ORDINARY HIGH WATER MARK FOR SITES LACKING PUBLIC SANITARY SEWER = 100 FEET.
 MINIMUM LOT WIDTH = 150 FEET
 MINIMUM LOT AREA = 1 ACRE

- GENERAL SURVEY NOTES:**
- BEARINGS ARE TAKEN ON MICHIGAN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE). RECORD BEARINGS ARE FROM PREVIOUS SURVEYS BY BOSS ENGINEERING, JOB NO. 87421-A AND 87421-B, BOTH DATED 12-15-87.
 - 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.
 - EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
 - ELEVATIONS WERE ESTABLISHED WITH GPS USING GRS83 SOLUTION, DATED 04-04-18. (NAD83 DATUM)

SITE BENCHMARKS (NAVD83 DATUM):
 - BM #202 = BOSS NAIL/DR SET S/S OF P.O.P. N/5 OF ASPHALT DRIVE NORTH OF PARCEL 2. ELEV. = 958.42

PROPERTY DESCRIPTION:

PARCEL 2:
 Part of the West 1/2 of the Southwest 1/4 of Section 26, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 corner of Section 26; thence along the centerline of Brighton Road (66 foot wide Right of Way) and the South line of Section 26, S 87°16'42" W (recorded as N 87°15'25" W), 1998.04 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the centerline of Brighton Road and the South line of Section 26, S 87°16'42" W (recorded as W 87°16'25" W), 324.30 feet; thence N 02°46'21" W (recorded as N 22°35'32" E), 285.00 feet; thence N 87°17'59" E, 167.77 feet; thence Eastward along an arc left, having a length of 138.65 feet, a radius of 78.00 feet, a central angle of 101°50'43", and a long chord which bears S 71°55'38" E, 121.10 feet; thence N 57°02'00" E, 49.35 feet; thence S 02°54'33" E, 268.72 feet, to the POINT OF BEGINNING, containing 2.00 acres, more or less, and subject to the rights of the public over the existing Brighton Road. Also including the use of existing Brighton Oaks Trail (66 foot wide Private Road Easement). Also including the use of a 33 foot wide shared driveway easement, as described below. Also subject to any other easements or restrictions of record.

331.54' SW COR. SEC. 26 T2N-R5E (I-11)
 324.30' S 1/4 COR. SEC. 26 T2N-R5E (J-11)
 SB7°16'42"W (M) NB9°18'25"W (R) 2651.88'
 BRIGHTON ROAD (66' WIDE R/W) AND SOUTH LINE SECTION 26

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

PROJECT	PARCEL 2	TITLE	DATE
	PREPARED FOR		
DESIGNED BY:	DRAWN BY:	CHECKED BY:	NO. REV.
			REVISION PER
SCALE	1" = 30'	JOB NO.	17-483
DATE	04-06-18	SHEET NO.	1 OF 1

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND DEPTH OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE DESIGNER IF ANY UTILITIES ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLAN.

A WARNING SIGN BEFORE YOU DIG CALL MISS DIG 1-800-4-A-DIG (4347)





Merchants Metals®

the first name in fence solutions

Ed Koss

~~opt1 - Galveston Textured
Natural Clay~~

~~opt2 - Chesterfield
White~~

105'

34'

10'00"

114'

4' gate

walk
box

HOUSE

6'

10'40"

35'

30'

866.888.5611

www.merchantsmetals.com



Google

Image capture: Jul 2017 © 2019 Google United States Term





640 x 480 Images may be subject to copyright. [Learn More](#)

4184 Bauer Rd, Brighton, MI 48116 - realtor.com®
Realtor.com

[Visit](#) [Share](#)

Related images:









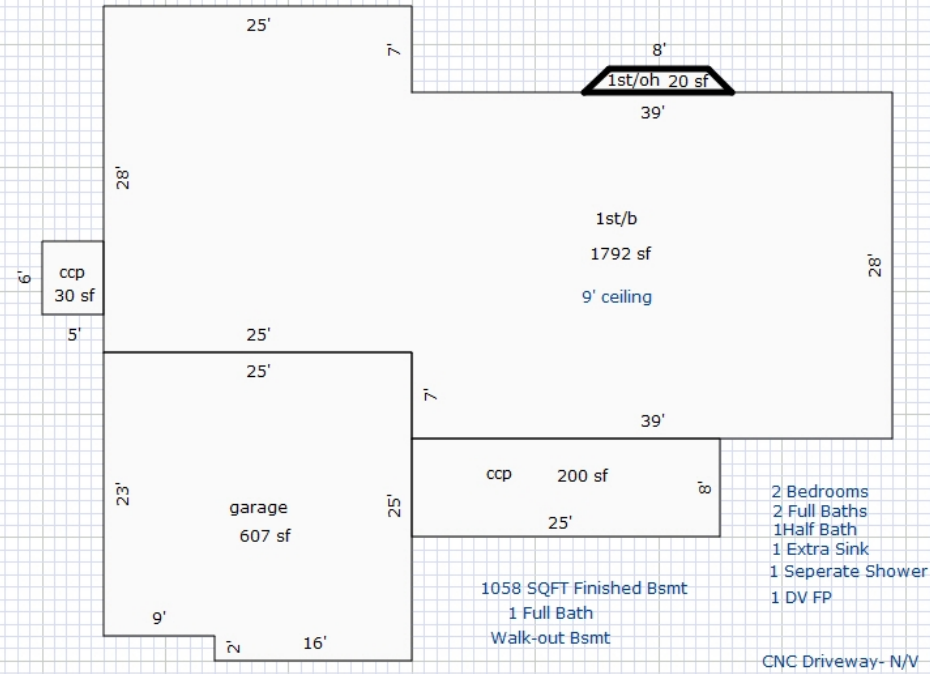
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status			
4930 BRIGHTON OAKS TRL		School: BRIGHTON			Basement Finish	08/13/2018	PW18-122				
Owner's Name/Address		P.R.E. 0%			HOME	05/01/2018	P18-059	NO START			
KOSS EDWARD & LINDSAY 4920 BRIGHTON OAKS TRL BRIGHTON MI 48116		MAP #: V19-19		2020 Est TCV Tentative							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4501.BRIGHTON M & B						
SEC 26 T2N R5EC COMM AT S1/4 COR TH S87*16'42"W 1996.04 FT TO POB TH S87*16'42"W 324.30 FT TH N02*46'21"W 288 FT TH N87*17'58"E 167.77 FT TH E'LY ALONG ARC LEFT CHORD BEARING S71*55'38"E 121.10 FT TH N57*09'00"E 49.35 FT TH S02*54'33"E 269.72 FT TO POB CONT 2 AC M/L PARCEL 2 SPLIT/COMBINED ON 02/22/2018 FROM 4711-26-300-042;		Public Improvements		* Factors *					Value		
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		TABLE A			2.000	Acres	30,000	100	60,000
		Paved Road		2.00 Total Acres Total Est. Land Value = 60,000							
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
Comments/Influences		Topography of Site		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
Split/Comb. on 02/22/2018 completed 02/22/2018 Duffy ; Parent Parcel(s): 4711-26-300-042; Child Parcel(s): 4711-26-300-050, 4711-26-300-051, 4711-26-300-052;		Level		2020	Tentative	Tentative	Tentative			Tentative	
		Rolling		2019	30,000	189,200	219,200			198,830C	
		Low		2018	27,500	0	27,500			9,405C	
		High		2017	0	0	0			0	
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who	When	What							
		JB	09/27/2018	INSPECTED							



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks			(17) Garage																													
X Single Family Mobile Home Town Home Duplex A-Frame	X Eavestrough X Insulation		X Gas Wood	Oil Coal	Elec. Steam	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 1 Direct-Vented Gas	Area 200 30	Type CCP (1 Story) CCP (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: 607 % Good: 0 Storage Area: 0 No Conc. Floor: 0	200 30	CCP (1 Story) CCP (1 Story)	E.C.F. X 0.930	Bsmnt Garage: Carport Area: Roof:																													
	(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			Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344																									
X Wood Frame	X Drywall Paneled	Plaster Wood T&G	Trim & Decoration Ex X Ord Min			Central Air Wood Furnace		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																													
Building Style: BC		Trim & Decoration Ex X Ord Min		X Forced Heat & Cool Heat Pump No Heating/Cooling			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Yr Built 2018	Remodeled 0	Size of Closets Lg X Ord Small		X Forced Heat & Cool Heat Pump No Heating/Cooling			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Condition: Good		Doors: Solid X H.C.		X Forced Heat & Cool Heat Pump No Heating/Cooling			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Room List		(5) Floors		Central Air Wood Furnace			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Basement 1st Floor 2nd Floor 2 Bedrooms		Kitchen: Other: Other:		(12) Electric 0 Amps Service			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures Ex. X Ord. Min			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Wood/Shingle Aluminum/Vinyl Brick X Vinyl X Insulation		Basement: 1792 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing Average Fixture(s) 3 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
(2) Windows		(8) Basement		(14) Water/Sewer			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Many X Avg. Few		Large X Avg. Small		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
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		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
(3) Roof		(9) Basement Finish		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
X Gable Hip Flat		Gambrel Mansard Shed		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
X Asphalt Shingle		Recreation SF Living SF 1 Walkout Doors No Floor SF		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
Chimney:		1058		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:			Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:																												
<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>1 Story</td> <td>Siding/Brick</td> <td>Basement</td> <td>1,792</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding</td> <td>Overhang</td> <td>20</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>290,441</td> <td>290,441</td> </tr> </tbody> </table>														Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding/Brick	Basement	1,792			1 Story	Siding	Overhang	20			Total:				290,441	290,441	Totals:		406,822		406,822	
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																						
1 Story	Siding/Brick	Basement	1,792																																								
1 Story	Siding	Overhang	20																																								
Total:				290,441	290,441																																						
<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>																																											

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



Sketch by Apex Eketech

*** 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

Board Member McCreary questioned the fence that is in the front yard. Ms. Meffert stated she will remove the posts for the fence if the split is approved and any fence would comply with the Township's ordinance.

The call to the public was made at 7:18 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #19-28 for 6373 Challis Road for Rudolph and Doreen Meffert for a variance to split an existing 2.06 acre parcel into two parcels. The parent Parcel A would consist of 1.31 acres and Parcel B would be .75 acres; thereby creating a non-conforming parcel, based on the following findings of fact:

- Both parcels have frontage on three roads - Challis, Catalpa, and Grand Circle Drive, which is currently zoned LDR (Low Density Residential).
- The exceptional or extraordinary circumstances of the property is the unusual shape and that it contains three road rights of way front yard easements. The road right of way easement square footage cannot be used with the calculations for the lot area. The variance would make the property consistent with other properties to the northeast of the parcel; however the remaining parcel is larger than one acre, which is consistent with the LDR Zoning. The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned upon the following:

1. The seven foot fence that runs along Challis Road is non-conforming and is allowed to be repaired based on the ordinance; however, the existing fence that runs from north to south must be brought into compliance.

The motion carried unanimously.

5. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.

Mr. Conely was present. He stated that he recently performed maintenance and upgrades to his sign and was notified that the existing sign does not meet the

setback requirement on one side. The existing sign has been there for approximately 10 years. He was required to put in a water main and a fire hydrant in order to build a storage building on his site so he had to grant the Township a 10-foot easement for the main. This makes him unable to move the sign to meet the setback requirement. He is requesting a 4.48 foot variance.

He will move the sign so that it meets the ROW requirement, but it cannot be moved to meet the side setback. Additionally he cannot move the sign to the west because that is the neighbor's property. He has an ingress/egress easement for his driveway.

The call to the public was made at 7:36 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case # 19-29 for 7208 W. Grand River, Brighton for John Conely for a sign setback variance in the general commercial district of 4.48 feet for a proposed side yard setback of 5.52 feet from the required 10 foot in relationship to the southern dimension of the sign that runs parallel with the property on the north/south boundary of the property closest to the business and the road setback for the sign will be brought into compliance of 10 feet for the front yard setback from Grand River, based on the following findings of fact.

- The current lot line and placement of the sign as well as the water main dictates that this is the only location that will allow the sign to be placed, complying with the least restrictive variance.
- The extraordinary conditions are the location of the water main easement and the ROW for the road setback.
- The need for the variance is not self-created and it is determined that based on any ROW's and easements there is no other location for the sign.
- 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 danger of fire or public safety of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. The applicant will demonstrate that the site is in conformance with Genoa Township Ordinances and the Site Plan and Special Use previously 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 sign shall be only 25%, as agreed by the applicant, and can only occupy one third (1/3) of the sign.

After hearing the conditions of the approval, Mr. Connelly requested this item be tabled this evening.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to withdraw the previously-made motion. **The motion carried unanimously.**

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Item #19-29, for 7208 Grand River, at the applicant's request until the next scheduled Zoning Board of Appeals meeting. **The motion carried unanimously.**

6. 19-30...A request by Quick, 3940 Highcrest, for two side and front yard setback variances, a height variance, a variance to allow retaining walls and a detached accessory structure to remain in the waterfront yard to demolish an existing home and construct a new single family home.

Mr. Jim Quick and Mr. Roger Meyer, counsel for Mr. Quick, were present. Also present was Mark McBride, the architect. Mr. Meyer provided a review of the four variances they are requesting this evening. He showed a proposed site plan.

He stated that seven letters of support from neighbors have been received and submitted to the Township.

There are four important factors that are the hardships for these variances:

1. The lot is non-conforming; The lot is 48.44 feet wide and the ordinance requires an 80 foot width, so there is a 39% shortfall in the width requirements. The depth is 175.60 feet, and the requirement is 320 feet, so there is a 45% deficiency in the requirement.
2. There is the existence of non-conformities and encroachments that exist on the adjacent properties. There is a shed on the property to the south that encroaches onto Mr. Quick's property. The existing deck to the north is non-conforming and sits a few inches from Mr. Quick's property line. Also, on the property to the north, in the corner, the deck sits a few feet from the existing property line.



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.

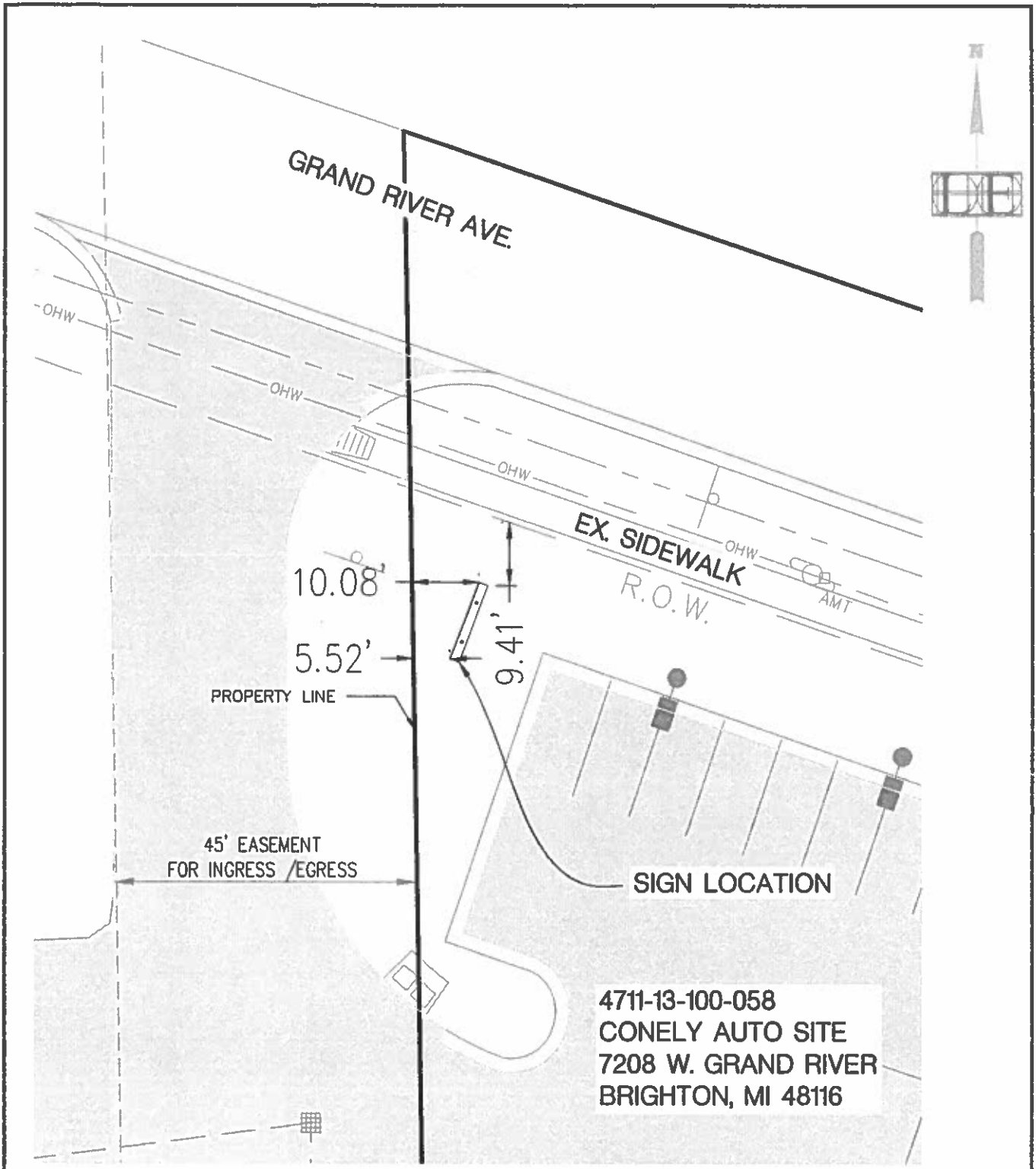
Recommended Conditions

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





LIVINGSTON ENGINEERING

CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114

INTERNET: WWW.LIVINGSTONENG.COM

PHONE: (810) 225-7100

FAX: (810) 225-7899

CLIENT: CONELY



DATE 5-03-2019

DESCRIPTION: SIGN LOCATION

REV.

SCALE 1"=20'

JOB No. 04215

CREW

SHEET No. 1 of 1

DRAWN RAH

CHECK

FILE: C:\Users\User\Dropbox (Living)\Projects\2004\04215-Conley.GenoaTwp\dwg\Sign

Exhibit\04215_1_Sign Location.dwg







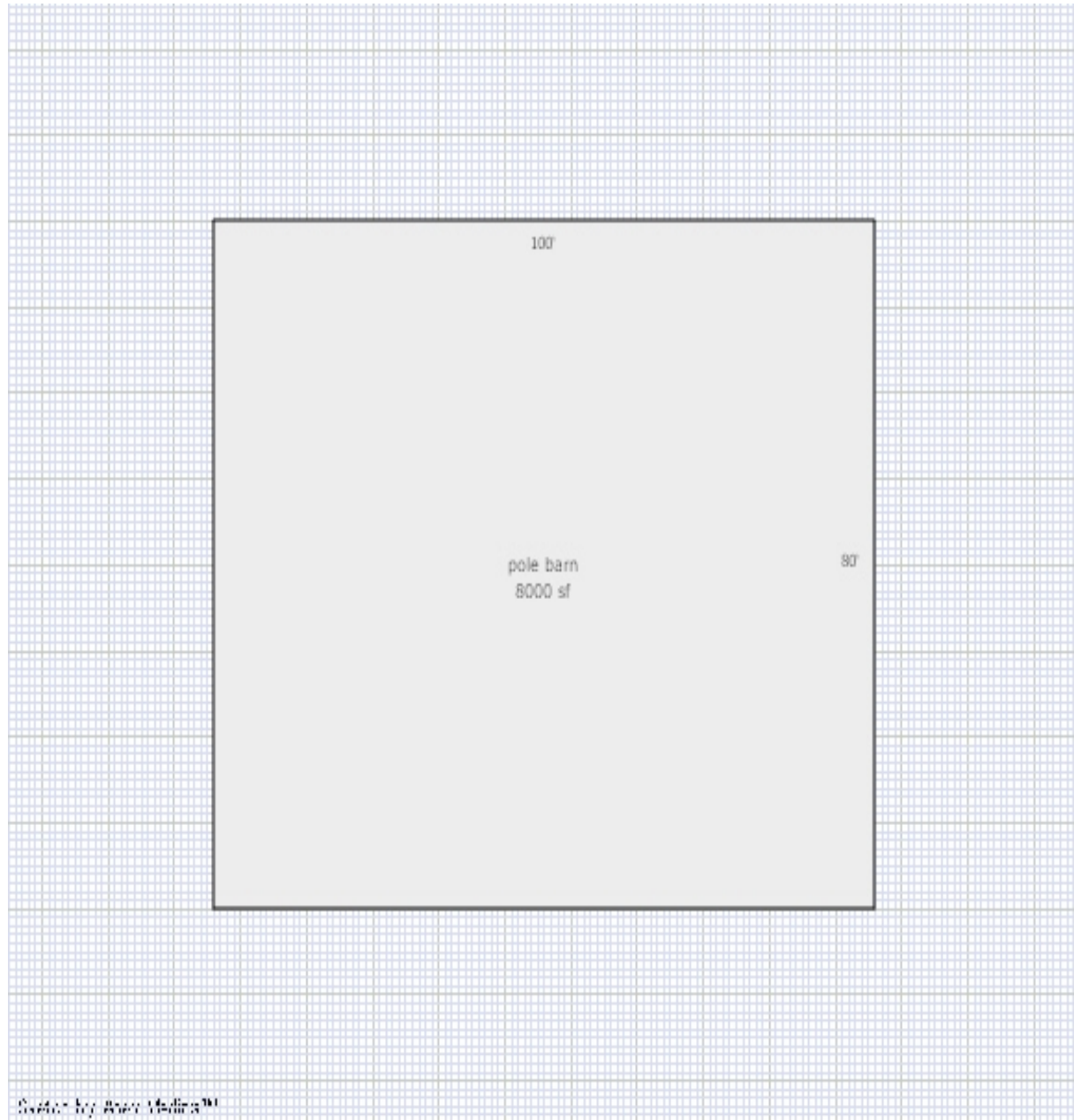


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
Property Address		Class: 201 COMMERCIAL- IM		Zoning: GCD	Building Permit(s)	Date	Number	Status				
7208 W GRAND RIVER		School: HOWELL			COMM MISCEL	04/04/2018	W18-038	NO START				
		P.R.E. 0%			WATER 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 *					Value			
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												

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

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			
(6) Ceiling:		Hand Fired Boiler					

*** 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 Overall Bldg Height				(10) Heating system: Space Heaters, Radiant Cost/SqFt: 4.89 100% Adjusted Square Foot Cost for Upper Floors = 71.26			
Comments:				Total Floor Area: 7,440 Base Cost New of Upper Floors = 530,175 Reproduction/Replacement Cost = 530,175 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:				Many Above Ave. Average Typical Few None			
(4) Floor Structure:				Total Fixtures 3-Piece Baths Urinals 2-Piece Baths Wash Bowls Shower Stalls Water Heaters Toilets Wash Fountains Water Softeners			
(5) Floor Cover:				Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct			
(6) Ceiling:				Incandescent Fluorescent Mercury Sodium Vapor Transformer			
				(40) Exterior Wall:			
				Thickness Bsmnt Insul.			
				(13) Roof Structure: Slope=0			
				(14) Roof Cover:			
				(9) Sprinklers:			
				(10) Heating and Cooling:			
				Gas Oil Coal Stoker Hand Fired Boiler			

*** 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 ** ** Quality: Average Heat#1: No Heating or Cooling 100% Heat#2: Space Heaters, Gas with Fan 0% Ave. SqFt/Story: 8000 Ave. Perimeter: 360 Has Elevators:		(10) Heating system: No Heating or Cooling Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 23.48			
Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor		Total Floor Area: 8,000 Base Cost New of Upper Floors = 187,840 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			
Comments: 7216 W GRAND RIVER ADDRESS		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:		ECF (2014 MAIN COMMERCIAL) 0.850 => TCV of Bldg: 3 = 135,714 Replacement Cost/Floor Area= 23.48 Est. TCV/Floor Area= 16.96			
* Sprinkler Info * Area: Type: Average							
(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		Urinals		Few	
		3-Piece Baths		Wash Bowls		Average	
		2-Piece Baths		Water Heaters		Many	
		Shower Stalls		Wash Fountains		Unfinished	
		Toilets		Water Softeners		Typical	
(4) Floor Structure:		(9) Sprinklers:		Flex Conduit		Incandescent	
				Rigid Conduit		Fluorescent	
				Armored Cable		Mercury	
				Non-Metalic		Sodium Vapor	
				Bus Duct		Transformer	
(5) Floor Cover:		(10) Heating and Cooling:		(13) Roof Structure: Slope=0			
		Gas		Coal		Hand Fired	
		Oil		Stoker		Boiler	
(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 # 19-32 Meeting Date: September 17, 2019

PAID Variance Application Fee

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

Applicant/Owner: ALLEN & SHARON MIOTKE Email: MIOTKE@COMCAST.NET
Property Address: 1142 CHEMUNG DR. Phone: 517-548-2581
Present Zoning: RESIDENTIAL Tax Code: 4711-10-201-025

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: _____

WE WOULD LIKE TO ADD ON A COVERED PORCH
OVER THE SIDE ENTRY DOOR AND WALKWAY.

