

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 16, 2019 (WEDNESDAY)
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.
2. 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.

NEW BUSINESS:

3. 19-36... A request by Ventures Design, 4501 Oak Pointe Drive, island located on Crooked Lake, for a waterfront setback variance to construct a detached accessory structure.
4. 19-37...A request by Marygrove Awning, Co., 4219 Homestead, for a waterfront yard variance to allow a covered deck.
5. 19-38...A request by Tim Chouinard, 935 Sunrise Park Drive, for a front, rear and waterfront setback variance and a lot coverage variance to construct a new home. (Requesting postponement)

Administrative Business:

1. Approval of minutes for the September 17, 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.

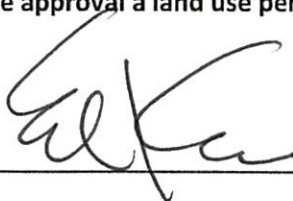
IMPACTS NO ONE.

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 in 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

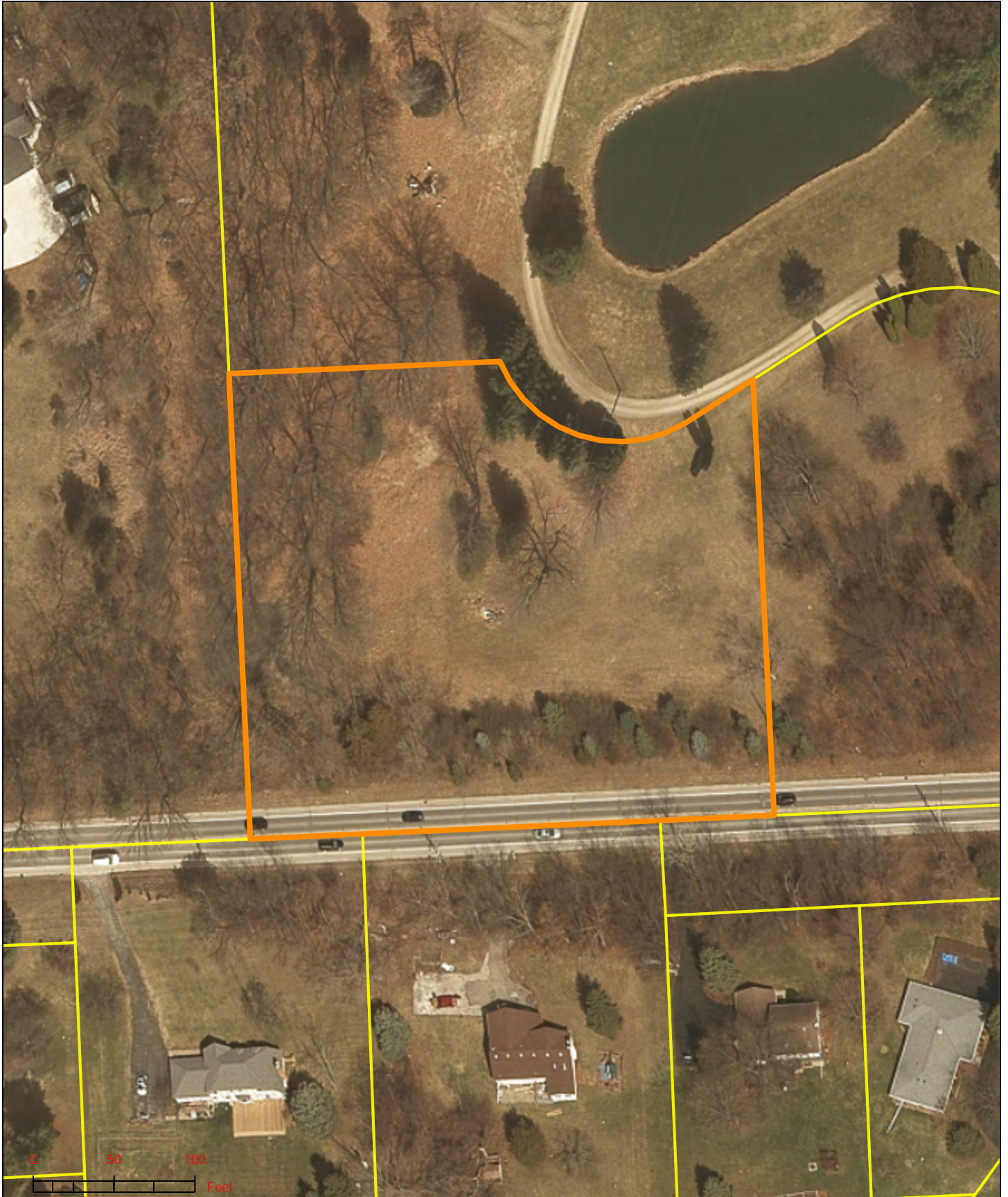
If the Zoning Board of Appeals grants the variance request staff recommends the following conditions be placed on the approval:

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.

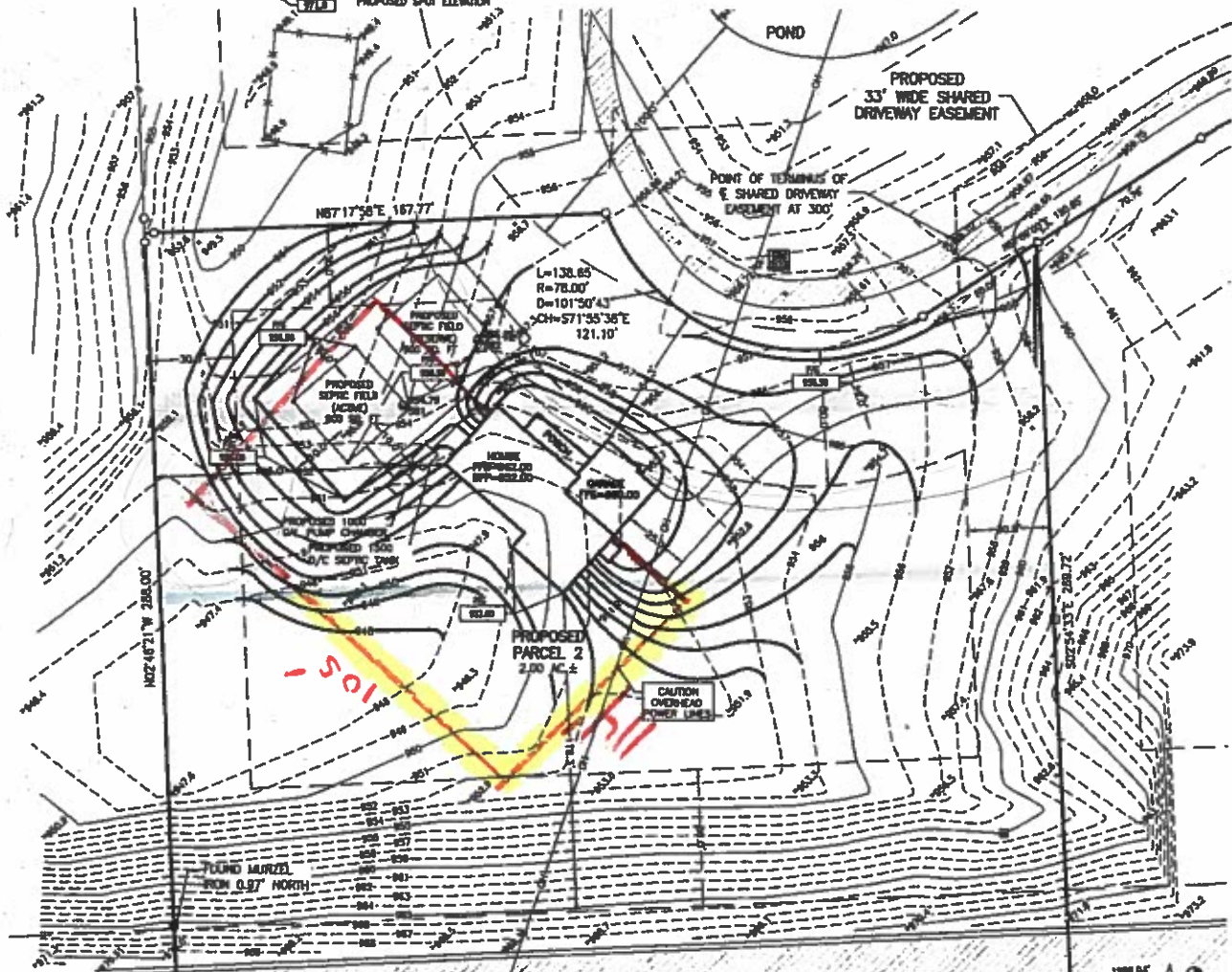
GENOA TOWNSHIP



PLOT PLAN

LEGEND

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



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

BOSS Engineering
 KOSS
 4920 BRIGHTON OAKS TRAIL
 BRIGHTON, MI 48116
 (248) 708-9602

PARCEL 2
PLOT PLAN

PROJECT	TITLE
PREPARED FOR	DATE
DESIGNED BY:	DATE
DRAWN BY: JH	DATE
CHECKED BY:	DATE
SCALE 1" = 30'	DATE
JOB NO. 17-483	DATE
DATE 04-08-18	DATE
SHEET NO.	DATE

SW COR. SEC. 28 T2N-R5E (1-11)

324.30'

S 1/4 COR. SEC. 28 T2N-R5E (1-11)

587°16'42" W (M) N89°18'25" W (R) 2851.88'

BRIGHTON ROAD (66' WIDE R/W) AND SOUTH LINE SECTION 28

THE LOCATION AND ELEVATION OF CONTROL POINTS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. AN EXACTLY LOCATED POINT IS NECESSARY TO BE USED AS A BASIS FOR THE PREPARATION OF RECORD PLANS. THE LOCATION AND ELEVATION OF CONTROL POINTS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. AN EXACTLY LOCATED POINT IS NECESSARY TO BE USED AS A BASIS FOR THE PREPARATION OF RECORD PLANS.

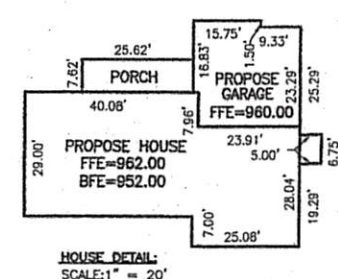
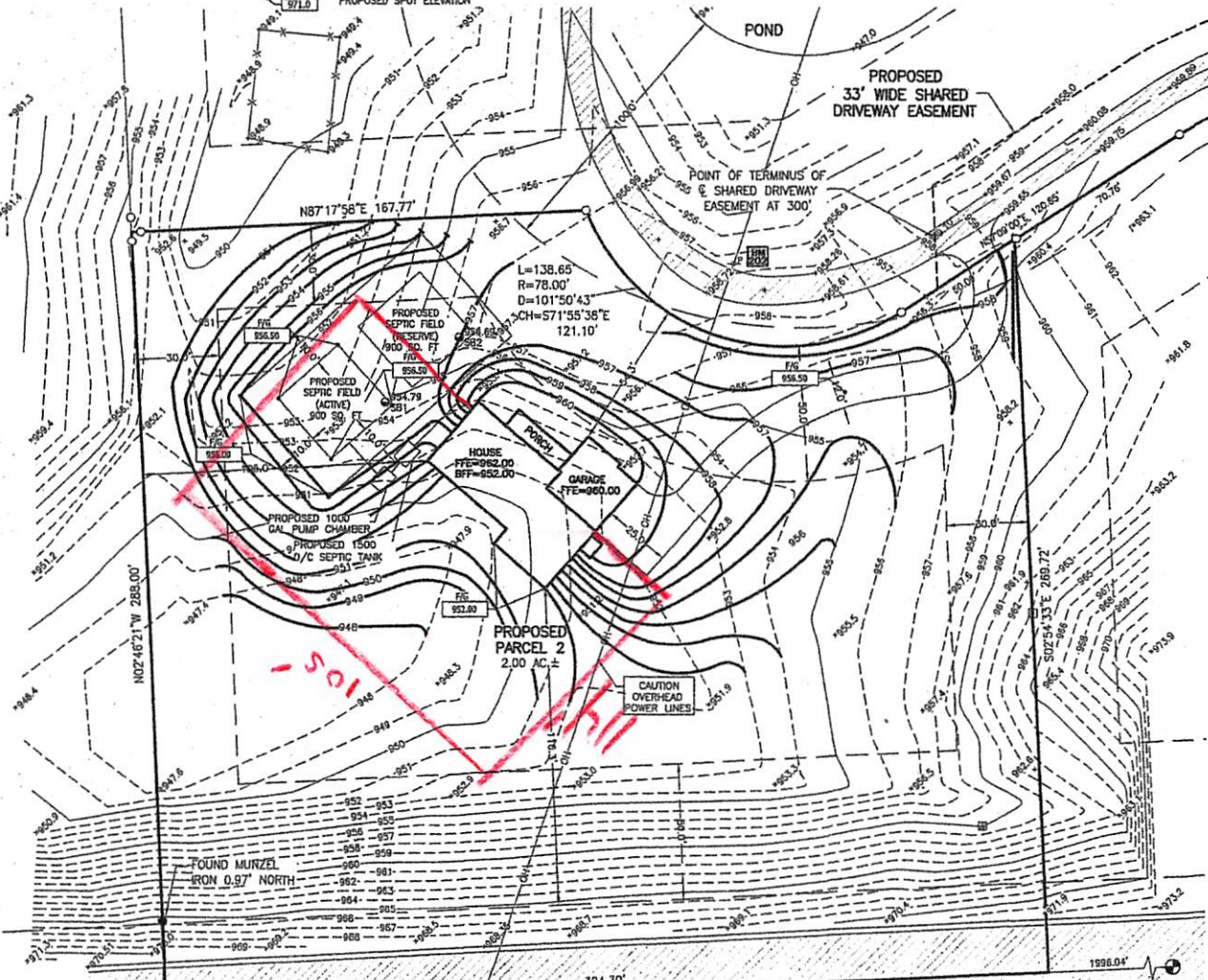
BOSS Engineering
 38211
 PROFESSIONAL ENGINEER

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

SCALE: 1 INCH = 30 FEET



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:

1. 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.
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 GRS83 SOLUTION, DATED 04-04-18. (NAVD83 DATUM)

SITE BENCHMARKS (NAVD83 DATUM):

- BM #202 = BOSS NAIL/DAE SET S/S OF POLE 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'

324.30'

SB7°16'42"W (M) NB9°18'25"W (R) 2651.88'

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

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

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

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	DATE	
PREPARED FOR	KOSS 4920 BRIGHTON OAKS TRAIL BRIGHTON, MI 48116 (248) 709-6602	REVISION PER	
TITLE	PLOT PLAN	NO. BY	

DESIGNED BY: KJ

DRAWN BY: KJ

CHECKED BY:

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.

BEFORE YOU DIG CALL MISS DIG
1-800-487-7171

STATE OF MICHIGAN
BRENT W. LUVANWAY
REGISTERED PROFESSIONAL ENGINEER
NO. 38211



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Ed Koss

~~opt1 - Galveston Textured
Natural Clay~~

~~opt2 - Chesterfield
White~~

105'

34'

10'00"

114'

4' gate

walk
box

HOUSE

6'

10'00"

35'

30'

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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		Description				Reason	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;		Gravel Road		TABLE A				2.000 Acres	30,000	100	60,000
		Paved Road		Frontage				2.00	Total Acres	Total Est. Land Value =	60,000
		Storm Sewer		Depth							
		Sidewalk		Front							
		Water		Depth							
		Sewer		Rate							
		Electric		%Adj.							
		Gas		Reason							
		Curb		Value							
		Street Lights		TABLE A							
		Standard Utilities		Frontage							
		Underground Utils.		Depth							
		Topography of Site		Front							
		Level		Depth							
		Rolling		Rate							
		Low		%Adj.							
		High		Reason							
		Landscaped		Value							
		Swamp		TABLE A							
		Wooded		Frontage							
		Pond		Depth							
		Waterfront		Front							
		Ravine		Depth							
		Wetland		Rate							
		Flood Plain		%Adj.							
		Year		Assessed Value				Board of Review	Tribunal/Other	Taxable Value	
		Who		Tentative						Tentative	
		When		Tentative						198,830C	
		What		Tentative						9,405C	
		JB 09/27/2018 INSPECTED		Tentative						0	
				Tentative						0	
				Tentative						0	
				Tentative						0	

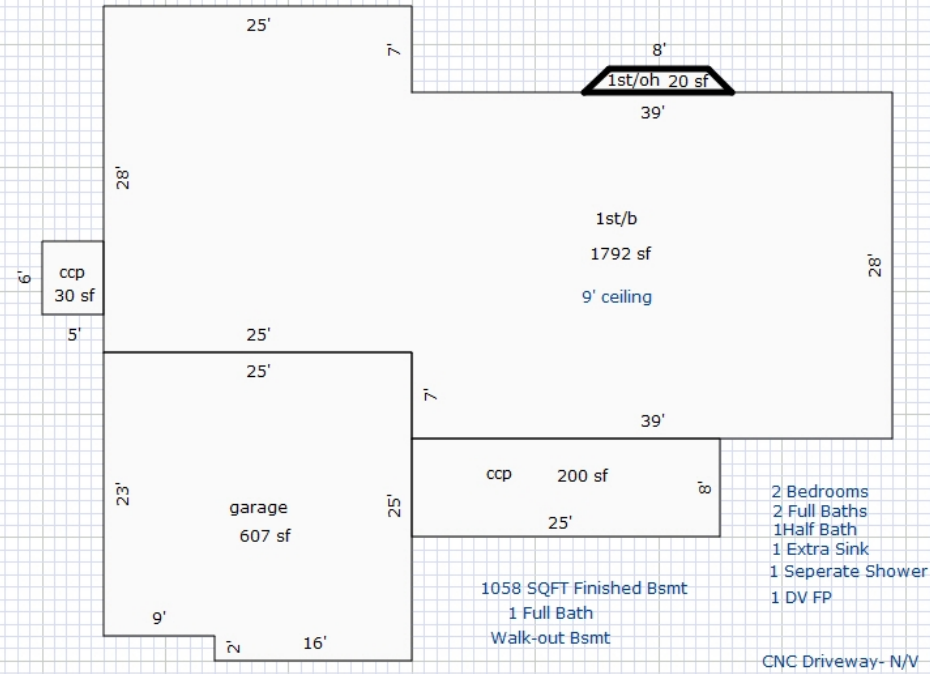
*** Information herein deemed reliable but not guaranteed***

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	X	Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 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		
X	Wood Frame	X	Drywall Paneled			Plaster Wood T&G								
Building Style: BC		Trim & Decoration		X			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace 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		E.C.F. X 0.930		Bsmnt Garage: Carport Area: Roof:	
Yr Built 2018	Remodeled 0	Size of Closets		Lg X Ord			Small		1					
Condition: Good		Doors:		Solid X			H.C.							
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric 0 Amps Service							
	Basement 1st Floor 2nd Floor 2 Bedrooms			(6) Ceilings			No./Qual. of Fixtures Ex. X Ord. Min							
(1) Exterior				No. of Elec. Outlets Many X Ave. Few			(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		Cost Est. for Res. Bldg: 1 Single Family BC (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					
X	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					Other Additions/Adjustments Basement, Outside Entrance, Below Grade 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					
(2) Windows		Many Avg. X Large Avg. Small		(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			(14) Water/Sewer Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:							
(3) Roof				(9) Basement Finish 1058 Recreation SF Living SF 1 Walkout Doors No Floor SF										
X	Gable Hip Flat	Gambrel Mansard Shed		(10) Floor Support Joists: Unsupported Len: Cntr.Sup:										
X	Asphalt Shingle													
Chimney:														

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

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



Sketch by Apex Eketch

*** 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. ~~IS A FRONT YARD UNDER~~ 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.

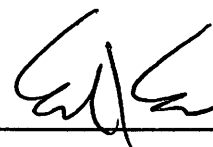
N/A. AS EXPLAINED ABOVE, I AM NOT SEEKING A
VARIANCE SO THIS CRITERIA IS NOT APPLICABLE.

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:

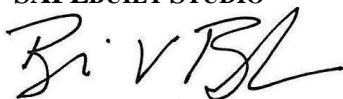
- **Front Lot Line:** *The lot line(s) abutting a public street or private road easement that separates the lot from such right-of-way or easement; typically measured along the right-of-way line.*
- **Front Yard:** *An open space extending the full width of the lot, the depth being the minimum horizontal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

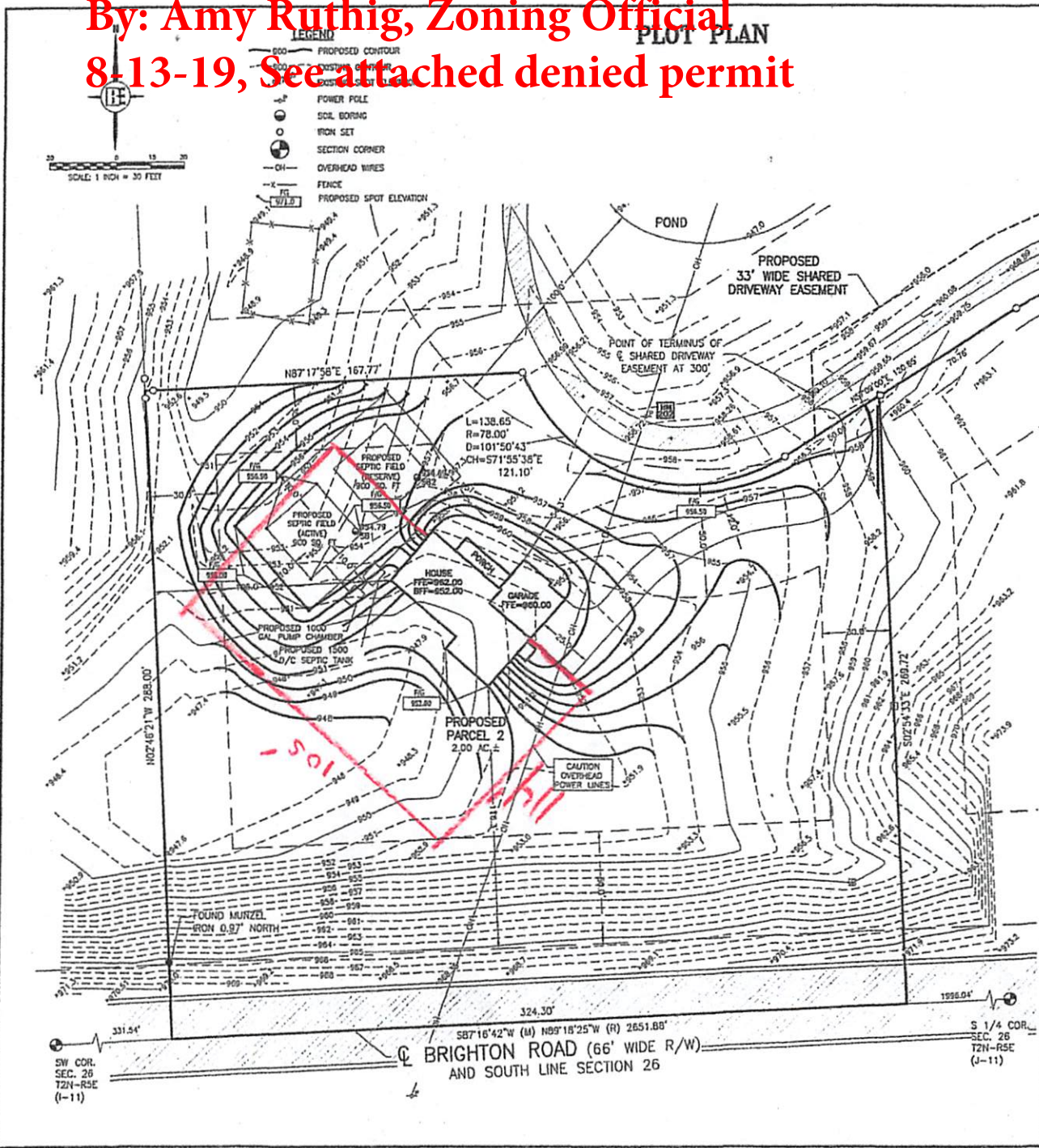
Permit Item	Permit Fee	Fee Basis	Item Total
Deck/Fence/Swimming Pool	Permit Fee	1.00	50.00

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



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 NEEDED 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:

- 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.
- 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 GPUS-RS SOLUTION, DATED 04-04-18. (NAD83 DATUM)

SITE BENCHMARKS (NAD83 DATUM):
-BM #202 = BOSS NAD/TAC SET 3/S 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°15'42" W (recorded as N 87°15'25" 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 26, S 87°15'42" W (recorded as N 87°15'25" W), 324.30 feet; thence N 02°46'21" W (recorded as N 22°35'32" E), 203.00 feet; thence N 07°17'56" E, 167.77 feet; thence Easterly along an arc left, having a length of 138.65 feet, a radius of 70.00 feet, a central angle of 101°50'43", and a long chord which bears S 71°55'30" 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.