THIS WILL NOT MEET THE 10 FT. SIDE SETBACK.

SEE ATTACHED LETTER FOR MORE DETAILS.

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.

BEING COMPLIANT WITH THE RESTRICTIONS WOULD STOP US FROM BUILDING THIS COVERED PORCH. GRANTING THIS VARIANCE WOULD ALLOW US TO CONSTRUCT THIS PORCH WHICH WOULD ALSO ENHANCE THE LOOK OF THE HOUSE AND PROVIDE SHELTER FROM THE WEATHER.

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

DUE TO THE EXISTING NEIGHBORS HOUSE BEING BUILT TO CLOSE TO THE LOT LINE, WE COULD NOT MEET THE 5 FT. SETBACK. WE HAD TO BUILD OUR HOUSE 8 FT. OVER. WE LOST 3 FT. ON THE OTHER SIDE.

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

THIS WILL NOT IMPAIR ANYTHING

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

NO IMPACT ON 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: 8-13-19 Signature: Shawn Mittle

Date: August 8, 2019

To: Genoa Township Variance Board

**Address: Allen & Sharon Miotke
1142 Chemung Dr.
Howell, MI 48843**

Tax code: 4711-10-201-025

Request for Variance

We would like to add on a covered porch over the existing main side entry door, steps and walkway. The approximate size would be 8ft. wide x 18 ft. long that would be attached to the house. Due to the fact that the existing neighbor house was built to close to the lot line we could not meet the 5 ft. setback restriction on that side as originally planned. We were instructed by the township that we would have to move the location of our new house over an additional 3 ft. This gave us a total of an 8 ft. setback on that side to the lot line and 10 ft. to an adjacent house.

Now that we would like to add-on the covered porch we cannot meet the 10 ft. side setback requirement for the other side. We would like a variance to change it to the 5 ft. set back requirement on this side to allow us to add on this covered porch.

Note: We also own the adjacent property #4711-10-201-026 next to this lot line in question.

Thank You

Allen & Sharon Miotke



MEMORANDUM

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

RE: ZBA 19-32

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

STAFF REPORT

File Number: ZBA#19-32
Site Address: 1142 Chemung Drive
Parcel Number: 4711-10-201-025
Parcel Size: 0.251 Acre
Applicant: Allen and Sharon Miotke, 1142 Chemung Drive, Howell
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a side yard variance to construct a covered porch on an existing home.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1, 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 2015.
- In 2015, a land use permit was issued for a new single family home.
- In 2016, a land use permit was issued for a detached garage.
- The property is serviced by a private well and public sewer.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The proposed project is to construct a covered porch on an existing home. In order to construct the proposed porch as requested, the applicant would be required to obtain a side yard variance. The applicant does own the adjacent lot and should consider combining the two parcels. If the parcels were combined, the variance would not be necessary.

Variance Requests

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

Table 3.04.01 (LRR District):	Required Side Yard Setback:	10'
	Proposed Side Yard Setback:	5'9"
	Proposed Variance Amount:	4'3"

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 side yard setback would prevent the applicant from constructing the proposed covered porch as proposed. Granting this variance would offer substantial justice to the applicant due to other homes in the immediate vicinity have similar non-conforming side yard setbacks 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 property. However, the applicant does own the adjacent lot. If the parcels were combined, the variance would not be required.

- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the north neighbor’s chimney projecting into the side yard setback this requiring a 10 foot south setback. The need for the variance might be self-created due to the applicant owning the adjacent lot.

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

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

Recommended Conditions

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

1. Structure must be guttered with downspouts.

GENOA TOWNSHIP



100' TOTAL WATER FRONTAGE

50' WATER FRONTAGE LOT 23

50' WATER FRONTAGE LOT 22

WATER EDGE (SHORELINE)

WATER EDGE (SHORELINE)

EXISTING CEMENT PAD

TREE

PATIO

2'-6" FENCE

WALKWAY

50' LOT

28' HOUSE

LAKE HOUSE
1344 SQ. FT.

EXISTING FENCE/LOT LINE

EXISTING NEIGHBORS HOUSE

218'-8" (PER SURVEY)

PERMITS

AC

GAS METER
ELECTRIC METER

1'

8'-3"

5'-9"

18' COVERED PORCH

48' HOUSE

FLOWER BED

WALKWAY

218'-0" (PER SURVEY)

LOT 23

LOT 22

ELECTRICAL LINE
NATURAL GAS SUPPLY LINE

SEWER LINE

WELL

DRIVEWAY

3-CAR GARAGE
864 SQ. FT.

88'

3'-6"

POWER POLE

13'-6"

ROAD EDGE

47' ROAD FRONTAGE LOT 23

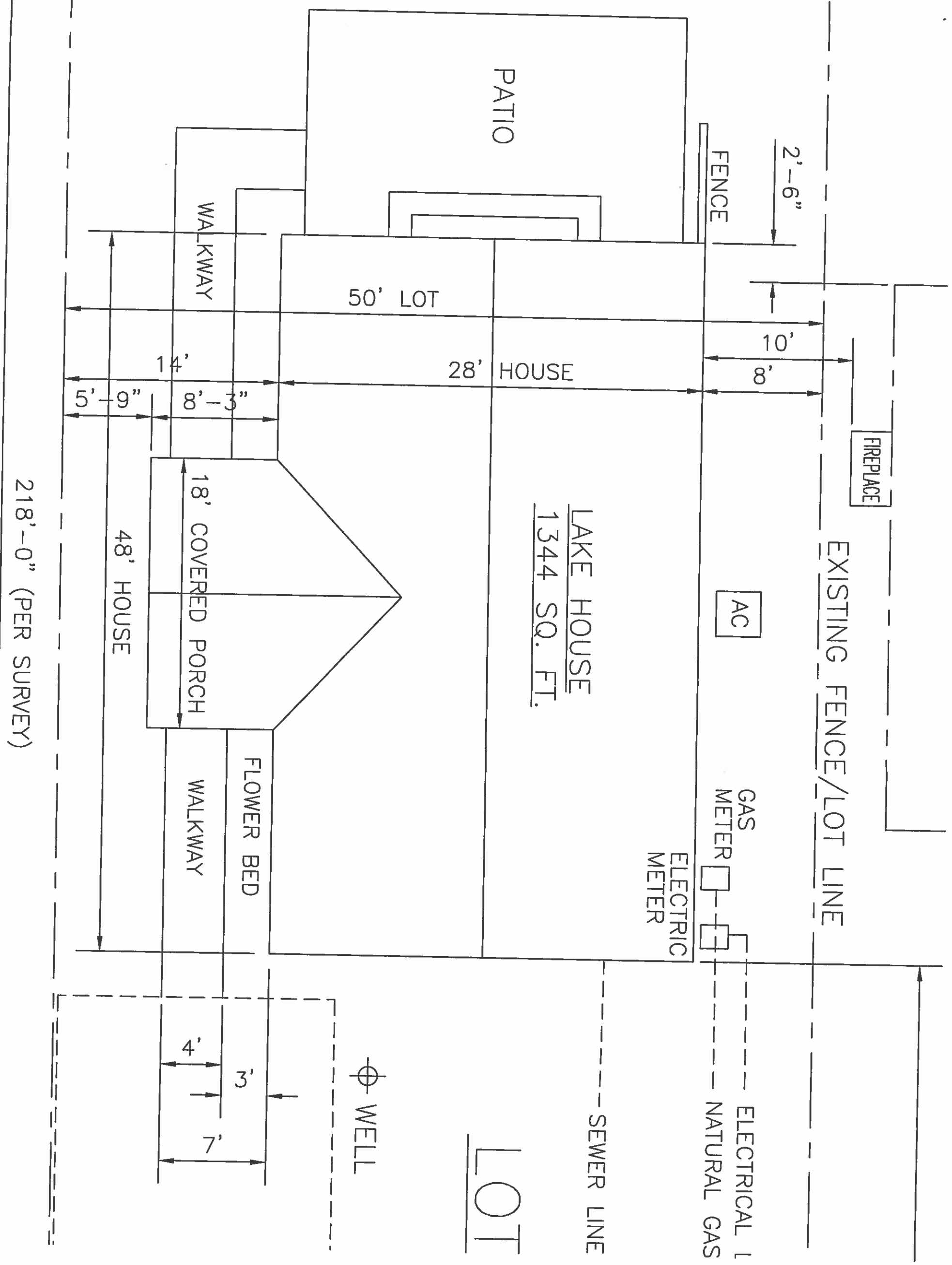
47' ROAD FRONTAGE LOT 22

218'-5" (PER SURVEY)

HOME AT
 1142 CHEMUNG DRIVE
 HOWELL, MI 48843
 LOTS 22
 TAX ID #4711-10-201-025

LOTS 23
 TAX ID #4711-10-201-026

5175482581



PATIO

2'-6"
FENCE

50' LOT

WALKWAY

28' HOUSE

10'
8'

FIREPLACE

EXISTING FENCE/LOT LINE

LAKE HOUSE
1344 SQ. FT.

AC

18' COVERED PORCH
48' HOUSE

GAS
METER

ELECTRIC
METER

FLOWER BED

WALKWAY

SEWER LINE

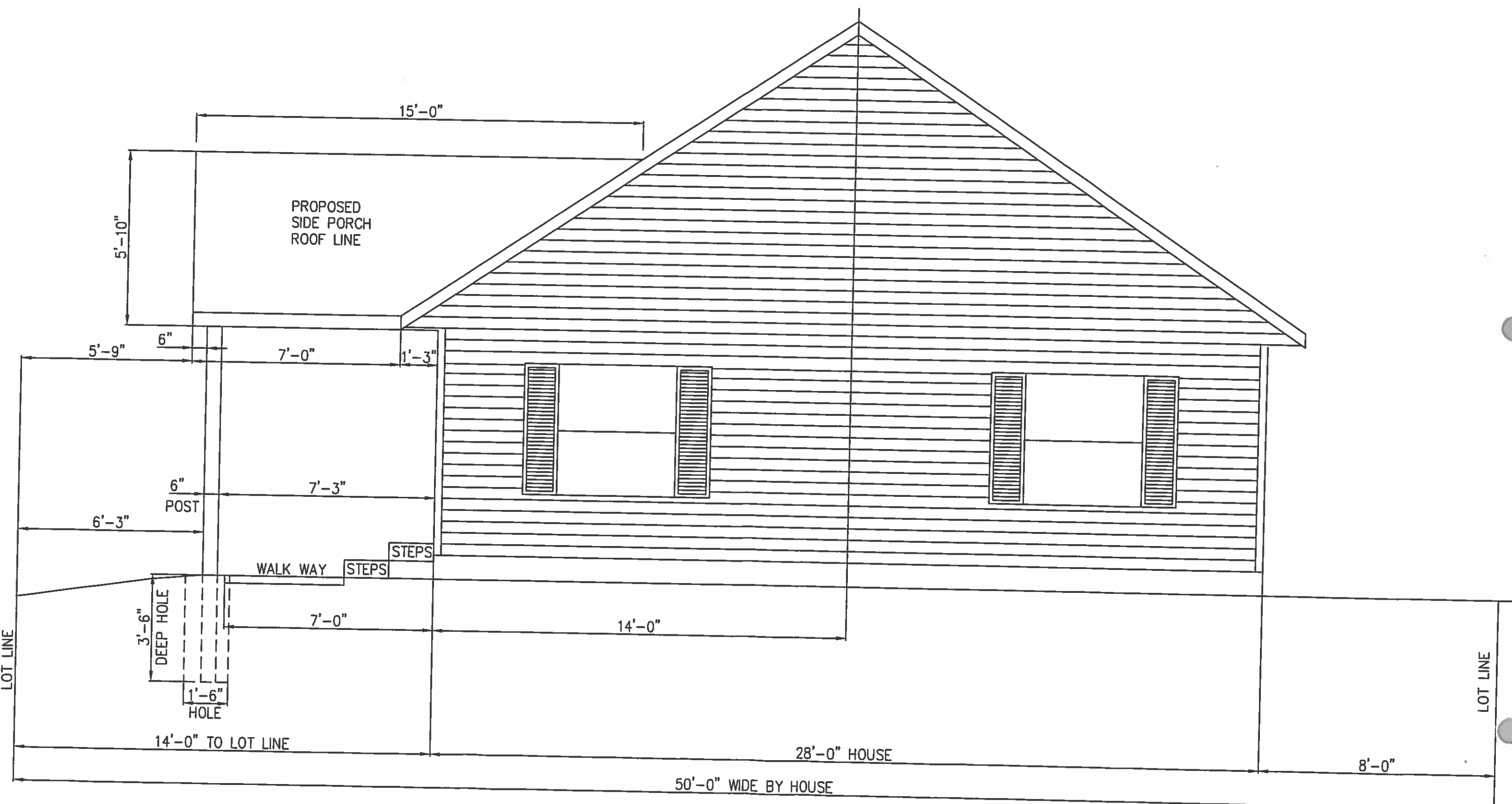
ELECTRICAL 1
NATURAL GAS

⊕ WELL

LOT

4'
3'
7'

218'-0" (PER SURVEY)



PROPOSED
SIDE PORCH
ROOF LINE

15'-0"

5'-10"

5'-9"

6"

7'-0"

1'-3"

6"

POST

7'-3"

6'-3"

WALK WAY

STEPS

STEPS

3'-6"

DEEP HOLE

7'-0"

14'-0"

1'-6"