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

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

PROJECT	PREPARED FOR	TITLE
PARCEL 2	KOSS	PLOT PLAN
NO.	DATE	REVISION PER

THE LOCATION AND ELEVATION OF EXISTING UNDEGROUND 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 DIFFERS SUBSTANTIALLY FROM THE PLAN.

NOTHING PREVENTS YOU FROM CALLING US FOR ANY OTHER PROJECTS

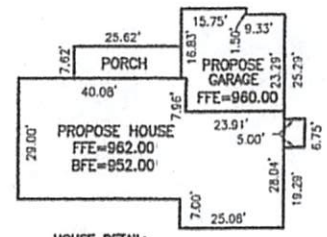
STATE OF MICHIGAN
BOSS ENGINEERING
38211
LICENSED PROFESSIONAL ENGINEER

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

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

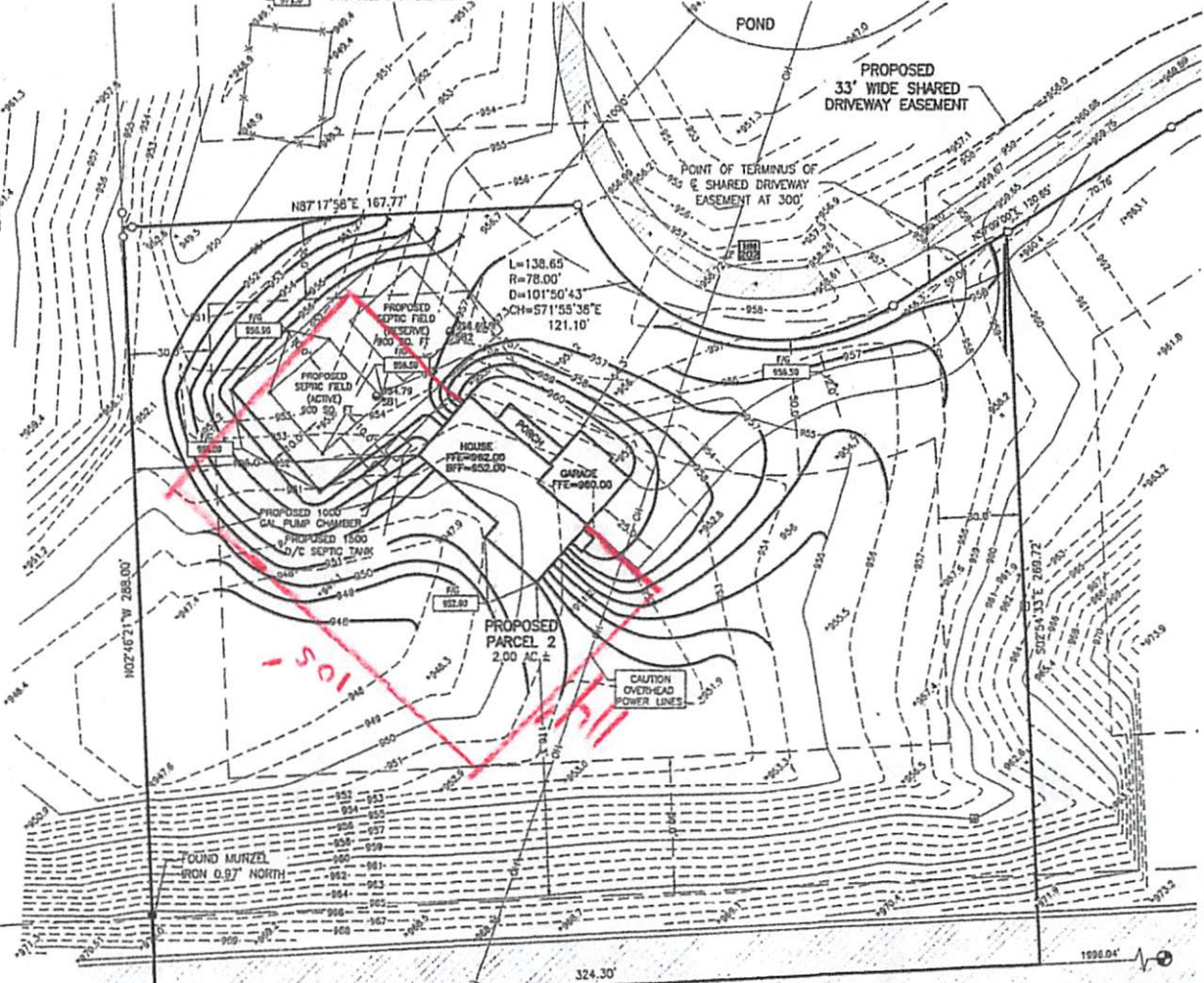
GENERAL SURVEY NOTES:

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 SOLUTION, DATED 04-04-18. (NAVD8 DATUM)

SITE BENCHMARKS (UNUSUAL DATA):
 -BM 1002 = BOSS NAIL/7.50 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 (recovered 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 (recovered on N 87°16'25" W), 224.30 feet; thence N 02°46'21" W (recovered 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, 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 (1-11)

587°16'42" (W) N89°18'25" (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

PARCEL 2
KOSS
 4920 BRIGHTON OAKS TRAIL
 BRIGHTON, MI. 48116
 (248) 709-6602

PLOT PLAN

PROJECT	DATE
PREPARED FOR	
TITLE	
NO. BY	REVISION PER

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

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114'

10' 00"

4' gate

walk box

House

6'

10' 40"

35'

30'

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Realtor.com

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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

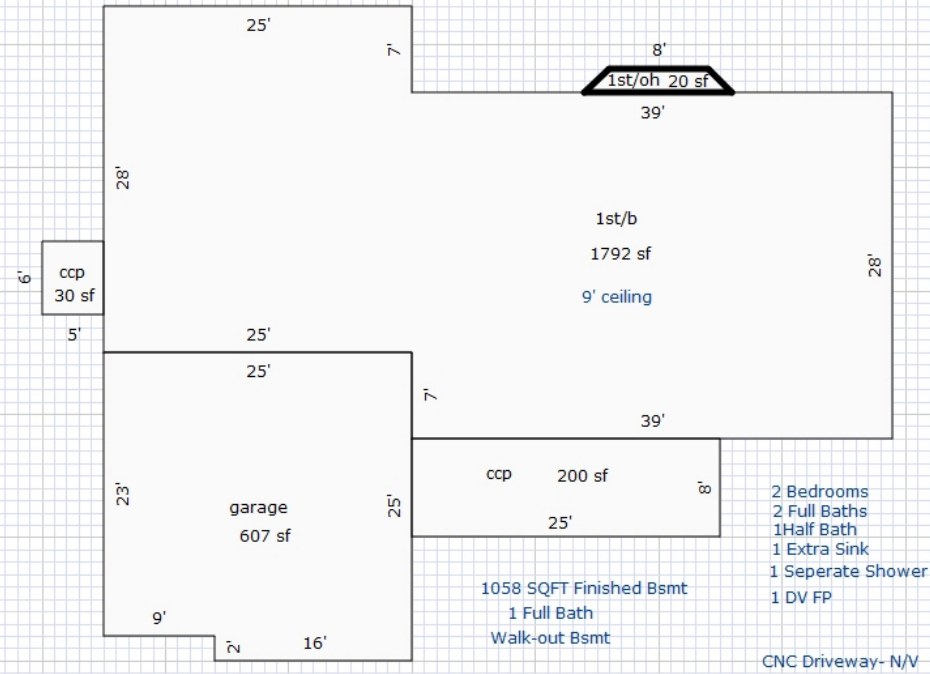
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status			
4930 BRIGHTON OAKS TRL		School: BRIGHTON			Basement Finish	08/13/2018	PW18-122				
Owner's Name/Address		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		
		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							



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		Central Air Wood Furnace			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		(12) Electric			Cost Est. for Res. Bldg: 1 Single Family BC		Cls BC		Blt 2018				
Yr Built 2018	Remodeled 0	Ex X Ord Min		0 Amps Service			(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		
Condition: Good		Lg X Ord Small		(13) Plumbing			Building Areas		Stories		Exterior		Foundation		
Room List		(5) Floors		No./Qual. of Fixtures			1 Story		Siding/Brick		Basement		Overhang		
Basement 1st Floor 2nd Floor 2 Bedrooms		Kitchen: Other: Other:		Average Fixture(s)			1 Story		Siding		Overhang				
(1) Exterior		(6) Ceilings		Ex. X Ord. Min			3 Fixture Bath		2 Fixture Bath		Softener, Auto		Softener, Manual		
Wood/Shingle Aluminum/Vinyl Brick		No. of Elec. Outlets		Many X Ave. Few			1 2 Fixture Bath		Softener, Auto		Solar Water Heat		No Plumbing		
X Vinyl X Insulation		(7) Excavation		(13) Plumbing			Softener, Manual		Solar Water Heat		No Plumbing		Extra Toilet		
(2) Windows		Basement: 1792 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s)			1 2 Fixture Bath		Softener, Auto		Solar Water Heat		No Plumbing		
X Many Avg. Few		X Large Avg. Small		(8) Basement			Softener, Manual		Solar Water Heat		No Plumbing		Extra Toilet		
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			1 Separate Shower		Water/Sewer		1000 Gal Septic		Water Well, 200 Feet		
(3) Roof		Recreation SF Living SF 1 Walkout Doors No Floor SF		(14) Water/Sewer			Ceramic Tile Floor		Porches		CCP (1 Story)		CCP (1 Story)		
X Gable Hip Flat		Gambrel Mansard Shed		(10) Floor Support			Ceramic Tile Wains		Garages		Class: BC Exterior: Siding		Foundation: 42 Inch (Unfinished)		
X Asphalt Shingle		Joists: Unsupported Len: Cntr.Sup:		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Ceramic Tub Alcove Vent Fan		Base Cost		607		27,163		
Chimney:		Lump Sum Items:		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Water/Sewer		Common Wall: 1 Wall		1		-2,542		
									Fireplaces		Direct-Vented Gas		1		
									Basement Living Area		1058		46,235		
									Totals:		406,822		406,822		

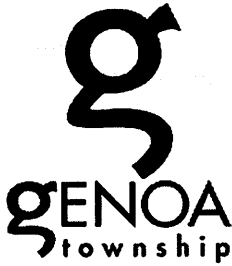
<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>

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



Sketch by Apex Eketch

*** 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 # 19-36

Meeting Date: Oct 16, 2019
@ 6:30 pm
 PAID Variance Application Fee

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

Applicant/Owner: Ventures Design Email: Lubig@ventures-design.com
Property Address: 4501 Oak Pointe Dr. Phone: (734) 395-4375
Present Zoning: _____ Tax Code: 11-28-200-001

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: Property located in Lakeshore Resort residential district lacking public sanitary sewer. Requesting to construct accessory structure 50ft from shoreline (100ft required).

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.

There is not one point on the property that is less than 100ft from a shoreline. The island is less than 200ft shoreline to shoreline measuring east to west. The house on the lot is approx. 50ft from the shoreline.

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

The lot is on an island in the middle of Crooked Lake. There is no definitive front, back or side yards. There are no neighboring roads or houses.

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 lot is on an island so there will be no conflict with neighboring properties.

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 100ft water setback exists so the septic has space to be installed in this district with narrow lots & lakefront properties. Since there are no adjacent properties the septic was able to be installed in the center of the lot leaving more than enough space for an accessory structure to be installed.

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: 9/13/2019

Signature: 



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: October 7, 2019

RE: ZBA 19-36

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

STAFF REPORT

File Number: ZBA#19-36
Site Address: 4501 Oak Pointe Drive (Island located in Crooked Lake)
Parcel Number: 4711-28-200-001
Parcel Size: 1.492 Acres
Applicant: Ventures Design
Property Owner: Goble Holdings, LLC., 8501 Winans Lake Road, Brighton
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a waterfront setback variance to construct a detached accessory structure in the waterfront yard.
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 29, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

Background

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

- Per assessing records the existing home was constructed in 1930.
- The parcel is serviced by a private 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

Since time of publication, staff has determined that a height and size variance is not required. The proposed project is to construct an 800 sq. ft. detached accessory structure. In order to construct the proposed structure, the applicant is need of a waterfront setback variance. The waterfront setback for a property that is not serviced by public sewer is 100 feet.

There is an existing 100 sq. ft. detached accessory structure on the island.

Variance Requests

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

Table 3.04.01 (LRR District):

Table 3.04.01 LRR District	Water Front Yard Setback
Requirement	100'
Request	57'8"
Variance Amount	42'4"

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the waterfront setback would prevent the applicant from constructing the proposed structure. There are only three islands located in Genoa Township and all three are on Big Crooked Lake. Of those islands, it appears on aerial photos that one has detached accessory structures. The ability to have a detached accessory structure is a right possessed by most properties and compliance with the setbacks would unreasonably prevent use of the property. In addition, granting this variance would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the property is an island that has nothing but waterfront yard and that is serviced with a private septic which requires a 100 foot waterfront setback. The need for the waterfront variance is not self-created however applicant should demonstrate that the variance requested is the least amount necessary. The variance would make the property consistent with one of the other 2 islands on the lake.
- (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. Due to the proximity of the proposed structure to the 25 foot natural undisturbed wetland buffer, applicant must install a temporary barrier so no damage occurs in the wetland buffer.
2. Height cannot exceed 14 feet.
3. The entry paths located in the 25 foot natural undisturbed wetland buffer as shown on the site plan shall be a natural pervious surface.
4. No other entry paths will be allowed in the 25 foot natural undisturbed wetland buffer.
5. The use of the property shall remain single family residential in compliance with the intent of section 3.01.02 of the Zoning Ordinance.
6. The use of the pavilion shall not be used for commercial events.

GENOA TOWNSHIP



GENOA TOWNSHIP



GENOA TOWNSHIP



29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
OVERLAY

ISSUE
September 13, 2019

SCALE
1" = 50'

NOTES

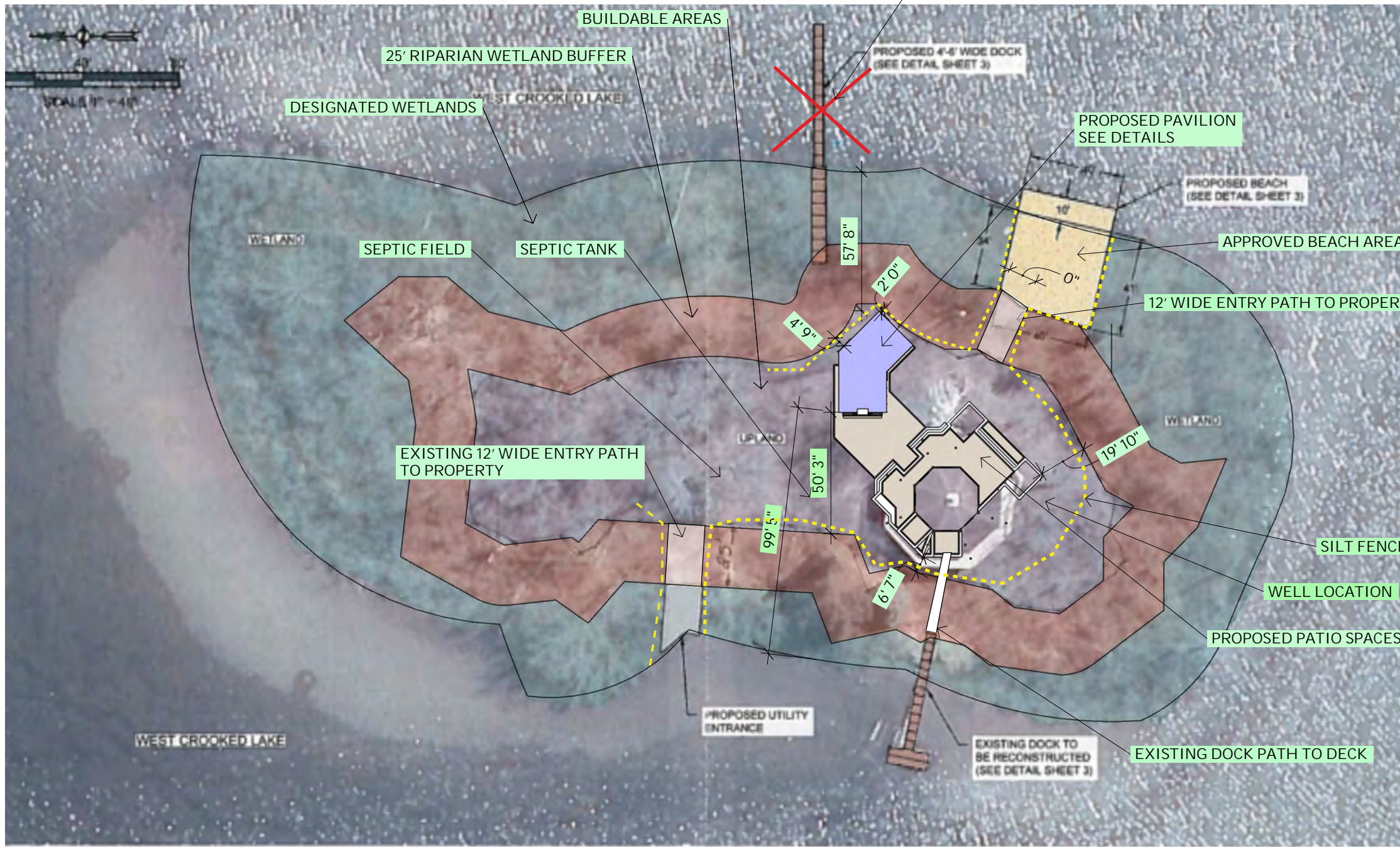
LOT CALCULATIONS

TOTAL LOT 83155 SQFT

IMPERVIOUS SURFACES
4104 SQFT

LOT IS 5.9% IMPERVIOUS

ACCESSORY STRUCTURES
TOTAL 881 SQFT
(INCLUDES EXISTING
SHED, PAVILION, AND
PERGOLA)



29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

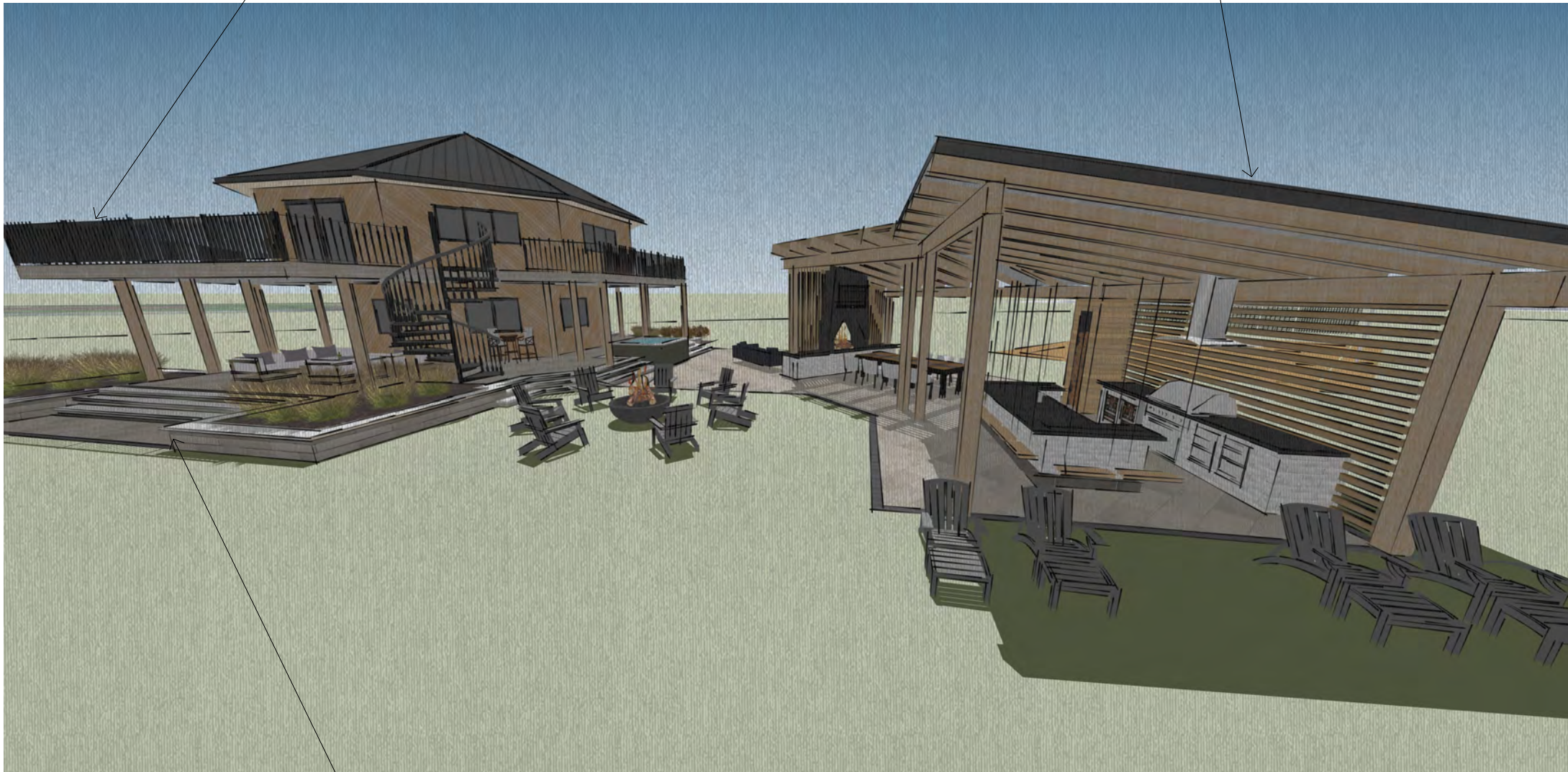
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