HOLE

14'-0" TO LOT LINE

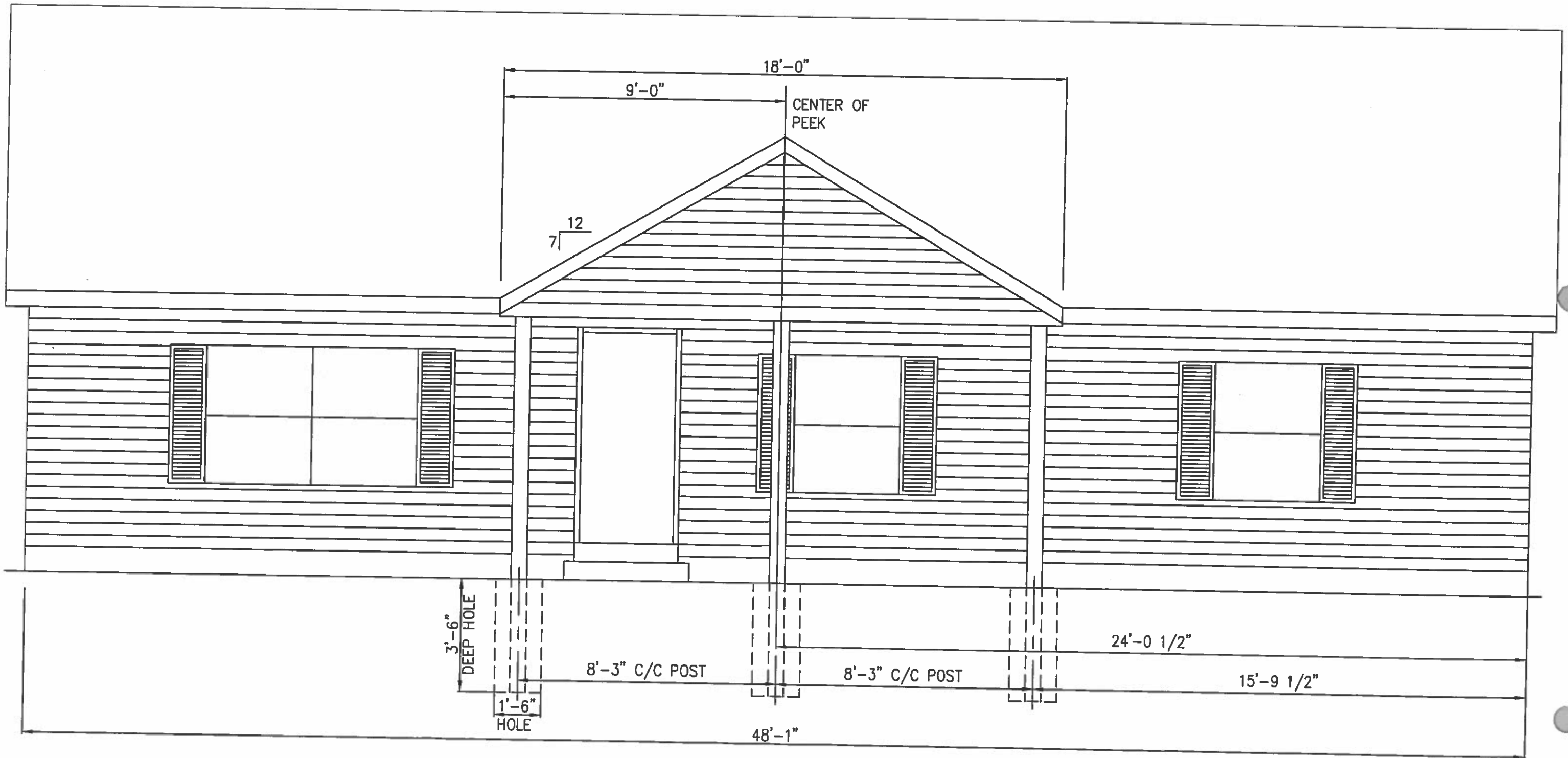
28'-0" HOUSE

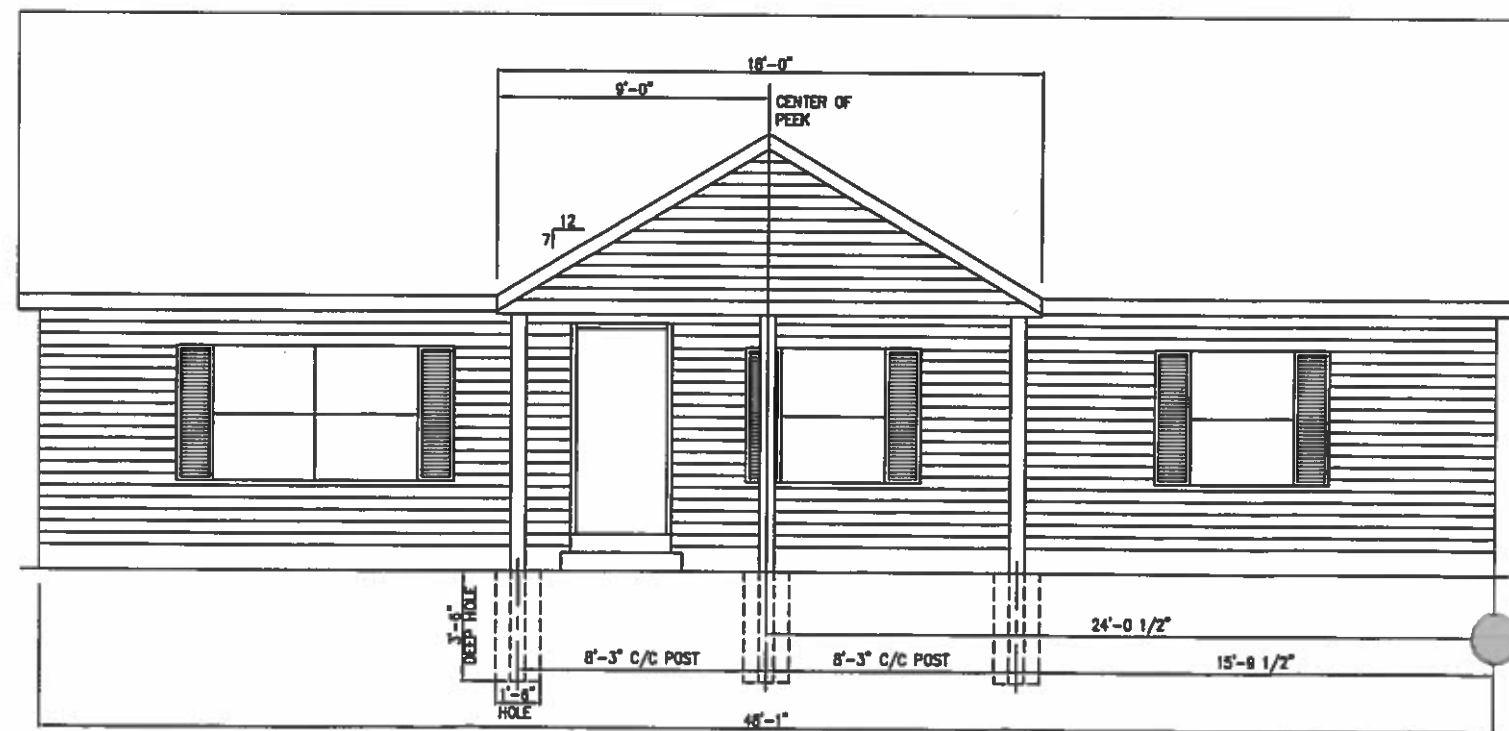
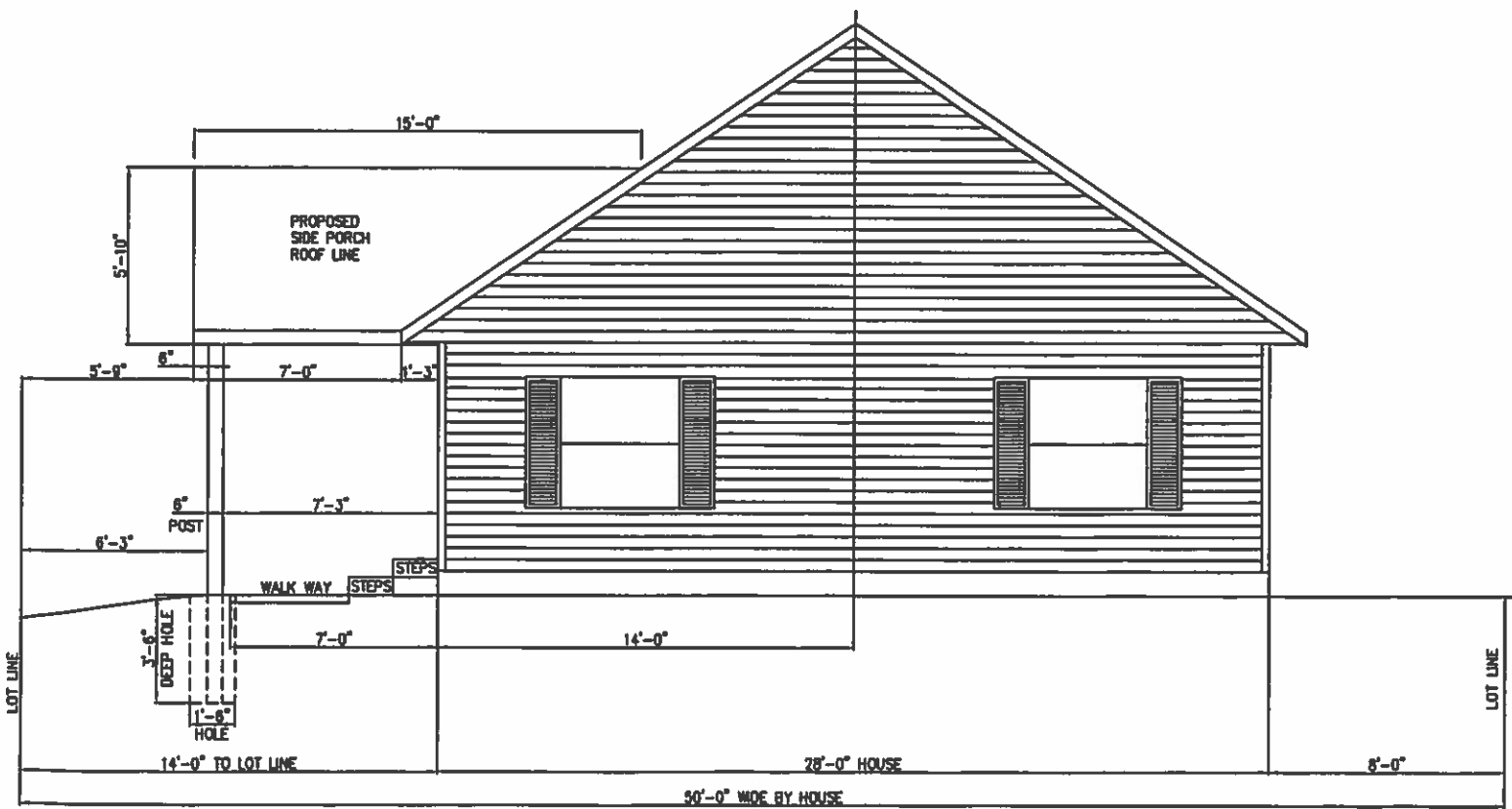
8'-0"

50'-0" WIDE BY HOUSE

LOT LINE

LOT LINE





Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
MIOTKE ALLEN & SHARON	MIOTKE TRUST	0	02/26/2014	TA	INVALID SALE		BUYER	0.0		
BONGIOVANNI, LAWRENCE	MIOTKE ALLEN & SHARON	187,000	02/24/2014	WD	ARMS-LENGTH	2014R-005389	BUYER	100.0		
BONGIOVANNI, LAWRENCE & EU	BONGIOVANNI, LAWRENCE	153,000	04/17/1997	WD	INVALID SALE	2182-0016	BUYER	100.0		
BONGIOVANNI, LAWRENCE & EU		130,000	10/11/1995	WD	INVALID SALE	2050-0076	BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR		Building Permit(s)		Date	Number	Status
1142 CHEMUNG DR		School: HOWELL		GARAGE		11/01/2016		P16-222	NO START	
Owner's Name/Address		P.R.E. 100% 04/03/2019		HOME		03/30/2015		P15-035	NO START	
MIOTKE TRUST 1142 CHEMUNG DR HOWELL MI 48843		MAP #: V17-28		DEMO		05/02/2014		W14-064	NO START	
Tax Description		2020 Est TCV Tentative		Land Value Estimates for Land Table 4300.LAKE CHEMUNG						
SEC. 10 T2N, R5E, MC NAMARA'S SUB LOT 22		X Improved		Vacant		* Factors *				
Comments/Influences		Public Improvements		Description Frontage Depth Front Depth Rate %Adj. Reason Value						
		Dirt Road		B LAKE FRONT 50.00 219.00 1.0000 1.0000 2800 100 140,000						
		Gravel Road		50 Actual Front Feet, 0.25 Total Acres Total Est. Land Value = 140,000						
		Paved Road		Land Improvement Cost Estimates						
		Storm Sewer		Description Rate Size % Good Cash Value						
		Sidewalk		D/W/P: Brick on Sand 14.95 390 50 2,915						
		Water		Wood Frame 23.23 120 50 1,394						
		Sewer		Total Estimated Land Improvements True Cash Value = 4,309						
		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
		JB	08/08/2017	INSPECTED	2019	67,500	150,900	218,400		173,353C
		LM	07/24/2014	INSPECTED	2018	63,500	121,100	184,600		169,291C
		LM	05/13/2014	INSPECTED	2017	54,100	93,100	147,200		147,200S

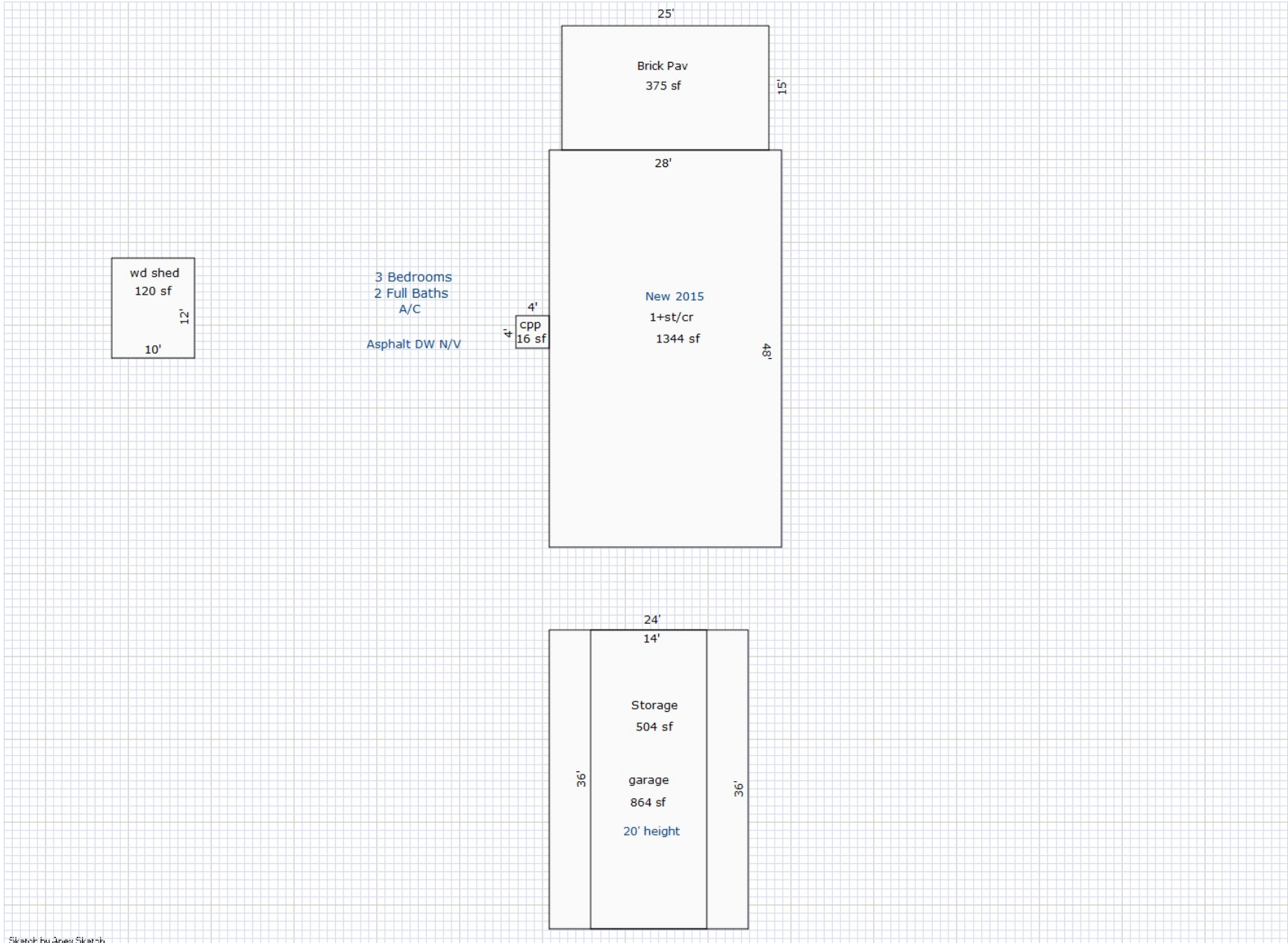


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

*** 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	X Eavestrough X Insulation 0 Front Overhang 0 Other Overhang	X Gas Wood	Oil Coal	Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater 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 16	Type CPP	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: 864 % Good: 98 Storage Area: 504 No Conc. Floor: 0							
										X Wood Frame	X 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	Class: C Effec. Age: 3 Floor Area: 1,344 Total Base New : 206,140 Total Depr Cost: 200,287 Estimated T.C.V: 300,431	E.C.F. X 1.500	Bsmnt Garage: Carport Area: Roof:
Building Style: C		Trim & Decoration		Central Air Wood Furnace		No./Qual. of Fixtures		Cost Est. for Res. Bldg: 1 Single Family C								
Yr Built Remodeled 2015 0		Ex X Ord Min		(12) Electric		Ground Area = 1344 SF Floor Area = 1344 SF.		Phy/Ab.Phy/Func/Econ/Comb. % Good=97/100/100/100/97		Building Areas						
Condition: Good		Size of Closets		0 Amps Service		Phy/Ab.Phy/Func/Econ/Comb. % Good=97/100/100/100/97		Building Areas								
Room List		Lg X Ord Small		X		Stories Exterior Foundation		Size		Cost New		Depr. Cost				
Basement 1st Floor 2nd Floor 3 Bedrooms		Doors: Solid X H.C.		(13) Plumbing		1+ Story Siding Crawl Space		1,344		158,625		153,866				
(1) Exterior		(5) Floors		Average Fixture(s)		Other Additions/Adjustments										
Wood/Shingle Aluminum/Vinyl Brick		Kitchen: Other: Other:		2 3 Fixture Bath		Plumbing										
X Vinyl X Insulation		(6) Ceilings		2 Fixture Bath		3 Fixture Bath		1		3,855		3,739				
(2) Windows		(7) Excavation		Softener, Auto		Garages										
Many Avg. Large X Avg. X Avg. Small Few		Basement: 0 S.F. Crawl: 1344 S.F. Slab: 0 S.F. Height to Joists: 0.0		Softener, Manual		Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)										
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement		Solar Water Heat		Base Cost		864		27,389		26,841				
(3) Roof		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		No Plumbing		Storage Over Garage		504		5,746		5,631				
X Gable Hip Flat		Recreation SF Living SF Walkout Doors No Floor SF		Extra Toilet		Water/Sewer		1		1,240		1,203				
X Asphalt Shingle		(9) Basement Finish		Extra Sink		Public Sewer		1		8,914		8,647				
Chimney:		Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan		Separate Shower		Water Well, 200 Feet										
		(10) Floor Support		Ceramic Tub Alcove Vent Fan		Porches		16		371		360				
		Joists: Unsupported Len: Cntr.Sup:		1 Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic		CPP		Totals:		206,140		200,287				
				Lump Sum Items:		Notes:										
						ECF (4309 LK CHEMUNG LAKEFRONT) 1.500 => TCV:						300,431				

*** 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 # 19-33 Meeting Date: 9-17-19
@6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Michael Dowling Email: mpdowling@sbcglobal.net

Property Address: 7887 State St Phone: 810-220-3507

Present Zoning: SR Tax Code: 4711 - 25 - 403-032

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: Addition to existing residence. Proposing extending garage 16 feet to allow for additional living space added into the existing garage space.

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.

Variance would allow the extension of existing structure towards front property line. No change in height or side yard setback. Side yard setback is larger than the existing east and west neighbors. Most lots in subdivision are of similar size and setbacks.

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

There is no change in the intended use of the property and is consistent with current existing and other residences in neighborhood.

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 variance would not impair any of the above mentioned. Side yard setback consistent with the existing structure. Only extending garage 16 feet towards front property line. Existing residence is set back further than immediate east and west neighbors. Proposed addition front setback would be approximately 9 feet and 6.5 foot less than the neighbors to our east and west.

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

The addition should increase property values by adding square footage and improvements to the exterior of the residence

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

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

Date: 8/21/2019 Signature: Michael Droczy



MEMORANDUM

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

RE: ZBA 19-33

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

STAFF REPORT

File Number: ZBA#19-33
Site Address: 7887 State Street
Parcel Number: 4711-25-403-032
Parcel Size: .20 Acres
Applicant: Michael Dowling, 7887 State Street, Brighton
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

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

Zoning and Existing Use: SR (Suburban Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1, 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 1992.
- In 1992, applicant was granted two side yard variances to construct a new home.
- In 2004, a land use permit was issued for a fence.
- The parcel is serviced by public water 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 construct an addition. In order to complete the proposed project, a side yard and front yard variance would be required. The current home does not meet side yard setbacks for the SR zoning however in 1992 the applicant was granted two side yard setback variances to construct the existing home.

Variance Requests

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

Table 3.04.01 (SR District):

Required Front Yard Setback: 40'	Required Side Yard Setback: 20'	Required Side Yard Setback: 20'
Proposed Front Yard Setback: 24'	Proposed Side Yard Setback: 13'	Proposed Side Yard Setback: 13'
Proposed Variance Amount: 16'	Proposed Variance Amount: 7'	Proposed Variance Amount: 7'

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance requirement would unreasonably prevent the use of the property and would provide substantial justice to the applicant as well as to other property owners in the immediate area. There appear to be homes in the immediate area that do not meet the side and front yard setbacks.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary circumstances of the property is the narrowness of the lot and the location of the existing septic field. The need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The 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

December 8, 92

A call to the public was made with the following response: L. Pravato - I represent Brighton Village. We would welcome any improvement on the property. All of the materials along the front of the property need to be cleaned up. R. Staley - Everything in front of the existing building is in violation of our ordinance. Landscaping was required in front of the building according to the variance that was granted in 1981. Under our present ordinance, the violations must be addressed before this board will act on your request. B. Figurski - The site is appalling. All of the materials near Grand River need to be cleaned up. The petitioner was asked if he would like the request tabled until he has time to review the 1981 submittal and bring his property into compliance. Mr. Begin agreed. Moved by Figurski, supported by Johnson, to table the request by Brighton Stone and Patio. The motion carried unanimously.

4. Case 92-45...A request by Michael Dowling, of Sunset Subdivision, lot #2 on State Street, Brighton, near Dillon St., Section 25, for a variance to the side yard setback for the construction of a single family dwelling.

A call to the public was made with the following response: M. Lueker - I am concerned with the trees being damaged during construction and with the placement of the garage next to my bedroom windows. It was determined that the root system of the trees on the property would be damaged from construction no matter where the home was placed. Moved by Hensick, supported by Johnson, to approve a 7' variance to the east and west side of the property. This action is determined by the narrowness of the lot and that the size of the home is in accordance with the existing neighborhood. The motion carried with Figurski opposed.

Administrative Business:

Moved by Hajdu, supported by Johnson, to approve the Minutes of 11-10-92 as presented. The motion carried.

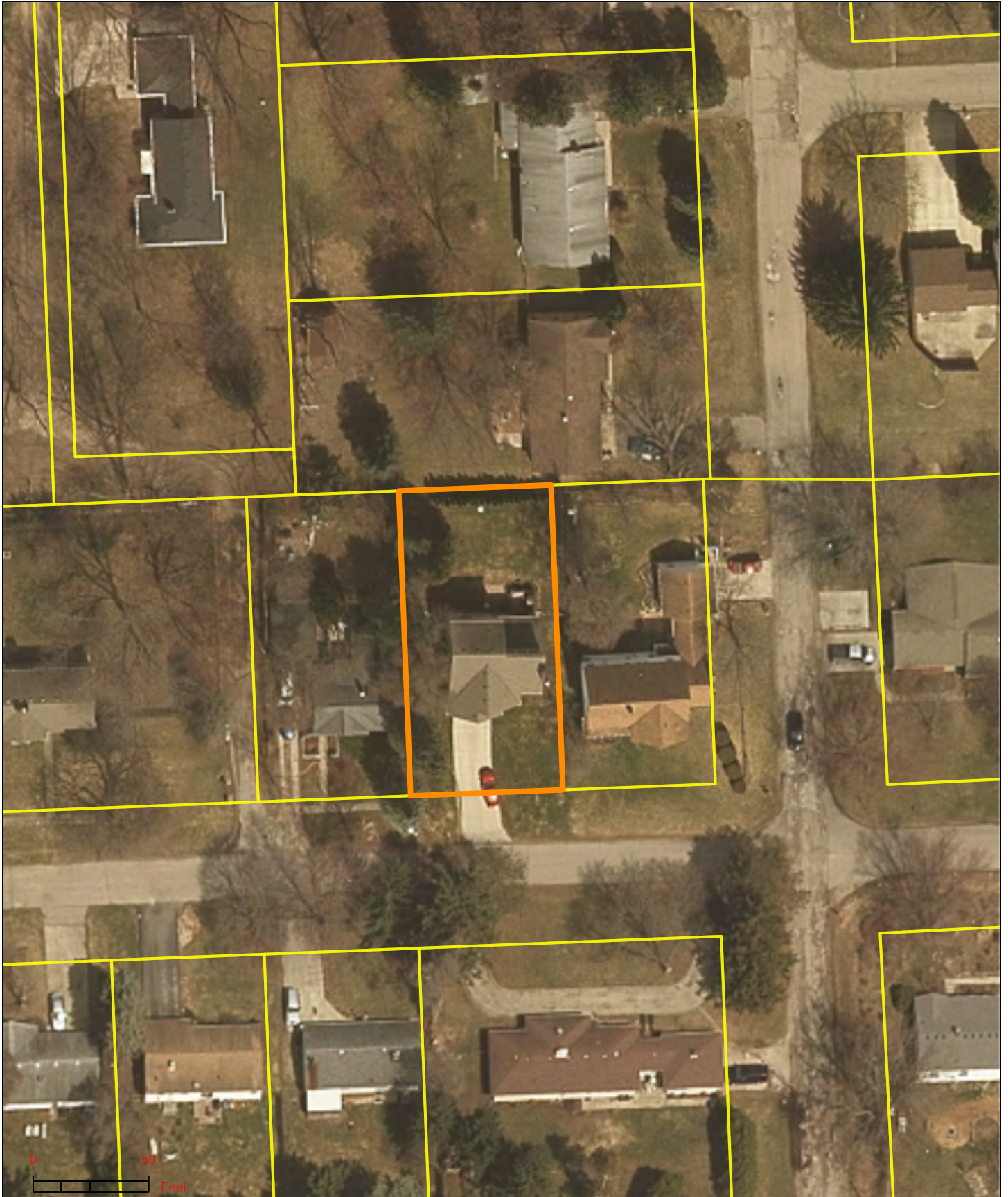
Moved by Johnson, supported by Hajdu, to amend the Minutes of the 11-17-92 as follows: Pg. 1, para 4 - We have no jurisdiction over "Health Department issues." Also, replacing the word "on" with "from" on line 11. The motion carried.