ISSUE
September 13, 2019

NOTES

PROPOSED PAVILION, OUTDOOR KITCHEN, FIREPLACE, AND PATIO SPACES

REPLACE EXISTING DECK



PROPOSED PATIO SPACES

VENTURES

29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

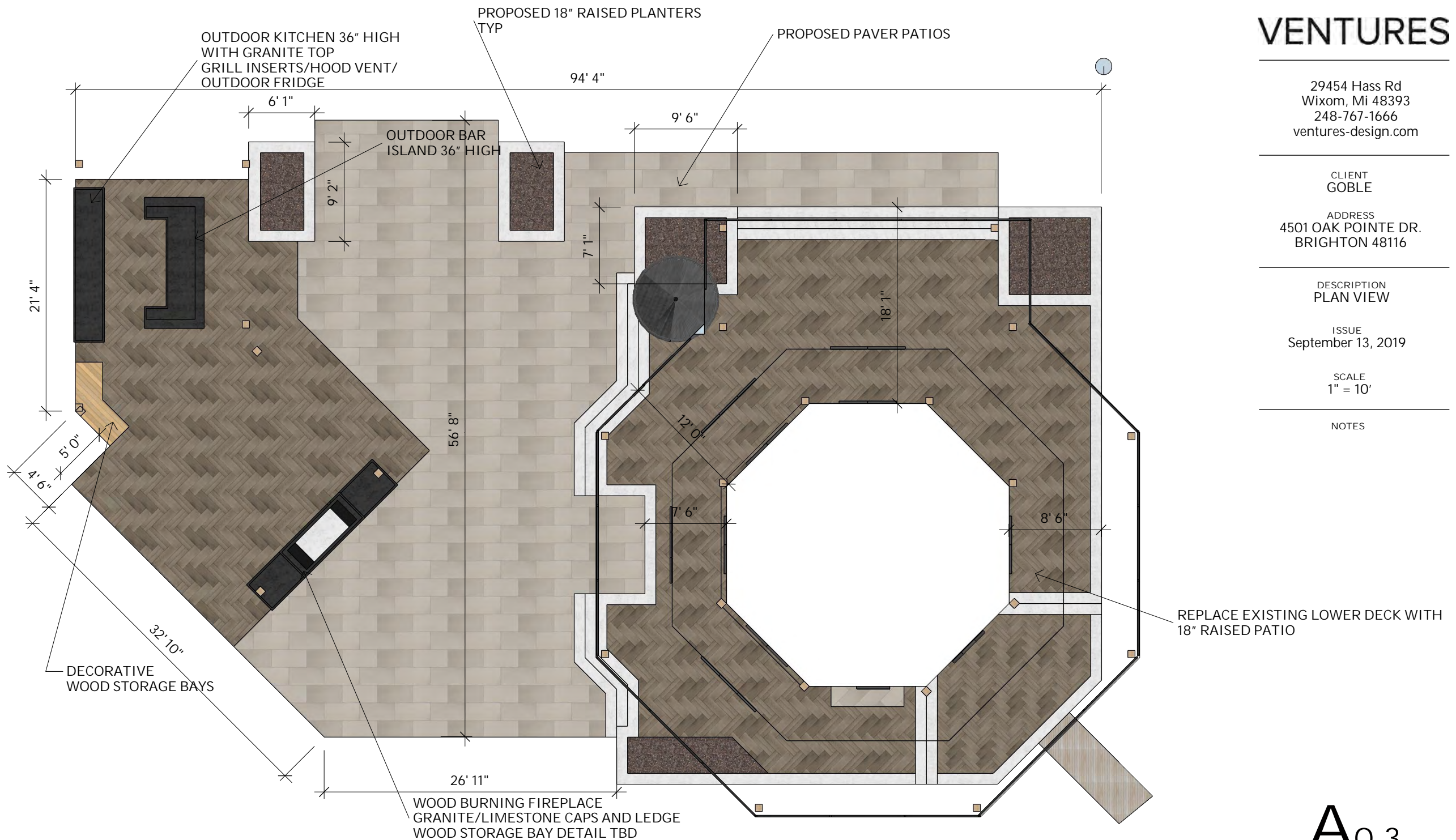
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
PLAN VIEW

ISSUE
September 13, 2019

SCALE
1" = 10'

NOTES



VENTURES

29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

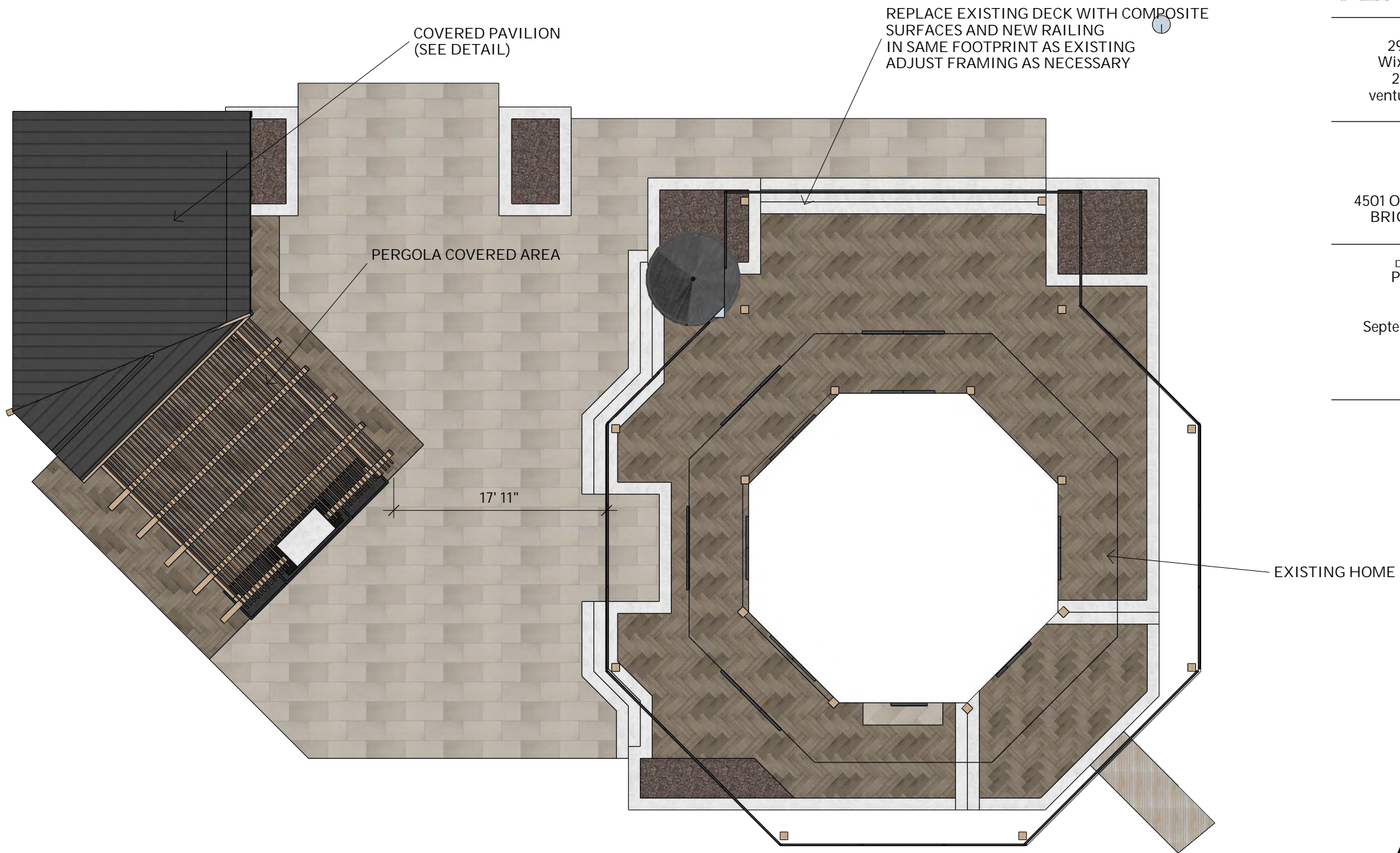
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
PLAN VIEW

ISSUE
September 13, 2019

SCALE
1" = 10'

NOTES



VENTURES

29454 Hass Rd
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CLIENT
GOBLE

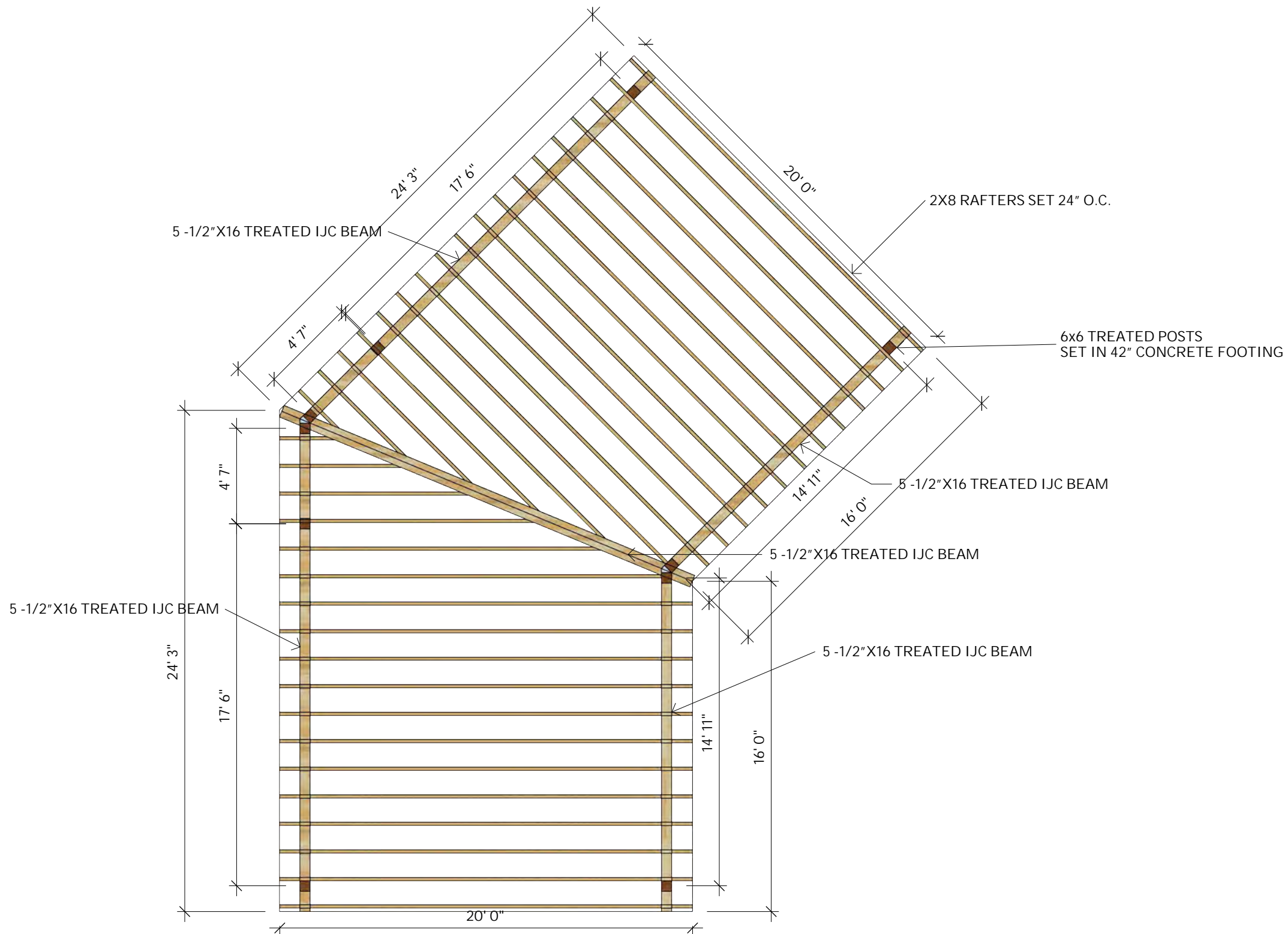
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
ROUGH FRAMING PLAN

ISSUE
September 13, 2019

SCALE
1" = 4'

NOTES



A_{0.5}

VENTURES

29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

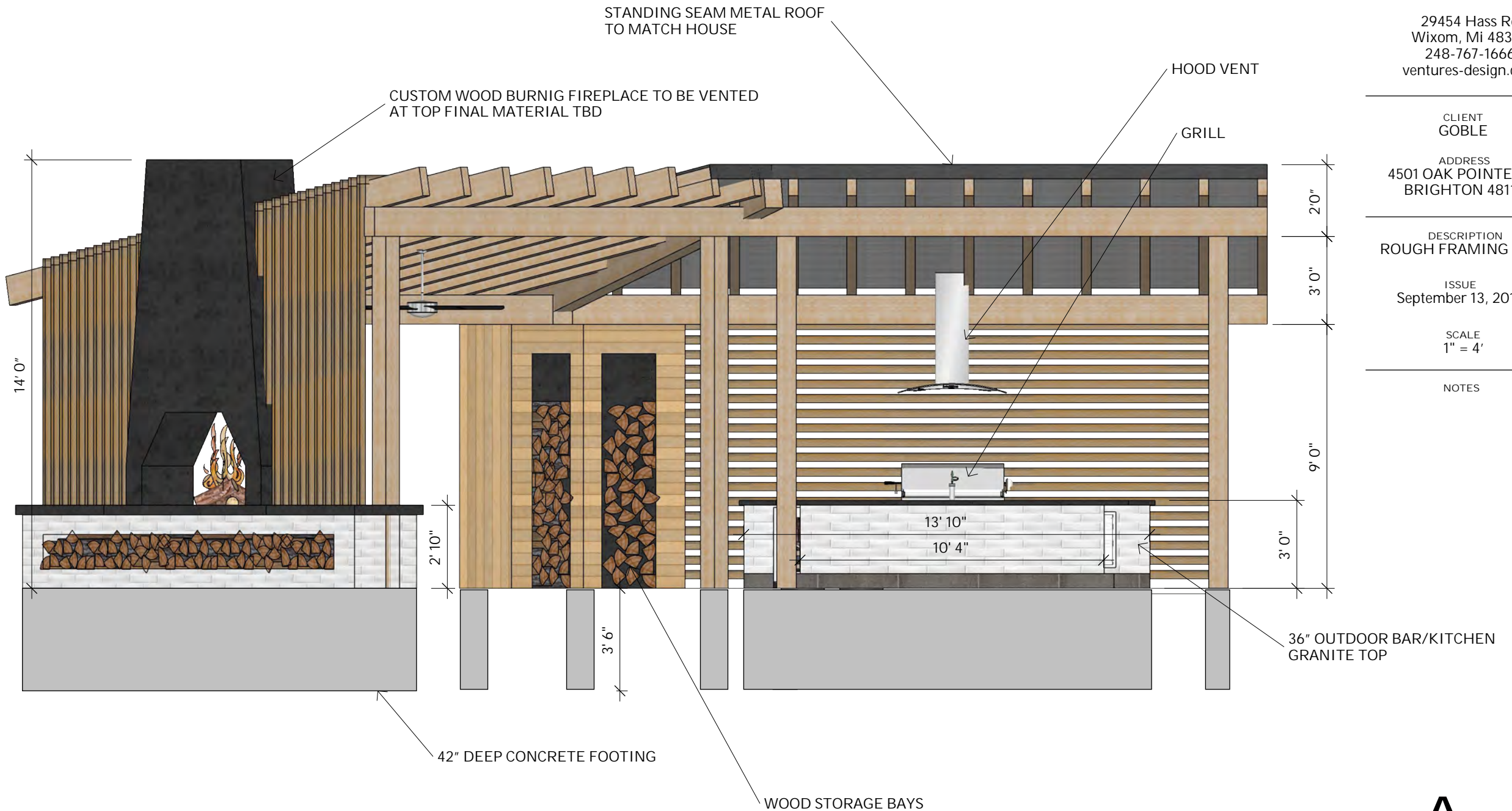
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
ROUGH FRAMING PLAN

ISSUE
September 13, 2019

SCALE
1" = 4'

NOTES



VENTURES

29454 Hass Rd
Wixom, Mi 48393
248-767-1666
ventures-design.com

CLIENT
GOBLE

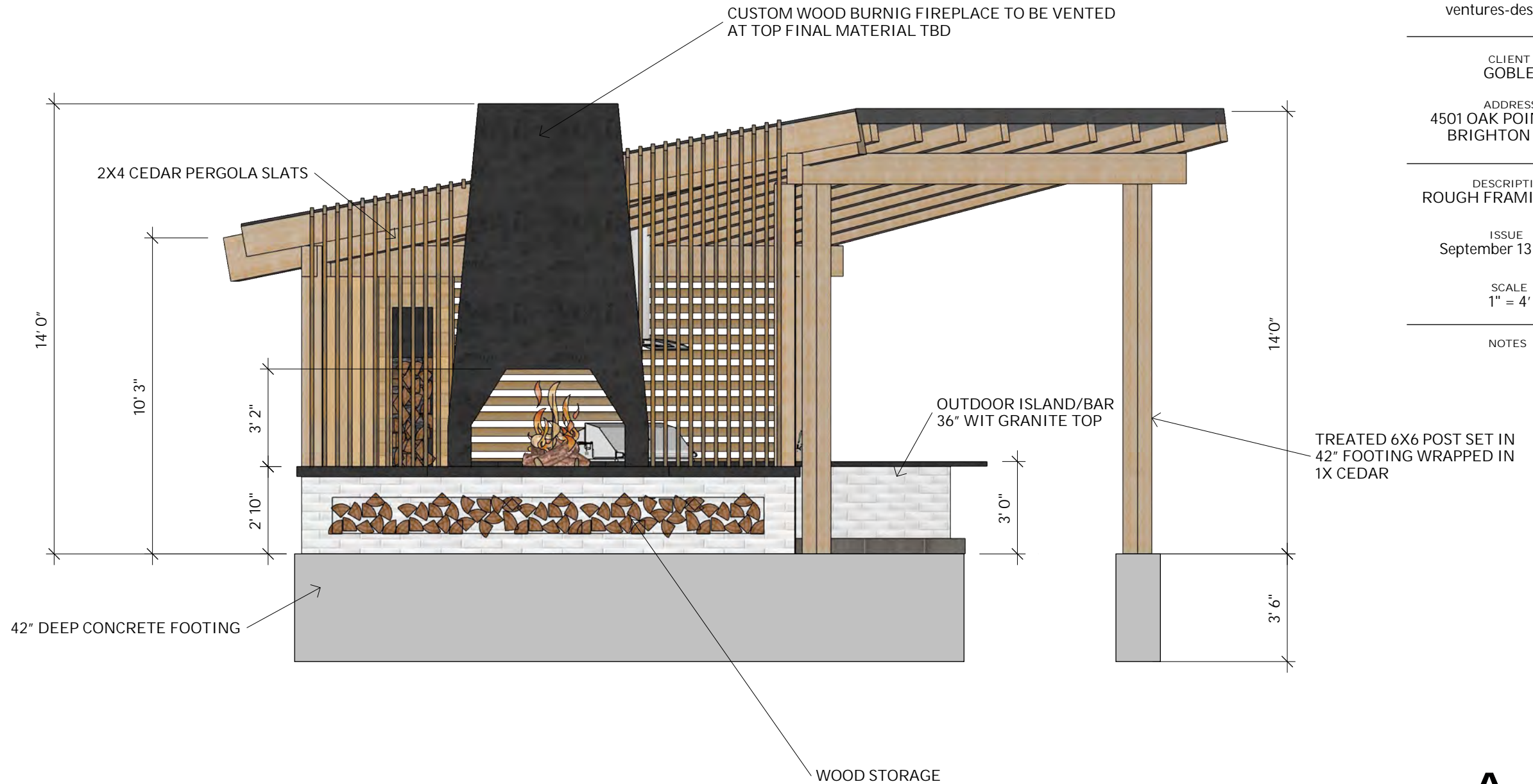
ADDRESS
4501 OAK POINTE DR.
BRIGHTON 48116

DESCRIPTION
ROUGH FRAMING PLAN

ISSUE
September 13, 2019

SCALE
1" = 4'

NOTES



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
PERRI JOSEPH & MARIA	GOBLE HOLDINGS LLC	300,000	07/17/2019	WD	ARMS-LENGTH	2019R-019206	BUYER	100.0
TOOMEY, DON	PERRI JOSEPH & MARIA	150,000	10/27/2015	WD	ARMS-LENGTH	2015R-034921	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
4501 OAK POINTE DR.	School: BRIGHTON		Detached Accessory	09/19/2019	P19-139	
Owner's Name/Address	P.R.E. 0%		RES MISCEL	04/22/2016	W16-079	NO START
	MAP #: V19-36		ACCESSORY BLDG	12/07/2001	01-687	NO START

Tax Description	2020 Est TCV Tentative		Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT							
	X Improved	Vacant	Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
GOBLE HOLDINGS LLC 8501 WINANS LAKE RD BRIGHTON MI 48116			A LAKE FRONT	50.00	650.00	1.0000	1.0000	4000	100	200,000
			'D' EXE AC	50.00	650.00	1.0000	1.0000	500	100	25,000
			100 Actual Front Feet, 1.49 Total Acres Total Est. Land Value =							225,000

Comments/Influences	Public Improvements
	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.