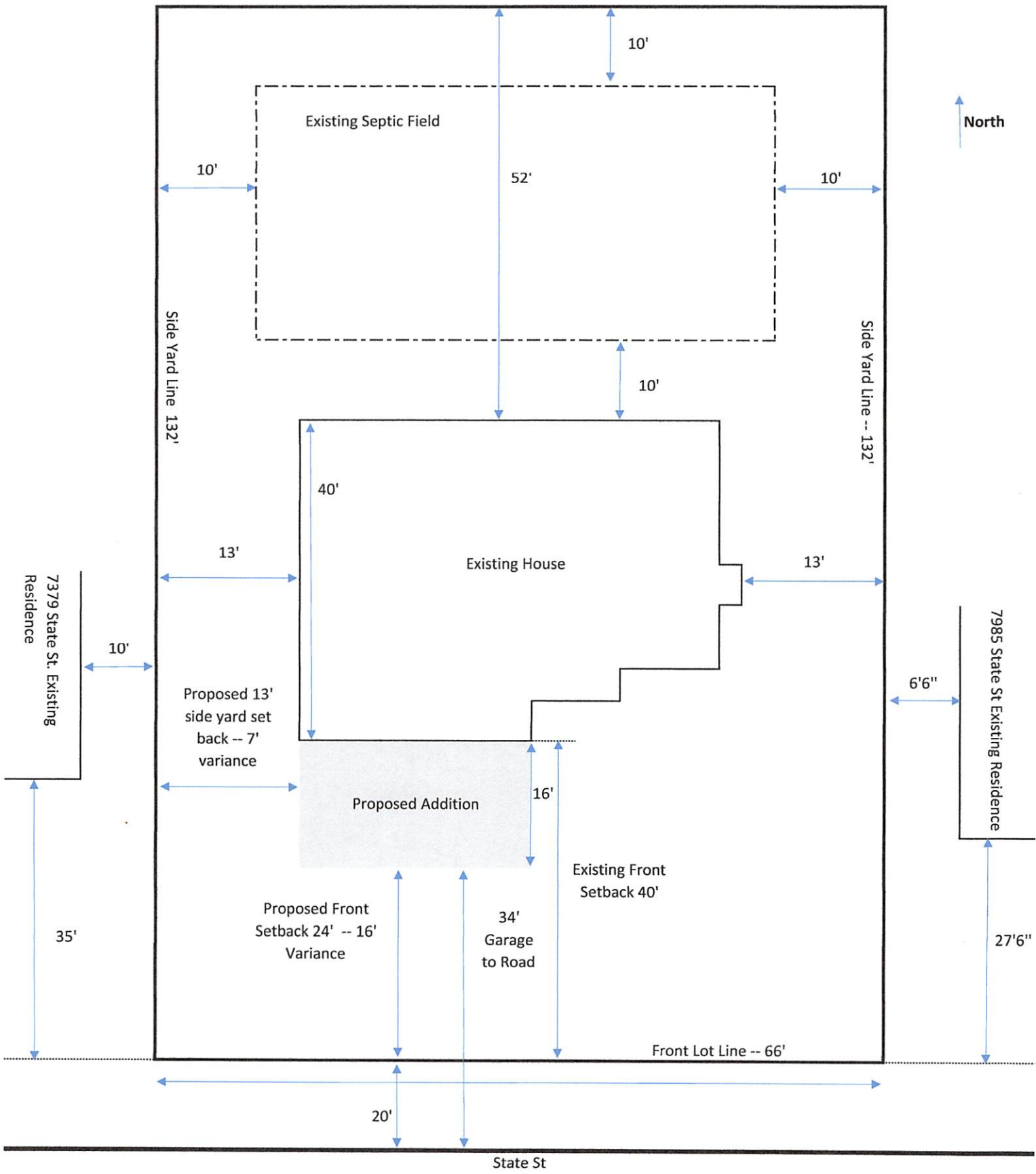
The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Paulette A. Skolarus
Paulette A. Skolarus
Genoa Township Clerk

GENOA TOWNSHIP













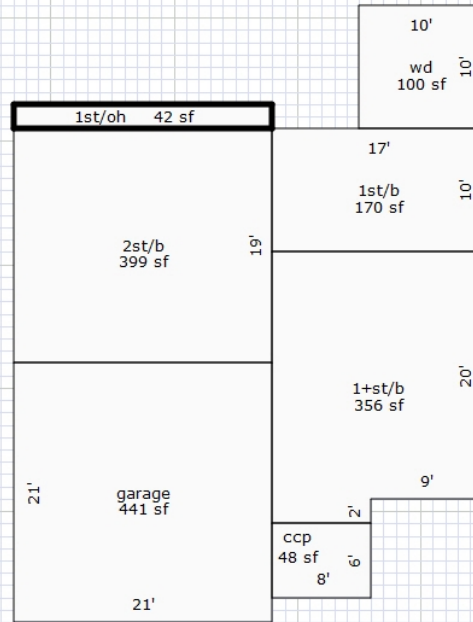


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
		22,000	12/28/1992	WD	VACANT LAND	16520371	BUYER	0.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: SR	Building Permit(s)	Date	Number	Status			
7887 STATE ST		School: BRIGHTON		FENCE		03/30/2004	04-080	NO START			
Owner's Name/Address		P.R.E. 100% / /		MAP #: V19-33		2020 Est TCV Tentative					
DOWLING, MICHAEL & REBECCA 7887 STATE ST BRIGHTON MI 48116		X Improved		Vacant		Land Value Estimates for Land Table 4009.HOLLY DILLON MAG					
Tax Description		Public Improvements		* Factors *					Value		
SEC 25 T2N R5E SUNSET SUB, LOT 32		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
Comments/Influences		Gravel Road		'A' STANDARD FF	50.00	132.00	1.0000	1.0000	650	100	32,500
		Paved Road		'B' EXCESS FF	16.00	132.00	1.0000	1.0000	450	100	7,200
		Storm Sewer		66 Actual Front Feet, 0.20 Total Acres Total Est. Land Value = 39,700							
		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	18,200	72,400	90,600		70,335C	
					2018	18,200	72,800	91,000		68,687C	
					2017	18,300	71,800	90,100		67,275C	

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story 1 Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 48 100	Type CPP Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1.5 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 441 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		(4) Interior Drywall Paneled						Plaster Wood T&G							
Building Style: C		Trim & Decoration		Central Air Wood Furnace												
Yr Built 1993	Remodeled 0	Ex	X	Ord		Min	(12) Electric 0 Amps Service			Class: C Effec. Age: 23 Floor Area: 1,366 Total Base New : 190,150 Total Depr Cost: 146,415 Estimated T.C.V: 152,272			E.C.F. X 1.040		Bsmnt Garage: Carport Area: Roof:	
Condition: Good		Lg	X	Ord		Small	No Heating/Cooling									
Room List		(5) Floors		Kitchen: Other: Other:			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C		Blt 1993	
	Basement 1st Floor 2nd Floor Bedrooms						X Ex.			No. of Elec. Outlets						
(1) Exterior							Many			Phy/Ab.Phy/Func/Econ/Comb. % Good=77/100/100/100/77						
X	Wood/Shingle Aluminum/Vinyl Brick						X Ave.			Building Areas						
	Insulation						Few			Stories Exterior Foundation			Size		Cost New Depr. Cost	
(2) Windows							(13) Plumbing			2 Story Siding Basement			399			
X	Many Avg. Few	X	Large Avg. Small	Basement: 925 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			1 Story Siding Basement			170			
(3) Roof							(14) Water/Sewer			1+ Story Siding Basement			356			
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens									1 Story Siding Overhang			42			
(3) Roof										Other Additions/Adjustments			Total:		153,766 118,399	
X	Gable Hip Flat		Gambrel Mansard Shed	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor						Plumbing			3 Fixture Bath		1 3,855 2,968	
(3) Roof										Water/Sewer			1000 Gal Septic		1 4,036 3,108	
(3) Roof										Porches			Water Well, 200 Feet		1 8,914 6,864	
(3) Roof										Decks			CPP		48 974 750	
(3) Roof										Garages			Treated Wood		100 2,119 1,632	
(3) Roof										Notes:			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)			
(3) Roof										Public Water Public Sewer			Base Cost		441 17,199 13,243	
(3) Roof										1 Water Well			Common Wall: 1.5 Wall		1 -3,343 -2,574	
(3) Roof										1 1000 Gal Septic			Fireplaces			
(3) Roof										2000 Gal Septic			Prefab 2 Story		1 2,630 2,025	
(3) Roof										Lump Sum Items:			Totals:		190,150 146,415	
(3) Roof													ECF (4009 HOLLY,DILLION,MAG) 1.040 => TC		V: 152,272	

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



2 FULL BATHS
1 FP
CNC DW - N/V

Sketch by Apex Sketch

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



Amy

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

Case # 19-34 Meeting Date: SEPT 17, @ 6:30 PM

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

Applicant/Owner: EDWARD KOSS Email: edkoss2000@yahoo.com
Property Address: 4930 BRIGHTON OAKS TRL Phone: 248-709-6602
Present Zoning: RESIDENTIAL Tax Code: 4711.26.300.0S1

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

Each application for Variance is considered individually by the ZBA. The ZBA is board of limited power; it cannot change the Zoning Ordinance or grant relief when it is possible to comply with the Zoning Ordinance. It may provide relief where due to unique aspects of the property with strict application of the zoning ordinance to the land results in practical difficulties or unnecessary hardship.

The applicant is responsible for presenting the information necessary to support the relief requested. While much of the necessary information is gathered through the completed applicant, other information may be gathered by on-site visits, other sources, and during the ZBA meeting. ZBA members may visit the site without prior notification to property owners.

Failure to meet the submittal requirements and properly stake the property showing all proposed improvements may result in postponement or denial of this petition.

Please explain the proposed variance below:

- Variance requested:** I AM NOT SEEKING A VARIANCE. RATHER, MY LAND USE PERMIT FOR A 6foot HIGH FENCE WAS DENIED ON THE BASIS THAT THE REAR OF ~~THE~~ MY PROPERTY ALONG BRIGHTON RD. ~~AND BRIGHTON RD.~~ IS A FRONT YARD UNDER
- Intended property modifications:** THE TOWNSHIP ZONING ~~ORDINANCE~~ ORDINANCE, I AM SEEKING AN APPEAL UNDER SECTION 23.02.01 OF THE ZONING ORDINANCE OF THAT DECISION AND/OR AN INTERPRETATION UNDER SECTION 23.02.03 OF THE ZONING ORDINANCE THAT THE REAR OF MY PROPERTY ALONG BRIGHTON ROAD SHOULD ~~BE~~ NOT BE CONSIDERED A FRONT YARD UNDER THE ZONING ORDINANCE.

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.

N/A. AS EXPLAINED ABOVE, I AM NOT SEEKING A VARIANCE
SO THIS CRITERIA IS NOT APPLICABLE.

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.

N/A. AS EXPLAINED ABOVE, I AM NOT SEEKING A
VARIANCE SO THIS CRITERIA IS NOT APPLICABLE.

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.

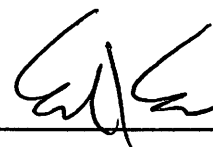
N/A. AS EXPLAINED ABOVE, I AM NOT SEEKING A
VARIANCE SO THIS CRITERIA IS NOT APPLICABLE.

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.

N/A AS EXPLAINED ABOVE, I AM NOT SEEKING A
VARIANCE SO THIS CRITERIA IS NOT APPLICABLE.

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

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

Date: 8/20/19 Signature: 

September 10, 2019

Zoning Board of Appeals
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
Subject:	4930 Brighton Oaks Trail – Appeal of Administrative Decision
Location:	4930 Brighton Oaks Trail – west side of Brighton Oaks Trail, north side of Brighton Road
Zoning:	LDR Low Density Residential

Dear Board Members:

At the Township’s request, we have reviewed the ZBA application submittal (form dated 8/20/19) appealing an administrative decision of the Township Zoning Official.

Background/Process

The applicant has appealed an administrative decision to deny a fence permit for the subject site. More specifically, the Zoning Official denied a permit for a 6-foot tall privacy fence (100% impervious) within a defined front yard, where Section 11.04.04 limits fencing within a front yard to a maximum height of 3 feet and a maximum imperviousness of 49%.

Section 23.02.01 gives the ZBA jurisdiction to hear appeals on administrative decisions. Section 23.05.02 identifies the criteria upon which the ZBA is to make its determination; however, it should be noted that the submittal does not clearly identify which standard(s) the applicant believes are present in this particular instance.



Aerial view of site and surroundings (looking north; prior to home construction)

Review

As referenced above, Section 23.05.02 identifies the criteria for ZBA consideration in an appeal case. More specifically, this Section reads as follows:

The Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements:

- (a) Was arbitrary or capricious.*
- (b) Was based on an erroneous finding of a material fact.*
- (c) Constituted an abuse of discretion.*
- (d) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.*

As previously noted, the application material does not identify which standard(s) support the applicant's appeal case. However, the primary issue appears to be that the applicant does not concur with the finding that the lot line along Brighton Road is a front lot line, which therefore makes the yard area between said lot line and residence itself a front yard.

Per Section 25.02, the following definitions are provided for the Board's consideration:

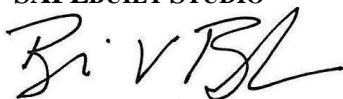
- **Front Lot Line:** *The lot line(s) abutting a public street or private road easement that separates the lot from such right-of-way or easement; typically measured along the right-of-way line.*
- **Front Yard:** *An open space extending the full width of the lot, the depth being the minimum horizontal distance between the front lot line or public street right-of-way line/private road easement and the nearest point of building line.*

Based on the definitions provided in the Township Zoning Ordinance, we are of the opinion that the southerly lot line of the subject site, which abuts the Brighton Road right-of-way, is a front lot line. Given this, the area between the front lot line and the residence is defined as a front yard.

As such, we believe the Township Zoning Official correctly applied the zoning regulations, including the definitions and fence provisions, and that none of the appeal criteria are present in this particular case.

Should you have any questions concerning this matter, please do not hesitate to contact our office. I can be reached by phone at (248) 586-0505, or via e-mail at bborden@safebuilt.com.

Respectfully,
SAFEBUILT STUDIO



Brian V. Borden, AICP
Planning Manager



Genoa Township

2911 Dorr Road, Brighton, Michigan 48116
 Phone: 810.227.5225 Fax: 810.227.3420 www.genoa.org

Planning & Zoning

P19-115

Issued: **Denied 8-13-19**
 Expires:

Residential Land Use

Fence

LOCATION	OWNER	APPLICANT
4930 BRIGHTON OAKS TRL 4711-26-300-051 Zoning: LDR	KOSS EDWARD & LINDSAY 4920 BRIGHTON OAKS TRL BRIGHTON MI 48116 Phone: E-mail:	KOSS EDWARD & LINDSAY 4920 BRIGHTON OAKS TRL BRIGHTON MI 48116 Phone: E-mail:

Work Description: Establish a 6-foot privacy fence

PROJECT INFORMATION:

Front Setback: 0	Side Setback: 0	Water/Wetland:
Least Side Setback: 0	Rear Setback: 0	Distance from Principal Structure:
Construction Value: \$1.00	Height:	Total Square Feet: 01
ZBA Approval: n/a		

Comments/ Conditions: **THE APPLICATION FOR PERMIT IS DENIED.**
Denial is based on the proposed 6 foot fence in located in the front yard due to the frontage on Brighton Road.

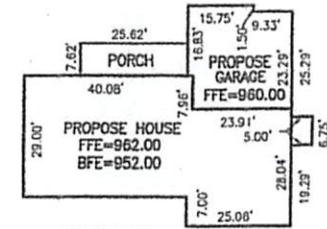
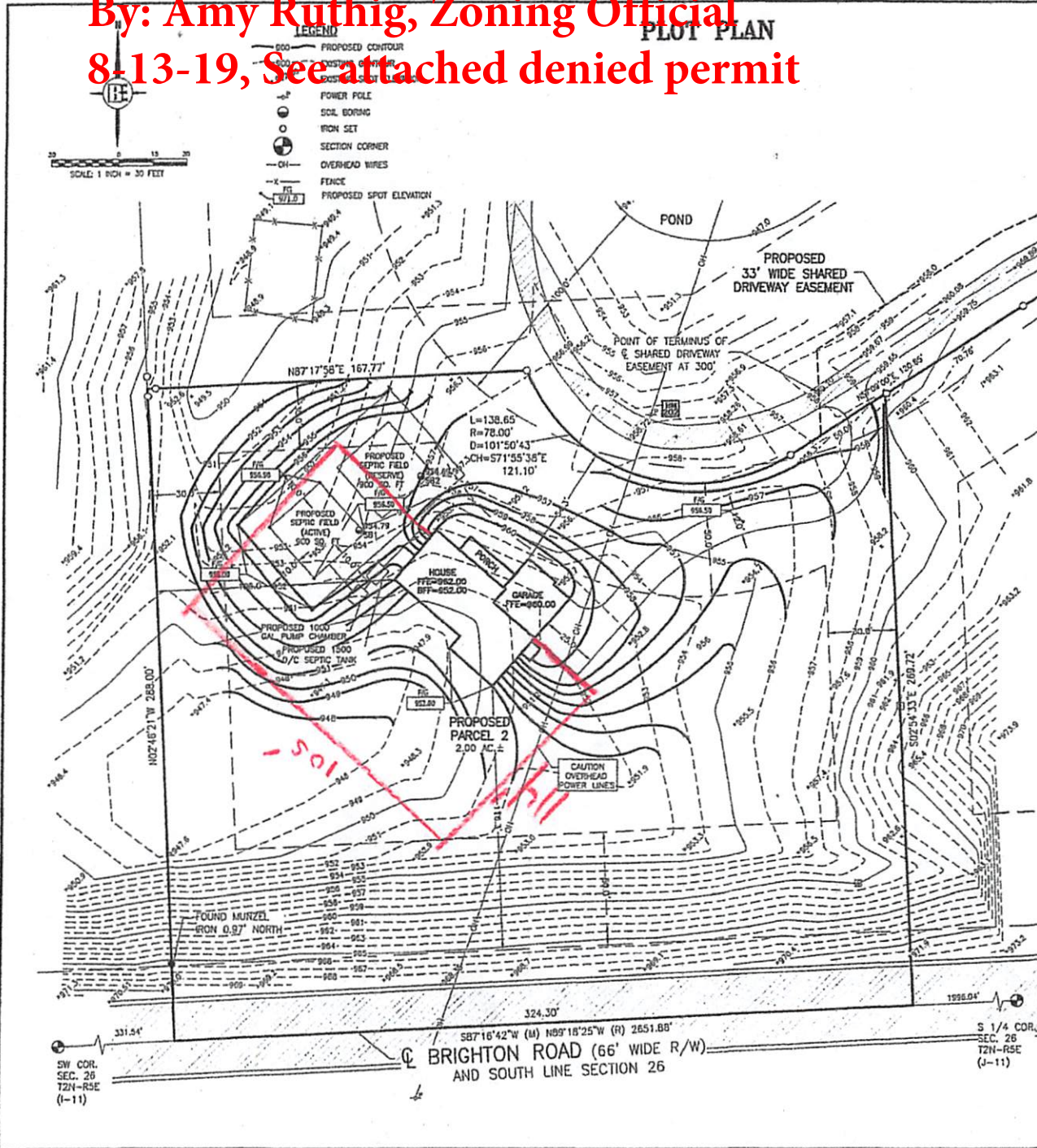
Permit Item	Permit Fee	Fee Basis	Item Total
Deck/Fence/Swimming Pool	Permit Fee	1.00	50.00

Fee Total: \$50.00
 Amount Paid: \$0.00
Balance Due: \$50.00

Issuance of this permit confirms the applicants certification that all information and data attached to and made part of this permit are true and accurate and to the best of the applicants knowledge and belief. The applicant has certified that the proposed work has been authorized by the owner of record and that the applicant has been authorized by the owner to obtain this permit as the authorized agent. The applicant has agreed to conform to all applicable laws, codes and ordinances of the State of Michigan, Livingston County and Genoa Township. The applicant acknowledges that private covenants and restrictions are potentially enforceable by private parties. This permit authorizes on-site inspections by an official representative of Genoa Charter Township. This permit is valid for a period of 12 months from the date of issue and the applicant agrees that any modifications must be approved by Genoa Township.

DENIED

**By: Amy Ruthig, Zoning Official
8-13-19, See attached denied permit**



HOUSE DETAIL:
SCALE: 1" = 20'

CURRENT ZONING: LDR (LOW DENSITY RESIDENTIAL)
 MINIMUM SETBACK REQUIREMENTS:
 FRONT = 50 FEET
 SIDES = 30 FEET
 REAR = 60 FEET
 NATURAL FEATURES SETBACK: 25 FEET FROM ALL NEED REGULATED WETLANDS, PONDS AND STREAMS.
 SHOULDER OR CROWNWAY HIGH WATER MARK FOR SITES LACKING PUBLIC SANITARY SEWER = 100 FEET.
 MINIMUM LOT WIDTH = 100 FEET
 MINIMUM LOT AREA = 1 ACRE.

GENERAL SURVEY NOTES:
 1. BEARINGS ARE BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE). RECORD BEARINGS ARE FROM PREVIOUS SURVEYS BY BOSS ENGINEERING, JOB NO. 87421-A AND 87431-B, BOTH DATED 12-18-87.
 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.
 4. ELEVATIONS WERE ESTABLISHED WITH GPS USING GPUS-RTS SOLUTION, DATED 04-04-18. (NAD83 DATUM)
 SITE BENCHMARKS (NAD83 DATUM):
 -BM #202 = BOSS NAIL/TAG SET 3/5 OF P. POLE N/S OF ASPHALT DRIVE NORTH OF PARCEL 2. ELEV.=953.42

PROPERTY DESCRIPTION:
PARCEL 2:
 Part of the West 1/2 of the Southwest 1/4 of Section 26, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 corner of Section 26; thence along the centerline of Brighton Road (66 foot wide Right of Way) and the South line of Section 26, S 87°18'25" W (recorded as N 87°18'25" W), 1998.04 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the centerline of Brighton Road and the South line of Section 26, S 87°18'42" W (recorded as N 87°18'25" W), 324.30 feet; thence N 02°46'21" W (recorded as N 27°35'32" E), 285.00 feet; thence N 07°17'58" E, 167.77 feet; thence Easterly along an arc left, having a length of 138.65 feet, a radius of 73.00 feet, a central angle of 101°50'43", and a long chord which bears S 71°55'38" E, 121.10 feet; thence N 57°02'00" E, 48.25 feet; thence S 02°54'33" E, 209.72 feet, to the POINT OF BEGINNING, containing 2.00 acres, more or less, and subject to the rights of the public over the existing Brighton Road. Also including the use of existing Brighton Oaks Trail (66 foot wide Private Road Easement). Also including the use of a 33 foot wide shared driveway easement, as described below. Also subject to any other easements or restrictions of record.

THE LOCATION AND ELEVATION OF EXISTING UNRECORDED UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE, AND CONDUIT OR OTHER EXPRESSED OR IMPLIED AS TO THE COMPETENCE OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CAPACITIES IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH VARIES SIGNIFICANTLY FROM THE PLAN.