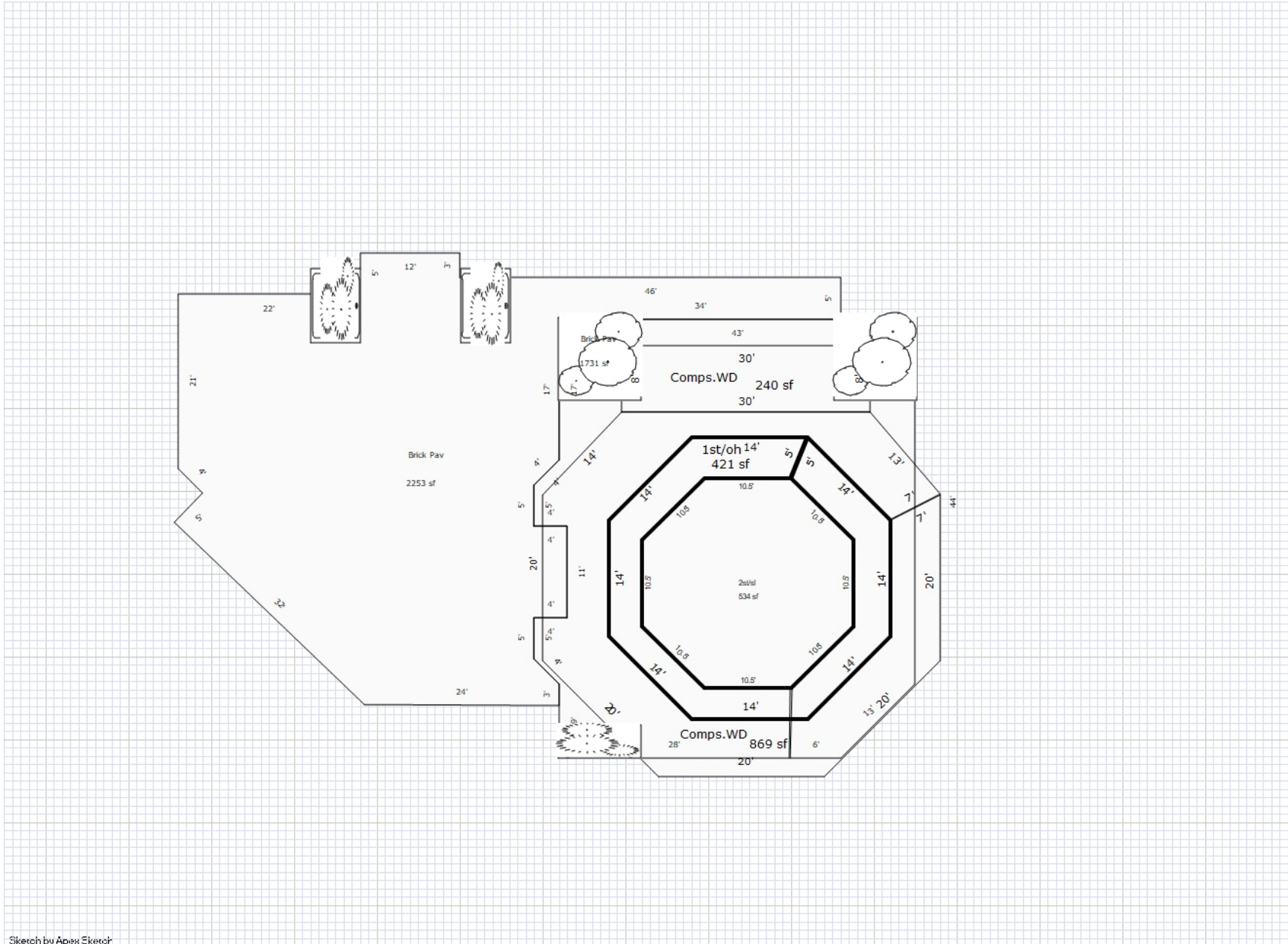
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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 X Waterfront Ravine Wetland Flood Plain X ISLAND	2020	Tentative	Tentative	Tentative			Tentative
Who When What	2019	107,500	44,100	151,600			109,777C
	2018	87,500	37,900	125,400		125,400A	107,205C
	2017	85,000	37,800	122,800	105,000M		105,000C

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth 1 Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:		
X	Wood Frame		(4) Interior		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling							152 183 643 66	Treated Wood Treated Wood Treated Wood Treated Wood			
Building Style: D		Trim & Decoration		X Central Air Wood Furnace			X			Class: D Effec. Age: 30 Floor Area: 1,489 Total Base New : 150,165 Total Depr Cost: 73,581 Estimated T.C.V: 104,485			E.C.F. X 1.420		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1984	Remodeled 2018	Size of Closets		(12) Electric			0 Amps Service									
Condition: Good		Doors: Lg X Ord Small		No./Qual. of Fixtures			Ex. X Ord. Min			Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/70/49 Economic Depreciation because of: BOAT ACCESS ONLY Building Areas						
Room List		(5) Floors		Kitchen: Other: Other:			No. of Elec. Outlets			Stories Exterior Foundation Size Cost New Depr. Cost						
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		(13) Plumbing			Many X Ave. Few			2 Story Siding Slab 534 1 Story Siding Overhang 421			Total: 122,332		59,943	
(1) Exterior		(6) Ceilings		Average Fixture(s)			(14) Water/Sewer			Other Additions/Adjustments						
X	Wood/Shingle Aluminum/Vinyl Brick			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Water/Sewer 1000 Gal Septic 1 3,537 1,733 Water Well, 200 Feet 1 8,301 4,067 Deck Treated Wood 152 2,744 1,345 Treated Wood 183 3,100 1,519 Treated Wood 643 7,041 3,450 Treated Wood 66 1,634 801 Fireplaces Wood Stove 1 1,476 723			Totals: 150,165		73,581	
	Insulation	Basement: 0 S.F. Crawl: 0 S.F. Slab: 534 S.F. Height to Joists: 0.0		Lump Sum Items:			Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.420 => TCV:					104,485	
(2) Windows		(8) Basement		(9) Basement Finish												
X	Many Avg. Few X Large Avg. Small	Recreation SF Living SF Walkout Doors No Floor SF														
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor														
(3) Roof		(10) Floor Support														
X	Gable Hip Flat	Gambrel Mansard Shed														
X	Asphalt Shingle Metal															
Chimney: Brick																

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



Sketch by Apex Ekerch

*** 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 # _____ Meeting Date: _____

PAID Variance Application Fee

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

Applicant: Marygrove Awning Co.

Applicant/Owner: Owner: Jackie Williams Email: rfalahee@marygrove.com (Rachel Falahee, permit contact)

Applicant: (734)338-7258 (Rachel Falahee direct)

Property Address: 4219 Homestead Phone: Owner: (517)304-2953

Present Zoning: LRR - Lakeshore Resort Residential Tax Code: _____

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: _____

Requesting a variance to install a 16' x 14' (224 sq ft) louvered roof pergola structure attached to back of home over deck.

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.

The practical difficulty of not having this pergola would result in being unable to use the deck in sunny summer months. Granting of the variance would do substantial justice by providing protection of the homeowner from the elements as well as the enjoyment of their lakefront view especially during warmer months.

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

The exceptional circumstance is that the homeowner already has an existing deck that was approved by the township. The proposed pergola would be designed simply to follow the size of the existing deck without covering the whole deck, in order to provide an appropriate amount of coverage and protection from the elements.

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 pergola structure would be located quite far away from any adjacent property, and on the rear of the home, and also hidden by existing trees on that side of the home, so that it would in no way affect nor impair an adequate supply of light and/or air, nor increase congestion in streets, nor increase danger of fire, public safety, etc. The structure is made of non-combustible metal, and is open on all 4 sides. The top is made of rotating louvers that also open and close as needed.

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

The variance will not interfere with adjacent properties as it is a pretty typical pergola system that is confined to the existing deck area. It may actually increase the value of the home, as it will extend the livable space into the outdoor area for approximately 6-8 months out of the year, at the discretion of the homeowner.

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: 09/16/2019 Signature: Randall M. Falah



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: October 2, 2019

RE: ZBA 19-37

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

STAFF REPORT

File Number: ZBA#19-37
Site Address: 4219 Homestead Drive, Howell
Parcel Number: 4711-28-201-056
Parcel Size: 0.293 Acre
Applicant: Marygrove Awning Co.
Property Owner: Williams, Jackie & Lynda Life Estate, 4219 Homestead Dr. Howell
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a waterfront yard variance to construct a roof cover an existing deck.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday September 29, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

Background

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

- Per Assessing records, the year built is 1975.
- See Assessing Record Card.
- In 2019, applicant was denied a waterfront setback variance to construct a sunroom on existing home. (See attached minutes)

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 roof over an existing deck. In order to construct the roof, the applicant is in need of a waterfront variance.

The proposed louvered pergola would make a solid roof when closed per applicant.

Variance Requests

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

Sec. 3.04 DIMENSIONAL STANDARDS

Table 3.04.01 LRR District	Waterfront Setback
Requirement	40'
Request	28'
Variance Amount	12'

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the setbacks would cause the applicant to be unable to construct the proposed structure but does not unreasonably prevent the use of the property. There are other homes in the vicinity that do not meet the waterfront setback however the proposed setback is considerably less and would not be consistent with the homes in the vicinity. The variance has not been shown to provide substantial justice to the applicant or other property owners in the district. The variance is not necessary for the preservation and enjoyment of the property.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances or conditions of the property. The variance would not make the property consistent with the surrounding properties. The need for the variance is not the least necessary and is self-created.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property owners or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa. However, it may impact value of adjacent lots if lake views are impacted.

Recommended Conditions

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

N/A

increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

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

The motion carried unanimously.

4. 19-07... A request by Lynda and Jackie Williams, 4219 Homestead Drive, for a waterfront variance to construct a sunroom to an existing home.

Ms. Lynda Williams and Ms. Jackie Williams stated they are requesting to add an all-seasons sunroom to their home. They are requesting an 11 foot, 7 inch waterfront setback variance. The hardship is that this is the only location on their home where they can put this addition because of the type of roofline of the home.

Board Member Kreutzberg's concern is the sight line of the lake for the neighbor to the left. This would block their view.

The call to the public was made at 7:37 pm.

Mr. Mark O'Brien at 4225 Homestead Drive, which is directly to the south of the Williams' property is concerned with his sight line of the lake being blocked. It will cause the value of his property to decrease.

The call to the public was closed at 7:38 pm.

Board Member Rockwell feels the requested variance is self-created.

Motion by Board Member Ledford, seconded by Board Member Rassel, to deny Case # 19-07 for 4219 Homestead Drive for the applicants and property owners, Lynda & Jackie Williams, for waterfront setback variance of 11.7 feet from the required 40 feet to 28.5 feet, due to the following findings of fact:

- There are no exceptional or extraordinary circumstances or conditions of the property. The variance would not make the property consistent with the surrounding properties.
- The need for the variance to construct the sunroom is self-created.
- Strict compliance with the setbacks would cause the applicant to be unable to construct the sunroom but does not unreasonably prevent the use of the property. There are other homes in the vicinity that do not meet the waterfront

setback however the proposed setback is considerably less and would not be consistent with the homes in the vicinity.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the January 15, 2019 Zoning Board of Appeals Meeting.

Board Member Ledford noted some changes needed.

Moved by Board Member Rassel, seconded by Board Member Ledford, to approve the January 15, 2019 Zoning Board of Appeals Meeting minutes as appended. **The motion carried unanimously.**

2. Correspondence – There were no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on February 4 and February 18, 2019.
4. Planning Commission Representative Report – Ms. Ruthig provided a review of the Planning Commission meeting held on February 11, 2019.
5. Zoning Official Report – Ms. Ruthig had nothing to report.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

Moved by Board Member Rassel, seconded by Board Member Rockwell, to adjourn the meeting at 7:58 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

GENOA TOWNSHIP



SITE PLAN



Setback from Shoreline to Rear Deck/Pergola: 28'
Setback from Shoreline to Rear of House: 49'6"
Distance from Deck to North Adjacent Property: 34'
Distance from House to North Adjacent Property: 23'
Distance from House to South Adjacent Property: 19'6"
Distance from Front of House to Road: 46'
Percentage of Lot Coverage of Proposed Pergola: 1.75%

Proposed Pergola Location

Lot Size: 12,780 sq ft

Pergola Size: 224 sq ft

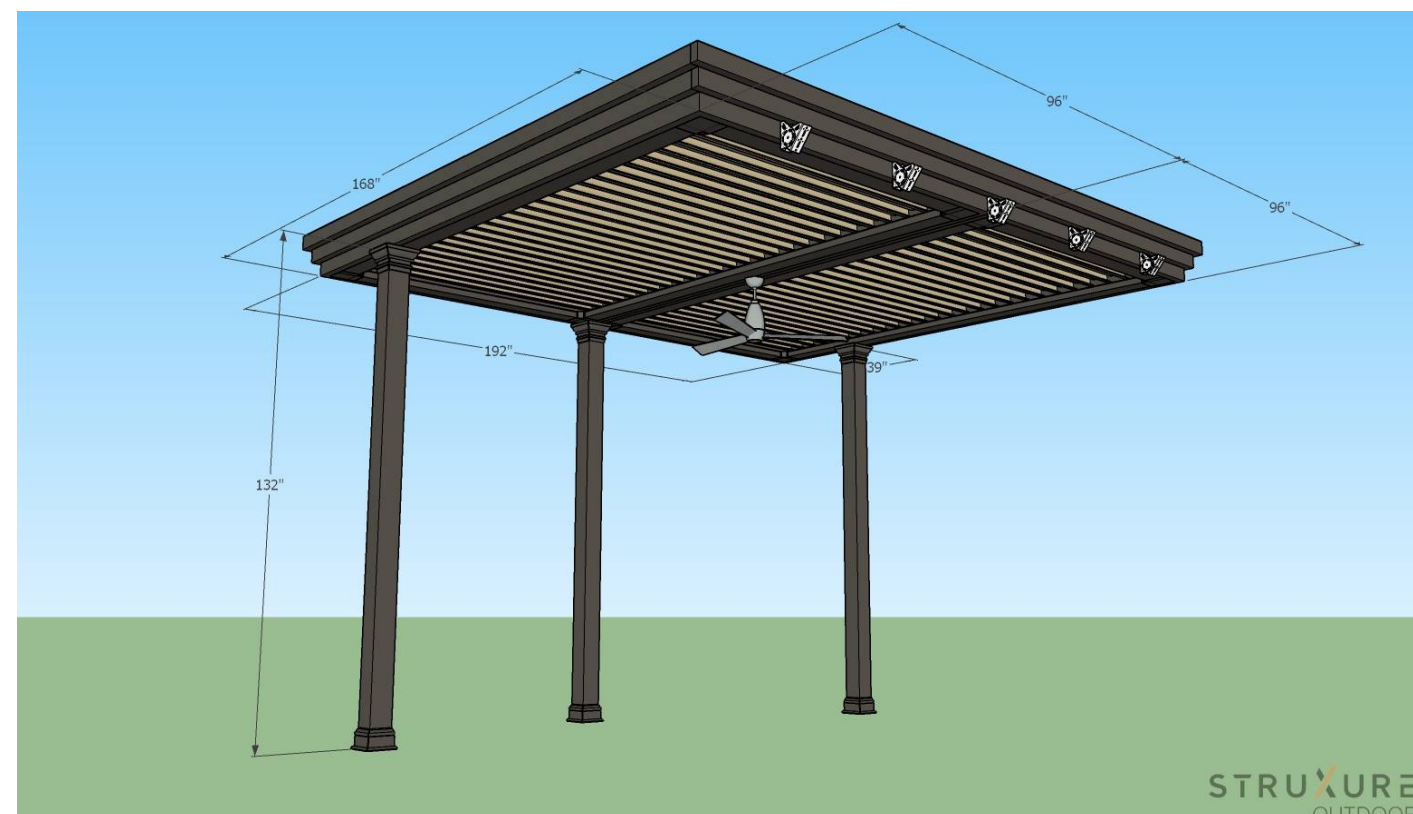
Current Photo of Proposed Location of New Pergola



Graphic Rendering of Pergola Placement
(concept purposes only – see building plans for specific design/attachment details)



3D Models of Proposed Pergola (concept purposes only)



BUILDING PLAN FOR A STRUXURE PERGOLA

STRUXURE™
OUTDOOR

Presented by

Marygrove Awning Co.

Project

Jackie Williams

Address

**4219 Homestead Dr.
Howell, MI 48843**

Project sheets

A / 00 Cover page

A / 01 Top view

A / 02 Beams & Gutter plan

A / 03 Section A-A

A / 04 Section B-B

A / 05 Details

A / 06 Details

A / 07 Details

A / 08 Details

A / 09 Details

A / 10 Details

Louvered StruXure Motor & Pergola Control

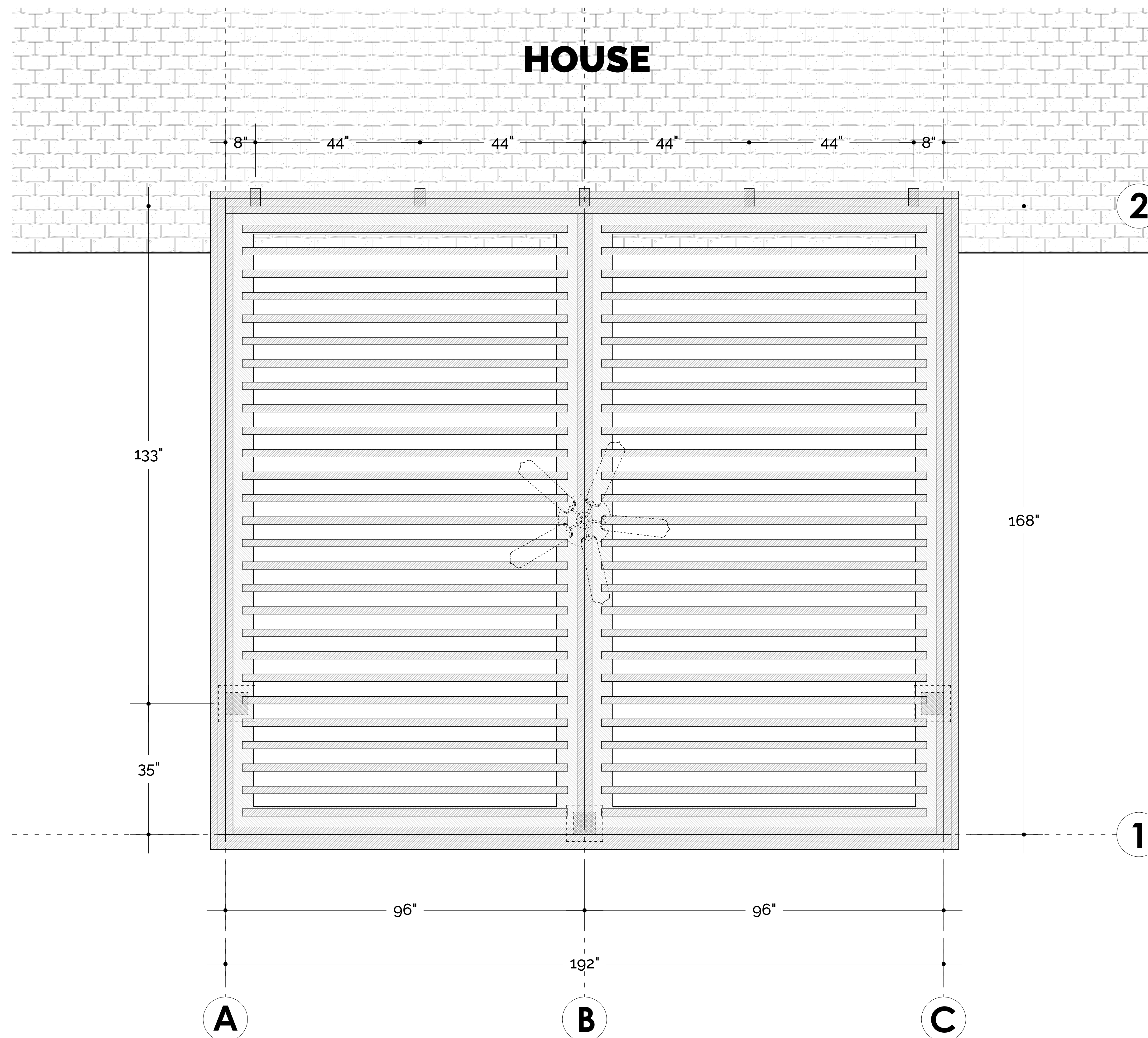


*Aluminium Type:
Louvers 6063-T5
All Other Components 6063-T6*

Aluminium Type:
Louvers 6063-T5
All Other Components 6063-T6

STRUXURE™

154 Ethan Allen Dr.,
Dahlonega, GA 30533.
Tel: 800 303 5248
Fax: 678 208 6764
E-mail: info@struxure.com



1 TOP VIEW
SCALE: 3/4" = 1'-0"

Project: **Jackie Williams**
Address: **4219 Homestead Dr.
Howell, MI 48843**

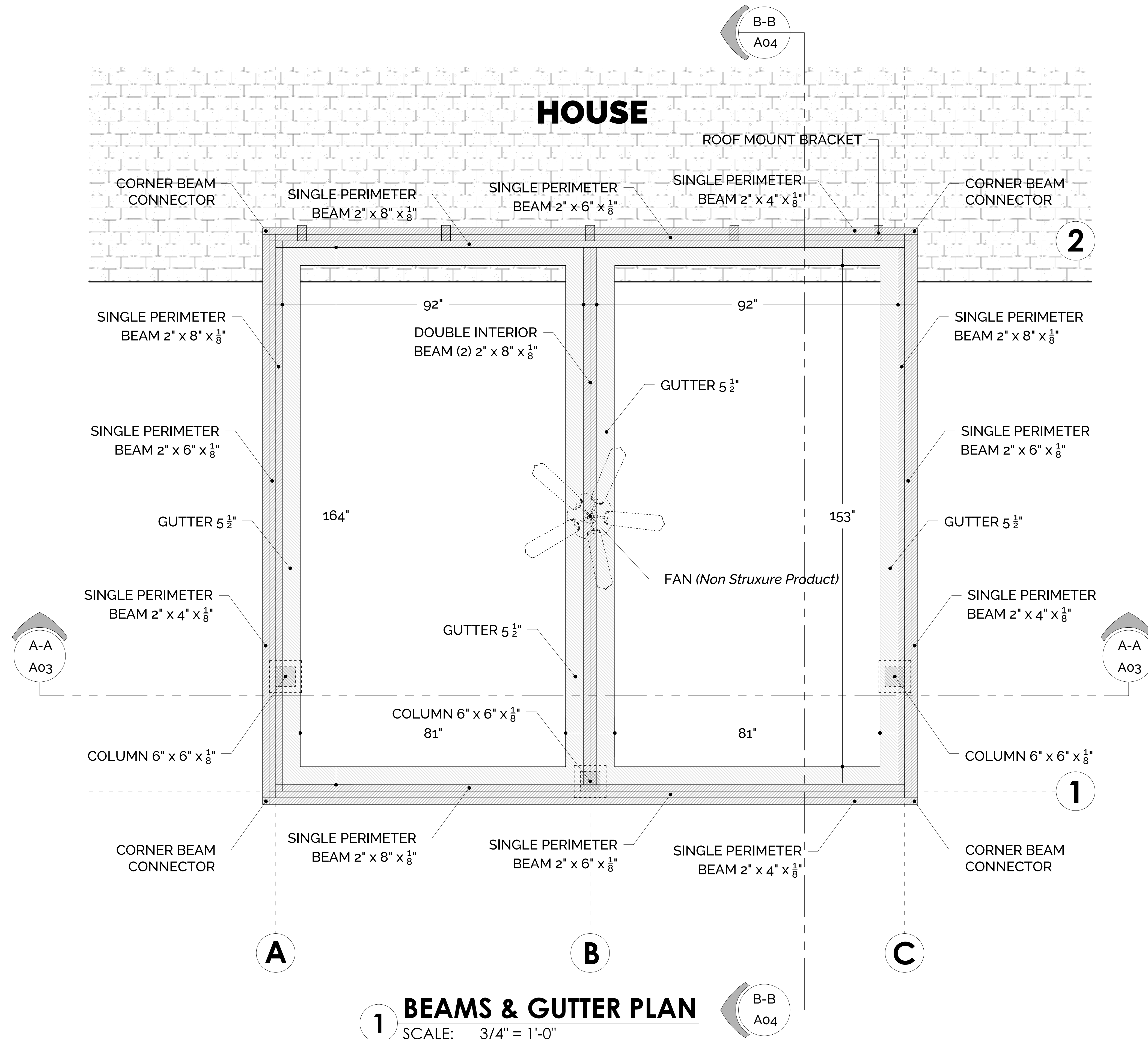
Document Date
08 / 2019
Document Phase
Construction Documents