DESIGNED BY:	KJ
DRAWN BY:	KJ
CHECKED BY:	
SCALE:	1" = 30'
JOB NO.:	17-483
DATE:	04-06-18
SHEET NO.:	1 OF 1

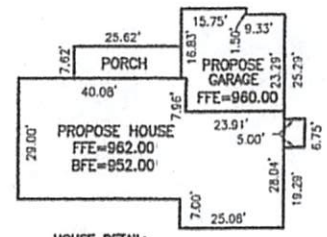
BOSS Engineering
 Engineers Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 800.246.6735 FAX 517.548.1670

PARCEL 2
 PREPARED FOR: **KOSS**
 4920 BRIGHTON OAKS TRAIL
 BRIGHTON, MI 48116
 (248) 709-6602
PLOT PLAN

PLOT PLAN

LEGEND

- PROPOSED CONTOUR
- - - EXISTING CONTOUR
- EXISTING SPOT ELEVATION
- POWER POLE
- SOIL BORING
- ⊙ IRON SET
- ⊙ SECTION CORNER
- OH OVERHEAD WIRES
- FENCE
- PROPOSED SPOT ELEVATION



HOUSE DETAIL:
SCALE: 1" = 20'

CURRENT ZONING: LDR (LOW DENSITY RESIDENTIAL)
MINIMUM SETBACK REQUIREMENTS:
 FRONT = 30 FEET
 SIDES = 30 FEET
 REAR = 60 FEET
NATURAL FEATURES SETBACK: 25 FEET FROM ALL NEEDED REGULATED WETLANDS, PONDS AND STREAMS.
SHORELINE OR ORDINARY HIGH WATER MARK FOR SITES LACKING PUBLIC SANITARY SEWER = 100 FEET.
MINIMUM LOT WIDTH = 150 FEET
MINIMUM LOT AREA = 1 ACRE

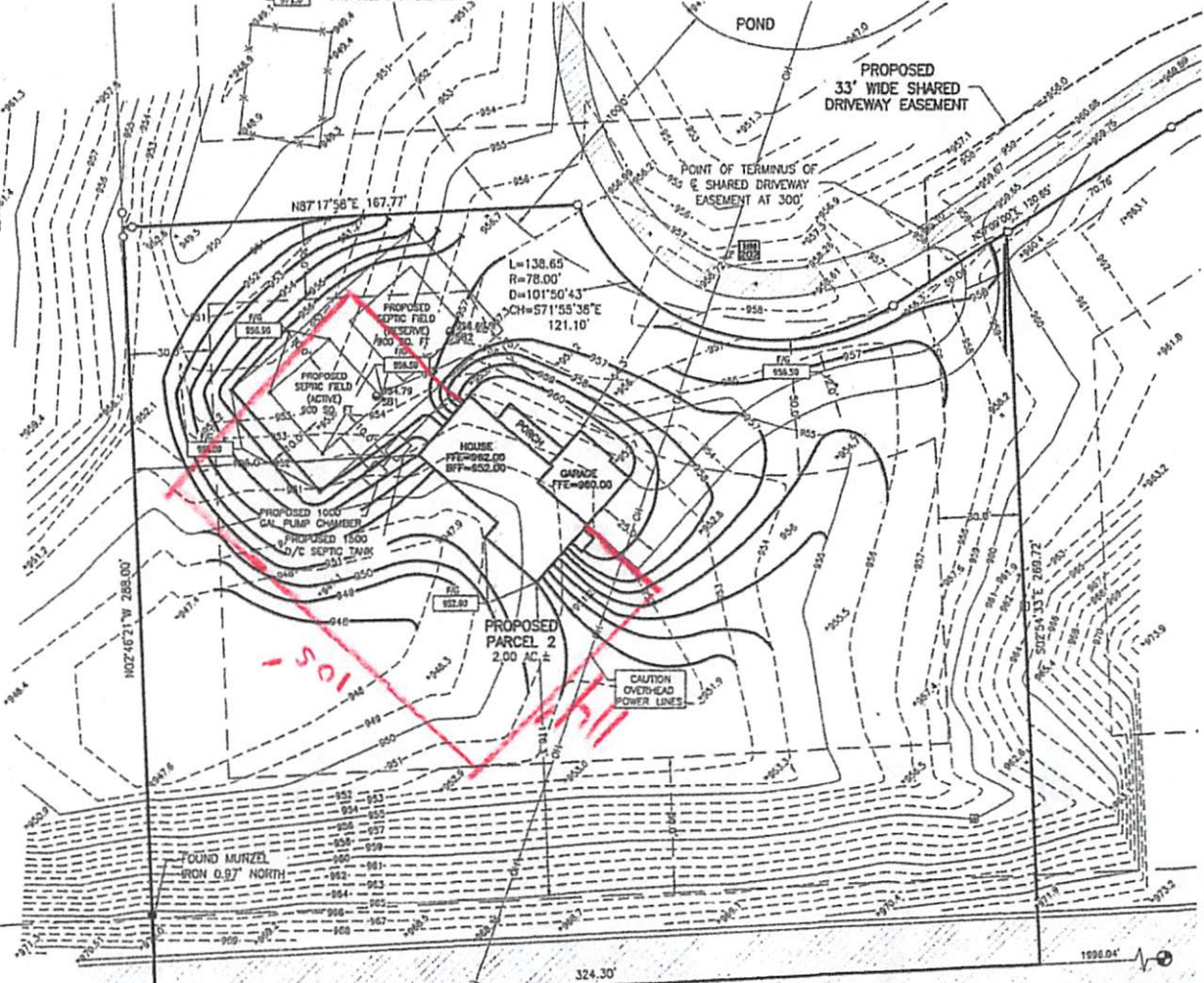
GENERAL SURVEY NOTES:

1. BEARINGS ARE BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE). RECORD BEARINGS ARE FROM PREVIOUS SURVEYS BY BOSS ENGINEERING, JOB NO. 87421-A AND 87421-B, BOTH DATED 12-18-87.
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.
4. ELEVATIONS WERE ESTABLISHED WITH GPS USING OPUS-RS SCHEMATA, DATED 04-04-18. (NAVD8 DATUM)

SITE BENCHMARKS (UNUSUAL DATA):
 - BM #002 = BOSS NAIL/TS SET 5/9 OF P/POLE N/2 OF ASPHALT DRIVE NORTH OF PARCEL 2. ELEV. = 958.42

PROPERTY DESCRIPTION:

PARCEL 2: Part of the West 1/2 of the Southwest 1/4 of Section 26, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 corner of Section 26; thence along the centerline of Brighton Road (66 foot wide Right of Way) and the South line of Section 26, S 87°16'42" W (recorded on N 87°16'25" W), 1998.04 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the centerline of Brighton Road and the South line of Section 26, S 87°16'42" W (recorded on N 87°16'25" W), 224.30 feet; thence N 02°46'21" W (recorded on N 27°35'32" E), 288.00 feet; thence N 87°17'50" E, 167.77 feet; thence easterly along an arc, having a length of 138.65 feet, a radius of 78.00 feet, a central angle of 101°50'43", and a long chord which bears S 71°25'30" E, 121.10 feet; thence N 57°02'00" E, 48.35 feet; thence S 02°54'33" E, 288.72 feet, to the POINT OF BEGINNING, containing 2.00 acres, more or less, and subject to the rights of the public, over the existing Brighton Road. Also including the use of existing Brighton Oaks Trail (66 foot wide Private Road Easement). Also including the use of a 33 foot wide shared driveway easement, as described below. Also subject to any other easements or restrictions of record.



331.54' SW COR. SEC. 26 T2N-R5E (I-11)

58°16'42"W (M) N89°18'25"W (R) 2651.88'

324.30'

1998.04'

S 1/4 COR. SEC. 26 T2N-R5E (J-11)

66' BRIGHTON ROAD (66' WIDE R/W) AND SOUTH LINE SECTION 26

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

PROJECT: PARCEL 2
PREPARED FOR: KOSS
 4920 BRIGHTON OAKS TRAIL
 BRIGHTON, MI. 48116
 (248) 709-6602
TITLE: PLOT PLAN

NO	BY	REVISION	DATE

DESIGNED BY:
DRAWN BY: KJ
CHECKED BY:
SCALE: 1" = 30'
JOB NO.: 17-483
DATE: 04-06-18
SHEET NO.: 1 OF 1

BEFORE YOU DIG CALL MISS DC 1-800-482-7171

STATE OF MICHIGAN
 DREW W. L'ANWAY
 38211
 LICENSED PROFESSIONAL ENGINEER



Merchants Metals®

the first name in fence solutions

Ed Koss

opt 1 - Galveston Texture
Natural Clay

opt 2 - Chesterfield
White

105'

114'

10' 00"

4' gate

walk box

House

6'

10' 40"

35'

30'

866.888.5611

www.merchantsmetals.com









4920
4930



Google

Image capture: Jul 2017 © 2019 Google United States Terms





640 x 480 Images may be subject to copyright. Learn More

4184 Bauer Rd, Brighton, MI 48116 - realtor.com®
Realtor.com

[Visit](#) [Share](#)

Related images:




From: [Kenroseacres2](#)
To: [Amy Ruthig](#)
Subject: Petition
Date: Tuesday, September 3, 2019 8:59:40 PM

September 3, 2019

To Whom it May Concern:

Neither of us have any objection to the fence erected at 4930 Brighton Oaks Trail by Edward Koss. It is not visible from our home and causes us no disturbance. We are not able to attend the appeal meeting on September 17, but would like our feelings regarding the issue known to the board. In our opinion, the board should lift the denial and the fence allowed to stand as is.

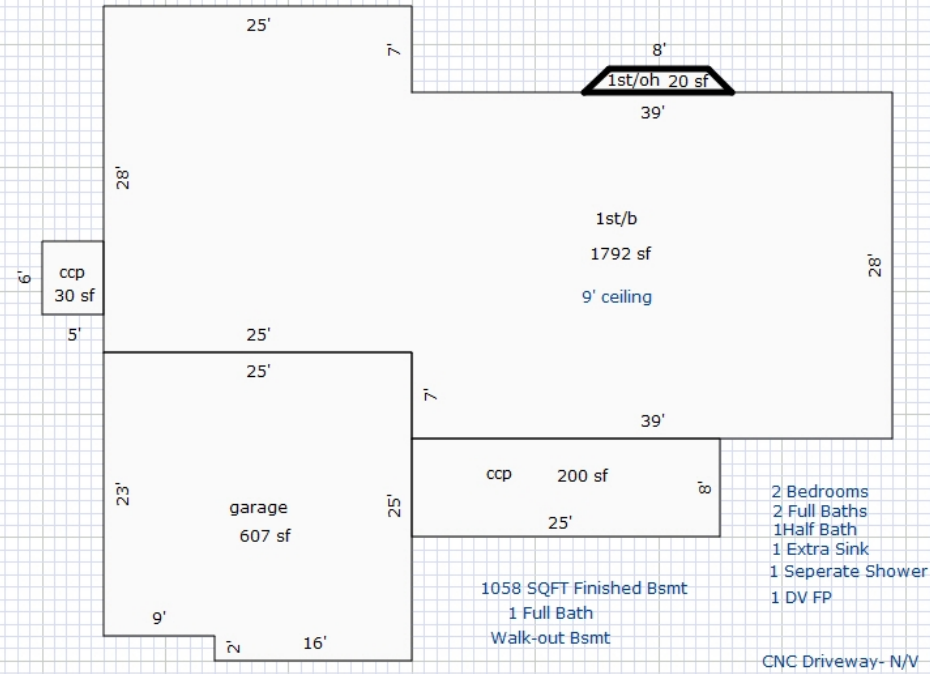
Sincerely,
Gerald and Kathryn Fuller
6025 Brighton Road
Brighton, MI 48116
810-229-9703

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status	
4930 BRIGHTON OAKS TRL		School: BRIGHTON			Basement Finish	08/13/2018	PW18-122		
Owner's Name/Address		P.R.E. 0%			HOME	05/01/2018	P18-059	NO START	
KOSS EDWARD & LINDSAY 4920 BRIGHTON OAKS TRL BRIGHTON MI 48116		MAP #: V19-19		2020 Est TCV Tentative					
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4501.BRIGHTON M & B				
SEC 26 T2N R5EC COMM AT S1/4 COR TH S87*16'42"W 1996.04 FT TO POB TH S87*16'42"W 324.30 FT TH N02*46'21"W 288 FT TH N87*17'58"E 167.77 FT TH E'LY ALONG ARC LEFT CHORD BEARING S71*55'38"E 121.10 FT TH N57*09'00"E 49.35 FT TH S02*54'33"E 269.72 FT TO POB CONT 2 AC M/L PARCEL 2 SPLIT/COMBINED ON 02/22/2018 FROM 4711-26-300-042;		Public Improvements		* Factors *				Value	
Comments/Influences		Dirt Road		TABLE A				60,000	
Split/Comb. on 02/22/2018 completed 02/22/2018 Duffy ; Parent Parcel(s): 4711-26-300-042; Child Parcel(s): 4711-26-300-050, 4711-26-300-051, 4711-26-300-052;		Gravel Road		Description Frontage Depth Front Depth Rate %Adj. Reason				60,000	
		Paved Road		2.00 Total Acres Total Est. Land Value =					
		Storm Sewer		Year				Year	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Sidewalk		Land Value				Land Value	
		Water		Building Value				Building Value	
		Sewer		Assessed Value				Assessed Value	
		Electric		Board of Review				Board of Review	
Topography of Site		Gas		Tribunal/Other				Tribunal/Other	
		Curb		Taxable Value				Taxable Value	
		Street Lights		Who				Who	
Standard Utilities Underground Utils.		Level		When				When	
		Rolling		What				What	
		Low		JB				JB	
High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain		High		2020				2020	
		Landscaped		2019				2019	
		Swamp		2018				2018	
Wooded Pond Waterfront Ravine Wetland Flood Plain		Wooded		2017				2017	
		Pond							
		Waterfront							

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks			(17) Garage	
X Single Family Mobile Home Town Home Duplex A-Frame	X Eavestrough X Insulation		X Gas Wood	Oil Coal	Elec. Steam	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 1 Direct-Vented Gas	Area 200 30	Type CCP (1 Story) CCP (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: 607 % Good: 0 Storage Area: 0 No Conc. Floor: 0	200 30	CCP (1 Story) CCP (1 Story)	E.C.F. X 0.930	Bsmnt Garage: Carport Area: Roof:	
	(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
X Wood Frame	X Drywall Paneled	Plaster Wood T&G	Trim & Decoration Ex X Ord Min			Central Air Wood Furnace		1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:	
Building Style: BC		Trim & Decoration Ex X Ord Min		Central Air Wood Furnace			1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
Yr Built 2018	Remodeled 0	Size of Closets Lg X Ord Small		X Forced Heat & Cool Heat Pump No Heating/Cooling			1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
Condition: Good		Doors: Solid X H.C.		X Forced Heat & Cool Heat Pump No Heating/Cooling			1 Direct-Vented Gas		Class: BC Effec. Age: 0 Floor Area: 1,812 Total Base New : 406,822 Total Depr Cost: 406,822 Estimated T.C.V: 378,344		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
Room List		(5) Floors		Kitchen: Other: Other:			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
Basement 1st Floor 2nd Floor 2 Bedrooms		Kitchen: Other: Other:		(12) Electric 0 Amps Service			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures Ex. X Ord. Min			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
Wood/Shingle Aluminum/Vinyl Brick X Vinyl X Insulation		Basement: 1792 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		No. of Elec. Outlets Many X Ave. Few			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
(2) Windows		(7) Excavation		(13) Plumbing			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
X Many Avg. Few	X Large Avg. Small	Basement: 1792 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 1 Extra Sink 1 Separate Shower			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
(3) Roof		(8) Basement		(14) Water/Sewer			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
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		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:			
(3) Roof		(9) Basement Finish		Lump Sum Items:			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
X Gable Hip Flat	Gambrel Mansard Shed	Recreation SF Living SF 1 Walkout Doors No Floor SF		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
X Asphalt Shingle	Recreation SF Living SF 1 Walkout Doors No Floor SF		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:			
Chimney:		Recreation SF Living SF 1 Walkout Doors No Floor SF		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Central Air Wood Furnace		1 Direct-Vented Gas		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:		
<p>Cost Est. for Res. Bldg: 1 Single Family BC Cls BC Blt 2018 (11) Heating System: Forced Heat & Cool Ground Area = 1792 SF Floor Area = 1812 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=100/100/100/100/100 Building Areas Stories Exterior Foundation Size Cost New Depr. Cost 1 Story Siding/Brick Basement 1,792 1 Story Siding Overhang 20 Total: 290,441 290,441 Other Additions/Adjustments Basement, Outside Entrance, Below Grade 1 2,931 2,931 Plumbing 3 Fixture Bath 2 11,144 11,144 2 Fixture Bath 1 3,733 3,733 Extra Sink 1 1,148 1,148 Separate Shower 1 2,257 2,257 Water/Sewer 1000 Gal Septic 1 4,597 4,597 Water Well, 200 Feet 1 9,556 9,556 Porches CCP (1 Story) 200 5,560 5,560 CCP (1 Story) 30 1,012 1,012 Garages Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 607 27,163 27,163 Common Wall: 1 Wall 1 -2,542 -2,542 Fireplaces Direct-Vented Gas 1 3,587 3,587 Basement Living Area 1058 46,235 46,235 Totals: 406,822 406,822</p>															
<p><<<<< Calculations too long. See Valuation printout for complete pricing. >>>>></p>															

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



Sketch by Apex Eketech

*** 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 # 19-35

Meeting Date: Sept 17, 2019
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: (SAM) SPEROS KAPETANEAS Email: SPEROSKAPETANEAS@SBCGLOBAL
 Property Address: 5397 BRADY RD. HOWELL MI. Phone: 810-534-2391 / 734-915-7800 / CELL: - NET
 Present Zoning: CE Tax Code: 11-31-200-008

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: TO CONSTRUCT AN ADDITION THAT WOULD BE EVEN WITH FRONT MUD ROOM AT FRONT OF HOUSE. THIS IS THE ONLY LOCATION ON MY PROPERTY TO ADD - ON MY WIFE HAS A CRITICAL DISEASE, AT SOME POINT SHE WILL BE IN A WHEEL CHAIR, BEING A QUAD-HOUSE SHE WILL HAVE TO LIVE ON THE FIRST FLOOR, OR WE WILL HAVE TO MOVE, WE HAVE WAITED 30YRS TO MOVE HERE, IT WOULD BREAK HER HEART,

The following is per Article 23.05.03:

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

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

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

THE REQUEST WOULD NOT AFFECT THE PROPERTY USE
THIS REQUEST WOULD NOT AFFECT OTHER PROPERTY OWNERS.

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.

THIS THE ONLY LOCATION TO CONSTRUCT ADDITION.
THE PROPOSED ADDITION CAN NOT BE MOVED BACK.
TOPOGRAPHY & SEPTIC LOCATION.

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.

LARGE ROOM TO ANY ADJACENT PROPERTY
NO ONE WOULD BE AFFECTED BY REQUESTED VARIANCE.

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.

IT WOULD MEET ALL REQUIREMENTS
IT WOULD INCREASE NEIGHBORS HOME VALUES.
B56 IMPROVEMENT TO FRONT OF HOUSE.

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: 08/22/19 Signature: [Handwritten Signature]



MEMORANDUM

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

RE: ZBA 19-35

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

STAFF REPORT

File Number: ZBA#19-35
Site Address: 5397 Brady Road
Parcel Number: 4711-31-200-008
Parcel Size: 11.36 Acres
Applicant: Speros Kapetaneas, 5397 Brady Road, Howell 48843
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

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

Zoning and Existing Use: CE (County Estates) Single Family Dwelling and detached accessory structure is located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 1, 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 1974.
- 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

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 yard variance. The location of the existing home is considered non-conforming due to the encroachment in the front yard setback. The proposed addition appears to be 1 foot closer to the front lot line than the existing home.

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

Proposed Front Yard Setback: 65.3

Proposed Variance Amount: 9.9

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

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

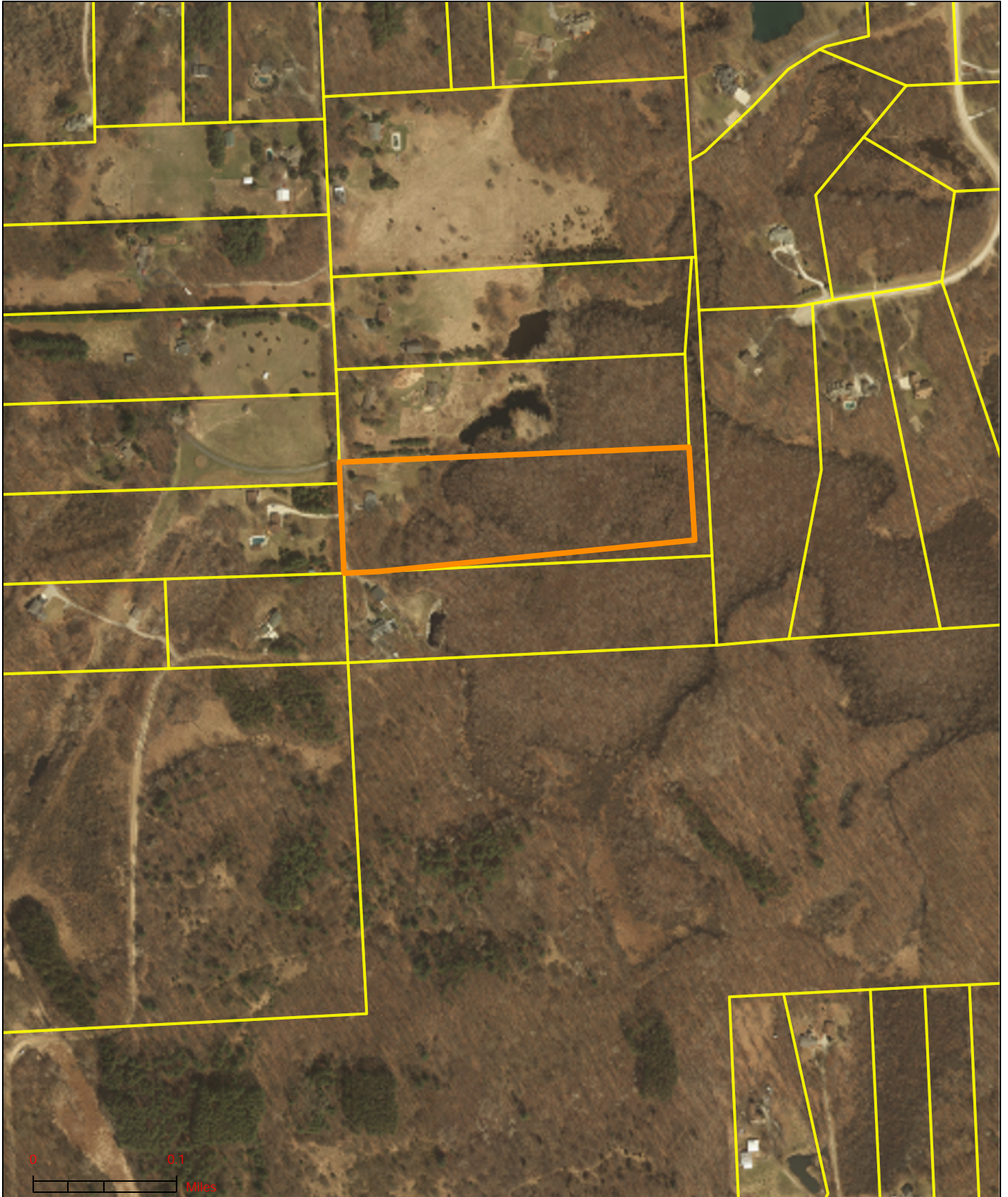
- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front yard setback would prevent the applicant from constructing the addition however does not unreasonably prevent use of the property. The variance would provide substantial justice since there are other homes in the immediate vicinity with reduced front yard setbacks.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home. The applicant has noted that the location of septic field and topography of the lot is preventing the proposed addition to be constructed within the building envelope. It appears that the variance request is the least necessary.
- (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

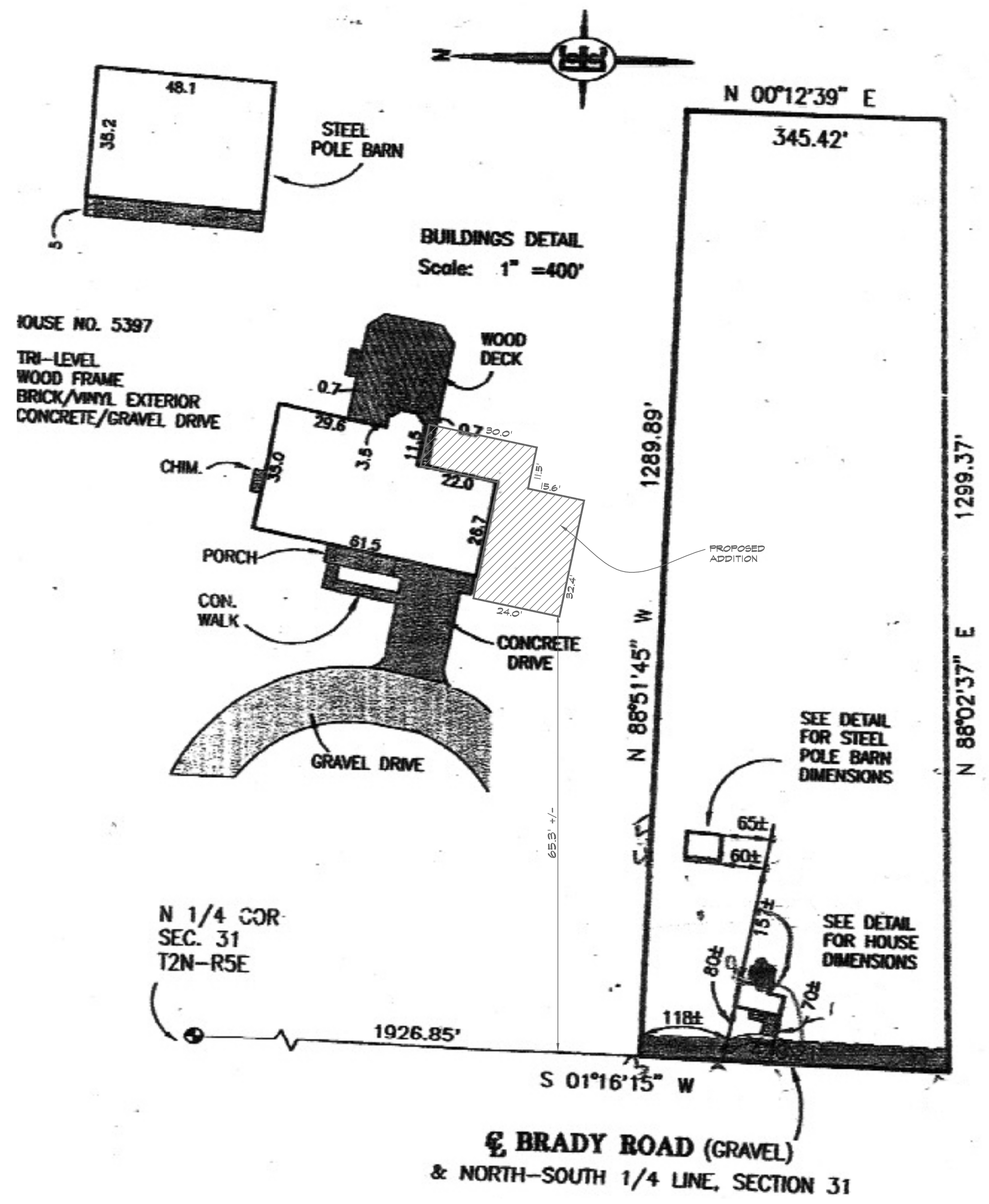
If the Zoning Board of Appeals grants the variance requests, staff recommends the following conditions be placed on the approval.

N/A

GENOA TOWNSHIP



WALL LEGEND	
EXISTING WALL	
DEMOLITION WALL	
NEW WALL	
BRICK	
MASONRY BLOCK	

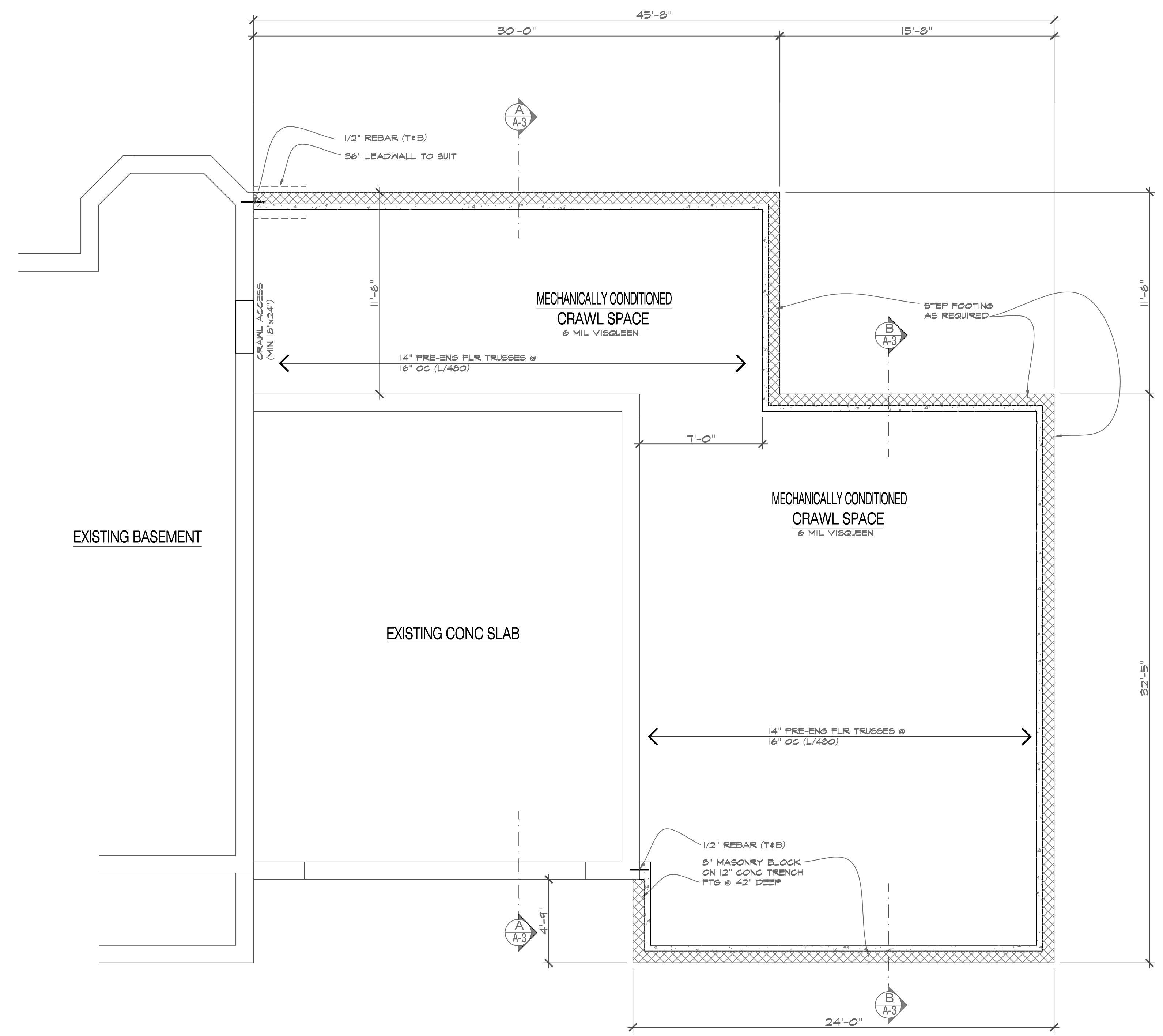


PROPOSED SITE PLAN
 SCALE: 1"=20'-0"

REVIEWED UNDER:
2015 MICHIGAN RESIDENTIAL CODE

NOTES:

1. SMOKE ALARMS TO CODE: ALL SMOKE ALARMS TO BE ELECTRONICALLY INTERCONNECTED WITH A BATTERY BACKUP
2. R315.1 Carbonmonoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.
3. ELECTRICAL TO CODE
4. RELOCATE EXISTING ELECTRICAL SERVICE



NOTE: CONTRACTOR TO VERIFY EXACT NUMBER OF COURSES OF MASONRY BLOCK IN FIELD

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

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
KAPETANEAS RESIDENCE

ZACK M OSTROFF & ASSOCIATES
 RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
 MEMBER AIA, IBID
 web: www.zoaarchitecture.com
 email: zack@zoaarchitecture.com
 PH: 248.425.4190

5397 BRADY ROAD
 HOWELL, MICHIGAN 48843
 810-247-0397

THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

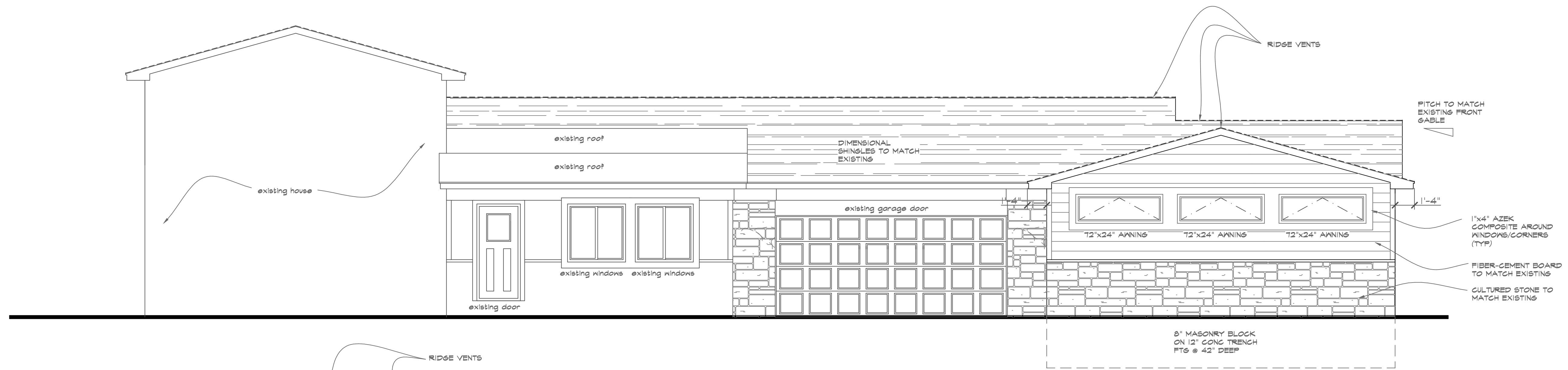
SHEET TITLE
SITE PLAN
FOUNDATION PLAN

SHEET SCALE
AS NOTED

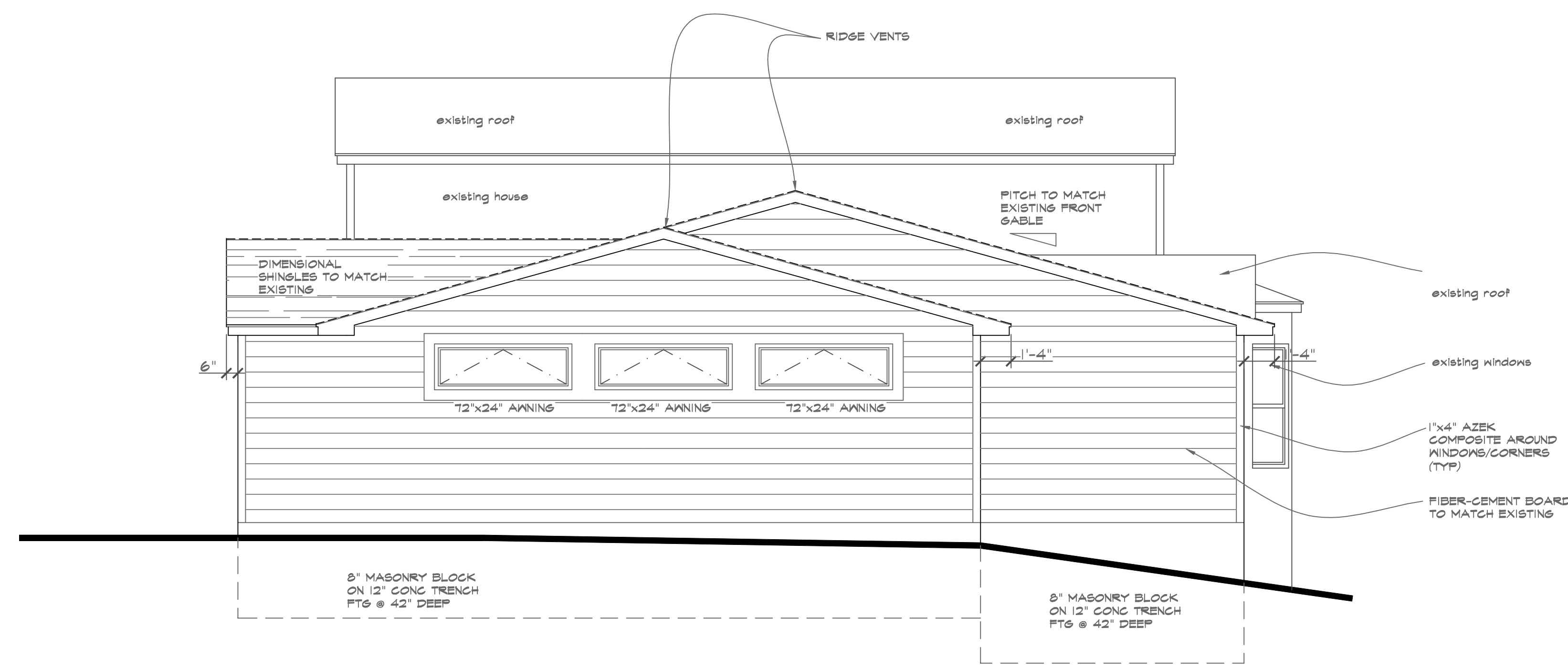
PROJECT NO.
19-065

DATE
08.12.19

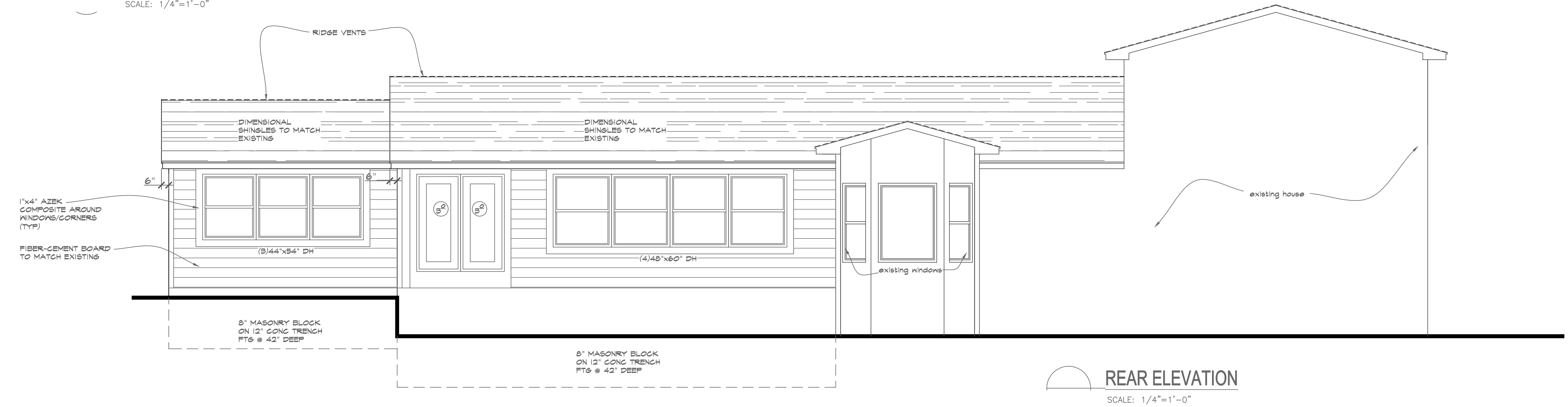
SHEET NUMBER
A-1



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



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



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

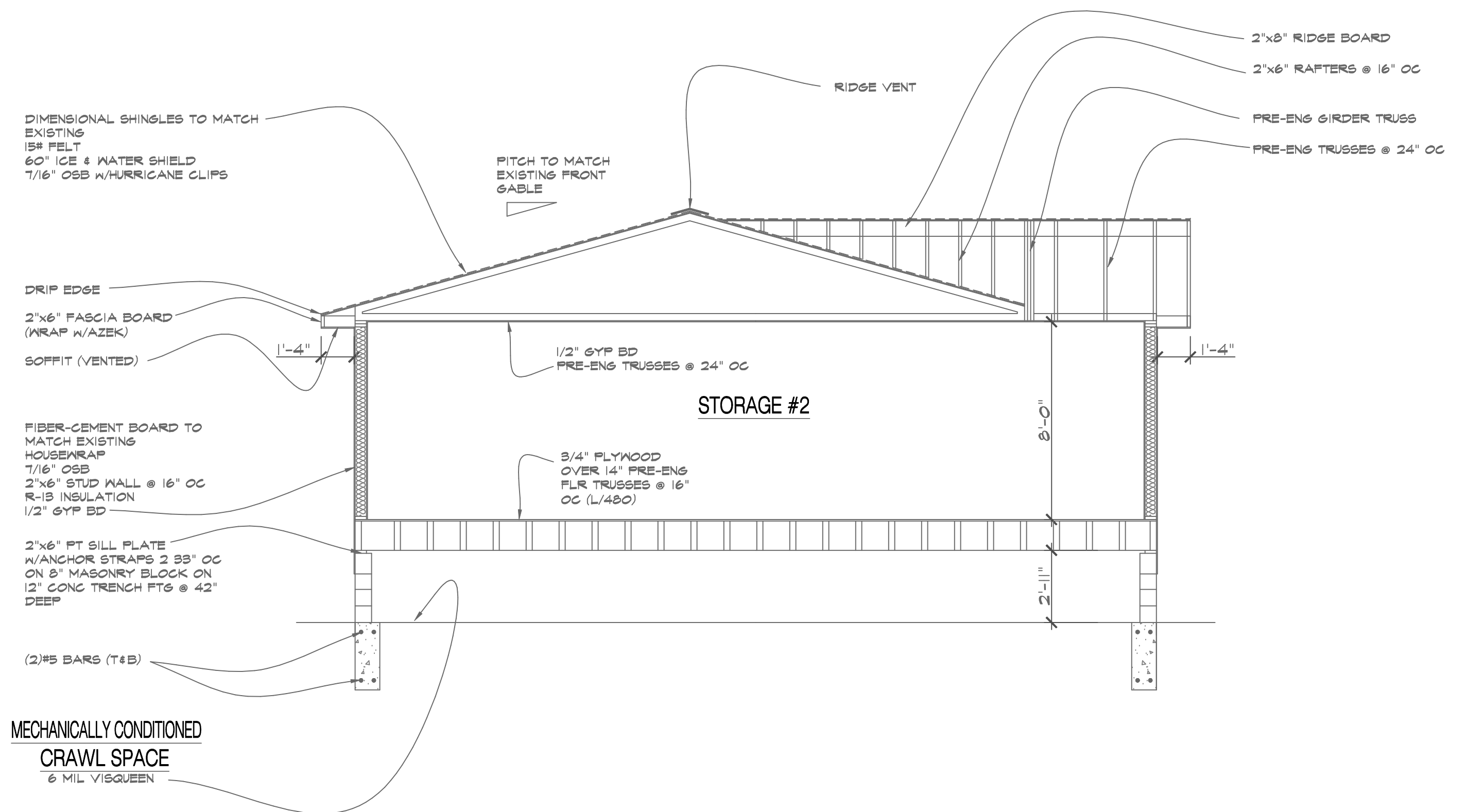
REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
KAPETANEAS RESIDENCE
5397 BRADY ROAD
HOWELL, MICHIGAN 48843
810-247-0397

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
IBD
web: www.zoaarchitecture.com
email: zack@zoaarchitecture.com
PH: 248.425.4190