Revision

Sheet name
Top View

A 01

Scale **3/4" = 1'-0"**



Project: **Jackie Williams**

Address: **4219 Homestead Dr.
Howell, MI 48843**

Document Date

08 / 2019

Document Phase

Construction Documents

Revision

Sheet name

Beams & Gutter Plan

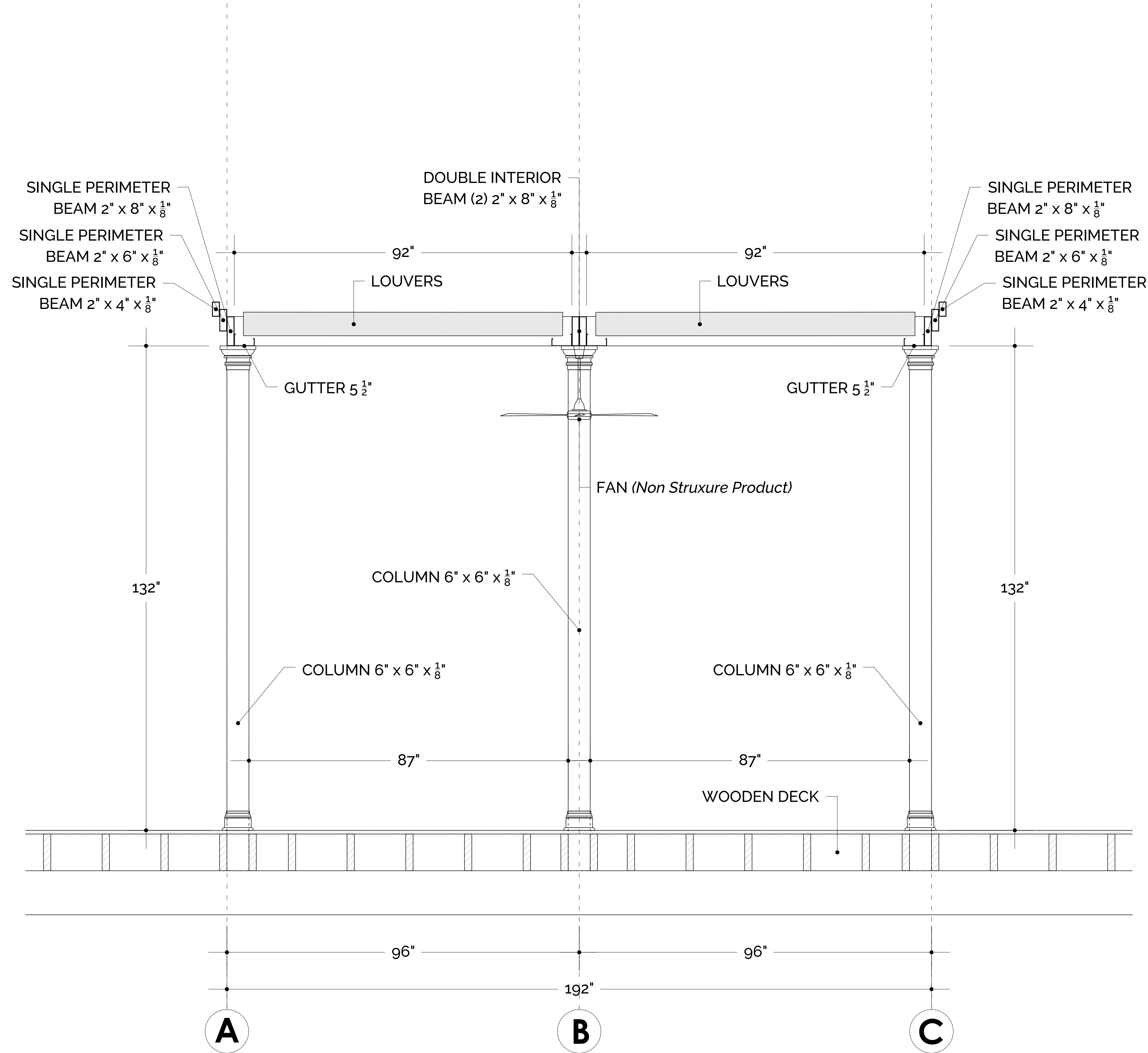
A 02

Scale **3/4" = 1'-0"**

Aluminium Type:
Louvers 6063-T5
All Other Components 6063-T6

STRUXURE™

154 Ethan Allen Dr.,
Dahlonega, GA 30533.
Tel: 800 303 5248
Fax: 678 208 6764
E-mail: info@struxure.com



1 SECTION A-A
SCALE: 3/4" = 1'-0"

Project: **Jackie Williams**
Address: **4219 Homestead Dr.
Howell, MI 48843**

Document Date
08 / 2019
Document Phase
Construction Documents

Revision

Sheet name
Section A-A

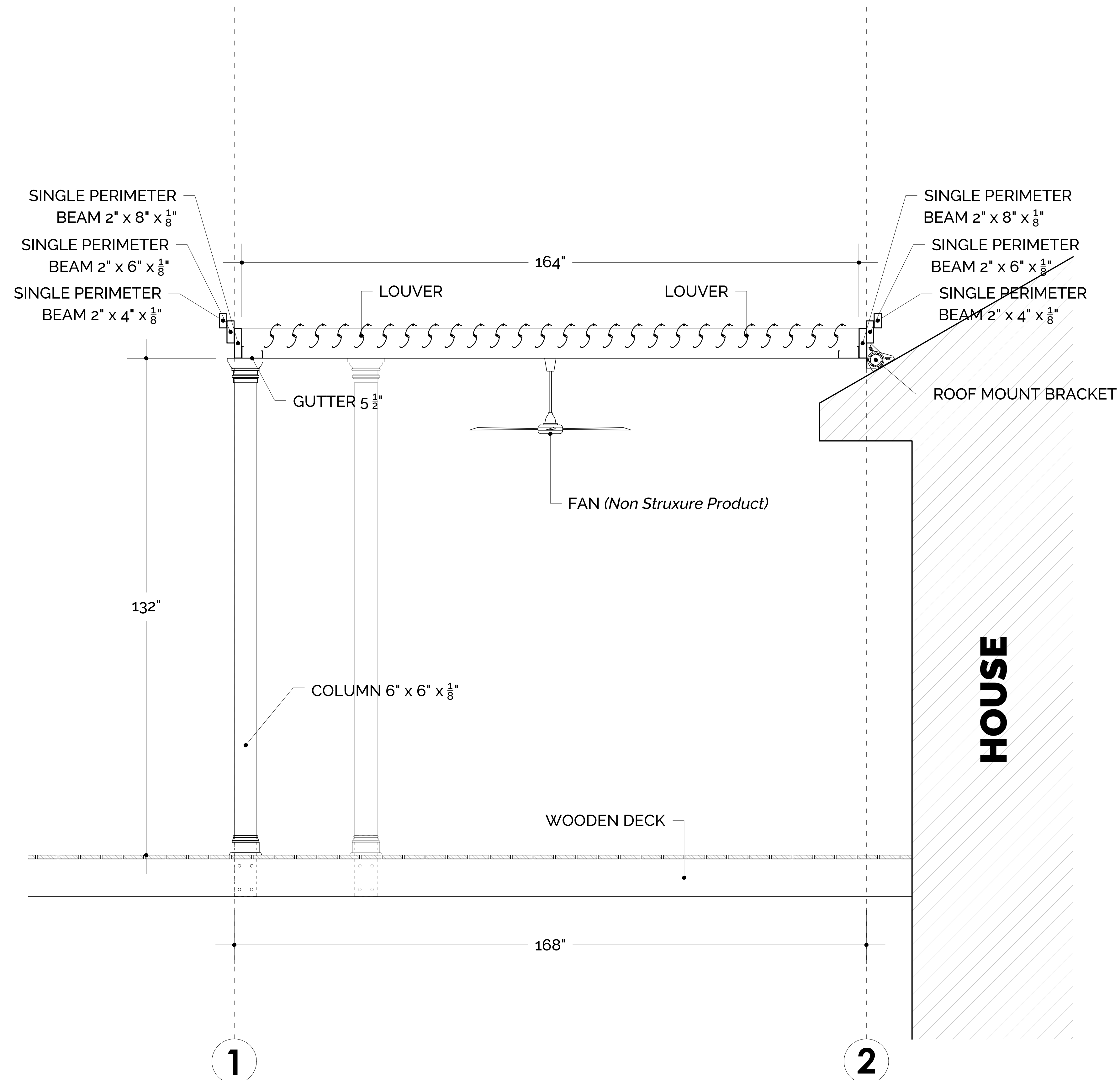
A 03

Scale **3/4" = 1'-0"**

Aluminium Type:
Louvers 6063-T5
All Other Components 6063-T6

STRUXURE™

154 Ethan Allen Dr.,
Dahlonega, GA 30533.
Tel: 800 303 5248
Fax: 678 208 6764
E-mail: info@struxure.com



1 SECTION B-B
SCALE: 3/4" = 1'-0"

Project: **Jackie Williams**

Address: **4219 Homestead Dr.
Howell, MI 48843**

Document Date

08 / 2019

Document Phase

Construction Documents

Revision

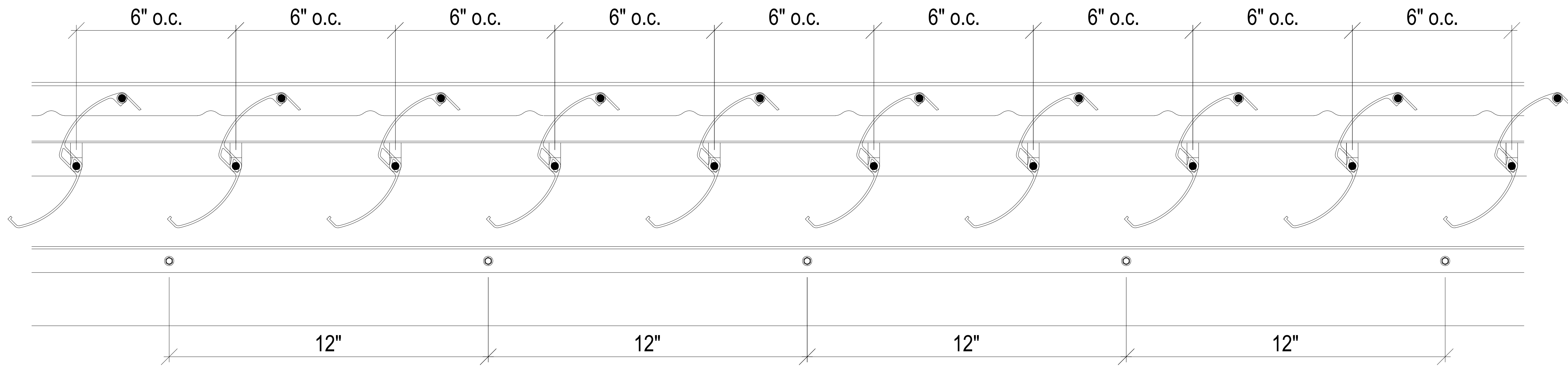
Sheet name

Section B-B

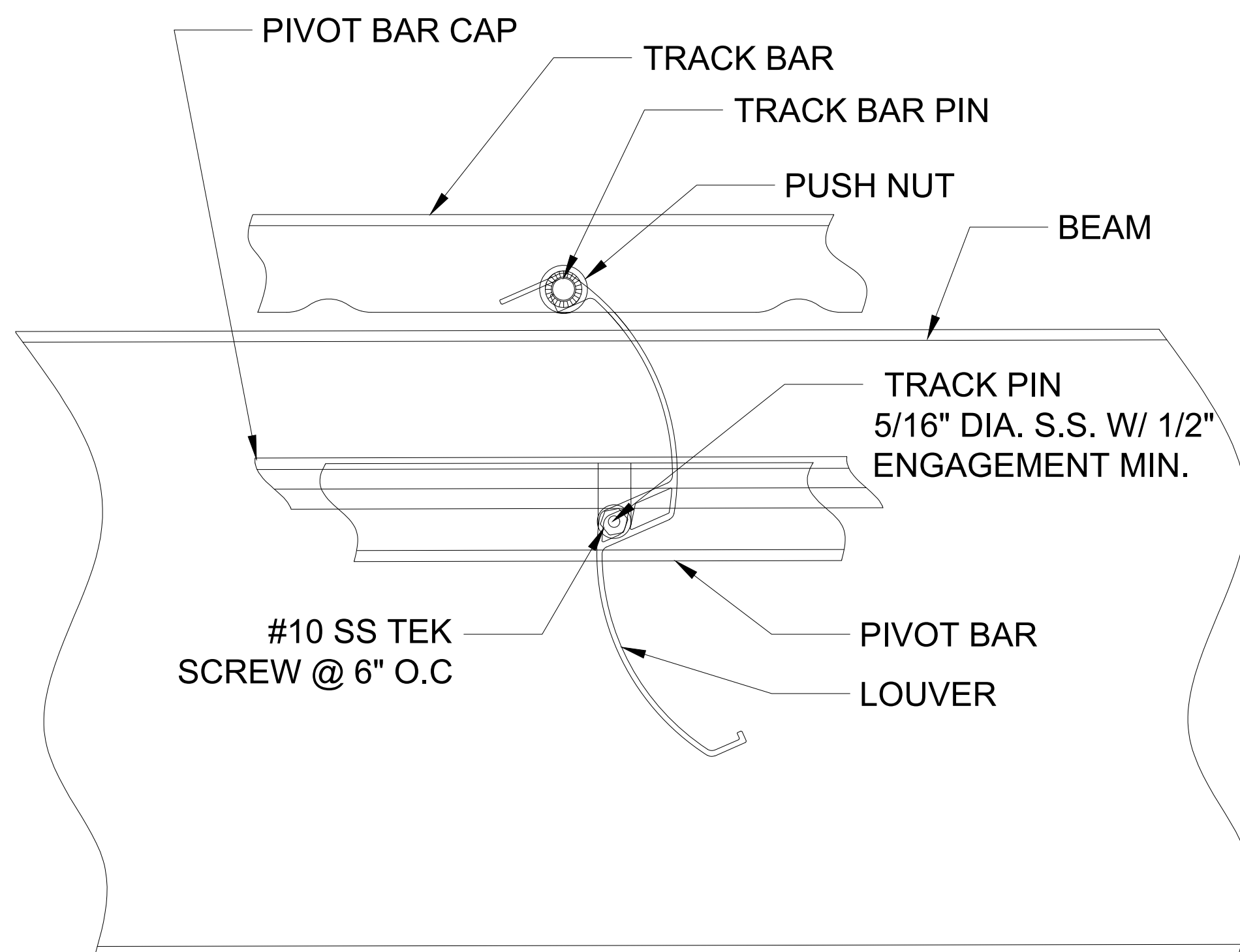
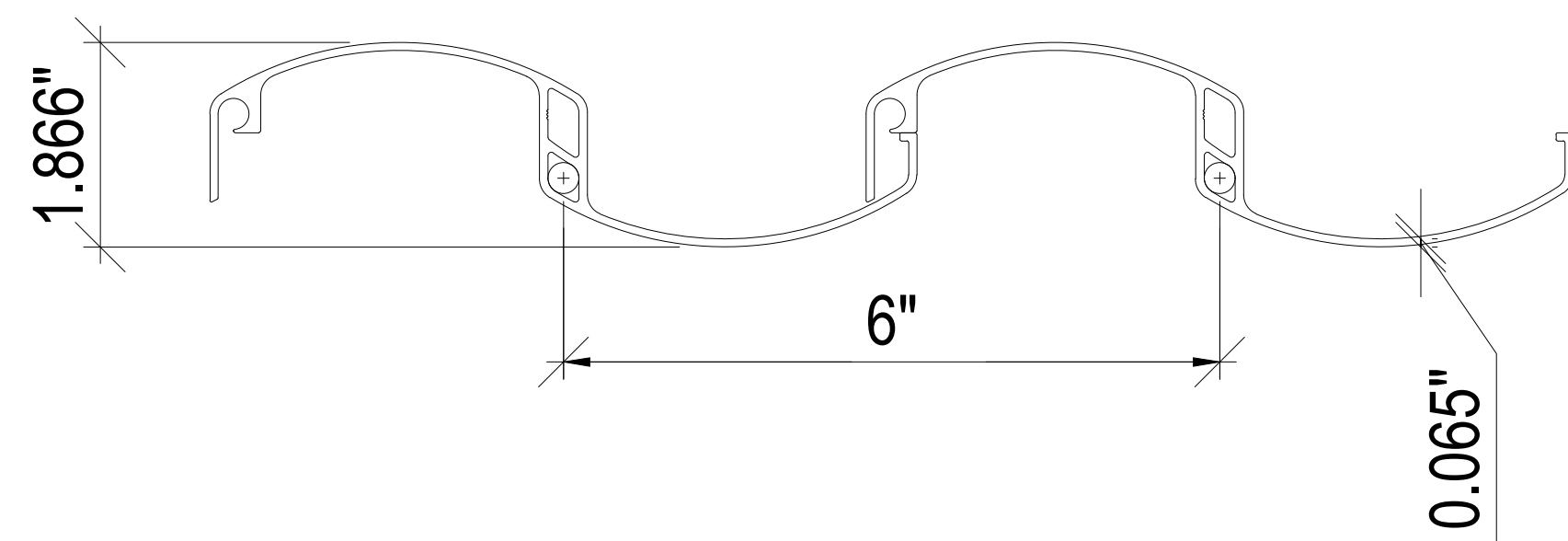
A 04

Scale

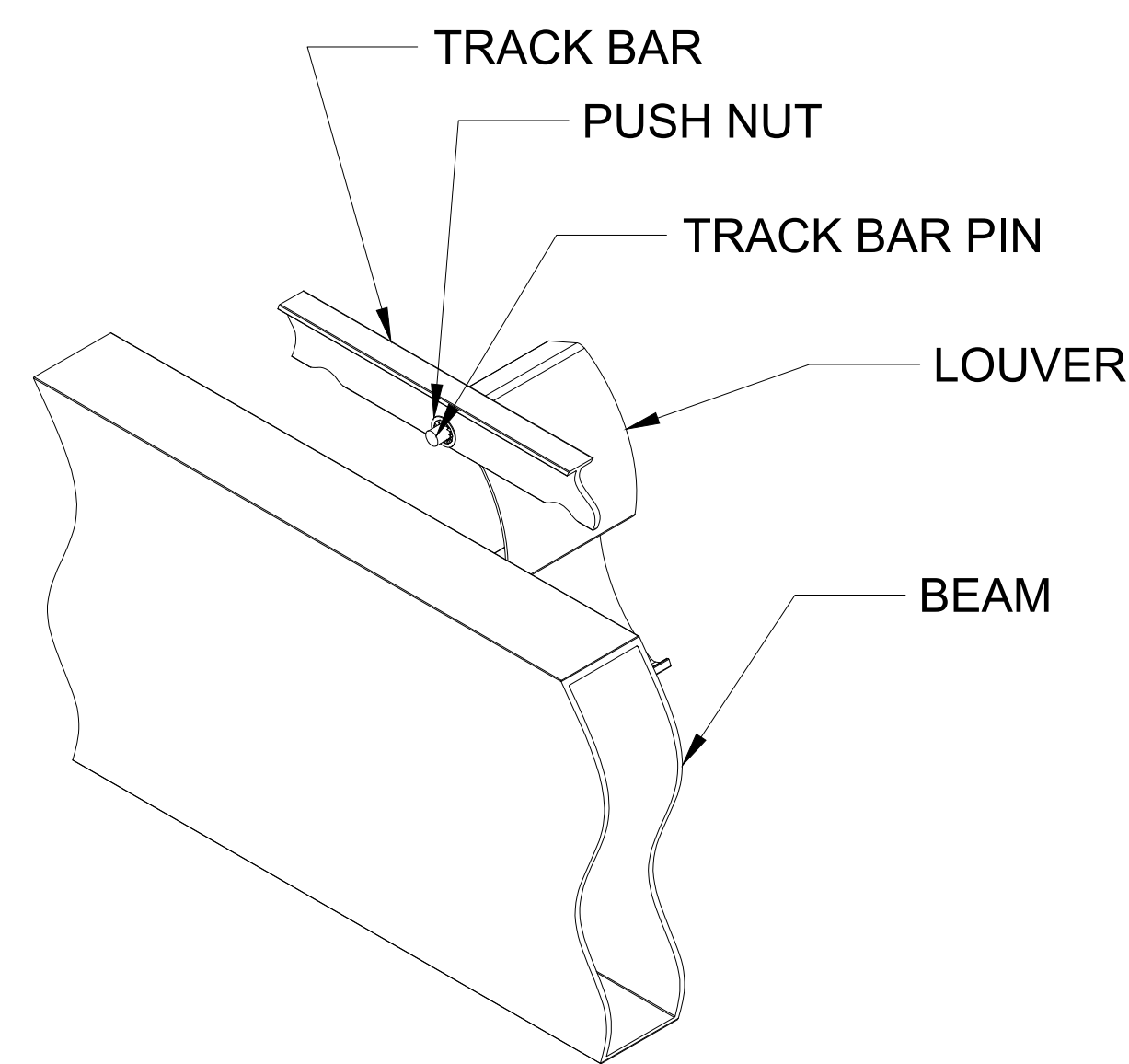
3/4" = 1'-0"