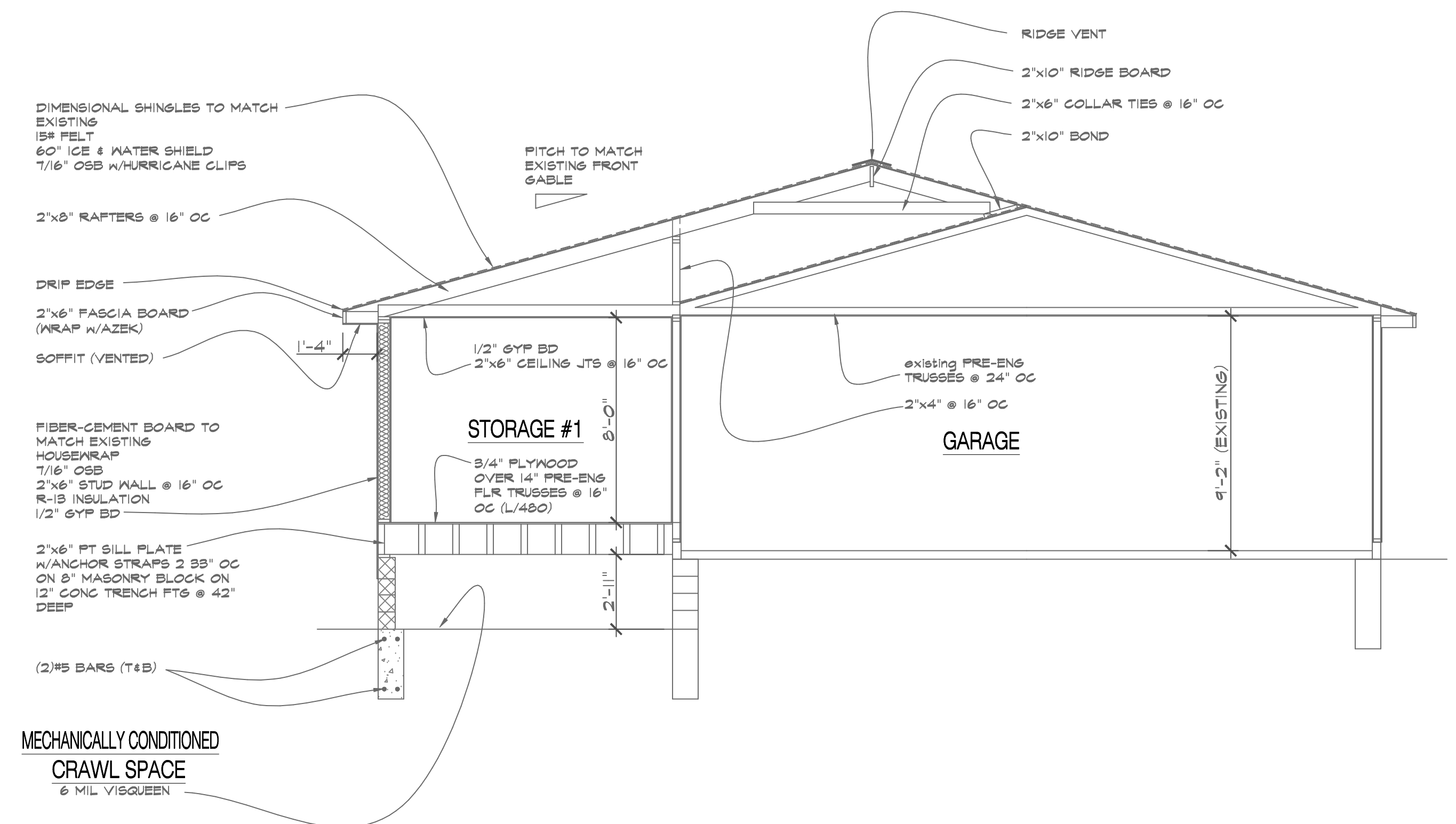
THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE
EXTERIOR ELEVATIONS
SHEET SCALE
AS NOTED
PROJECT NO.
19-065
DATE
08.12.19
SHEET NUMBER
A-4



NOTE: CONTRACTOR TO VERIFY EXACT NUMBER OF COURSES OF MASONRY BLOCK IN FIELD

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



NOTE: CONTRACTOR TO VERIFY EXACT NUMBER OF COURSES OF MASONRY BLOCK IN FIELD

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

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

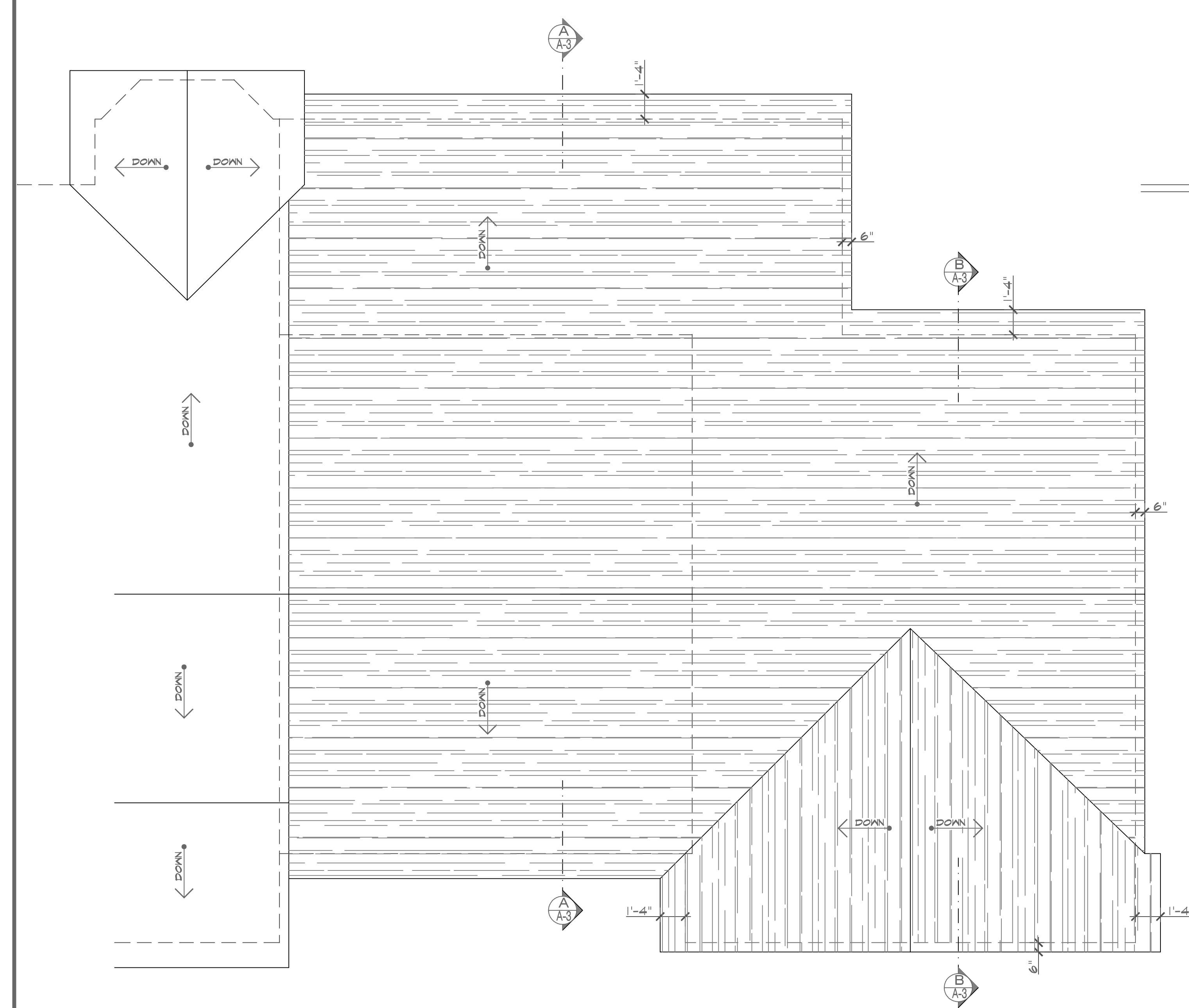
A PROPOSED ADDITION & RENOVATION FOR:
KAPETANEAS RESIDENCE
5397 BRADY ROAD
HOWELL, MICHIGAN 48843
810-247-0397

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
IBD
web: www.zoarchitecture.com
email: zack@zoarchitecture.com
PH: 248.425.4190

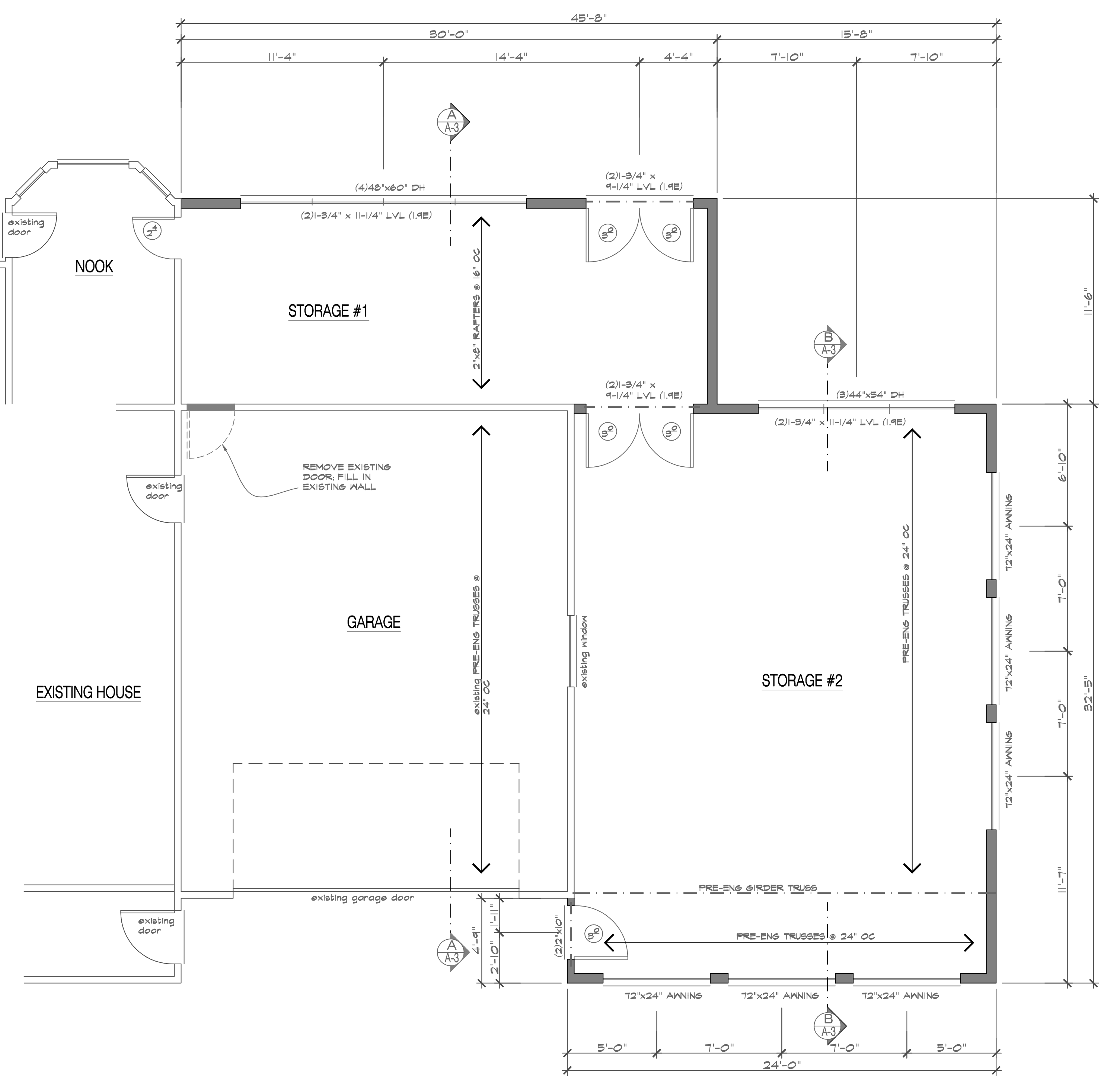
THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE	CROSS SECTIONS
SHEET SCALE	AS NOTED
PROJECT NO.	19-065
DATE	08.12.19
SHEET NUMBER	A-3

WALL LEGEND	
EXISTING WALL	
DEMOLITION WALL	
NEW WALL	
BRICK	
MASONRY BLOCK	



PARTIAL ROOF PLAN
SCALE: 1/4"=1'-0"



**MAIN LEVEL:
PROPOSED FLOOR PLAN**
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
KAPETANEAS RESIDENCE
5397 BRADY ROAD
HOWELL, MICHIGAN 48843
810-247-0397

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
IBD
web: www.zoaarchitecture.com
email: zack@zoaarchitecture.com
PH: 248.425.4190

THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE	FLOOR PLANS
SHEET SCALE	AS NOTED
PROJECT NO.	19-065
DATE	08.12.19
SHEET NUMBER	A-2

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
HAND MICHAEL J	KAPETANEAS SPEROS & JANET	245,000	10/16/2013	WD	ARMS-LENGTH	2013R-040731	BUYER	100.0
HAND, MICHAEL J. & ELIZABE	HAND MICHAEL J	0	10/22/2011	QC	INVALID SALE	2011R-031073	BUYER	0.0
AMERICAN ESCROW	HAND	275,000	10/07/2002	WD	INVALID SALE	3618-0840	BUYER	100.0
OTLEY	AMERICN ESCROW	275,000	06/15/2002	WD	INVALID SALE	3618-0838	BUYER	0.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: CE	Building Permit(s)	Date	Number	Status
5397 BRADY RD	School: HOWELL					
	P.R.E. 100% 10/16/2013					
Owner's Name/Address	MAP #: BRADY					
KAPETANEAS SPEROS & JANET L 5397 BRADY RD HOWELL MI 48843	2020 Est TCV Tentative					

Tax Description	X Improved		Vacant	Land Value Estimates for Land Table 4500.HOWELL M& B																		
	Public Improvements			* Factors *																		
Comments/Influences	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
														SEC 31 T2N R5E BEG S01*16'15"W 1926.85 FT FROM N 1/4 COR OF SEC TH S01*16'15" W 420.21 FT TH N88*02'37"E 1299.37 FT TH N0*12'37"E 345.42 FT TH N88*51'45"W 1289.89 FT TO BEG. 11.36 A. M/L								
																	11.36	Total Acres				Total Est. Land Value = 132,240

SEC 31 T2N R5E BEG S01*16'15"W 1926.85 FT FROM N 1/4 COR OF SEC TH S01*16'15" W 420.21 FT TH N88*02'37"E 1299.37 FT TH N0*12'37"E 345.42 FT TH N88*51'45"W 1289.89 FT TO BEG. 11.36 A. M/L

Comments/Influences



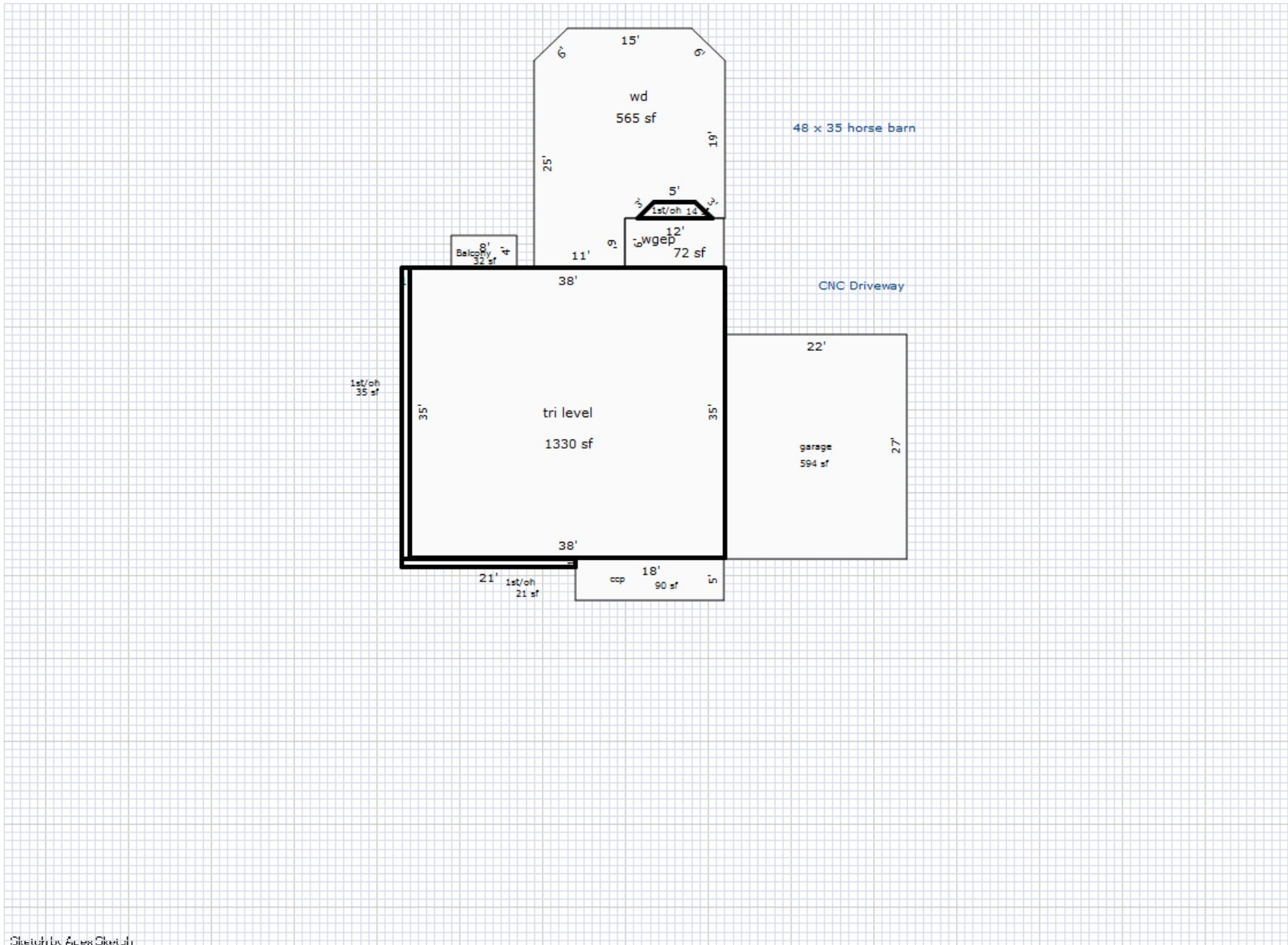
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

X	Level	Rolling	Low	High	Landscaped	Swamp	Wooded	Pond	Waterfront	Ravine	Wetland	Flood Plain	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
														2020	Tentative	Tentative	Tentative			Tentative
														2019	65,100	86,100	151,200			141,792C
														2018	65,100	83,400	148,500			138,469C
														2017	65,100	85,200	150,300			135,621C

*** 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	Type	Year Built: 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: 594 % 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		90 72 565 32		CCP (1 Story) WGEP (1 Story) Treated Wood Wood Balcony	E.C.F. X 0.940		Bsmnt Garage: Carport Area: Roof:																																																																																																				
Building Style: C		Trim & Decoration		Ex			X	Ord	Min	Class: C Effec. Age: 35 Floor Area: 2,065 Total Base New : 272,372 Total Depr Cost: 177,041 Estimated T.C.V: 166,419		E.C.F. X 0.940																																																																																																						
Yr Built 1974	Remodeled 0	Size of Closets		Lg			X	Ord	Small	Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
Condition: Good		Doors:		Solid			X	H.C.	Total Base New : 272,372		E.C.F. X 0.940																																																																																																							
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric 0 Amps Service			Total Base New : 272,372		E.C.F. X 0.940		Bsmnt Garage:																																																																																																				
Basement 1st Floor 2nd Floor 3 Bedrooms		Kitchen: Other: Other:		(6) Ceilings			No./Qual. of Fixtures			Total Depr Cost: 177,041		E.C.F. X 0.940		Carport Area: Roof:																																																																																																				
(1) Exterior		Ex		X	Ord	Min	No. of Elec. Outlets			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		Many			X	Ave.	Few	Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
Insulation		Basement: 1330 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing			Average Fixture(s) 2 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			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
(2) Windows		Many Avg. Few		X	Large Avg. Small	(14) Water/Sewer			Total Depr Cost: 177,041			E.C.F. X 0.940																																																																																																						
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			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Lump Sum Items:			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
X	Gable Hip Flat	Gambrel Mansard Shed		Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
X	Asphalt Shingle	Chimney: Brick		Lump Sum Items:			Lump Sum Items:			Total Depr Cost: 177,041		E.C.F. X 0.940																																																																																																						
<p>Cost Est. for Res. Bldg: 1 Single Family C Cls C Blt 1974 (11) Heating System: Forced Air w/ Ducts Ground Area = 1330 SF Floor Area = 2065 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=65/100/100/100/65 Building Areas</p> <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>Tri-Level</td> <td>Siding</td> <td>Basement</td> <td>1,330</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding</td> <td>Overhang</td> <td>56</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding</td> <td>Overhang</td> <td>14</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>212,384</td> <td>138,049</td> </tr> </tbody> </table> <p>Other Additions/Adjustments</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Quantity</th> <th>Unit Cost</th> <th>Total Cost</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>Plumbing</td> <td>3 Fixture Bath</td> <td>1,285</td> <td>3,855</td> <td>2,506</td> </tr> <tr> <td>Water/Sewer</td> <td>2 Fixture Bath</td> <td>1,379</td> <td>2,759</td> <td>1,676</td> </tr> <tr> <td>Water/Sewer</td> <td>1000 Gal Septic</td> <td>4,036</td> <td>4,036</td> <td>2,623</td> </tr> <tr> <td>Water Well, 200 Feet</td> <td>1</td> <td>8,914</td> <td>8,914</td> <td>5,794</td> </tr> <tr> <td>Porches</td> <td>CCP (1 Story)</td> <td>2,124</td> <td>2,124</td> <td>1,381</td> </tr> <tr> <td>Deck</td> <td>WGEP (1 Story)</td> <td>6,409</td> <td>6,409</td> <td>4,166</td> </tr> <tr> <td>Balcony</td> <td>Treated Wood</td> <td>6,791</td> <td>6,791</td> <td>4,414</td> </tr> <tr> <td>Garages</td> <td>Wood Balcony</td> <td>1,082</td> <td>1,082</td> <td>703</td> </tr> <tr> <td colspan="5">Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)</td> </tr> <tr> <td>Base Cost</td> <td></td> <td>594</td> <td>21,022</td> <td>13,664</td> </tr> <tr> <td>Common Wall: 1 Wall</td> <td></td> <td>1</td> <td>-2,228</td> <td>-1,448</td> </tr> <tr> <td>Fireplaces</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Exterior 1 Story</td> <td></td> <td>1</td> <td>5,404</td> <td>3,513</td> </tr> </tbody> </table> <p><<<<< Calculations too long. See Valuation printout for complete pricing. >>>>></p>															Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	Tri-Level	Siding	Basement	1,330			1 Story	Siding	Overhang	56			1 Story	Siding	Overhang	14			Total:				212,384	138,049	Item	Quantity	Unit Cost	Total Cost	Depr. Cost	Plumbing	3 Fixture Bath	1,285	3,855	2,506	Water/Sewer	2 Fixture Bath	1,379	2,759	1,676	Water/Sewer	1000 Gal Septic	4,036	4,036	2,623	Water Well, 200 Feet	1	8,914	8,914	5,794	Porches	CCP (1 Story)	2,124	2,124	1,381	Deck	WGEP (1 Story)	6,409	6,409	4,166	Balcony	Treated Wood	6,791	6,791	4,414	Garages	Wood Balcony	1,082	1,082	703	Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)					Base Cost		594	21,022	13,664	Common Wall: 1 Wall		1	-2,228	-1,448	Fireplaces					Exterior 1 Story		1	5,404	3,513
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																																																																																													
Tri-Level	Siding	Basement	1,330																																																																																																															
1 Story	Siding	Overhang	56																																																																																																															
1 Story	Siding	Overhang	14																																																																																																															
Total:				212,384	138,049																																																																																																													
Item	Quantity	Unit Cost	Total Cost	Depr. Cost																																																																																																														
Plumbing	3 Fixture Bath	1,285	3,855	2,506																																																																																																														
Water/Sewer	2 Fixture Bath	1,379	2,759	1,676																																																																																																														
Water/Sewer	1000 Gal Septic	4,036	4,036	2,623																																																																																																														
Water Well, 200 Feet	1	8,914	8,914	5,794																																																																																																														
Porches	CCP (1 Story)	2,124	2,124	1,381																																																																																																														
Deck	WGEP (1 Story)	6,409	6,409	4,166																																																																																																														
Balcony	Treated Wood	6,791	6,791	4,414																																																																																																														
Garages	Wood Balcony	1,082	1,082	703																																																																																																														
Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)																																																																																																																		
Base Cost		594	21,022	13,664																																																																																																														
Common Wall: 1 Wall		1	-2,228	-1,448																																																																																																														
Fireplaces																																																																																																																		
Exterior 1 Story		1	5,404	3,513																																																																																																														

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



Sketch by Apex Sketch

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
August 20, 2019 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel 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 Bill Rockwell and Amy Ruthig, Zoning Official. Also present was Joe Seward, Township Attorney.

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 McCreary, seconded by Board Member Ledford, to approve the agenda with Item #1, Case #18-15, tabled per the applicant's request and to postpone Item #3, Case #19-19 per the applicant's request. **The motion carried unanimously.**

Mr. Seward left the meeting at 6:32 pm.

Call to the Public:

The call to the public was made at 6:32 pm with no response.

1. 19-15 ... A request by Melissa Koryabina, 4784 Nature View Court, for a side and front yard variance to construct an addition.

The applicant was not present this evening.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to move Item #1 to the end of the agenda in case the applicant arrives. **The motion carried unanimously.**

Zoning Board of Appeals
August 20, 2019 Approved Minutes

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

Mr. and Mrs. Wloderczek were present. They would like to complete the enclosed deck construction that has already begun. Mr. Wloderczek reviewed the letter that was submitted with his application.

The purpose of the requested variance is to allow full utilization of their home, property and adjacent lake. A variance was granted in 1999 that 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). This request is the least necessary and does not extend beyond the existing building envelope. The existing setback is 43.9' and they are requesting an additional 8 feet for a setback of 35.9'. Their request is in line with other properties in the area.

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. The neighboring properties do not have the same circumstances

In the 500 foot inclusion area, there are eight included lots, of which only two are of similar width to his property. There are four lots to the north and three lots to the south. He provided the following facts about the neighboring properties:

- $584/8 = 73'$ on average (full width of all eight lots)
 - $45/73 = .62$ (his property is 38% smaller than average)
- There are two 45' lots included in this area (4183 & 4165 Homestead).
- The home at 4165 Homestead has an enclosed room facing the lake, which is similar to their request and there are no variances on record for this home. That home's neighboring setbacks are 64.6' & 53.5' so their required setback is 59.05 feet so a 20.1' variance would have been needed.
- The grade/slope on the side yards of his home are not present on neighboring properties. His lot has a drop of 5', which is not present on adjoining lots.

He does not believe the variance is self-created as he relied on good faith of building permits being obtained by his contractor. 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. 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.

Zoning Board of Appeals
August 20, 2019 Approved Minutes

They provided photographs of other similar enclosed decks as well as an aerial showing the location of other homes in his neighborhood in relation to the lake.

A letter was submitted from his neighbor at 4177 Homestead who has no hesitation or issue with the completion of this room.

Ms. Ruthig stated that in researching the original approved variance in 1999, it does not appear that the home was built in the correct location. Additionally, that variance states “front porch” and “front” is the roadside, and not the lakeside, so she is not sure if the variance was for this porch or one on the front of the home, but there is no porch on the front of the home.

Board Member McCreary appreciates that the applicant wants to enjoy the lake from a screened-in porch; however, the homes on either side of his home sit further back. Mr. Wloderczak stated that those homes’ neighbors are also further back so they have a different setback requirement.

Board Member Rockwell questioned that if this variance is allowed, and it becomes part of the main structure, could a deck then be added. Ms. Ruthig stated a one or two-story deck could be built 15 feet out as long as there is a 15 foot greenbelt from the water’s edge. Mr. Wloderczak stated that the existing deck that he wants to enclose is 13 feet so a deck would only be able to go out an additional two feet.

The call to the public was made at 6:53 pm.

Mr. Victor Zammit of 4177 Homestead stated he has lived here for 25 years and he does not believe this would be an incumerance for the neighbors. The applicant would like to screen in deck to enjoy his home.

The call to the public was closed at 6:55 pm.

Moved by Board Member Ledord, seconded by Board Member Kreutzberg, to approval Case #19-26 for 4183 Homestead Drive for Jon and Danielle Wloderczak for a waterfront setback variance of of 20.35 feet from the required 56.25 feet to 35.90 feet to enclose a 13x18 area under and existing deck, which would be 234 square feet, to create additional living space, based on the following findings of fact:

- The practical difficulty is the narrowness and depth of the lot and location of the existing home on the property.
- Strict compliance with the setback would prevent the applicant from constructing an addition; however, there are other homes in the area that do not meet the waterfront setback.
- A variance was granted on September 14, 2199 for a five-foot waterfront variance to construct a new home with an elevated deck. Extending the area beneath the deck will not protrude beyond the building envelope of the existing structure.
- 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 residents of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried (Ledford - yes; Rassal - no; McCreary - no; Rockwell - yes; Kreutzberg - yes).

3. 19-27 ... A request by Steven G. Ezikian, 4640 Sweet Road, for a variance to construct a detached accessory structure in the front yard.

Mr. and Mrs. Ezikian were present. They are requesting a variance to build a 1,200 square foot pole barn that encroaches past their home by 10 feet. Their property is triangular shaped as they are along the railroad tracks. They are not able to put the pole barn to the rear of the home, because that is where their well and septic field are located. There are no public safety issues, and it will not prohibit others in the area from using their property. There is another home in the area whose entire barn is in the front yard.

Board Member McCreary questioned the existing accessory structure by the pool. Mr. Ezikian stated that will be removed.

The call to the public was made at 7:03 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #19-27 for Steven G. Ezikian of 4640 Sweet Road, Howell to build a detached accessory structure in the front yard, based on the following findings of fact:

Zoning Board of Appeals
August 20, 2019 Approved Minutes

- The exceptional or extraordinary condition of the property is the location of the existing single family home, location of the septic field and reserve septic field, the non-conforming lot size, the location of the 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 area. The need for the variance is not self-created and is the least amount necessary.
- 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 threaten public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

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

The motion carried unanimously.

4. 19-28...A request by Meffert, 6373 Challis Road, for a variance to split property.

Mrs. Meffert and Jim Barnwell of Desine, Inc. were present. Ms. Meffert stated they are requesting a variance to split their property. The required lot size in their zoning district is one acre and they have two acres. Jim Barnwell stated they would like to keep the existing home on a lot with a little over one acre and the other lot would be .75 acres. This would allow the home to stay within the required setbacks. This would have no negative impact on the neighborhood and is consistent with a majority of the properties in the area. Many of the parcels here are less than $\frac{3}{4}$ of an acre as it is encompassed by the Mountain View subdivision. When a new home is built on the new piece of property, it will be consistent with the Township's requirements.

Board Member McCreary stated that the Township will be creating a non-conforming lot. She noted that the new home's driveway would come off of Catalpa so the rear yard would not meet the setback requirements. Mr. Barnwell stated that they are proposing that the rear of the home would be to the north and the side yard would be between the new home and the existing home. This property has three road frontages.

Board Member McCreary questioned the fence that is in the front yard. Ms. Meffert stated she will remove the posts for the fence if the split is approved and any fence would comply with the Township's ordinance.

The call to the public was made at 7:18 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #19-28 for 6373 Challis Road for Rudolph and Doreen Meffert for a variance to split an existing 2.06 acre parcel into two parcels. The parent Parcel A would consist of 1.31 acres and Parcel B would be .75 acres; thereby creating a non-conforming parcel, based on the following findings of fact:

- Both parcels have frontage on three roads - Challis, Catalpa, and Grand Circle Drive, which is currently zoned LDR (Low Density Residential).
- The exceptional or extraordinary circumstances of the property is the unusual shape and that it contains three road rights of way front yard easements. The road right of way easement square footage cannot be used with the calculations for the lot area. The variance would make the property consistent with other properties to the northeast of the parcel; however the remaining parcel is larger than one acre, which is consistent with the LDR Zoning. The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned upon the following:

1. The seven foot fence that runs along Challis Road is non-conforming and is allowed to be repaired based on the ordinance; however, the existing fence that runs from north to south must be brought into compliance.

The motion carried unanimously.

5. 19-29...A request by John Conely, 7208 Grand River, for a sign setback variance.

Mr. Conely was present. He stated that he recently performed maintenance and upgrades to his sign and was notified that the existing sign does not meet the

setback requirement on one side. The existing sign has been there for approximately 10 years. He was required to put in a water main and a fire hydrant in order to build a storage building on his site so he had to grant the Township a 10-foot easement for the main. This makes him unable to move the sign to meet the setback requirement. He is requesting a 4.48 foot variance.

He will move the sign so that it meets the ROW requirement, but it cannot be moved to meet the side setback. Additionally he cannot move the sign to the west because that is the neighbor's property. He has an ingress/egress easement for his driveway.

The call to the public was made at 7:36 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve Case # 19-29 for 7208 W. Grand River, Brighton for John Conely for a sign setback variance in the general commercial district of 4.48 feet for a proposed side yard setback of 5.52 feet from the required 10 foot in relationship to the southern dimension of the sign that runs parallel with the property on the north/south boundary of the property closest to the business and the road setback for the sign will be brought into compliance of 10 feet for the front yard setback from Grand River, based on the following findings of fact.

- The current lot line and placement of the sign as well as the water main dictates that this is the only location that will allow the sign to be placed, complying with the least restrictive variance.
- The extraordinary conditions are the location of the water main easement and the ROW for the road setback.
- The need for the variance is not self-created and it is determined that based on any ROW's and easements there is no other location for the sign.
- 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 danger of fire or public safety of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. The applicant will demonstrate that the site is in conformance with Genoa Township Ordinances and the Site Plan and Special Use previously 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 sign shall be only 25%, as agreed by the applicant, and can only occupy one third (1/3) of the sign.

After hearing the conditions of the approval, Mr. Connelly requested this item be tabled this evening.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to withdraw the previously-made motion. **The motion carried unanimously.**

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Item #19-29, for 7208 Grand River, at the applicant's request until the next scheduled Zoning Board of Appeals meeting. **The motion carried unanimously.**

6. 19-30...A request by Quick, 3940 Highcrest, for two side and front yard setback variances, a height variance, a variance to allow retaining walls and a detached accessory structure to remain in the waterfront yard to demolish an existing home and construct a new single family home.

Mr. Jim Quick and Mr. Roger Meyer, counsel for Mr. Quick, were present. Also present was Mark McBride, the architect. Mr. Meyer provided a review of the four variances they are requesting this evening. He showed a proposed site plan.

He stated that seven letters of support from neighbors have been received and submitted to the Township.

There are four important factors that are the hardships for these variances:

1. The lot is non-conforming; The lot is 48.44 feet wide and the ordinance requires an 80 foot width, so there is a 39% shortfall in the width requirements. The depth is 175.60 feet, and the requirement is 320 feet, so there is a 45% deficiency in the requirement.
2. There is the existence of non-conformities and encroachments that exist on the adjacent properties. There is a shed on the property to the south that encroaches onto Mr. Quick's property. The existing deck to the north is non-conforming and sits a few inches from Mr. Quick's property line. Also, on the property to the north, in the corner, the deck sits a few feet from the existing property line.

3. There are elevation issues present with the property. There is a significant topography change going from the east to the west, and altering this topography would change the flow of storm water into the catch basin directly across from the property.
4. The need for the retaining walls is to allow the home to be built with the natural slope of the property.

All of these factors contribute to the hardship and are driving the need for the variances and are not self-created.

He reviewed the reasons for the four variances requested:

1. The front yard setback is needed because the applicant is proposing a three-car, side-loading garage for safety reasons. It will allow him to pull out of his driveway instead of backing out. Also, it will allow for more parking spaces on the site, so guests would not have to park on the street. If it was front-loaded, only a two-car garage would be able to be built and there would only be one additional parking space on the lot.
2. One reason for the four-foot height variance is needed to maintain the slope for the storm water drainage system for the neighborhood. The second reason is due to the property to the north. The existing deck on this property sits four feet above grade and there is an approximate three-foot high railing on the deck, which is causing approximately seven-feet of obstruction of Mr. Quick's view of the lake. Their proposal would have no impact on the lake view of the neighbor to the north. He presented a diagram showing how the height of the home will not negatively impact the air flow or light for the neighbors.
3. The retaining walls would also not negatively impact the neighbors. The one in the rear will be below grade and will be facing the lake. There is an existing concrete retaining wall on the property to the south and the proposed retaining wall for this site will be on the other side of that concrete wall. He noted that this wall will provide additional support for the existing non-conforming structure on the property to the south.
4. Maintain the existing shed on the property will allow the applicant to enjoy the same benefits of the other homes in the area who have accessory structures.

He believes that all of the four required factors for granting a variance have been met for all four variance requests. He noted that Ms. Ruth's report supports these requests, and he has addressed her concerns with regarding to the height and parking issues.

Zoning Board of Appeals
August 20, 2019 Approved Minutes

Mr. Quick stated that he hired a professional architect to develop designs for their home and presented them to his neighbors. He has met his neighbors and he is looking forward to building the home and moving into the neighborhood.

Board Member McCreary complimented the side-directed garage, but she is concerned with the close proximity of the home to the neighbor's structures and how it would be affected by a fire. Mr. McBride stated the garage will meet the Michigan Building Code requirements for fire, which is one hour. He can add additional protection so by the time it would take a fire to go between the two buildings would be two hours.

She asked if the garage could be moved. Mr. McBride stated he needs to have the depth in front of the garage to allow the vehicles to pull out of the driveway, instead of having to back out. Mr. Myers reiterated that the existing building to the north is non-conforming and inches from the property line.

The call to the public was made at 8:43 pm.

Ms. Jacqueline Blair of 3934 Highcrest is the homeowner to the north with the garage that is close to the property line. She is concerned how a fire would affect her garage. She is concerned with the drainage from the runoff from the roof in that area. She believes there would be an air flow issue between the two garages. She does not want hers to rot. She is also concerned with the amount of coverage on the site. Very few homes in this area of Highcrest have their garages connected to the homes. She is also concerned with parking and lighting. She is also concerned with the proposed rails. Mr. Quick stated they he is complying with the lakeside setback and his home would be further back from the lake than the home to the north. Additionally, it is seven feet below Ms. Blair's existing deck.

Mr. Adam Perkowski of 3944 Highcrest is the neighbor to the south. Mr. Quick has been very up front with his plans and explaining it to the neighbors. The call to the public was closed at 8:54 pm.

Board Member McCreary thanked the applicant for his presentation. Everything was included. She reiterated her concerns with how close the garage would be to the neighbor's garage to the north. Mr. Quick said he could change it to front-facing, but that would be another safety hazard for him having to back out of his driveway and it would decrease the amount of parking available on his site. His

architect will do what needs to be done to ensure that the neighbor's home is protected.

Ms. Ruthig stated that she has met with the applicant and his representatives many times and safety was always their number one concern.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #19-30 for 3940 Highcrest for James and Angela Quick, for a building height variance of four feet to 29 feet, a front yard setback variance of four feet to 31 feet, a southern side yard variance of four feet to six feet, a northern side yard variance of 5.33 feet to 4.67 feet, a variance to allow retaining walls, and a variance to allow an attached accessory structure on the waterfront to demolish an existing home and construct a new single-family home, based on the following findings of fact:

- Strict compliance with the front and side yard setbacks, height and retaining wall requirements, and no accessory structure 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 vicinity
- 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 all variances is not self-created.
- The high variance is in concern to the flooding and keeping water flow safe.
- The granting of these variances could impair an adequate supply of light and air to adjacent property.
- It should eliminate congestion to the public streets with side-loaded garage 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.

This approval is conditioned upon the following:

1. Sufficient on-site parking shall be maintained at all times.
2. The structure must be guttered with downspouts.
3. The applicant shall be required to completely remove the detached accessory structure under the following conditions:

Zoning Board of Appeals
August 20, 2019 Approved Minutes

- 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; and/or
 - 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 six months for Item A or 12 months for Item A.
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.
The motion carried (Ledford - Yes; Rassel - Yes; McCreary - No; Rockwell - Yes; Kreutzberg- No).
7. 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.

Ms. Cedar was present. The hardships are that her property is 50 x 100 and she is requesting the height variance because the slope of her property is lower at the road than it is in the rear.

The variances she is requesting is 16 feet for the front yard, 21 feet for the rear yard, 4 feet for the west side, and a height variance of 9 ½ feet. She will be putting the home on top of the garage. It will be a side entrance to allow for more parking. The total lot coverage is because she will have a long narrow driveway on the side of her house.

Board Member McCreary stated there was no stake survey done so it is unsure where the property lines are located. The proposed sketch plan does not show the location of the home and its relation to the property lines. She does not see the proposed home being built on this lot.

Ms. Cedar feels that her proposed home is comparable to the homes in the area; however, her lot is much smaller.

Board Member Kreutzberg agrees with Board Member McCreary. She would like to see a blueprint. She questioned if the request is the least necessary. Ms.

Zoning Board of Appeals
August 20, 2019 Approved Minutes

Cedar stated that is one reason she is proposing to put the house on the garage. If she met the setback requirements, she would only be able to build a 900-square-foot home with no garage. She showed a picture of the proposed house.

Board Member McCreary would like the applicant to research a more suitable house to be built on the lot so that not so many variances are being requested.

The call to the public was made at 9:25 pm.

Ms. Sara Kirkwood of 3754 Noble and 3751 Noble is concerned with this request. Her home is the home where the one-foot setback is being proposed. This house is out of the ordinary for their neighbor.

Mr. Robert Wilk of 3734 Noble stated the appropriate home needs to be built on this lot.

Ms. Deb Goeglein of 3762 Noble stated they are having trouble with flooding on their property so she is very concerned with a structure being built on this lot.

The call to the public was closed at 9:29 pm.

Ms. Cedar asked to have her request tabled until the December 17, 2019 ZBA meeting.

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to table Case #19-31 for Cathy Cedar until the December 17, 2019 Zoning Board of Appeals meeting at the petitioner's request. **The motion carried unanimously.**

8. 19-15 ... A request by Melissa Koryabina, 4784 Nature View Court, for a side and front yard variance to construct an addition.

Mr. and Mrs. Koryabina were present. They were before the Board previously and have submitted new plans to address the concerns stated at that meeting. They have moved the garage further back so the variances they are requesting have been lessened.

They presented photographs of the backyard showing that there is very little room to move the garage back further because of the location of the pool.

The call to the public was made at 9:46 pm with no response.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve Case #19-15 for 4784 Nature View Court for an 18 foot 3 inch front yard setback variance from the required 75 feet to 69 feet 9 inches and an 11 foot 6 inch side yard variance from the required 40 feet to 28 feet 6 inches to construct an addition to an existing single-family home, based on the following findings of fact:

- Strict compliance with the front and side yard setbacks would prevent the applicant from constructing the addition. The addition is proposed to be located a few feet from the current non-conforming front setback.
- Substantial justice would be supported since there are other homes in the area that appear to have non-conforming front yard setbacks.
- The exceptional or extraordinary condition of the property is the location of the existing home and the pie shaped lot being on the cul de sac, and the narrowest part of the property.
- 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 residents of the Township of Genoa.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the July 16, 2019 Zoning Board of Appeals Meeting.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve the July 16, 2019 Zoning Board of Appeals Meeting minutes as presented. **The motion carried with Rockwell and Razzel abstaining.**

2. Correspondence – Ms. Ruthig had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the August 5 and August 19 Board meetings.

Zoning Board of Appeals
August 20, 2019 Approved Minutes

4. Planning Commission Representative Report – Board Member McCreary provided a review of the August 12 Planning Commission meeting.
5. Zoning Official Report – Ms. Ruthig stated there approximately five cases for September’s meeting. Board Member Kreutzberg will not be in attendance.
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 10:01 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

Building Type	Barn - Free-Stall			
Year Built				
Class/Construction	D,Pole			
Quality/Exterior	Low Cost			
# of Walls, Perimeter	4 Wall, 166			
Height	12			
Heating System	No Heating/Cooling			
Length/Width/Area	48 x 35 = 1680			
Cost New	\$ 20,849			
Phy./Func./Econ. %Good	55/100/100 55.0			
Depreciated Cost	\$ 11,467			
+ Unit-In-Place Items	\$ 0			
Description, Size X Rate X %Good = Cost Itemized -> Unit-In-Place -> Items ->				
E.C.F.	X 0.940			
% Good	55			
Est. True Cash Value	\$ 10,779			
Comments:				
Total Estimated True Cash Value of Agricultural Improvements / This Card: 10779 / All Cards: 10779				