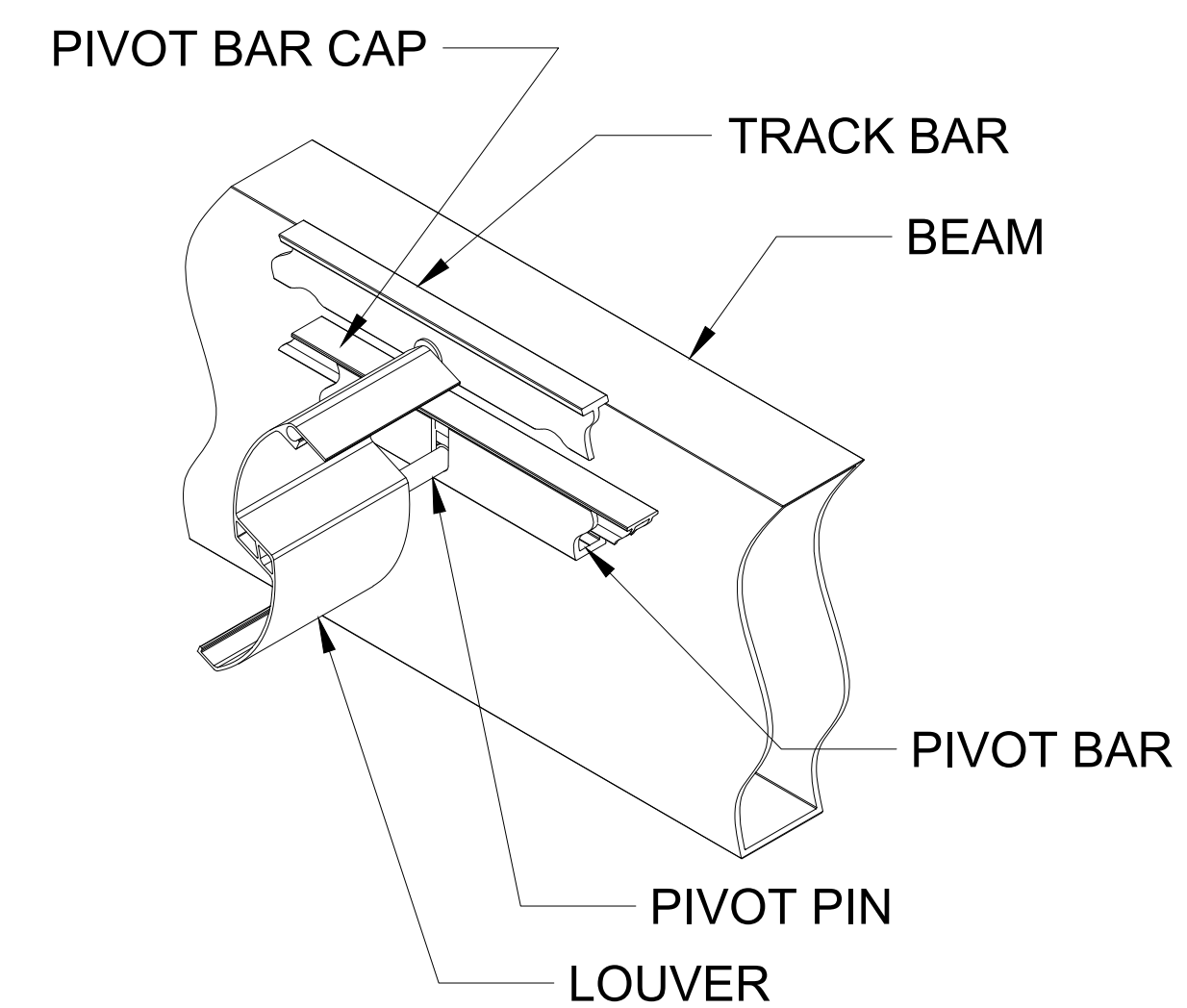
LOUVERS DETAIL



SIDE VIEW



ISOMETRIC OUT-SIDE VIEW



ISOMETRIC IN-SIDE VIEW

Project:

Jackie Williams

Address:

**4219 Homestead Dr.
 Howell, MI 48843**

Document Date

08 / 2019

Document Phase

Construction Documents

Revision

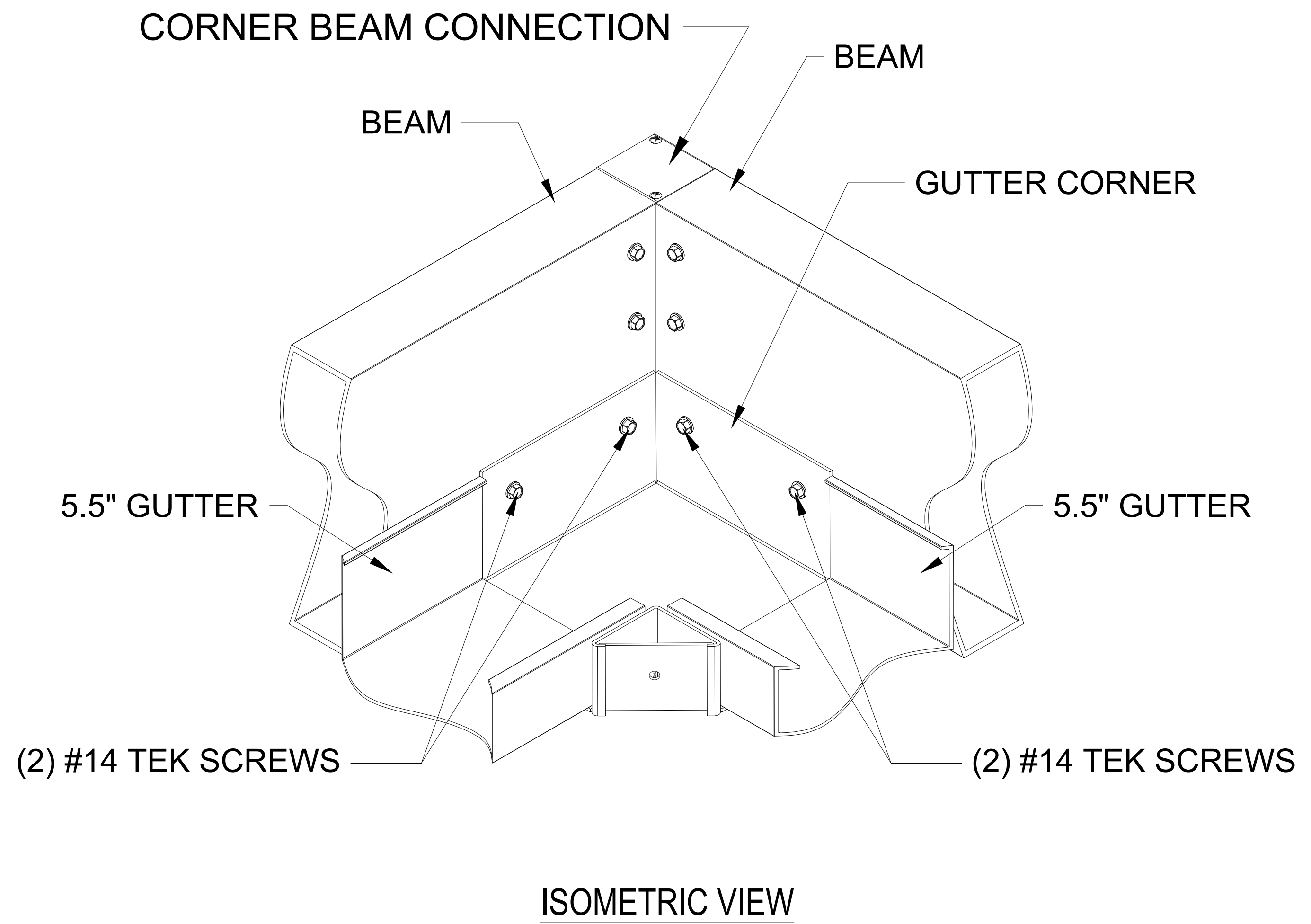
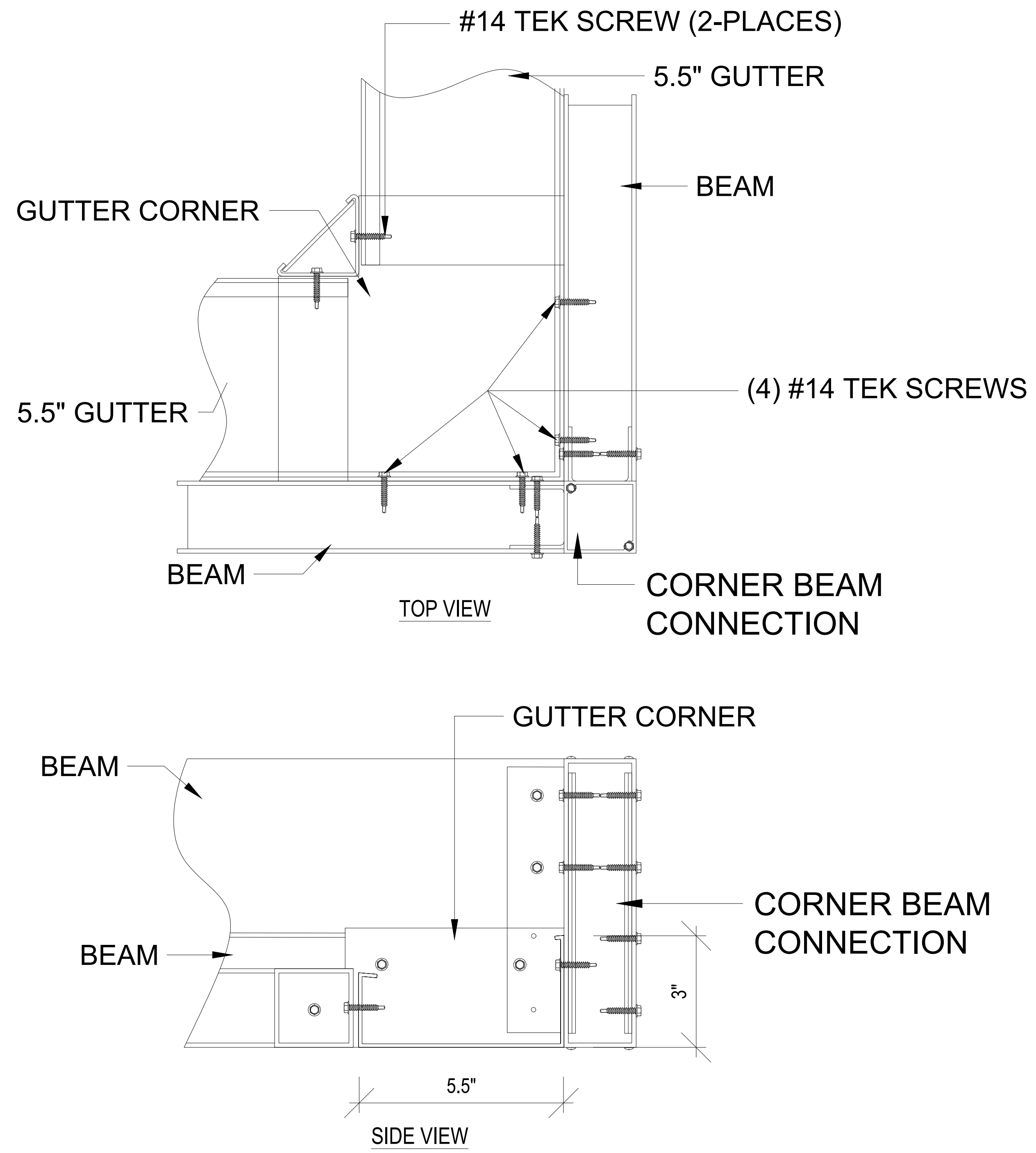
Sheet name

Details

A 05

Scale

N.T.S.



Project: **Jackie Williams**

Address: **4219 Homestead Dr.
 Howell, MI 48843**

Document Date
08 / 2019

Document Phase
Construction Documents

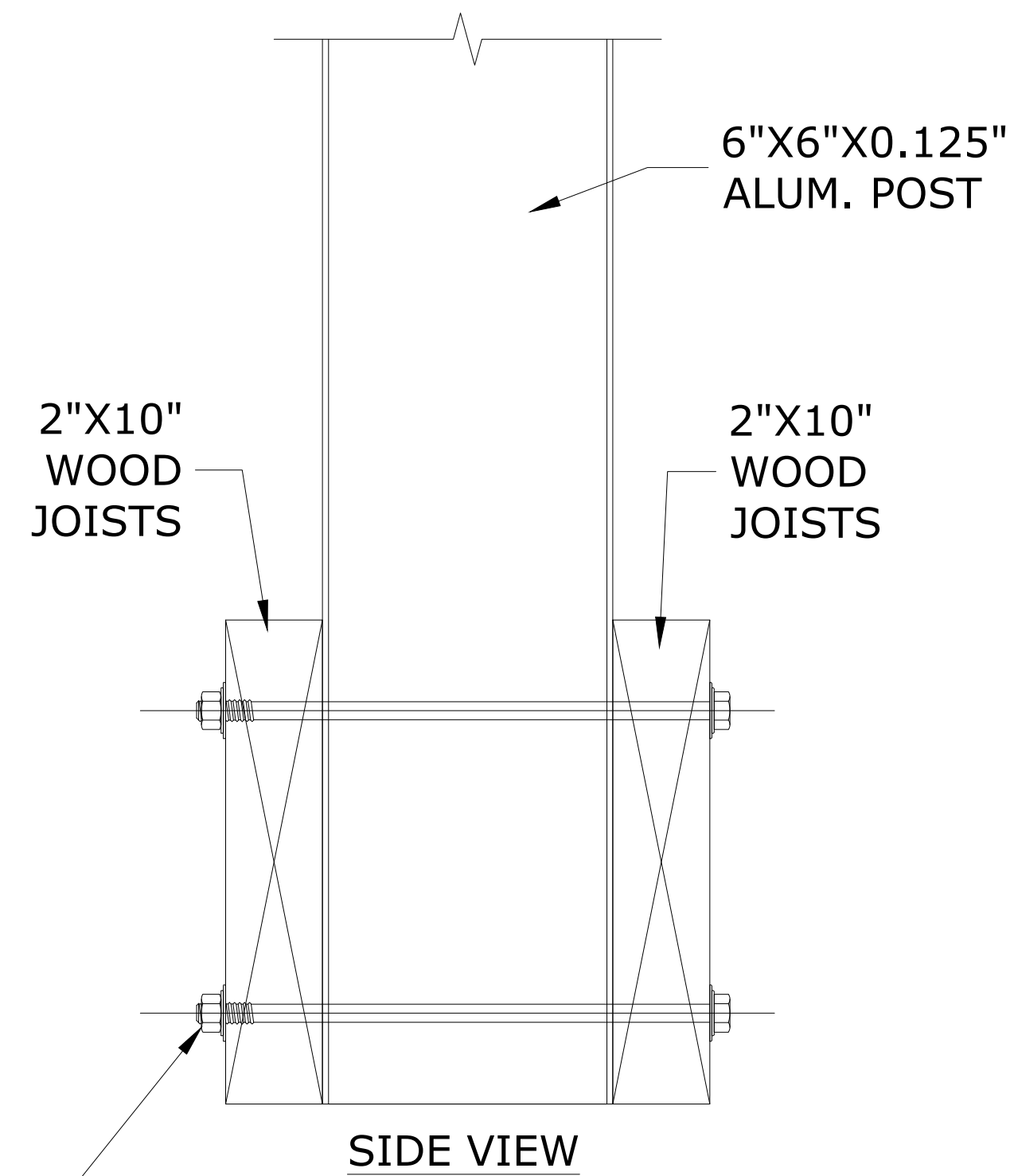
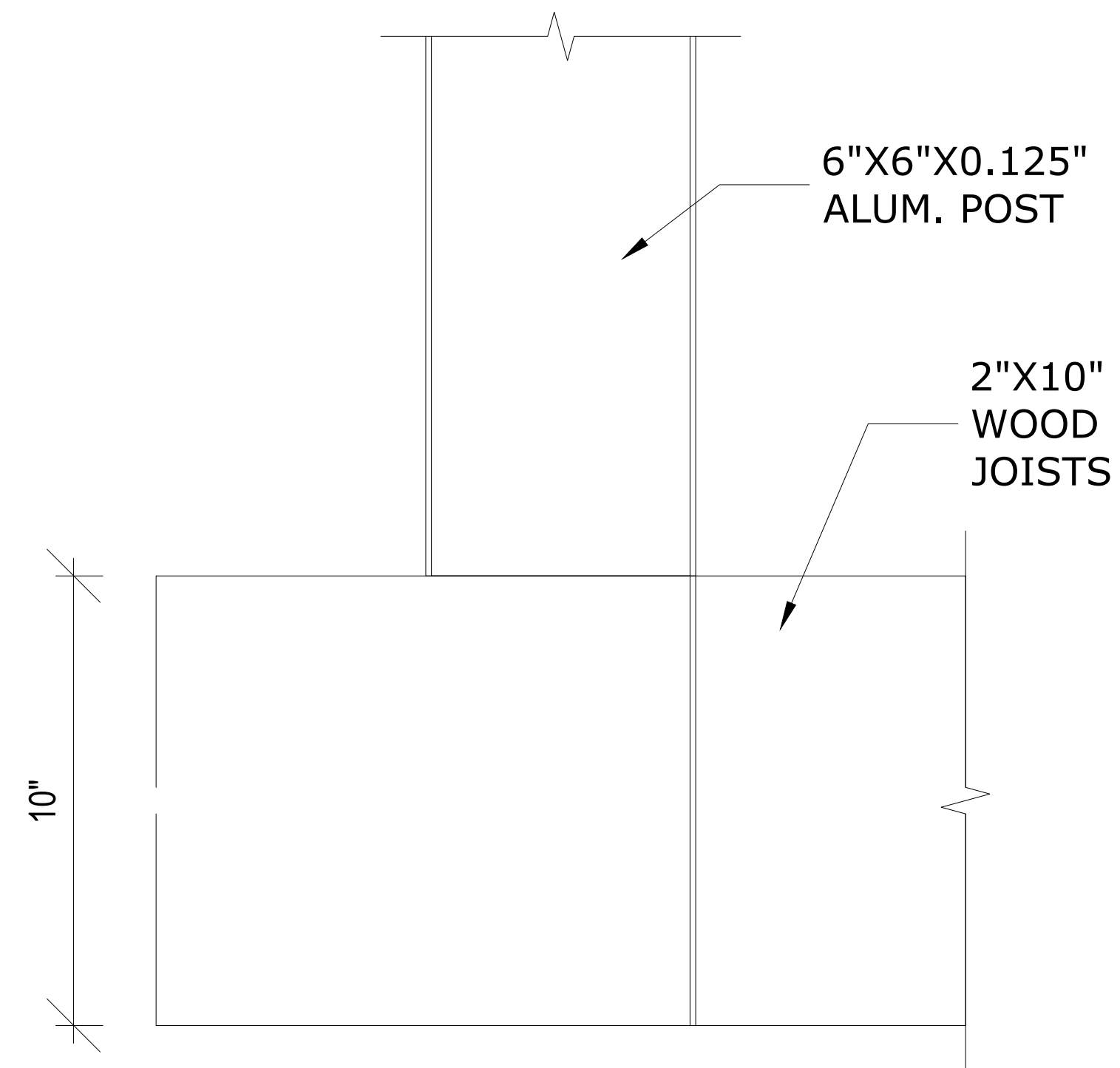
Revision

Sheet name
Details

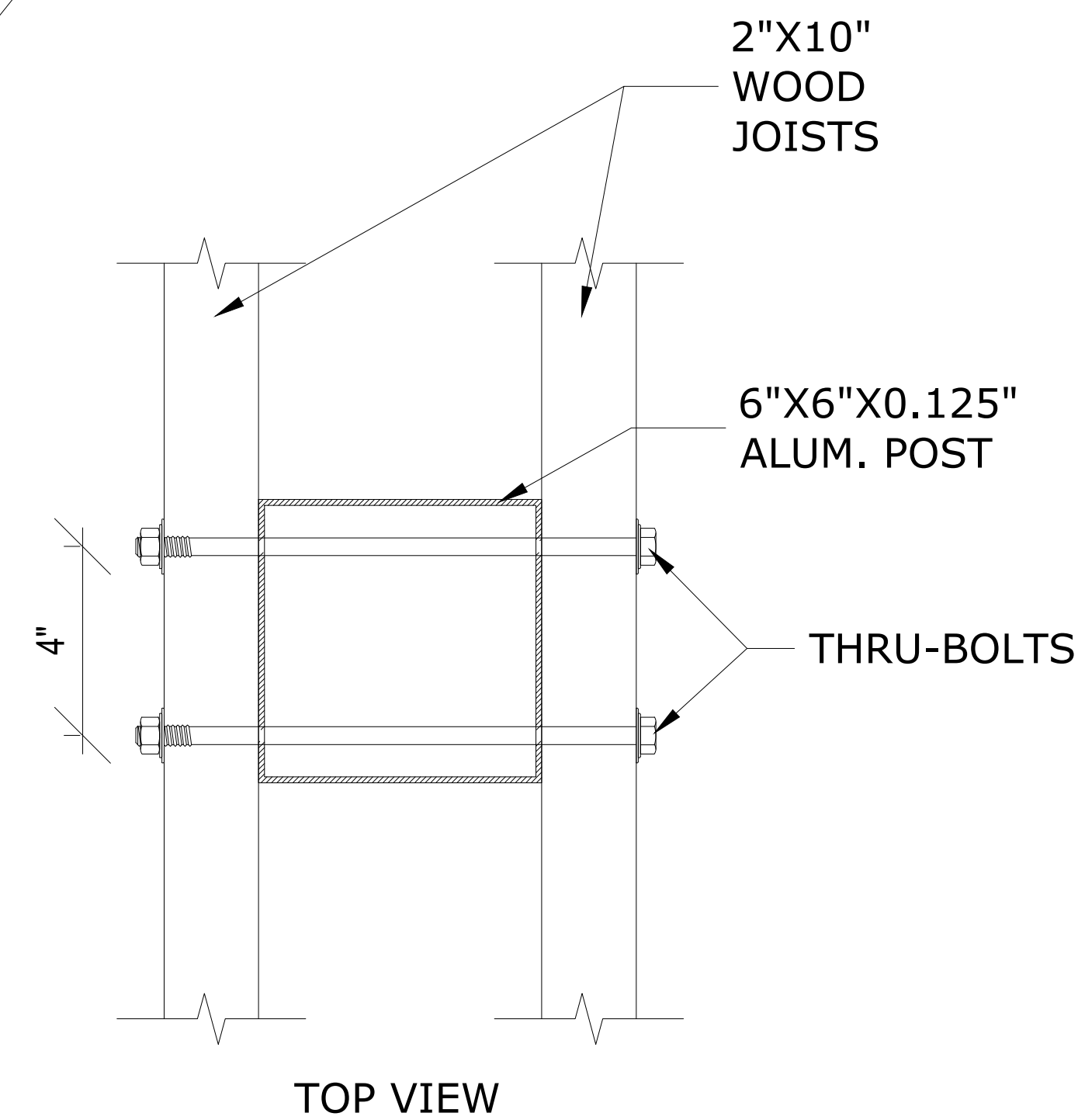
A 06

Scale **N.T.S.**

GUTTER ASSEMBLY



(4) $\frac{3}{8}$ " \varnothing 410 SS THRU-BOLTS W/ 1" O.D. WASHERS, MIN. 1.875" END DISTANCE, MIN. 1.875" EDGE DISTANCE, MIN. 1.875" SPACING, INTO NO.2 SOUTHERN PINE (G=0.55) OR BETTER



NOTE:
 WOOD JOISTS
 CROSS-SECTION
 DIMENSIONS ARE
 NOMINAL VALUES
 FOR VISUALLY
 GRADED LUMBER

Project: **Jackie Williams**
 Address: **4219 Homestead Dr.
 Howell, MI 48843**

Document Date
08 / 2019
 Document Phase
Construction Documents

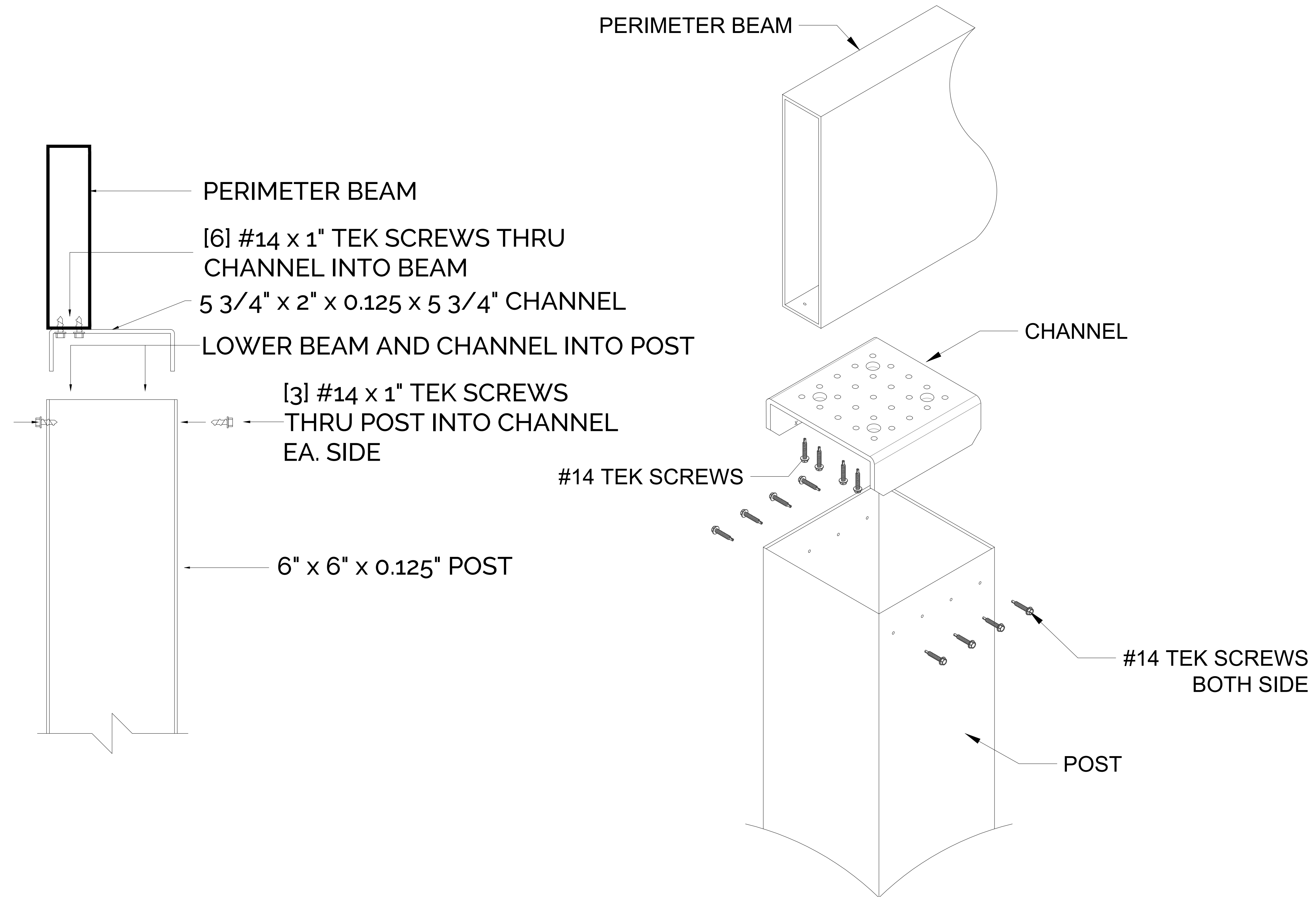
Revision

Sheet name
Details

A 07

Scale **N.T.S.**

**6X6 POST MOUNTING TO 2X10 WOOD
 JOISTS - 4 BOLTS**



Project: **Jackie Williams**

Address: **4219 Homestead Dr.
 Howell, MI 48843**

Document Date
08 / 2019

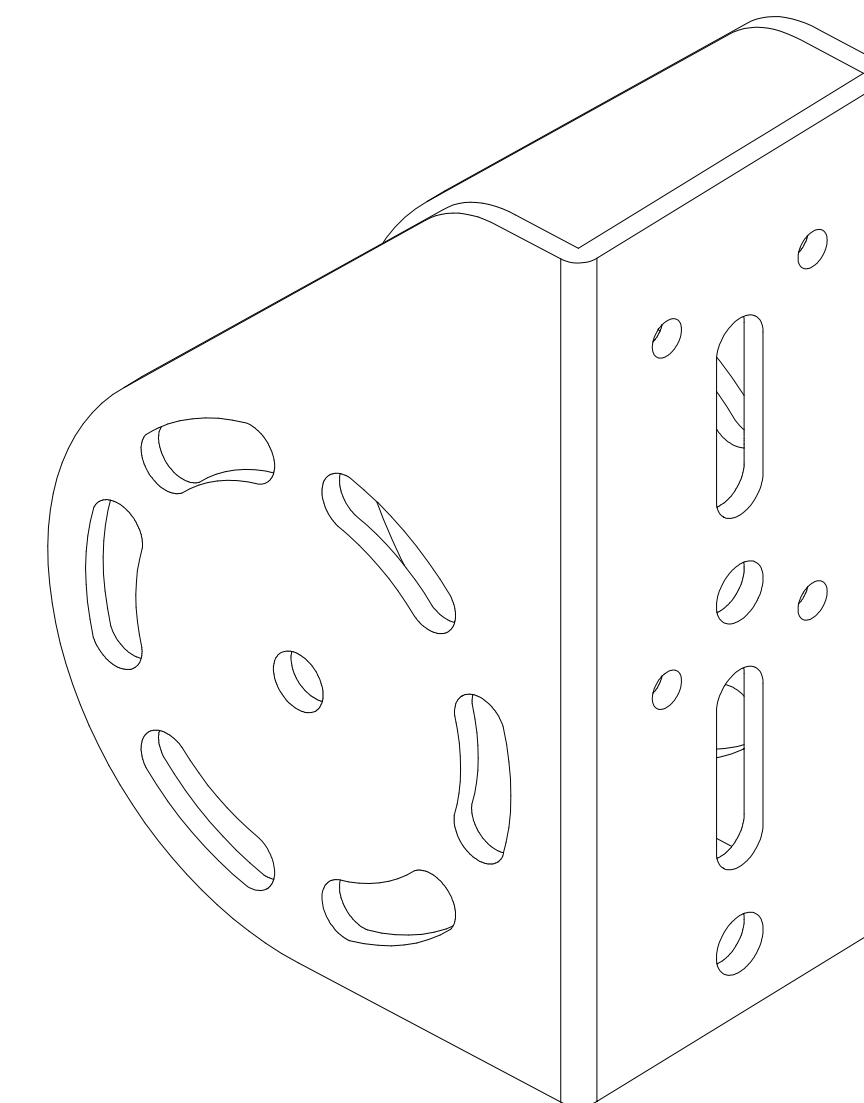
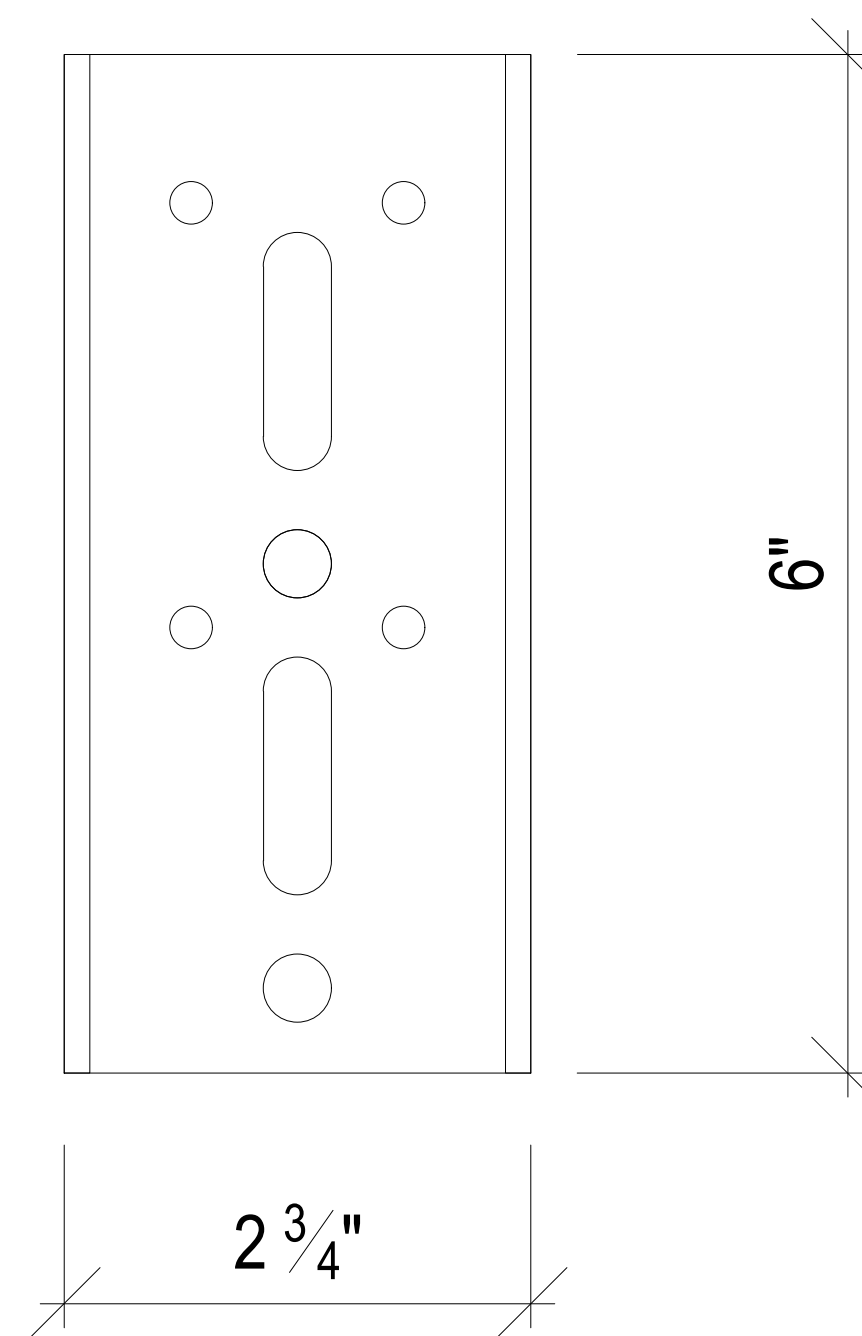
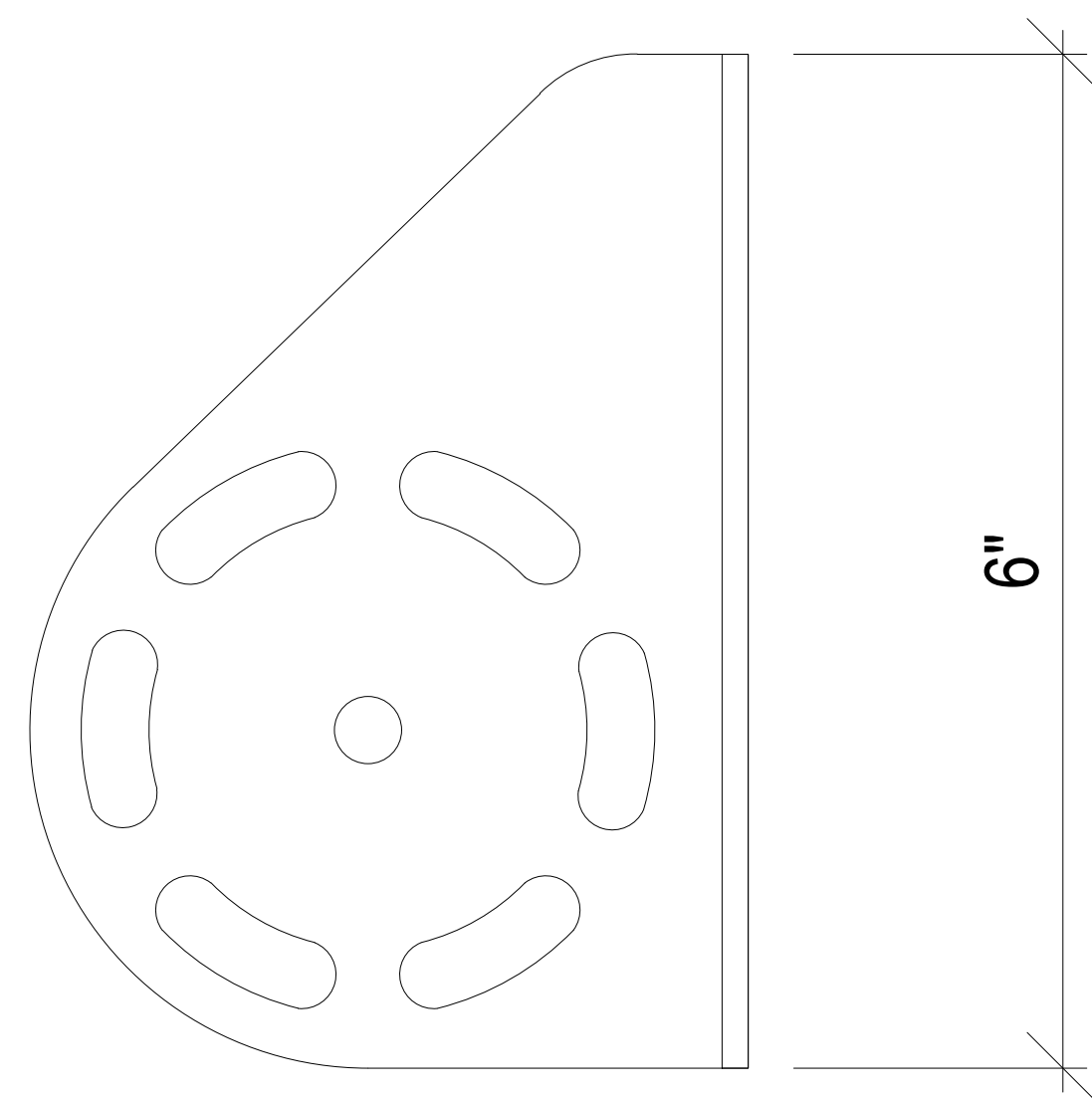
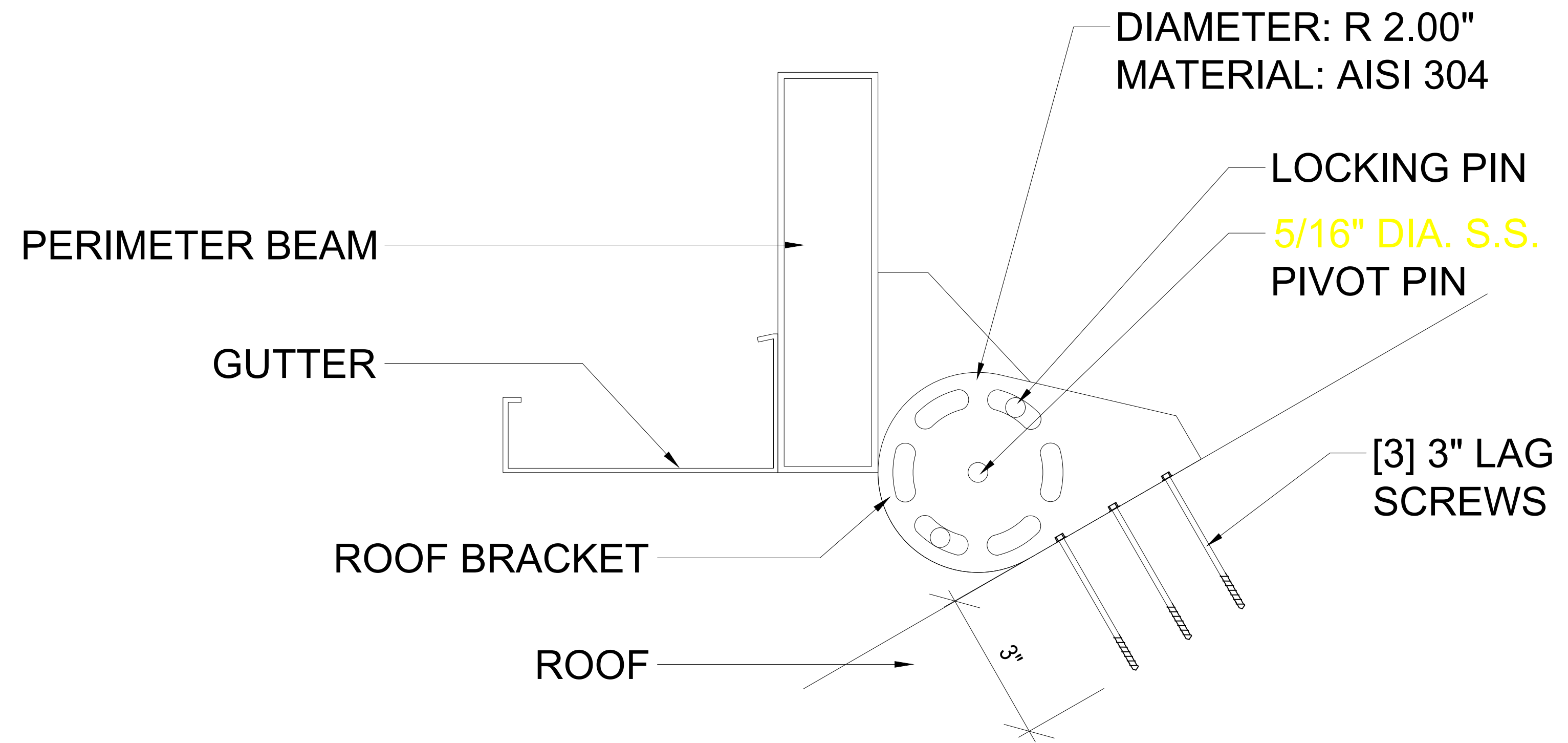
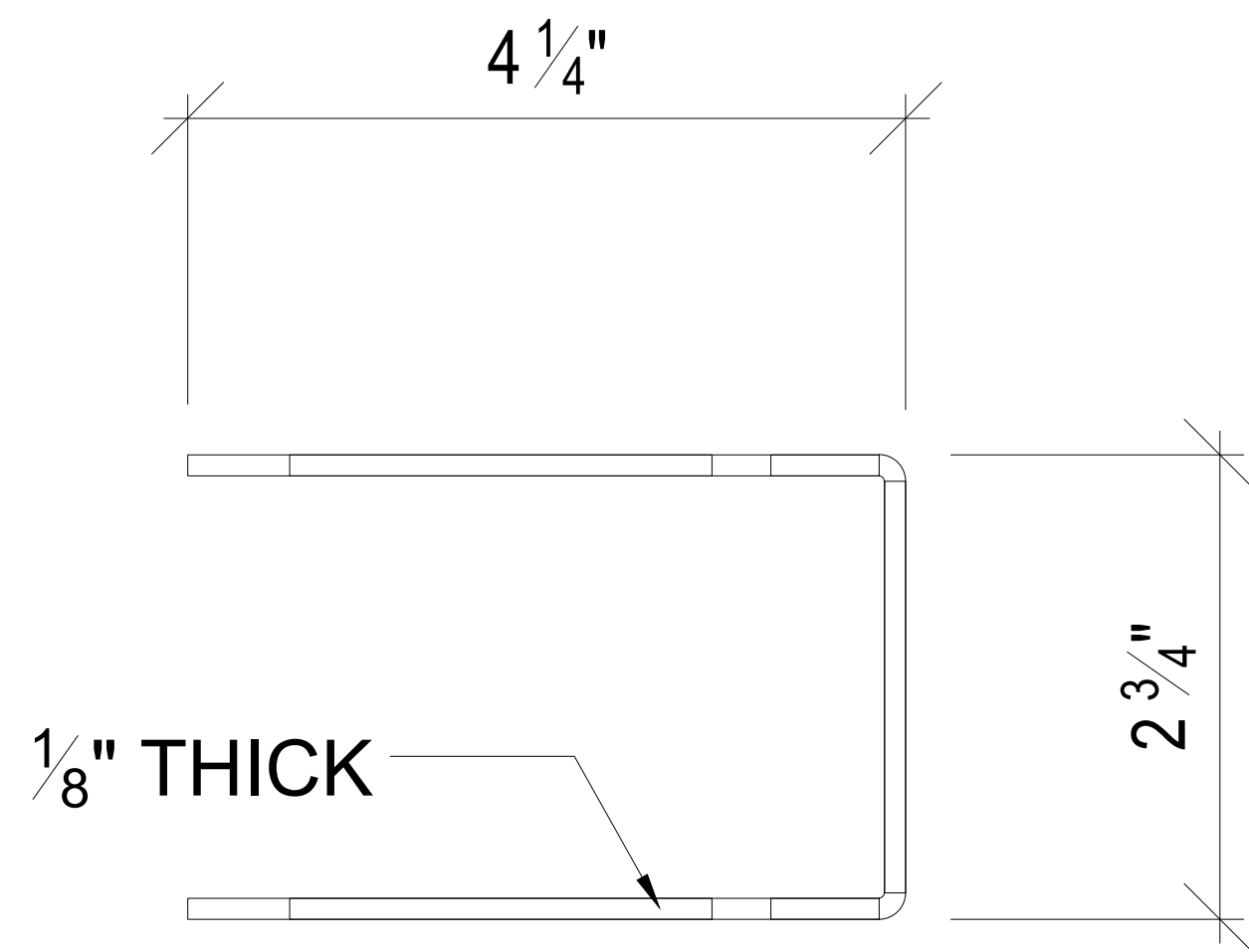
Document Phase
Construction Documents

Revision

Sheet name
Details

A 08

Scale **N.T.S.**



NOTE: PERIMETER BEAM ATTACHED TO PIVOT MOUNT BY [4] #14 X 1" SS TEK SCREWS. PIVOT MOUNT ATTACHED TO ROOF RAFTERS BY [3] 1/4" DIAMETER STAINLESS STEEL LAG SCREWS WITH MINIMUM 1-1/2" THREAD PENETRATION, 0.75" EDGE DISTANCE, 1" APART MIN., INTO SOUTHERN YELLOW PINE #2 WOOD (G=0.55) OR BETTER.

Project: **Jackie Williams**
 Address: **4219 Homestead Dr.
 Howell, MI 48843**

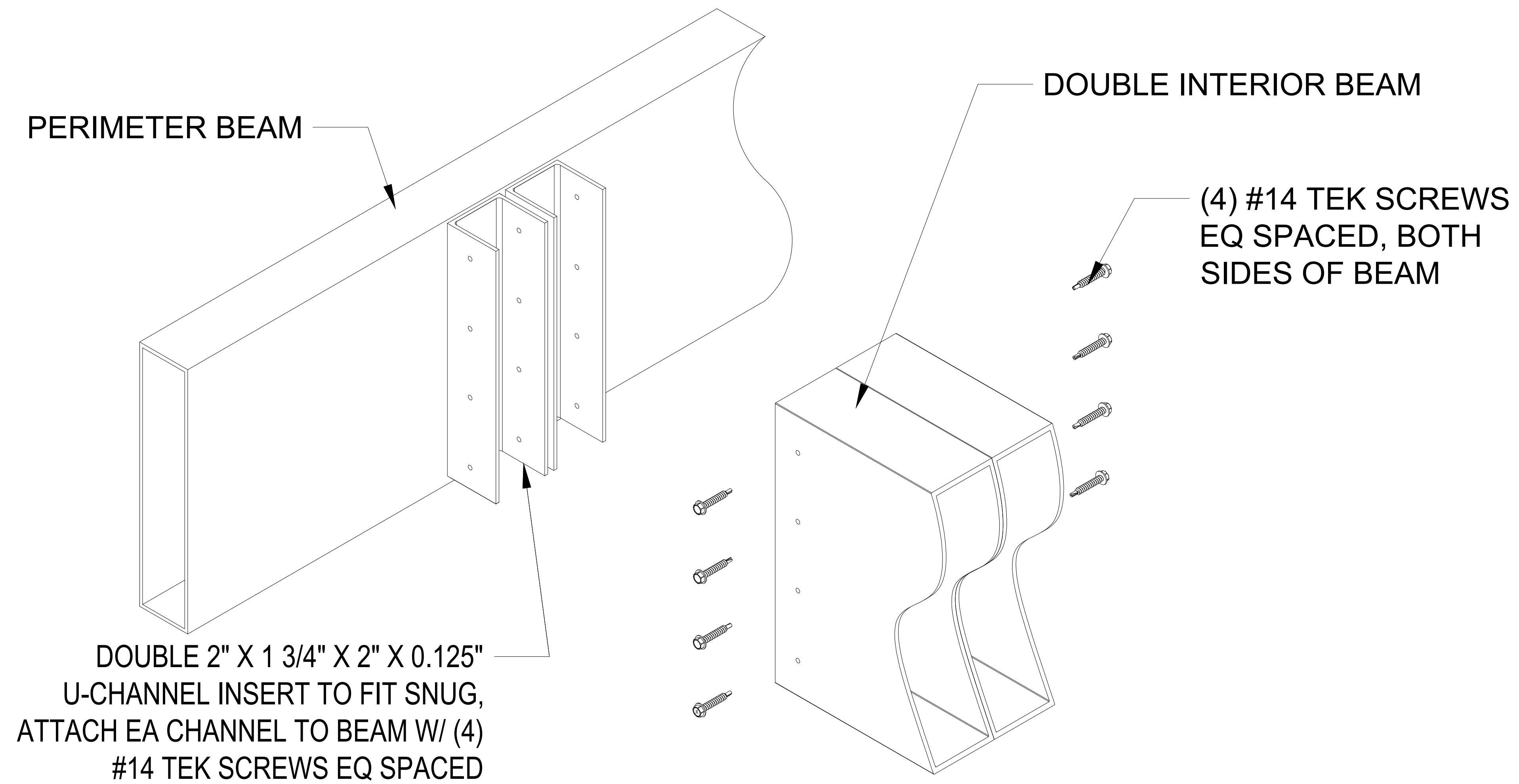
Document Date
08 / 2019
 Document Phase
Construction Documents

Revision

Sheet name
Details

A 09

Scale **N.T.S.**



Project: **Jackie Williams**
Address: **4219 Homestead Dr.
Howell, MI 48843**

Document Date

08 / 2019

Document Phase

Construction Documents

Revision

Sheet name

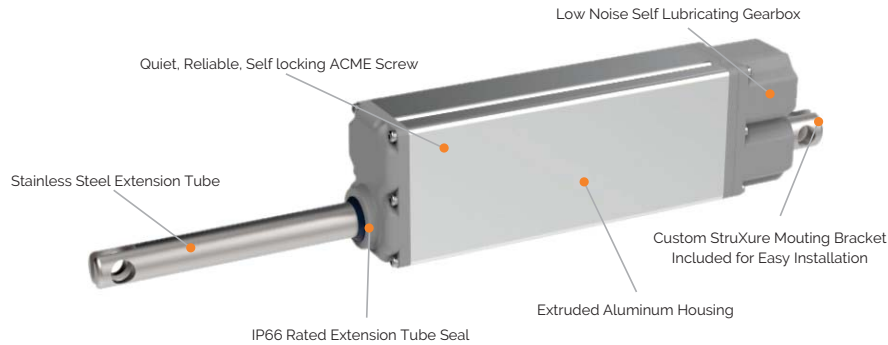
Details

A 10

Scale

N.T.S.

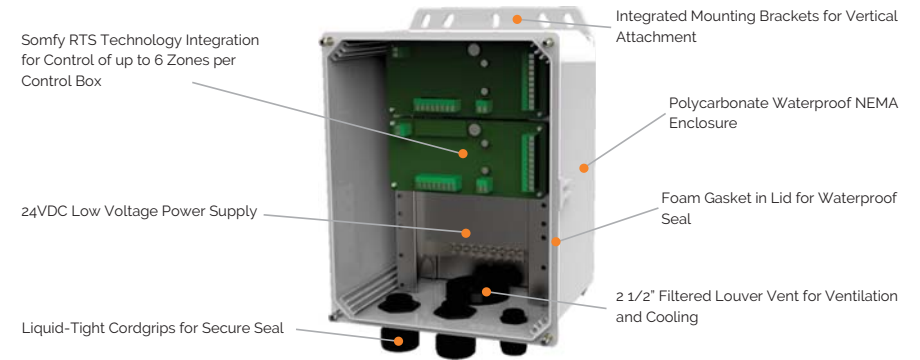
LOUVERED ROOF MOTOR



SOMFY TECHNICAL SPECIFICATIONS

SOMFY TECHNICAL SPECIFICATIONS		
VOLTAGE		
Input Voltage	[VDC]	24
LOAD		
Static Load (Fx), max.	[N/lbs]	2500 / 562
Dynamic Load (Fx), max.	[N/lbs]	2500 / 562
STROKE		
Stroke length, standard	[mm]	140
CURRENT		
Current consumption, rated load	[A]	1.875
GENERAL DATA		
Speed, no load	[mm/s]	3.4
Speed, rated load	[mm/s]	2.8
Operating temperature limits	[°C]	-10/+60
Service life	[Cycles]	± 10,000
Sound level	[dB(A)]	≤ 70
Lead screw type		ACME
Protection Class		IP66
Certificates		CE (EN60601-1)
Insulation		CLASS III

LOUVERED PERGOLA CONTROL




*Product dimensions: 10.59 x 8.59 x 6.96 in. / 268.99 x 218.19 x 176.78 mm

** Enclosure must be mounted in this vertical orientation.

COMPONENT RATINGS AND CERTIFICATIONS

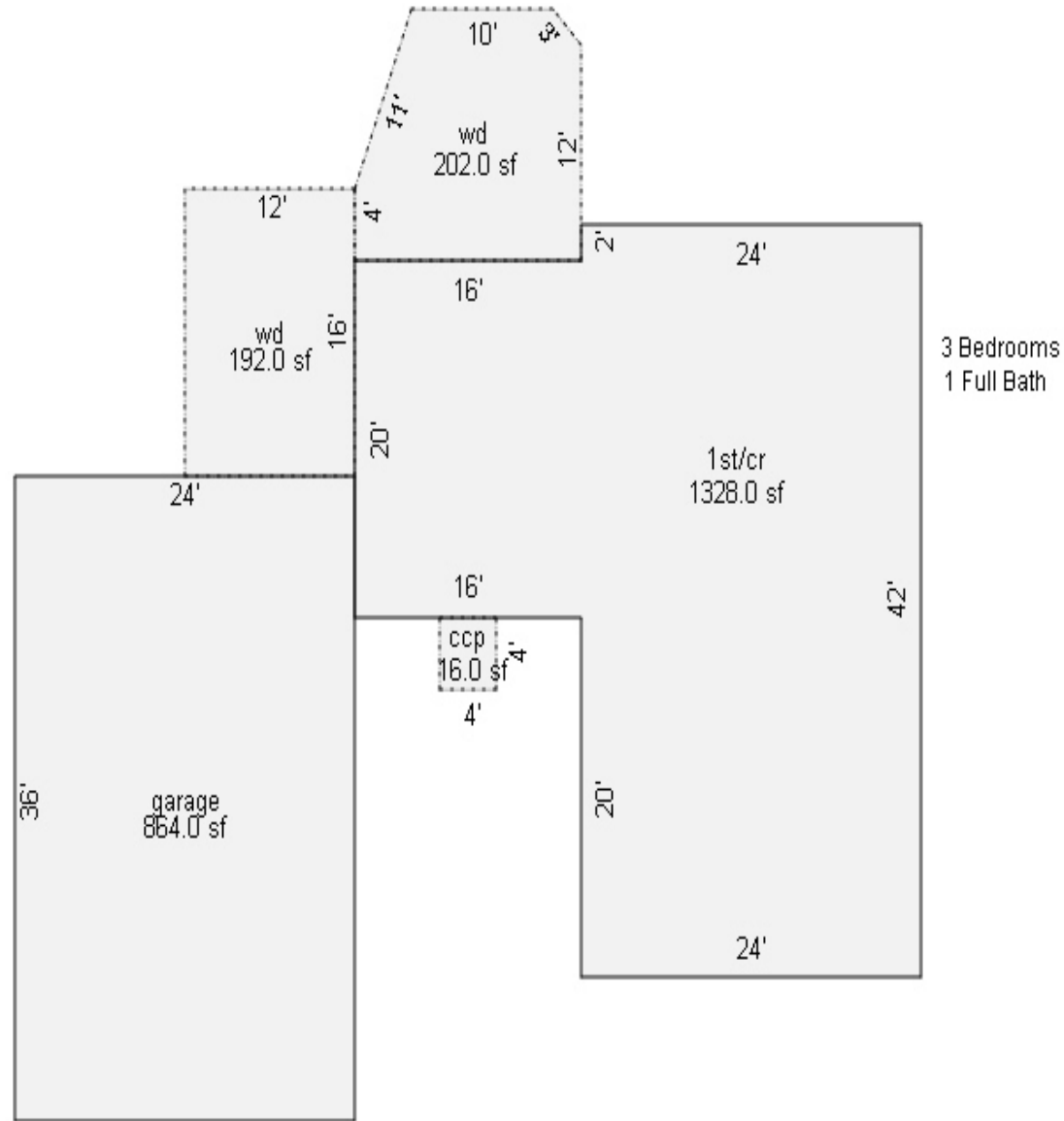
COMPONENT RATINGS AND CERTIFICATIONS		
POWER SUPPLY		
Input Voltage	[VAC]	115/230
Input Voltage Frequency Range	[Hz]	47 - 63
Output Voltage	[VDC]	24
Voltage Adjustable Range	[VDC]	21.6 - 28.8V
Current Range	[A]	0 - 14.6
Rated Power	[W]	350.4
Safety Standard	[UL Certification]	UL60950-1
POWER SUPPLY CABLE (NOT SHOWN)		
Safety Standard	[ETL Certification]	#3170291
Voltage Rating	[V]	300
Temperature Rating	[°F]	-40 to 158
ENCLOSURE		
Safety Standard	[UL Certification]	UL508A
	[File Number]	E352997
Temperature Range	[°F]	-40 to 257
Impact Resistance	[in/lb]	500
Dielectric Strength	[volts/mil]	380
UV Rating	[UL Certification]	UL 746C
Flammability Rating	[UL Certification]	UL 94

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

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 864 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		Drywall Paneled		Plaster Wood T&G									16 192 202	CCP (1 Story) Treated Wood Treated Wood	
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 36 Floor Area: 1,328 Total Base New : 185,898 Total Depr Cost: 118,974 Estimated T.C.V: 166,564			E.C.F. X 1.400		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1975	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Air w/ Ducts Ground Area = 1328 SF Floor Area = 1328 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=64/100/100/100/64			Cls C		Blt 1975	
Condition: Good		Lg	X	Ord		Small	No. of Elec. Outlets			Building Areas						
Room List		(5) Floors		(13) Plumbing			Many			X			Ave.		Few	
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			1			Exterior Siding			Foundation Crawl Space		Size 1,328	
(1) Exterior		(6) Ceilings		(14) Water/Sewer			Other Additions/Adjustments			Water/Sewer			Cost New		Depr. Cost	
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 0 S.F. Crawl: 1328 S.F. Slab: 0 S.F. Height to Joists: 0.0		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			1000 Gal Septic Water Well, 200 Feet			Deck			140,012		89,608	
(2) Windows		(7) Excavation		Lump Sum Items:			Treated Wood			Treated Wood			3,285		2,102	
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			Garages			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)			26,914		17,225	
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish		Ceramic Tub Alcove Vent Fan			Porches			CCP (1 Story)			864		-1,095	
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Totals:			185,898			657		420	
X	Gable Hip Flat	Mansard Shed		Notes:			ECF (4304 OLD HOMESTEAD) 1.400 => TC			166,564						
X	Asphalt Shingle															
Chimney: Brick																

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



Sketch by Apex Medina™

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 17, 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, Jean Ledford, Bill Rockwell and Amy Ruthig, Zoning Official. Absent was Michelle Kreutzberg.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Chairman Rassel noted that Agenda Items #1 and #5 were requested to be tabled this evening. He noted that Item #1, Case #19-19, has already been tabled twice so if it is tabled tonight, the applicant would need to appear in October or reapply for a variance after one year.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to table Case #19-19 until the Wednesday, October 16, 2019 ZBA meeting and this is the last time it can be tabled and if the applicant does not appear, they will need to withdraw their application and reapply in a year. **The motion carried unanimously.**

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Case #19-34 for 4930 Brighton Oaks Trail until the next scheduled ZBA meeting of Wednesday, October 16, 2019 at the applicant's request. **The motion carried unanimously.**

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

Call to the Public:

The call to the public was made at 6:34 pm with no response.

Old Business:

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

The applicant was not present.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to move Case #19-29 to the end of the meeting to allow the applicant to arrive due to an accident blocking the road near the Township Hall. **The motion carried unanimously.**

New Business:

2. 19-32...A request by Allen and Sharon Miotke, 1142 Chemung Drive, for side yard variance to construct a covered porch.

Mr. and Mrs. Miotke were present. Mr. Miotke stated they would like a 4.3-foot side-yard variance to build a covered porch. It would protect them from the weather when they are going into and coming out of the house.

When their home was built, it needed to be moved over an additional three feet due to the location of the neighbor's chimney. That home was built non-compliant back in the 1950's. The chimney is three feet from the lot line so they had to move their home over an additional 5 feet to meet the setback.

Board Member McCreary noted that if the two lots that the Miotkes own were combined, a variance would not be needed. Ms. Miotke stated they would like to keep the lots separate in case their children and grandchildren would like to build a home on the vacant lot.

The call to the public was made at 6:42 pm with no response.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve Case #10-32 for Allen and Sharon Miotke of 1142 Chemung Drive, for a 4-foot, 3-inch side-yard setback from the required side yard setback of 10 feet to 5 feet 9 inches in order to construct a covered porch approximately 8 feet wide by 18 feet long to an existing home, based upon the following findings of fact:

- Strict compliance with the side-yard setback would prevent the applicant from constructing the proposed covered porch. 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
- 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 thus requiring a 10 foot south setback. The need for the variance was not self-created.
- 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 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.

This approval is based on the following conditions:

1. The structure must be guttered with downspouts.

The motion carried unanimously.

3. 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.

Mr. and Mrs. Dowling were present. Mr. Dowling stated they would like to add an addition to their home. They will be moving the garage out 16 feet and adding more to the house behind there. Their lot is an old City-sized lot and is non-conforming to the current requirements. When they built the house, they requested variances so this additional would be at the same setbacks as the existing home. The proposed side yard setback is consistent with his neighbors.

Board Member McCreary questioned if the addition was for a garage. Mr. Dowling showed the floor plans noting the existing home and the proposed addition.

Mr. Dowling has spoken to two of his neighbors and advised what they were planning and neither had any concerns.

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

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #19-33 for Michael Dowling of 7888 State Street for a 16-foot front yard variance from the required 40-foot setback for a 24 foot setback and a seven-foot side-yard variance from the required 20 foot for a setback of 13 feet to the west to construct an addition to their current home, based on the following findings of fact:

- 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.
- The exceptional or extraordinary circumstances of the property are the narrowness of the lot and the location of the existing septic field. The need for the variance is not self-created.
- 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.
- 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.

Mr. Conely arrived at 6:56 pm.

4. 19-35... A request by Speros Kapetaneas, 5397 Brady Road, for a front yard variance to construct an addition to an existing home.

Mr. Kapetaneas was present. They have a quad-level home and now his wife has a serious condition where she will eventually be in a wheelchair. The request for the variance is to put in a first-floor bathroom and laundry room. The addition would be one foot past the existing front porch. This would allow them to be able to put a door in this area so his wife can get out of the house and into the car in the driveway. His property slopes so it cannot be put anywhere else adjacent to the home.

Board Member McCreary is sympathetic to the applicant's wife's health conditions; however, it cannot be a reason for the ZBA approving the variance request. She noted that there are active and reserve septic fields behind the proposed addition so it cannot be moved further back.

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

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve Case #19-35 for Speros Kapetaneas of 5397 Brad Road for a front yard variance of 9 feet 9 inches from the required 75 foot setback for a setback of 65 feet, 3 inches to construct an addition to a single- family, based on the following findings of fact:

- The proposed addition appears to be 1 foot closer to the roadway and is the least amount requested.
- Strict compliance with the front yard setback would prevent the applicant from constructing the addition; however it does not unreasonably prevent the use of the property. The variance would provide substantial justice since there are other homes in the immediate vicinity with reduced front yard setbacks.
- The extraordinary condition of the property is the location of the existing home. The location of the active and reserve septic fields and topography of the lot is preventing the proposed addition to be constructed within the building envelope.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

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

Mr. Conely reviewed his request discussed at the last meeting. The ZBA requested site conformance in their motion so he requested to have his item tabled. He has since met on site with Mr. Archinal, Ms. VanMarter, and Mr. Rogers. They had a good discussion and came to an agreement. He requests that contingency be removed from any approval this evening. He noted that Township Staff agrees that site compliance conditions should not be put on a variance approval.

Ms. Ruthig noted that the Township attorney advised that the ZBA can put site compliance requirements on a variance request, but it must be specific.

Board Member McCreary questioned if there are items that need to be completed as a result of the meeting. Mr. Conely stated there was a discussion regarding where vehicles can be stored, which he has rectified. There are some other items that he will be addressing.

The call to the public was made at 7:18 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 5.25 feet for a proposed side yard setback of 4.75 feet from the required 10-feet in relationship to the dimension of the sign that runs parallel with the property on the north/south boundary of the property closest to the entrance from the road and the sign will be brought into compliance of the north portion pulled back from the east/west ROW that runs along Grand River of 10 feet, 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 condition:

1. The sign shall meet the Zoning Ordinance in regards to size and the LED portion of and occupy only one third (1/3) of the sign per Section 16.07.02 of the Zoning Ordinance.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the August 20, 2019 Zoning Board of Appeals Meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the August 20, 2019 Zoning Board of Appeals Meeting minutes with the changes noted.

The motion carried unanimously.

Zoning Board of Appeals
September 17, 2019 Unapproved Minutes

2. Correspondence – Ms. Ruthig had nothing to report.
3. Township Board Representative Report - Board Member Ledford provided a review of the September 16 Board meeting.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the September 12 Planning Commission meeting.
5. Zoning Official Report – Ms. Ruthig stated there are two cases for October’s meeting. The meeting will be on Wednesday, October 16 due to the Columbus Day holiday on the 14th.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member McCreary, to adjourn the meeting at 7:43 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary