

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

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

**OLD BUSINESS:**

1. 19-38... A request by Tim Chouinard, 935 Sunrise Park Drive, for two sides, front, rear setback variances and a lot coverage variance to construct a new home.

**NEW BUSINESS:**

2. 19-39 ... A request by Bruce Stancombe, 4468 Golf View Drive, for a side yard setback variance to replace an existing deck and construct a new deck.
3. 19-40 ... A request by Andrew Lerch and Kevin Johnson, 5311 Brighton Road, for a setback variance to allow an indoor commercial recreation business within 100 feet from a residential zoning.
4. 19-41 ... A request by Wallace and Sons Enterprises, LLC, 855 Victory Drive, for a front yard setback and natural features setback variance to allow existing structures.

**Administrative Business:**

1. Approval of minutes for the October 16, 2019 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



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

Case # 19-38 Meeting Date: 10-16-19

PAID Variance Application Fee

\$215.00

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

Applicant/Owner: Tim Chouinard /Tom and Debbie Hirzel \_\_\_\_\_ Email: thirzel@sales.net \_\_\_\_\_

Property Address: 935 Sunrise Park St \_\_\_\_\_ Phone: 248-808-3557 \_\_\_\_\_

Present Zoning: LRR \_\_\_\_\_ Tax Code: 11-09-201-050 \_\_\_\_\_

**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: FRONT YARD VARIANCE, REAR YARD VARIANCE AND LOT COVERAGE, waterfront variance

---

---

---

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

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

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

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

Due to the size of the lot and building envelope we are asking for front and rear and lot coverage  
\_\_\_\_\_  
\_\_\_\_\_

**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 existing house is closer to the front and rear lot lines than the proposed house will be.  
\_\_\_\_\_  
\_\_\_\_\_

**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 proposed house will not impair adequate supply of light or air to surrounding property it will decrease the congestion by having a garage, will decrease the danger of fire with being a new home with todays fire ratings and standards and will not endanger the publics safety, comfort, morals or welfare of the inhabitants of Genoa Township.

**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 proposed variances will not interfere with or discourage the appropriate development, continued use, or values of surrounding neighborhood.  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Date: 9-23-19 Signature: 



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

## REVISED MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 13, 2019

**RE:** ZBA 19-38

---

### STAFF REPORT

**File Number:** ZBA#19-38  
**Site Address:** 935 Sunrise Park Drive  
**Parcel Number:** 4711-09-201-239  
**Parcel Size:** .11 Acres  
**Applicant:** Tim Chouinard, Chouinard Building  
**Property Owner:** Hirzel, Thomas and Debbie

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

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a front, two side and rear yard setback variances and lot coverage variances to demolish existing home and a construct a new single family home.

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

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday November 3, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

**Background**

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

- Per assessing records there is no constructed date of the home.
- Parcel is serviced by public sewer and private well.
- 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



The proposed project is to demolish existing home and construct a new single family home. In order to construct the proposed home, the applicant would be required to obtain front, two side and rear yard setback variances and lot coverage variances. In constructing the new single family home, the applicant would be increasing the south side and front yard setbacks and decreasing the lot coverage with concrete removal on the lot.

**Variance Requests**

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

**Table 3.04.01 (LRR District):**

SINGLE FAMILY STRUCTURE	Front Setback	South Side Setback	North Side Setback	Rear House Setback	Rear Deck Setback	Lot Cov. Building	Lot Cov. Imp. Surface
Required Setbacks	35	10	10	40	10	35%	50%
Setback Amount Requested	17.7	8.5	5	24.8	4.8	47%	56%
Variance Amount	17.3	1.5	5	15.2	5.2	12%	6%

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with front, both side and rear yard setbacks and lot coverage would prevent the applicant from constructing the proposed home. The proposed placement of the home is increasing the front yard setback from the road and the south side yard setback would be increased also. The north side yard setback would decrease less than a foot from what exists today. The variances requested may not be the least restrictive necessary to provide substantial justice and granting of all requested variances is not necessary for the preservation and enjoyment of the property. The size of the deck does not appear to be consistent with the surrounding area.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot. The front yard variance would make the property consistent with other properties in the vicinity. The need for the north side yard setback is caused by the neighboring non-conforming detached accessory structure being located less than 1 foot off of the adjacent side lot line. To reduce the amount of variances requested, with the demolishing of the existing home, applicant could reduce the length of proposed home and reduce size of deck to better meet setbacks and lot coverage.
- (c) Public Safety and Welfare** – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

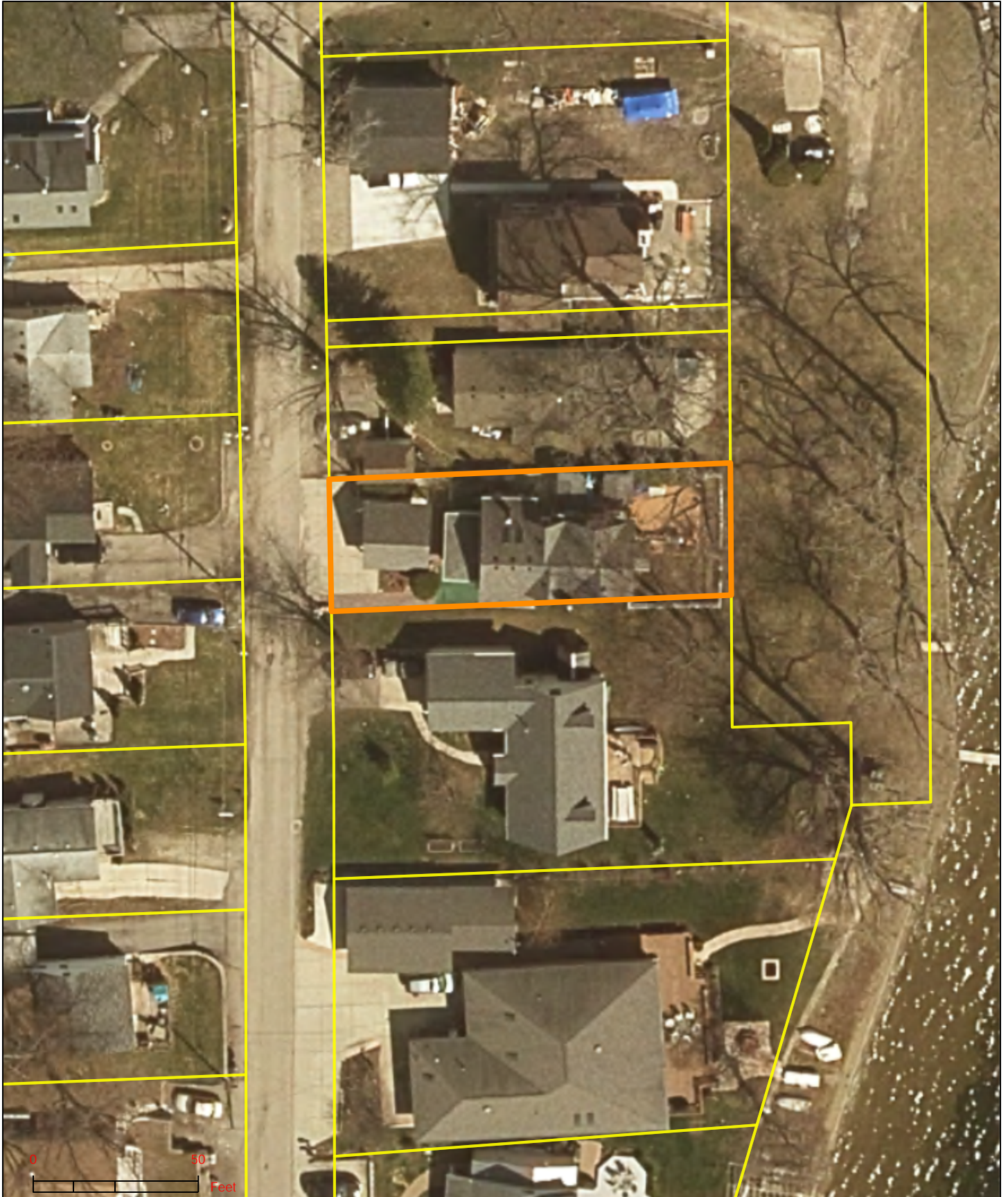
**(d) Impact on Surrounding Neighborhood** – The proposed variances would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**Recommended Conditions**

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

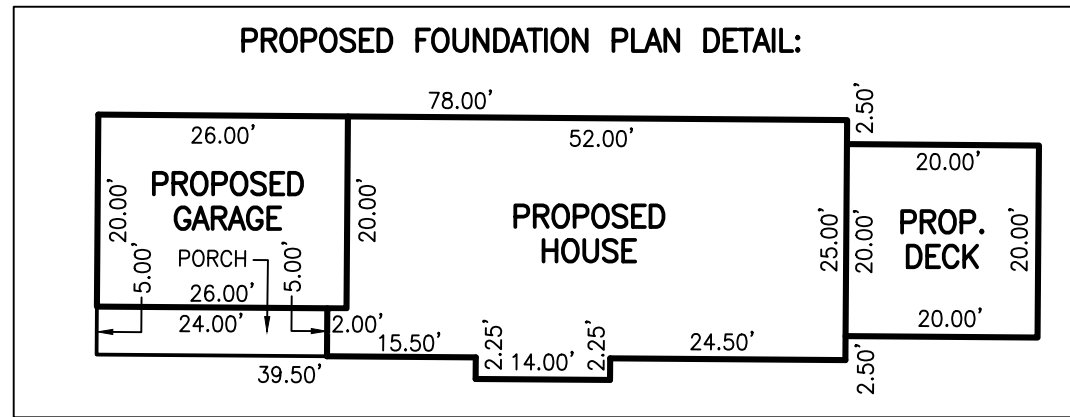
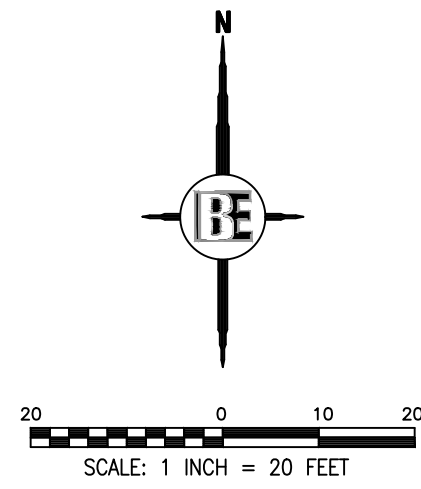
1. Structure must be guttered with downspouts.
2. No other structures or impervious surfaces are allowed
3. Concrete shall be removed on north side of the house and will be reduced in the front to just in front of proposed attached garage and side walk as stated by the builder to staff.
4. Existing shed shall be removed

# GENOA TOWNSHIP

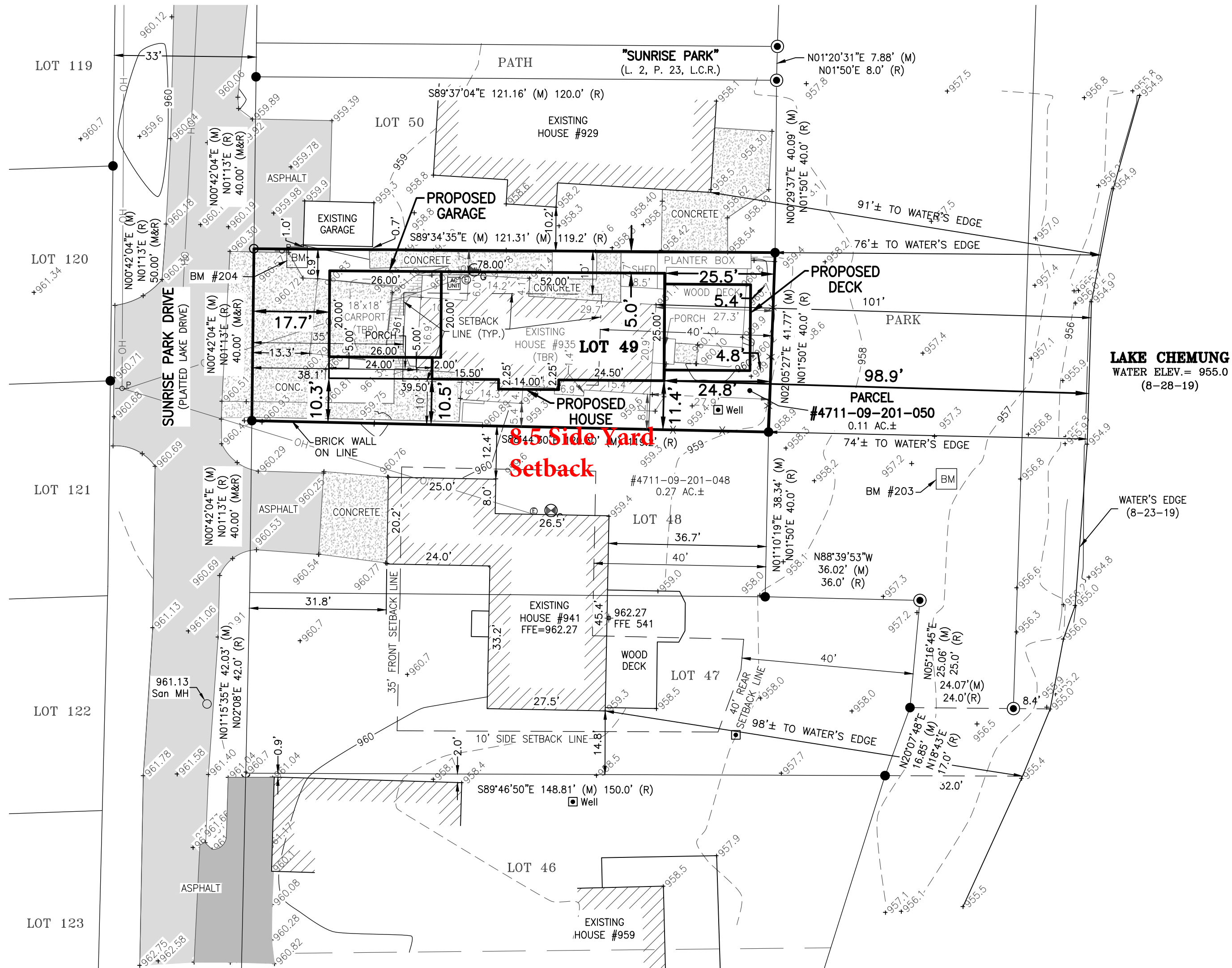




# BOUNDARY/TOPOGRAPHICAL SURVEY/PLOT PLAN



- LEGEND**
- 900 --- EXISTING CONTOUR
  - + 922.00 EXISTING SPOT ELEVATION
  - P- POWER POLE
  - ⊕ ELECTRICAL METER
  - ⊠ AIR CONDITIONING UNIT
  - ⊡ WELL
  - STEEL ROD SET
  - STEEL ROD OR PIPE FOUND
  - ⊙ MONUMENT FOUND
  - SANITARY MANHOLE
  - OH— OVERHEAD WIRES
  - X- FENCE
  - L LIBER
  - P PAGE
  - L.C.R. LIVINGSTON COUNTY RECORDS
  - (M&R) MEASURED AND RECORD
  - P.O.B. POINT OF BEGINNING



- GENERAL SURVEY NOTES:**
- BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.
  - 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 RELATIVE TO BENCHMARK INFORMATION BY BOSS ENGINEERING AS SHOWN ON JOB NO. 18-456, DATED 1-10-19. (NGVD29 DATUM)
  - CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
  - ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
  - SUBJECT PROPERTY IS DESIGNATED AN AREA DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOOD ELEVATION FOR LAKE CHEMUNG, THE ESTIMATED ELEVATION IS 961.5, NGVD29 DATUM, AS ESTABLISHED BY MDEQ.
  - ENTIRE LOTS 47 AND 48 ARE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- CURRENT ZONING: LRR (LAKESHORE RESORT RESIDENTIAL)  
 MINIMUM SETBACK REQUIREMENTS:  
 FRONT = 35 FEET  
 SIDES = 10 FEET  
 REAR = 40 FEET  
 MAXIMUM BUILDING HT. = 25 FEET OR (2) STORIES

**PROPERTY DESCRIPTION:**  
 LOTS 49 OF "SUNRISE PARK", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 9 AND A PART OF THE SOUTHEAST 1/4 OF SECTION 4, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.

**SITE BENCHMARKS (NGVD29 DATUM):**  
 -BM #203 = NAIL/TAG SE/S 24" MAPLE, 20'± WEST OF WATER EDGE. ELEV.=958.49  
 -BM #204 = NAIL/TAG W/S OF POWER POLE ON NORTH PROPERTY LINE. ELEV.=961.29

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 ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (CALL FIRST) FOR THE LOCATION OF UNDERGROUND UTILITIES

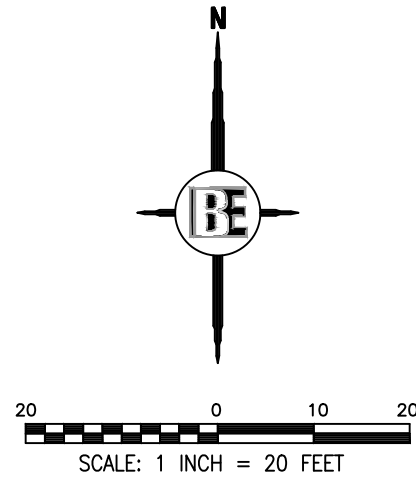
**BEBOSS Engineering**  
 Engineers Surveyors Planners Landscape Architects  
 3121 E. GRAND RIVER AVE.  
 HOWELL, MI. 48843  
 517.546.4836 FAX 517.548.1670

PROJECT: **LOT 49 "SUNRISE PARK"**  
 PREPARED FOR: **CHOUNARD CUSTOM HOMES**  
 932 SUNRISE PARK DRIVE  
 HOWELL, MI 48843  
 (517) 546-6587  
 TITLE: **BOUNDARY/TOPOGRAPHICAL SURVEY/PLOT PLAN**

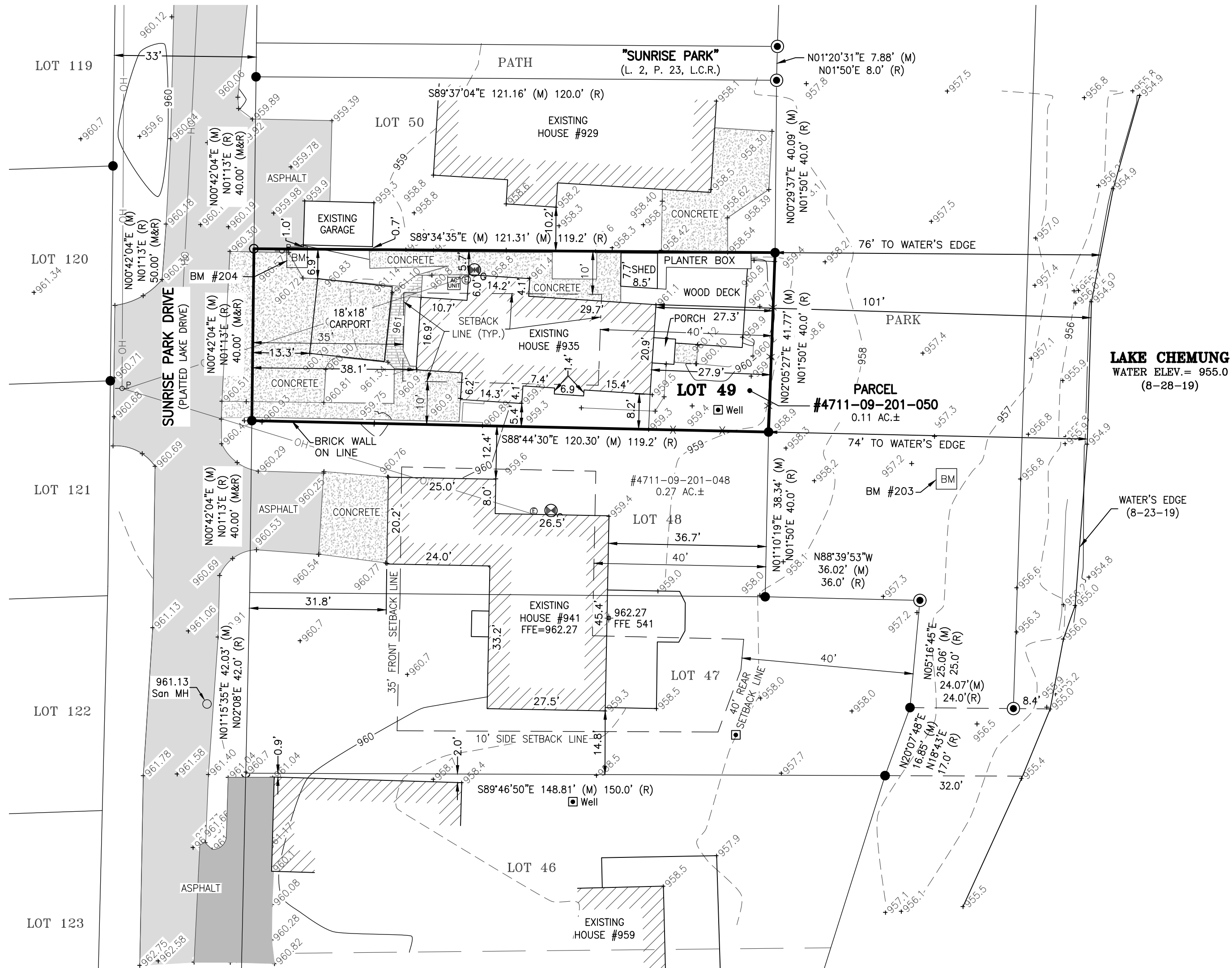
NO	BY	REVISION PER	DATE
3	AEB	ADD PROPOSED DIMENSIONS TO REAR LOT	11-19-19
2	AEB	REVISED PROPOSED HOUSE/GARAGE	10-30-19
1	AEB	PROPOSED HOUSE/GARAGE	9-25-19

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: KJ  
 CHECKED BY: \_\_\_\_\_  
 SCALE 1" = 20'  
 JOB NO. 19-307  
 DATE 9-12-19  
 SHEET NO. 1 OF 1

# BOUNDARY & TOPOGRAPHICAL SURVEY



- LEGEND**
- 900 --- EXISTING CONTOUR
  - + 922.00 EXISTING SPOT ELEVATION
  - o-P POWER POLE
  - ⊕ ELECTRICAL METER
  - ⊠ AIR CONDITIONING UNIT
  - ⊡ WELL
  - STEEL ROD SET
  - STEEL ROD OR PIPE FOUND
  - ⊙ MONUMENT FOUND
  - SANITARY MANHOLE
  - OH— OVERHEAD WIRES
  - X- FENCE
  - L. LIBER
  - P. PAGE
  - L.C.R. LIVINGSTON COUNTY RECORDS
  - (M&R) MEASURED AND RECORD
  - P.O.B. POINT OF BEGINNING



- GENERAL SURVEY NOTES:**
1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.
  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 RELATIVE TO BENCHMARK INFORMATION BY BOSS ENGINEERING AS SHOWN ON JOB NO. 18-456, DATED 1-10-19. (NGVD29 DATUM)
  5. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
  6. ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
  7. SUBJECT PROPERTY IS DESIGNATED AN AREA DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOOD ELEVATION FOR LAKE CHEMUNG, THE ESTIMATED ELEVATION IS 961.5, NGVD29 DATUM, AS ESTABLISHED BY MDEQ.
  8. ENTIRE LOTS 47 AND 48 ARE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- CURRENT ZONING: LRR (LAKESHORE RESORT RESIDENTIAL)  
 MINIMUM SETBACK REQUIREMENTS:  
 FRONT = 35 FEET  
 SIDES = 10 FEET  
 REAR = 40 FEET  
 MAXIMUM BUILDING HT. = 25 FEET OR (2) STORIES

**PROPERTY DESCRIPTION:**  
 LOTS 49 OF "SUNRISE PARK", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 9 AND A PART OF THE SOUTHEAST 1/4 OF SECTION 4, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.

**SITE BENCHMARKS (NGVD29 DATUM):**  
 -BM #203 = NAIL/TAG SE/S 24" MAPLE, 20'± WEST OF WATER EDGE. ELEV.=958.49  
 -BM #204 = NAIL/TAG W/S OF POWER POLE ON NORTH PROPERTY LINE. ELEV.=961.29

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 ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

3 WORKING DAYS BEFORE YOU DIG  
 CALL MISS DIG  
 1-800-482-7171  
(TOLL FREE)  
 FOR THE LOCATION OF UNDERGROUND UTILITIES

BOSS

Engineering

Engineers Surveyors Planners Landscape Architects

3121 E. GRAND RIVER AVE.  
 HOWELL, MI. 48843  
 517.546.4836 FAX 517.548.1670

LOT 49 "SUNRISE PARK"

PREPARED FOR  
 CHOUNARD CUSTOM HOMES

932 SUNRISE PARK DRIVE  
 HOWELL, MI 48843  
 (517) 546-6587

TITLE  
 BOUNDARY & TOPOGRAPHICAL SURVEY

NO	BY	REVISION PER	DATE

DESIGNED BY: \_\_\_\_\_

DRAWN BY: KJ

CHECKED BY: \_\_\_\_\_

SCALE 1" = 20'

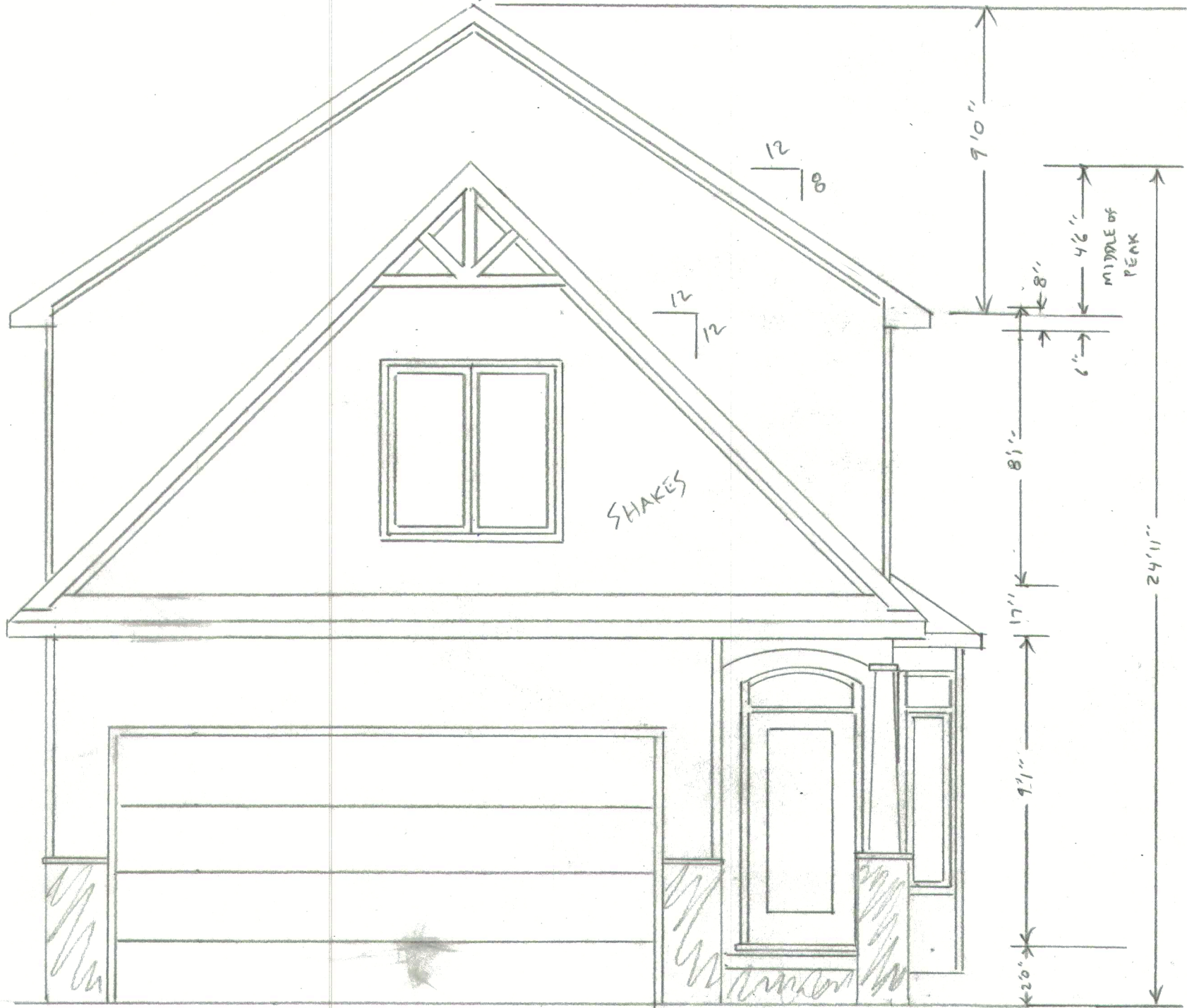
JOB NO. 19-307

DATE 9-12-19

SHEET NO. 1 OF 1



HIRZEL RESIDENCE 935 SUNRISE PARK ST PRELIMINARY DRAWINGS 9-12-2019









Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
HOOKS LIVING TRUST	HIRZEL THOMAS & DEBBIE	300,000	11/20/2015	WD	ARMS-LENGTH	2015R-037472	BUYER	100.0			
HOOKS, PATRICIA GRADY	HOOKS, JOHNNIE H.	0	07/07/2003	WD	ARMS-LENGTH	4014-0282	BUYER	0.0			
HOOKS, PATRICIA GRADY	HOOKS, TRUST	0	09/28/1999	TA	PTA		BUYER	0.0			
HOOKS, JOHNNIE H. & PATRICIA	HOOKS LIVING TRUST	0	09/28/1999	QC	INVALID SALE	2009R-033041	BUYER	0.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status		
935 SUNRISE PARK		School: HOWELL									
		P.R.E. 0%									
Owner's Name/Address		MAP #: V19-38									
HIRZEL THOMAS & DEBBIE 39214 HEATHERBOOK DR. FARMINGTON MI 48331		2020 Est TCV Tentative									
		X	Improved	Vacant	Land Value Estimates for Land Table 4302.SUNRISE PARK						
		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		G LKFT VIEW	40.00	119.00	1.0000	1.0000	2700	100	108,000
		Paved Road		40 Actual Front Feet, 0.11 Total Acres				Total Est. Land Value =		108,000	
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		Who	When	What	2020	Tentative	Tentative	Tentative		Tentative	
		LM	11/24/2015	REVIEWED R	2019	54,000	101,800	155,800		155,800S	
		LM	05/30/2014	REVIEWED R	2018	54,000	102,600	156,600		153,395C	
					2017	46,000	105,000	151,000		150,240C	

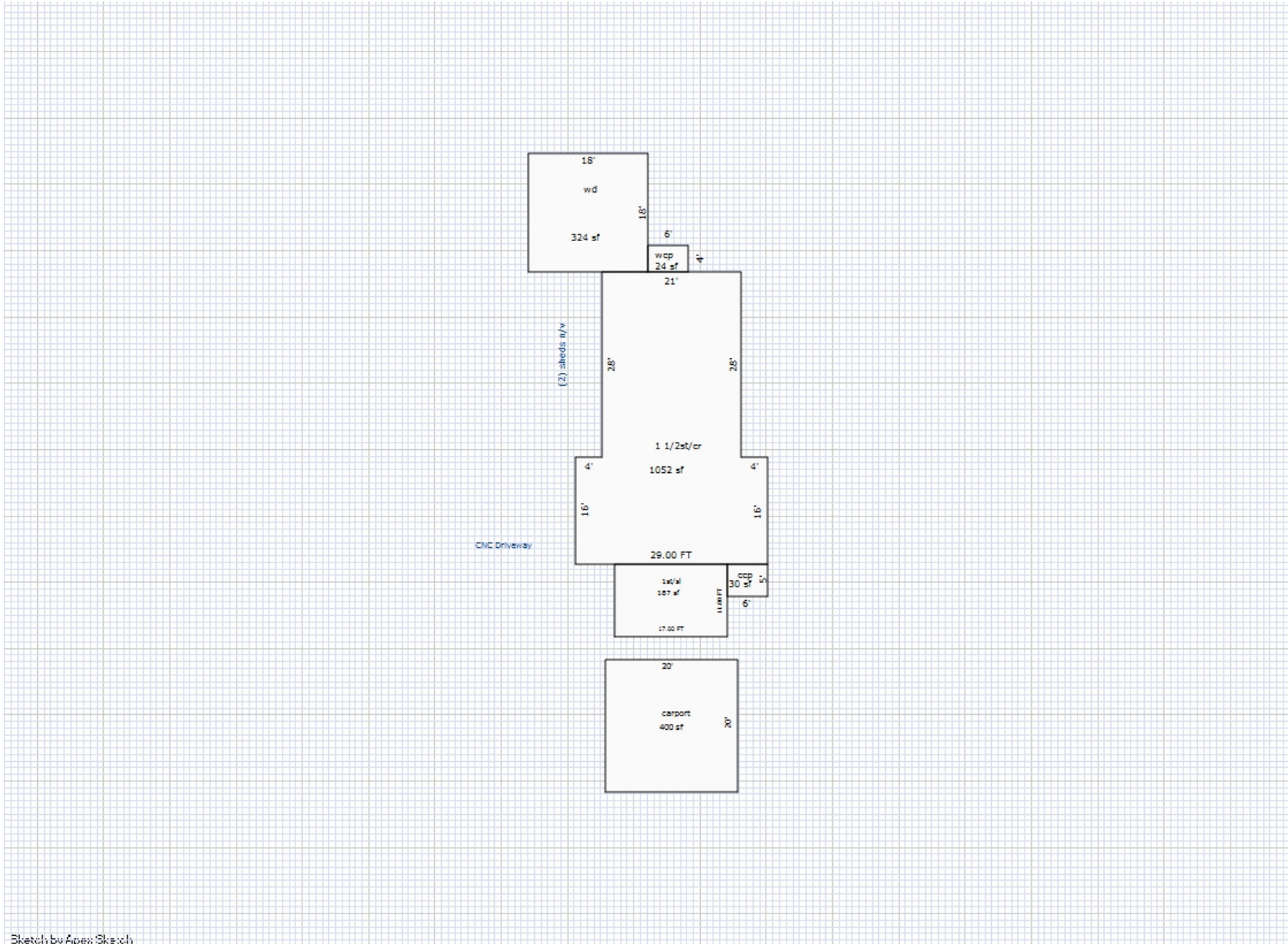


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 30 324	Type CCP (1 Story) Pine	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: C		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: C +10 Effec. Age: 30 Floor Area: 1,710 Total Base New : 228,214 Total Depr Cost: 159,760 Estimated T.C.V: 239,640			E.C.F. X 1.500		Bsmnt Garage:	
Yr Built 0	Remodeled 0	Size of Closets		No Heating/Cooling			(12) Electric 0 Amps Service			Total Depr Cost: 159,760			Carport Area: 400 Roof: Comp.Shingle			
Condition: Good		Doors: Lg X Ord Small		No Heating/Cooling			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C 10 Blt 0			
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric			Ground Area = 1202 SF Floor Area = 1710 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/100/70						
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		No./Qual. of Fixtures			No. of Elec. Outlets			Building Areas						
(1) Exterior		(6) Ceilings		Ex. X Ord. Min			Many X Ave. Few			Stories Exterior Foundation 1.5 Story Brick Crawl Space 1 Story Brick Slab			Size 1,015 187		Cost New	Depr. Cost
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 0 S.F. Crawl: 1015 S.F. Slab: 187 S.F. Height to Joists: 0.0		(13) Plumbing			Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments			Total: 197,519		138,274	
	Insulation	Recreation SF Living SF Walkout Doors No Floor SF		(14) Water/Sewer			3 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			Plumbing 3 Fixture Bath			1 3,855		2,698	
(2) Windows		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Porches CCP (1 Story)			Deck Pine			30 823		576	
X	Many Avg. Few X Large Avg. Small	(9) Basement Finish		Lump Sum Items:			Water/Sewer Public Sewer Water Well, 200 Feet			Fireplaces Exterior 2 Story			324 3,765		2,635	
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Recreation SF Living SF Walkout Doors No Floor SF		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Fireplaces Exterior 2 Story			Carpports Comp.Shingle			1 6,658		4,661	
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Carpports Comp.Shingle			Totals: 228,214			400 5,440		3,808	
X	Gable Hip Flat	Recreation SF Living SF Walkout Doors No Floor SF		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Carpports Comp.Shingle			Notes: ECF (4302 SUNRISE PARK LAKEFRONT) 1.500 => TCV:			228,214 159,760		239,640	
X	Asphalt Shingle	Recreation SF Living SF Walkout Doors No Floor SF		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Carpports Comp.Shingle									
Chimney: Brick		Recreation SF Living SF Walkout Doors No Floor SF		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Carpports Comp.Shingle									

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



Sketch by Apex Sketch

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



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

Case # 19-39 Meeting Date: 11-17-19

PAID Variance Application Fee

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

Applicant/Owner: Bruce Stancombe Email: brucealmyt@hotmail.com  
Property Address: 4468 Golf View Dr Phone: 574-238-1664  
Present Zoning: MUPUD Tax Code: 11-28-405-055

**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: Replace current rotting wood deck and a concrete patio that is 8 inches lower and experiencing freeze upheaval with a composite single level deck that is just slightly larger and adjoins the shared wall of my neighbor (4466) (who agreed and signed my application for this modification). Variance requested is to allow

the deck to approach the shared brick wall of 4466, not conforming with the 4 foot rule.



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.

A setback for the proposed deck of 4 feet from the shared brick wall with 4466 Golf View Drive will prevent safe use of the doorwall entrance at 4468 Golf View Drive that opens onto the proposed deck plan. The proposed deck plan without this 4 foot setback eliminates this issue and improves the aesthetic appeal of the property from the Golf Course. I'm following many similar decks on my street that all abut to these shared condo walls (see 7 picture attachments).

**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.

If the deck is limited to a 4 foot setback from adjoining condo shared brick wall, guests who exit the doorwall can easily fall off the deck and injure themselves to the detriment of both guests and owner. There are six (6) examples of decks that are not set back 4' from adjoining condo shared walls on my street and one in Pine Eagles, so it is a common condition approved by the Glen Eagles & Oak Pointe HOA organizations and both my neighbors.

**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.

In fact, granting the variance will increase the public safety as it relates to neighbors and guests who use the proposed deck and doorwall entrance. It will increase safety and help prevent accidental injuries that could result from falls into the brick wall as they enter/exit the doorwall if the variance is granted. My neighbor's adjoining brick wall is only 2 feet 4 inches from my doorwall.

**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 proposed deck will not even be visible to my neighbor (4466) of the adjoining shared brick wall because it will still be setback 2 ft 8 in from the end of the adjoining shared brick wall and a large evergreen tree at the edge of the proposed deck will still completely block the view from these 2 properties (4466 & 4468).

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

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Exhibit A  
Attached Legal Description

For property described as:

**Land situated in the Township of Genoa, County of Livingston, State of Michigan,  
more particularly described as:**

**Unit 55, of "Glen Eagles", a condominium according to the Consolidating and  
Superceding Master Deed recorded in Liber 2794, Page 849, Livingston County  
Records, as amended, and designated as Livingston County Condominium  
Subdivision Plan Number 15, together with rights in common elements and limited common  
elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as  
amended.**

**More commonly known as: 4468 Golf View Drive, Unit 55, Brighton, MI 48116**

**Tax ID: 4711-28-405-055**



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 14, 2019

**RE:** ZBA 19-39

---

### STAFF REPORT

**File Number:** ZBA#19-39  
**Site Address:** 4468 Golf View Drive  
**Parcel Number:** 4711-28-405-055  
**Parcel Size:** N/A  
**Applicant:** Bruce Stancombe, 4468 Golf View Dr. Brighton  
**Property Owner:** Same as Applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a side setback variance from a shared wall of a neighboring unit to construct a deck.

**Zoning and Existing Use:** MUPUD (Mixed Use Planned Unit Development) – Oak Pointe, Multi- Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday November 3, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

**Background**

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

- Per assessing records the existing home on the parcel was constructed in 1996.
- The parcel is serviced by public water and sewer.
- See Assessing Record Card.

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

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal



The applicant is proposing to replace an existing deck and install a new deck to replace an existing concrete patio. In order to complete the proposed project, the applicant is in need of a variance to allow the new deck to extend to the shared wall of the neighboring home instead of meeting the 4 foot setback from the shared wall as required.

**Variance Requests**

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

**11.04.02 Decks**

- (b) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property (site condominium) lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks).**

**Required Setback- 4 feet**  
**Proposed Setback- 0 feet**  
**Variance Amount- 4 feet**

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance requirement would not unreasonably prevent the use of the property, however it would provide substantial justice to the applicant as there appear to be homes in the immediate area that do not meet the side setbacks for decks and granting of the variance is necessary for the preservation and enjoyment of the property.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances of the property. The need for the variance is self-created however applicant states that it would be consistent with a majority of homes in the vicinity.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**Recommended Conditions**

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

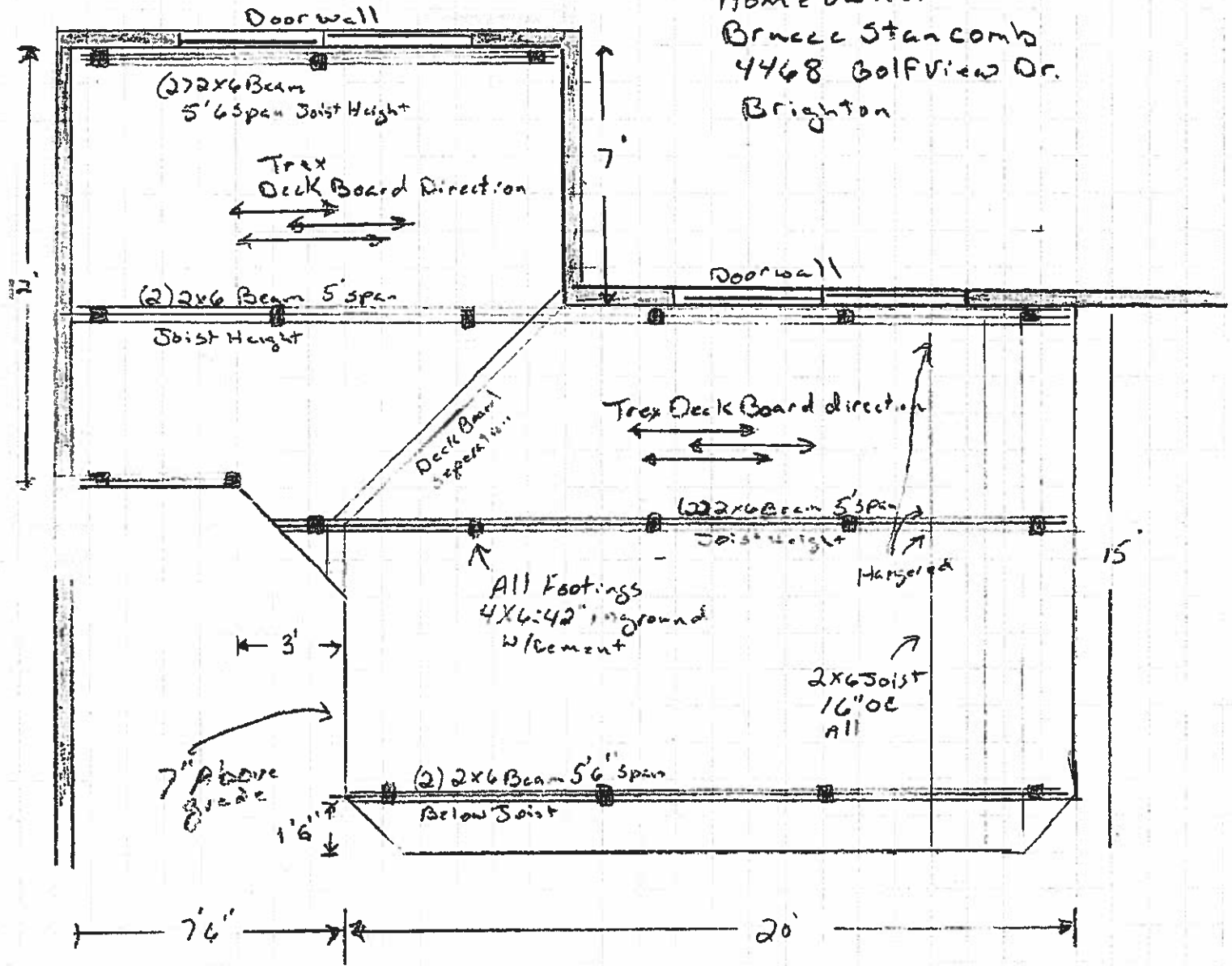
N/A

# GENOA TOWNSHIP



Builder  
RN Construction  
810-625-8658

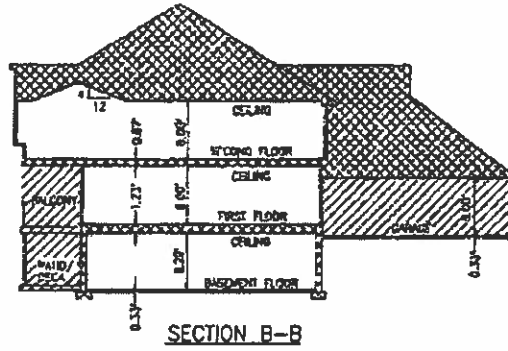
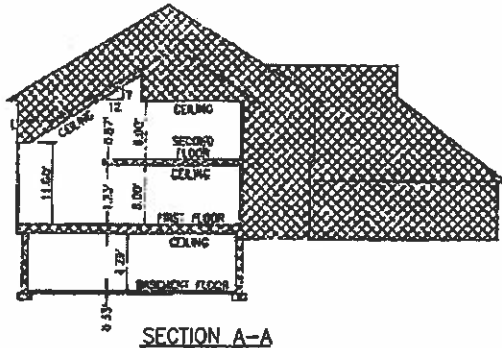
Home owner  
Bruce Stancomb  
4468 Golfview Dr.  
Brighton



4355<sub>3</sub>

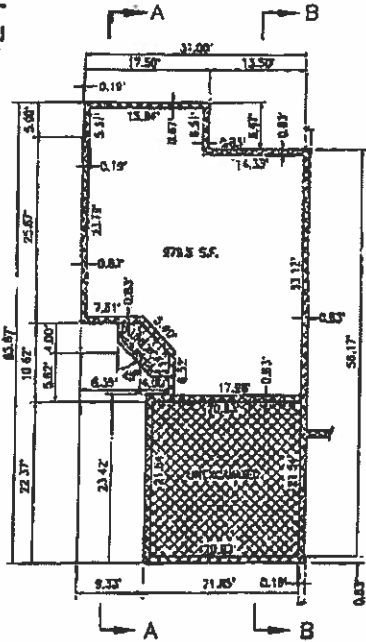
Scale 1/4" = 1'

LIBER 2794 PAGE 0911

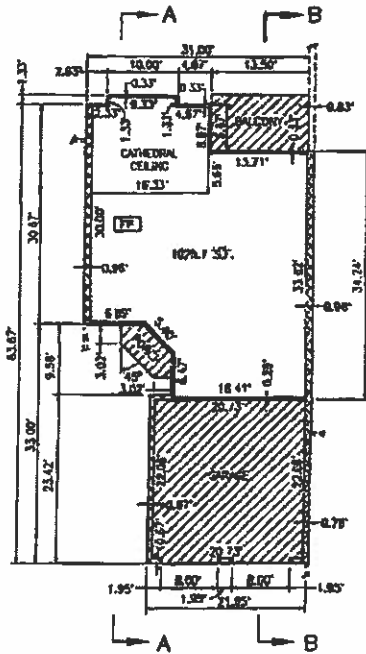


UNIT	FIRST FLOOR ELEV.
55	967.68
59	975.93
72	967.26
76	975.26
85	979.25
92	975.60
99	961.27

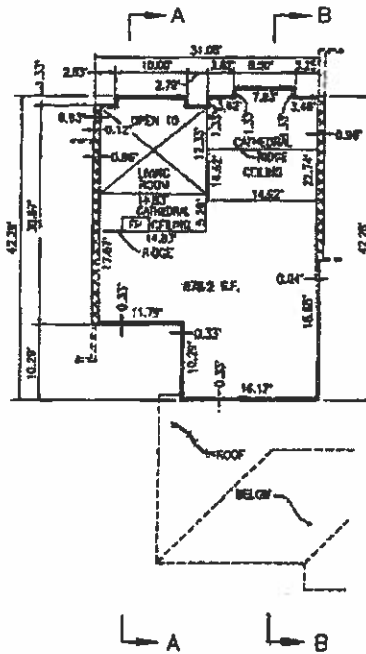
- LEGEND**
- LIMITED COMMON ELEMENT
  - GENERAL COMMON ELEMENT
  - LIMITS OF OWNERSHIP
  - FIREPLACE COMBUSTION CHAMBER LIMITED COMMON ELEMENT



BASEMENT PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

**NOTES:**

1. ALL EXTERIOR BASEMENT WALLS ARE 0.15' UNLESS OTHERWISE NOTED.
2. ALL EXTERIOR FIRST FLOOR WALLS ARE 0.33' UNLESS OTHERWISE NOTED.
3. ALL EXTERIOR SECOND FLOOR WALLS ARE 0.20' UNLESS OTHERWISE NOTED.
4. ALL WALLS, FLOORS AND CEILINGS ARE AT RIGHT ANGLES TO EACH OTHER.
5. ALL WINDOWS AND DOORS ARE LIMITED COMMON ELEMENTS.

FLOOR PLAN TYPE B  
(STANDARD UNIT)



SCALE: 1" = 8'

**AS-BUILT**

12-01-99

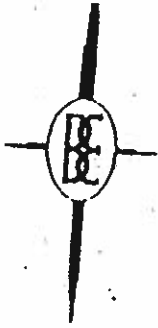


AS-BUILT AS OF DECEMBER 1, 1999

**BOSS ENGINEERING**  
ENGINEERS & SURVEYORS  
3121 E. GRAND AVENUE  
TROY, MICHIGAN 48063  
PHONE (313) 346-4833  
FACSIMILE (313) 228-4773

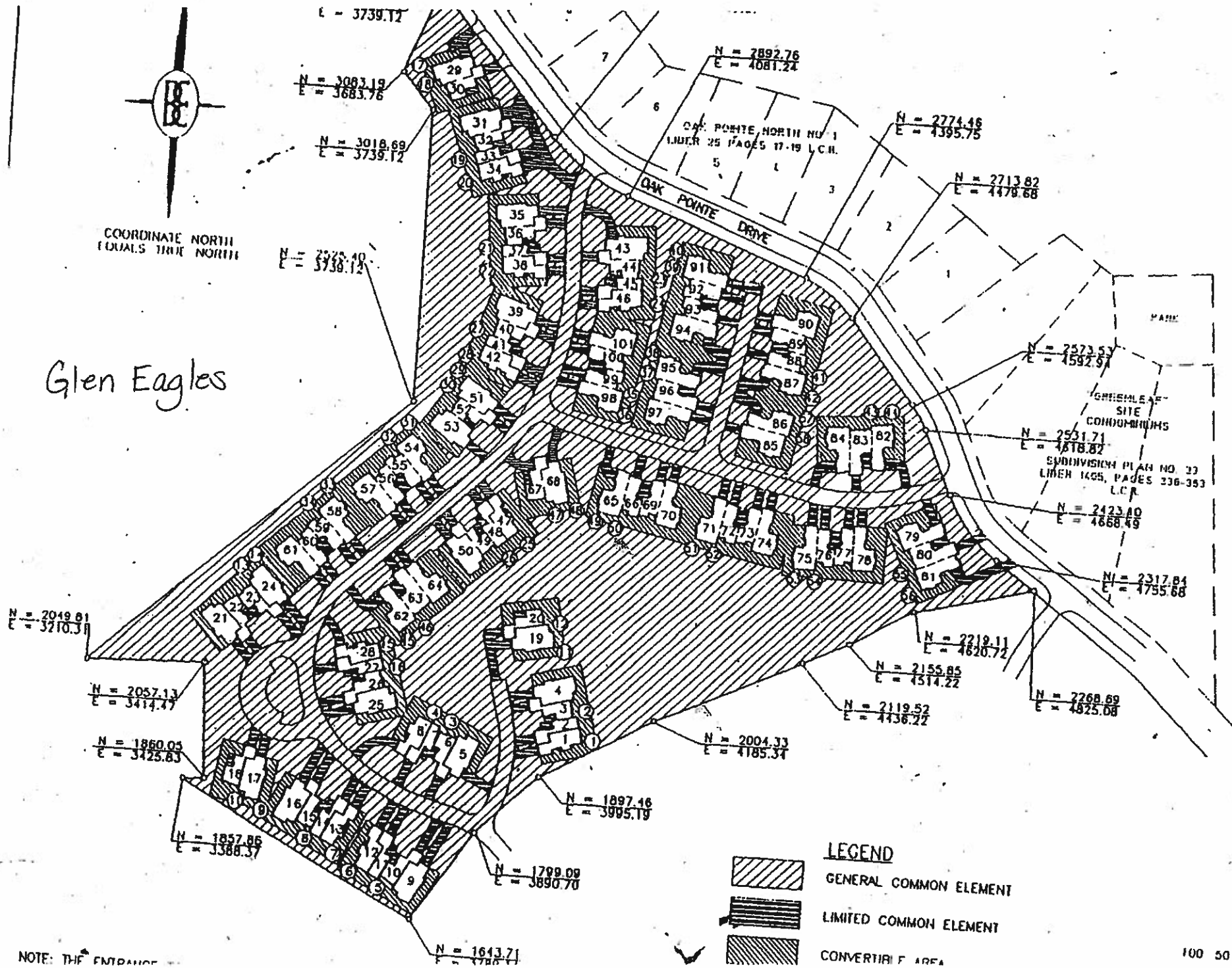
CLIENT OAK PONTE CONDOMINIUM COMPANY II  
PROJECT GLEN EAGLES  
FLOOR PLAN TYPE B  
BY: E

DATE: 12-01-99  
DRAWN BY: J.E.  
CHECKED BY: J.E.  
SCALE: 1" = 8'



COORDINATE NORTH  
EQUALS TRUE NORTH

Glen Eagles



E = 3739.12  
N = 3093.19  
E = 3683.76  
N = 3018.69  
E = 3739.12

N = 7892.76  
E = 4081.24

N = 2774.46  
E = 4395.75

N = 2713.82  
E = 4478.88

N = 2928.40  
E = 3938.12

N = 2523.53  
E = 4592.97

N = 2531.71  
E = 4618.82

N = 2423.80  
E = 4668.49

N = 2317.84  
E = 4795.68

N = 2219.11  
E = 4626.72

N = 2155.85  
E = 4514.22

N = 2119.52  
E = 4438.22

N = 2268.69  
E = 4825.68

N = 2049.81  
E = 3210.31

N = 2057.13  
E = 3414.47

N = 1860.05  
E = 3425.83




N = 1857.86  
E = 3388.37

N = 1897.46  
E = 3995.19

N = 1799.09  
E = 3890.70

N = 2004.33  
E = 4185.34

N = 1643.71  
E = 3786.41

- LEGEND**
-  GENERAL COMMON ELEMENT
  -  LIMITED COMMON ELEMENT
  -  CONVERTIBLE AREA

NOTE: THE ENTRANCE



**GLEN EAGLES ASSOCIATION / OAK POINTE COMMUNITY ASSOCIATION  
REQUEST FOR MODIFICATIONS**

Date: 8/11/2019 Architectural Modification: X Landscape Modification:     

NAME BRUCE STANCOMBE TELEPHONE 574-238-1664  
ADDRESS 4468 Golf View Dr  
INDIVIDUAL ASSOCIATION Glen Eagles HOA

Co-owner acknowledges responsibility for underground utilities: gas, electric, telephone, cable TV. Call Miss Dig at 1-800-482-7171 at least 72 hours prior to commencing work. Co-owner acknowledges responsibility for all landscaping and building structures in and around unit (such as sod, driveways, sprinklers, plantings, etc.)

CHANGE OR MODIFICATION REQUESTED (please be specific) Replace rotting wood deck and concrete patio with a single level TREX composite deck with no railing

MATERIALS TO BE USED (include manufacturer, color selection, plantings, etc., use attachments if necessary) TREX Transcend Browns Family Spiced Rum decking, with support beams and posts of pressure treated wood plus concrete footings

WHERE APPLICABLE, (2) SKETCHES OR BLUEPRINTS OF PROPOSED MODIFICATIONS MUST BE ATTACHED.

Condominium Owners Only - Neighbor's Approval (signature):

1. John J. Moore 2. Gail N. Deardorff

Board of Directors:  Approved  Conditionally Approved  Disapproved

Remarks: Approved at BOB Meeting 9-11-19

Board of Directors

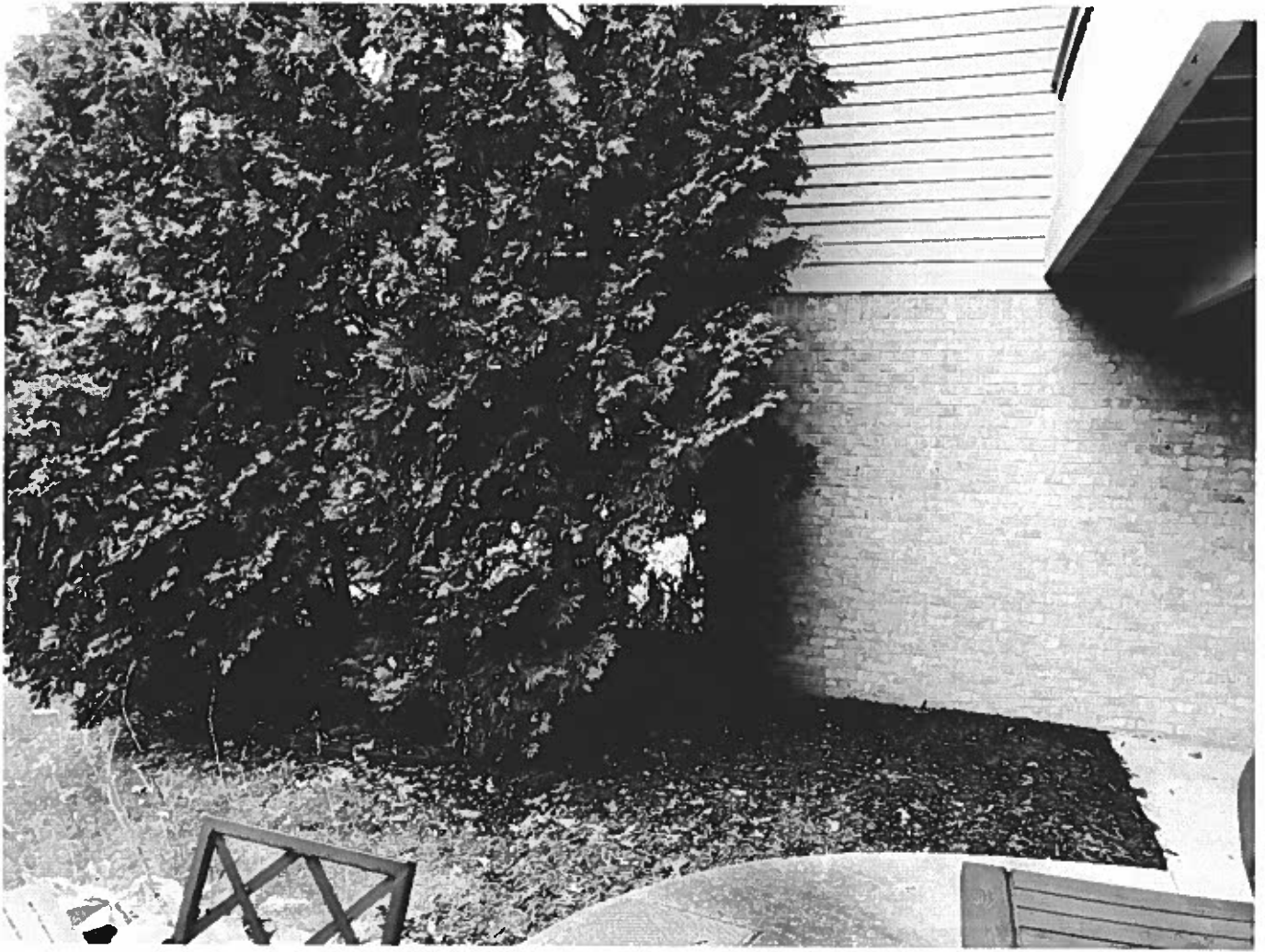
By \_\_\_\_\_

AKM Linna Boate on behalf of Board of Directors 9-11-19  
248.720.2432 x249

Oak Pointe Architectural Review Committee:  Approved  Conditionally Approved  
 Disapproved

Conditions (if required) \_\_\_\_\_

Oak Pointe Architectural Review Committee By \_\_\_\_\_



4468 Golf View Drive Shared brick wall with 4466 and tree

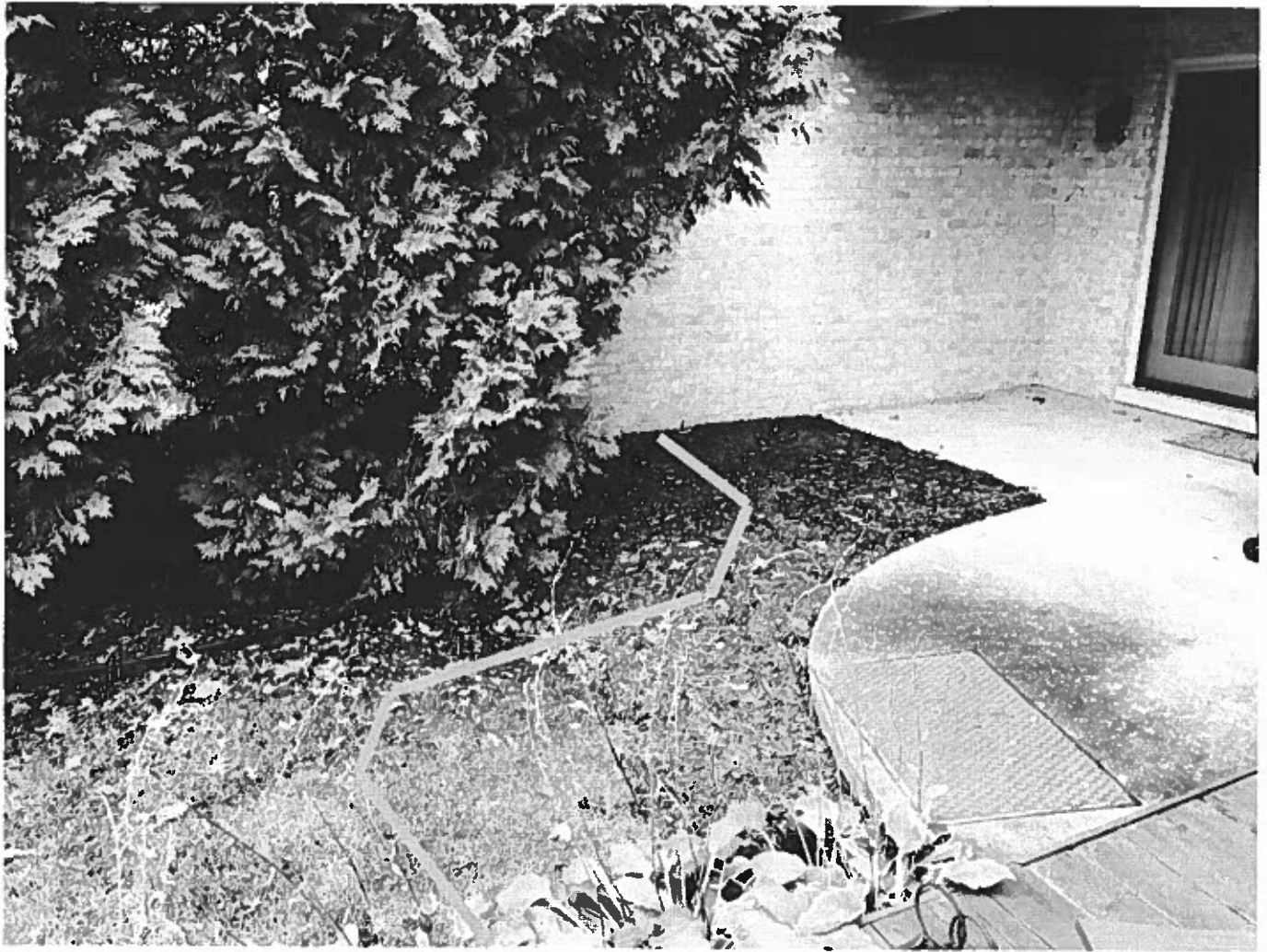




4468 Golf View Drive deck height above patio



4468 Golf View Drive patio step down from doorwall



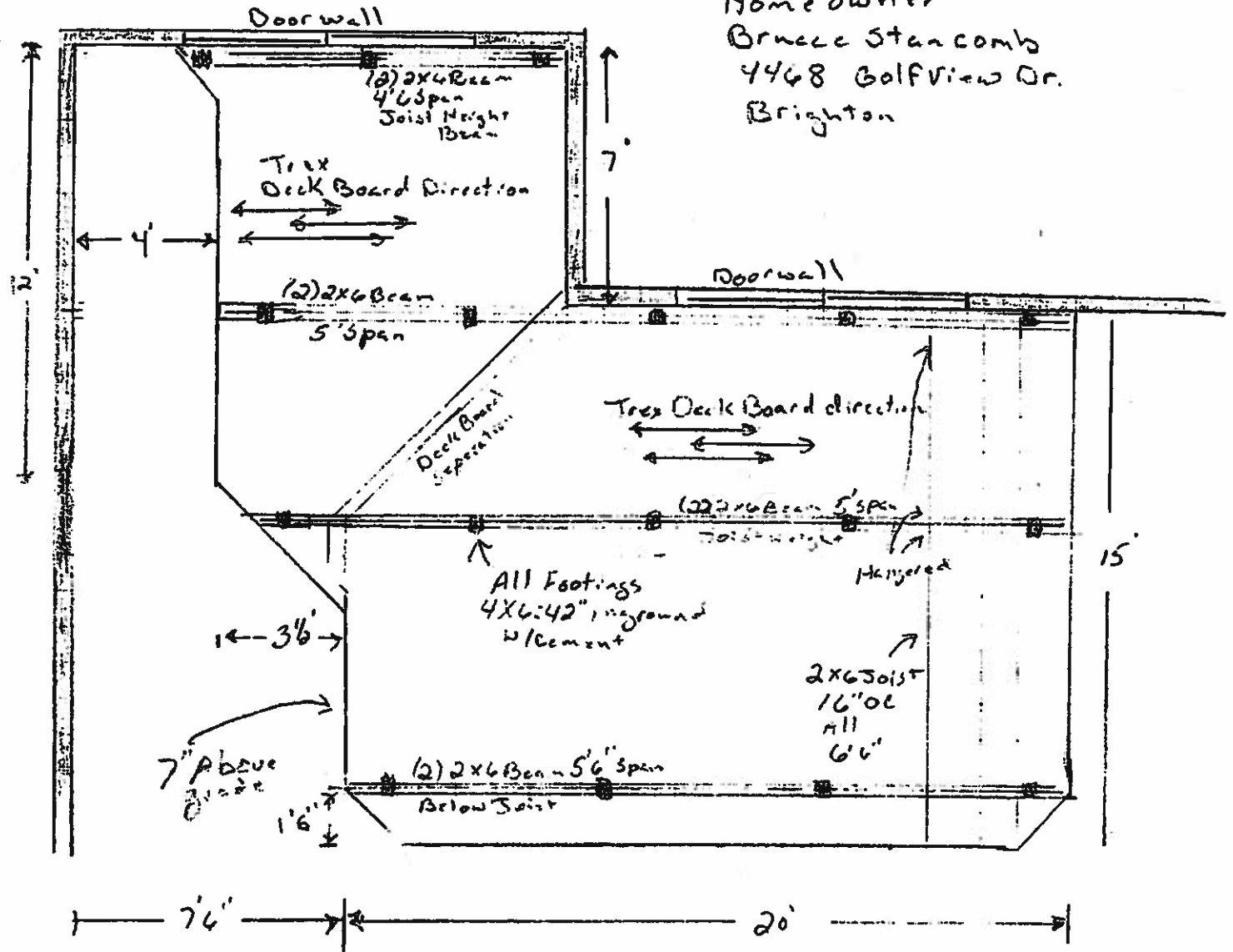
**Patio & Shared brick wall 4466-4468 Golf View Drive (doorwall to shared brick wall = 28 inches)**

**With approximate lines of proposed deck with Variance**

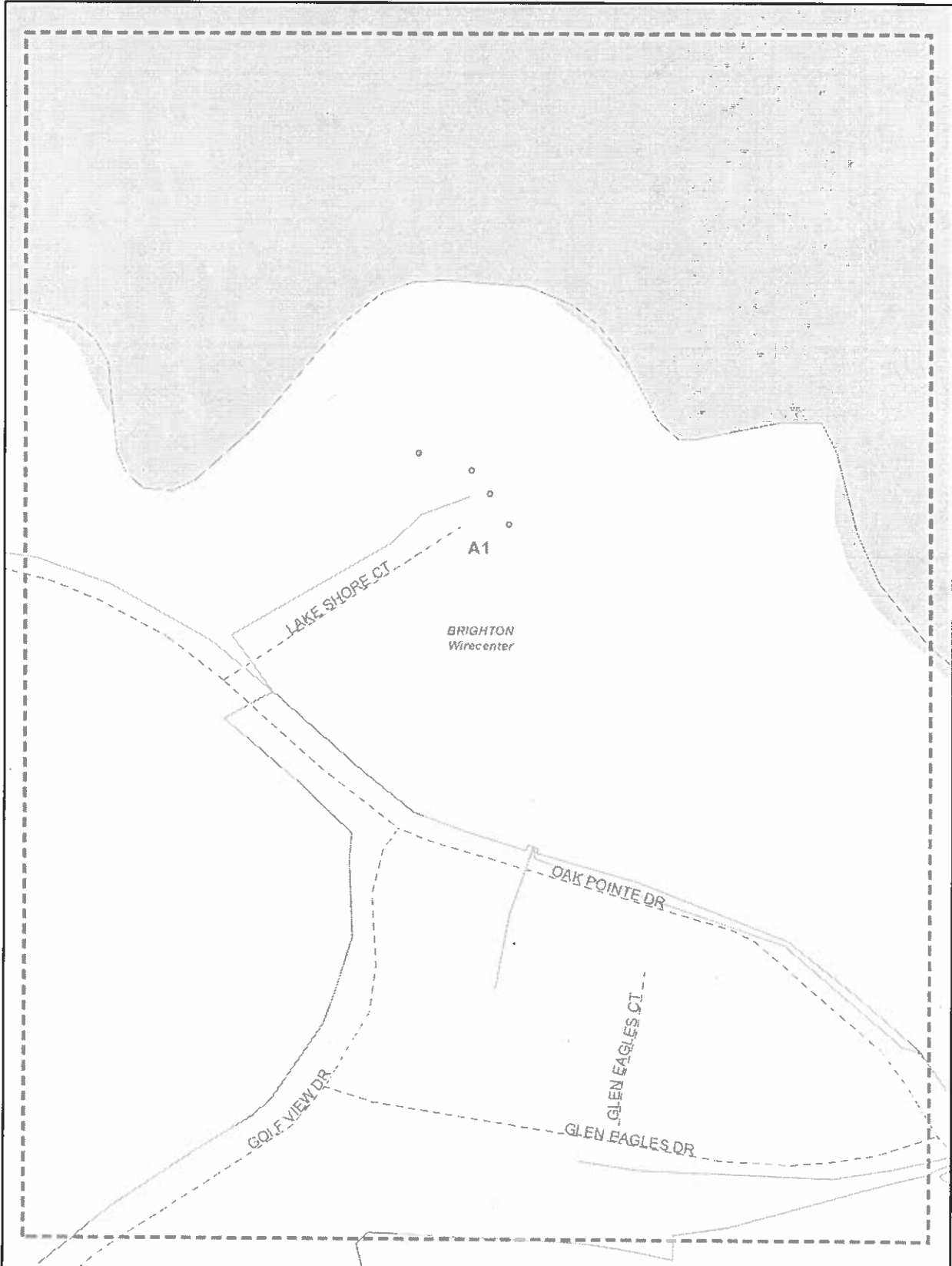
Builder  
RN Construction  
810-625-8658

Home owner  
Bruce Stancomb  
4468 Golfview Dr.  
Brighton

735 sq ft



Scale 1/4" = 1'



1:1,820



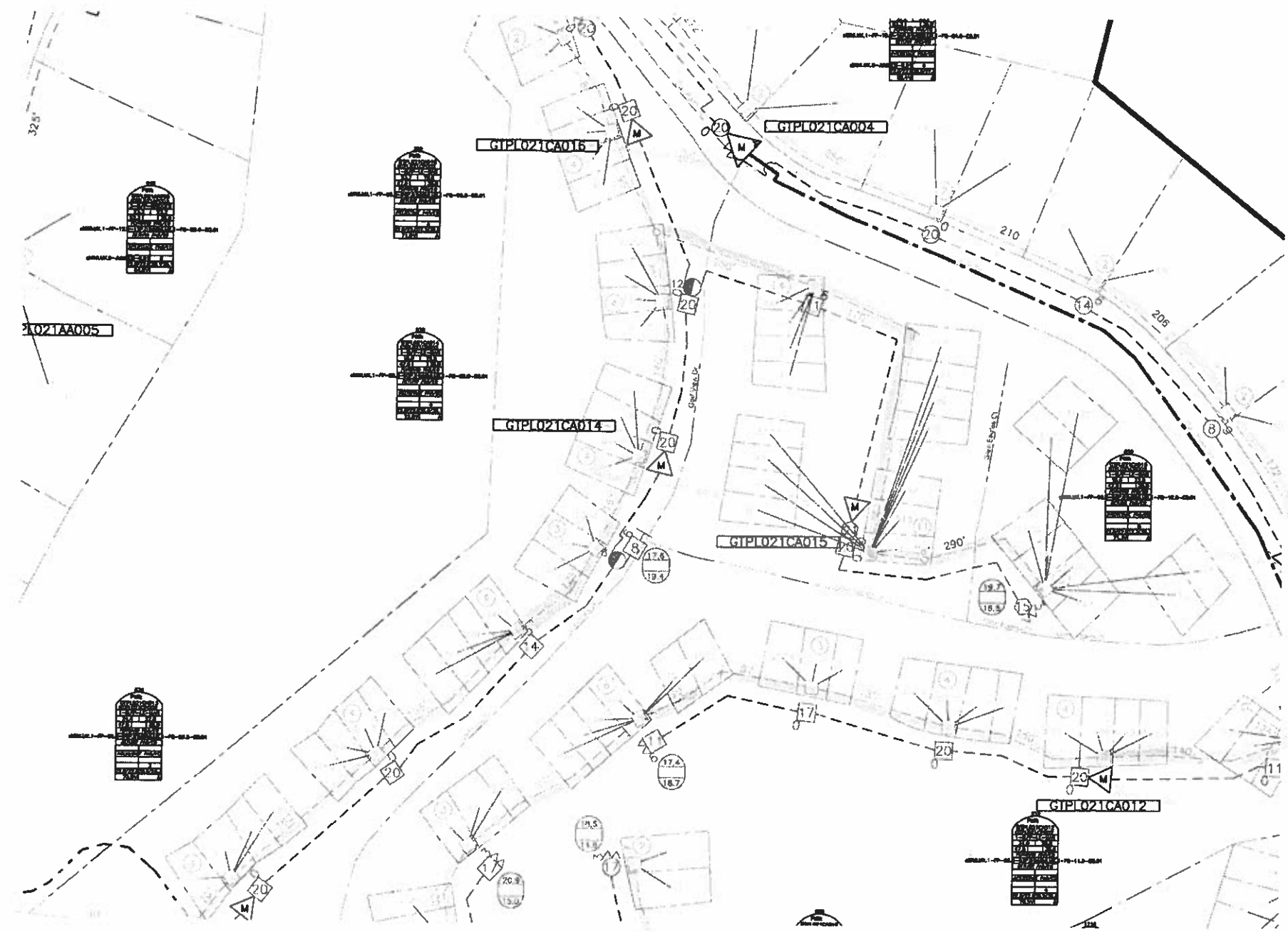
- Poles
- Buried
- Street Centerlines
- Mapping Index
- Wirecenter Boundary

Copyright 2019 AT&T Intellectual Property. All rights reserved. AT&T and the AT&T logo are trademarks of AT&T Intellectual Property. The information appearing on this reproduction of the map is provided as is. Neither AT&T Intellectual Property nor any of its affiliates shall have any liability whatsoever to any person or entity for all or part of any errors, omissions or damage of any kind arising out of or in connection with or resulting from the use of this map.

The location of facilities shown herein was as of the date of field verification. No liability is assumed by AT&T for the accuracy of location information. Please call 1-800-4-A-T&T for more information.

AT&T PROPRIETARY-The information contained herein is confidential and intended for internal use only. It is not to be disclosed or distributed outside the organization. If you are not an intended recipient, please notify the sender immediately by return email. If you have received this information in error, please notify the sender immediately by return email. This information is not to be distributed to other AT&T employees without the express written permission of AT&T Intellectual Property.

Scale: 1:1,820





**Address Information**

Address	Add. Sfx.	St. Dir.	Pfx.	Street Name	St. Nm. Sfx.	St. Dir. Sfx.	Bldg. #	Unit #	Lot #	Premise ID
4466				GOLF VIEW	DR					C01172276
4468				GOLF VIEW	DR					C01172278

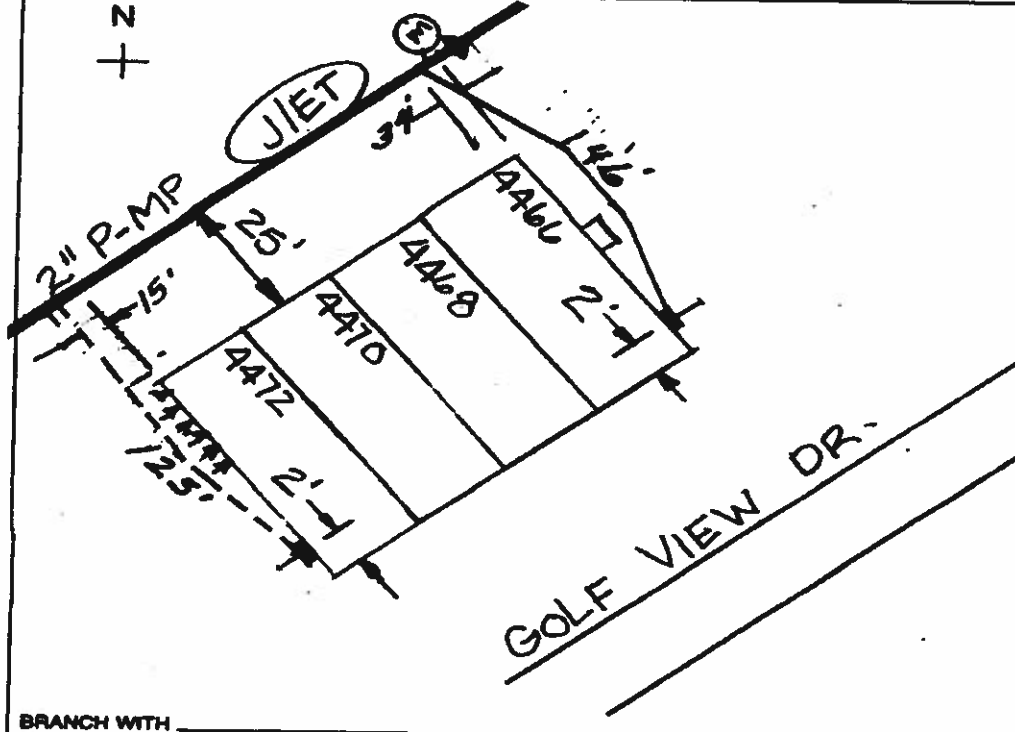
  

City	Township	Work Headquarters	TRS Number
BRTN	GENOA	HWL	02552832

U.A.C. NUMBER

0255284247

SERV JOINT WITH  ELEC  TEL  CATV  MULT METERS  INSERT



**Main Information**

Size: 2" Material: P Pressure: MP

**Legend**  
 P=Plastic  
 S=Steel (Bare & C&W)  
 CI=Cast Iron  
 WI=Wrought Iron  
 XT=X-Tube Steel  
 CU=Copper  
 N/A = Not Available

**Service Information**

	Size	Material	Year	Inserted?
Stub				
Extension	5/8"	P	1993	N
Riser	5/8"	P	1993	--

GAS Number:  
0255283247  
 Joint With:  
ET  
 Date Modified:

**Joint With Legend:**  
 C=Cable TV  
 E=Electric  
 G=Gas  
 T=Telephone  
 O=Other

**Service Material Legend:**  
 CU=Copper  
 CW=C&W Steel  
 KP=Kraflastic Plastic  
 P=Plastic  
 S=Bare Steel  
 XT=X-Tube Steel  
 N/A=Not Available

**Service Regulation/EFV Valve Information**

Reg: Size Make/Model Material Location  
 EFV: Size Location

**Certification/Pressure Test Information**

Certified By: N/A Crew:  
 SP & MP Pressure Test HP Pressure Test  
 Test Duration (min): 10 Test Duration (min):  
 Test Date: 08/25/1993 Test Date:  
 Test Pressure (psig): 90 Test Pressure (psig):





**BEFORE YOU DIG  
CALL MISS DIG**

FOR QUESTIONS CONCERNING THIS MAP  
PLEASE CALL 1-877-466-8822

CONSUMERS ENERGY  
UNIVERSITY MICROFILMS  
ALL LOCATIONS ARE APPROXIMATE  
SERVICES MAY VARY BY LOCATION  
WILL BE VERIFIED BY STAFFING UPON REQUEST

ISSUED BY Gas Information Management  
04/01/2018 FACILITIES MAY HAVE BEEN ADDED  
OR DELETED SINCE THIS MAP WAS CREATED  
CONSUMERS ENERGY IS NOT TO BE CONSULTED  
BEFORE ANY ACTION IS TAKEN ON THE BASIS  
OF THIS MAP. THIS MAP IS FOR INFORMATION  
ONLY AND DOES NOT CONSTITUTE AN  
OFFER TO UNDERWRITE ANY SECURITY



**DETAILS**

THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER TO UNDERWRITE ANY SECURITY

02-55-28-4

ALL MEASUREMENTS ARE FROM THE ACTUAL PROPERTY LINES UNLESS OTHERWISE NOTED.  
CENTER LINE MEASUREMENTS ARE FROM THE CENTER LINE OF EXISTING HIGHWAYS UNLESS  
OTHERWISE NOTED, AND MAY VARY BY CENTER LINE OF E.L.S.P.C.

02-55-33-2

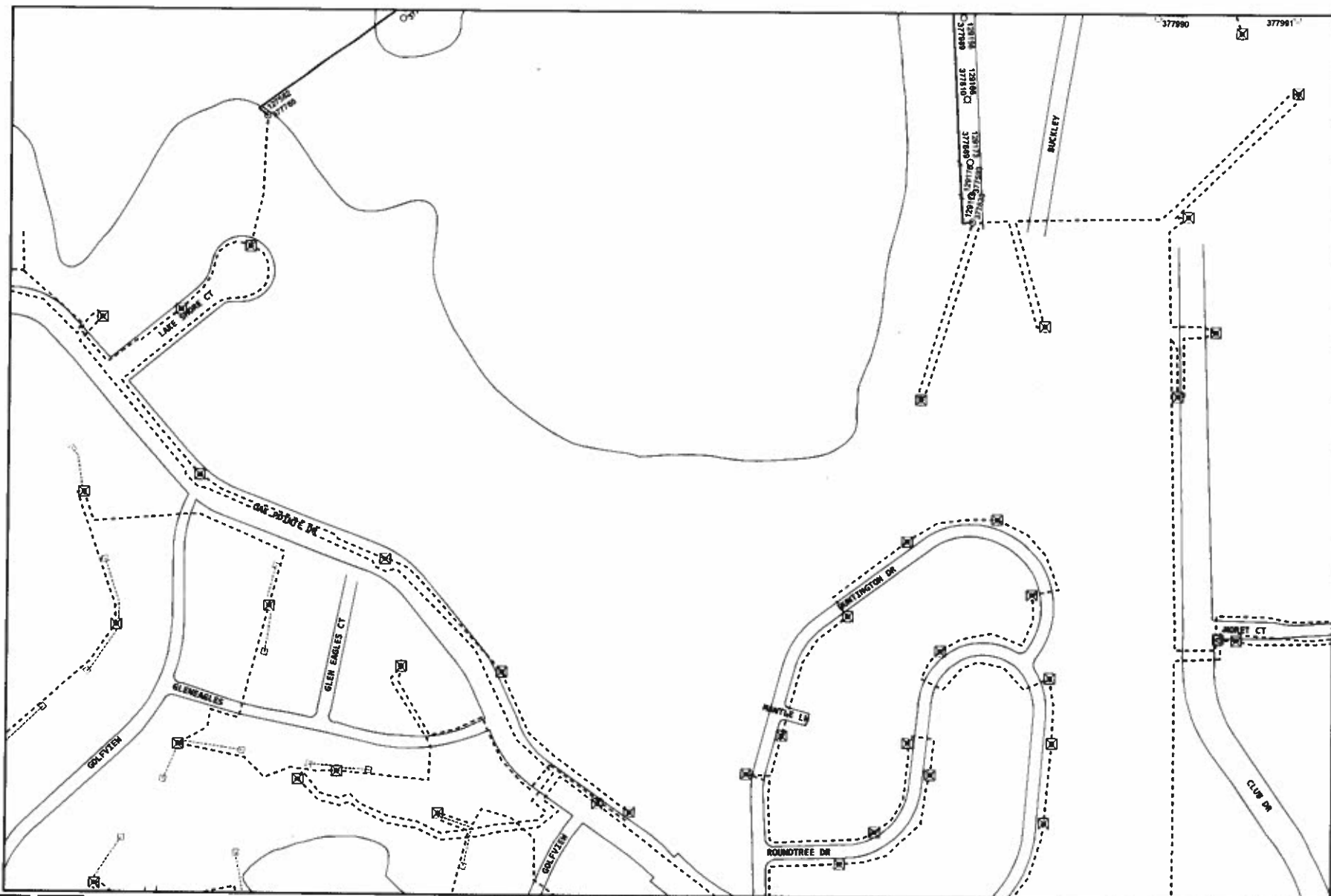


02-55-28-2

02-55-28-4

<table border="1"> <tr><td>01</td><td>02</td><td>03</td><td>04</td></tr> <tr><td>05</td><td>06</td><td>07</td><td>08</td></tr> <tr><td>09</td><td>10</td><td>11</td><td>12</td></tr> <tr><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>25</td><td>26</td><td>27</td><td>28</td></tr> <tr><td>29</td><td>30</td><td>31</td><td>32</td></tr> </table>	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32			<p>QUARTER SECTION MAP 02-55-28-3</p>
01	02	03	04																																
05	06	07	08																																
09	10	11	12																																
13	14	15	16																																
17	18	19	20																																
21	22	23	24																																
25	26	27	28																																
29	30	31	32																																
<p>TOWNSHIP: GENOA COUNTY: LIVINGSTON HEADQUARTERS: HOMER</p>		<p>SCALE: AS SHOWN DATE: 07-28-18 BY: MM</p>	<p>REQUESTED BY: MM</p>																																

This map was plotted and approved by the Gas Customer Team



**DTE**

**DTE ELECTRIC FACILITY MAP**

COPYRIGHT 2019 DTE ENERGY - ALL RIGHTS RESERVED. NOT FOR SALE OR REPRODUCTION WITHOUT WRITTEN PERMISSION.  
 PROPRIETARY INFORMATION - FOR INTERNAL USE ONLY. THE INFORMATION AND FACILITY LOCATIONS ARE FOR REFERENCE ONLY. FIELD VERIFICATION REQUIRED.  
 CALL MISS DIG 3 DAYS BEFORE YOU DIG

0 100 200 Feet Map #: 127-376  
 127-376  
 9/27/2019

# **ATTACHMENTS**

## **7 EXAMPLES OF DECKS ABUTTING SHARED CONDO WALLS**



Golf View 4432-4436

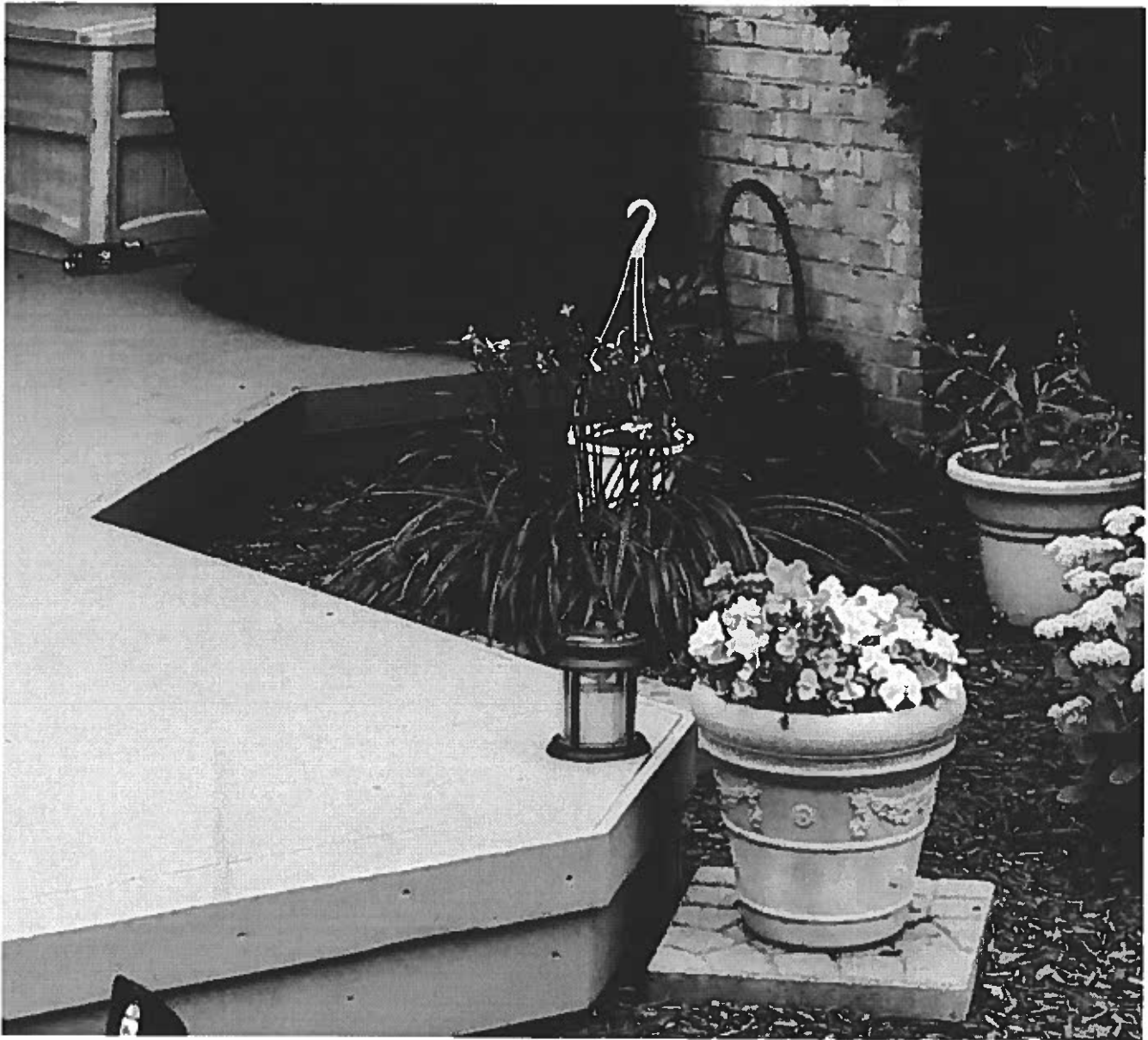


**Golf View Drive 4446-4448**



Golf View Drive 4460-4462

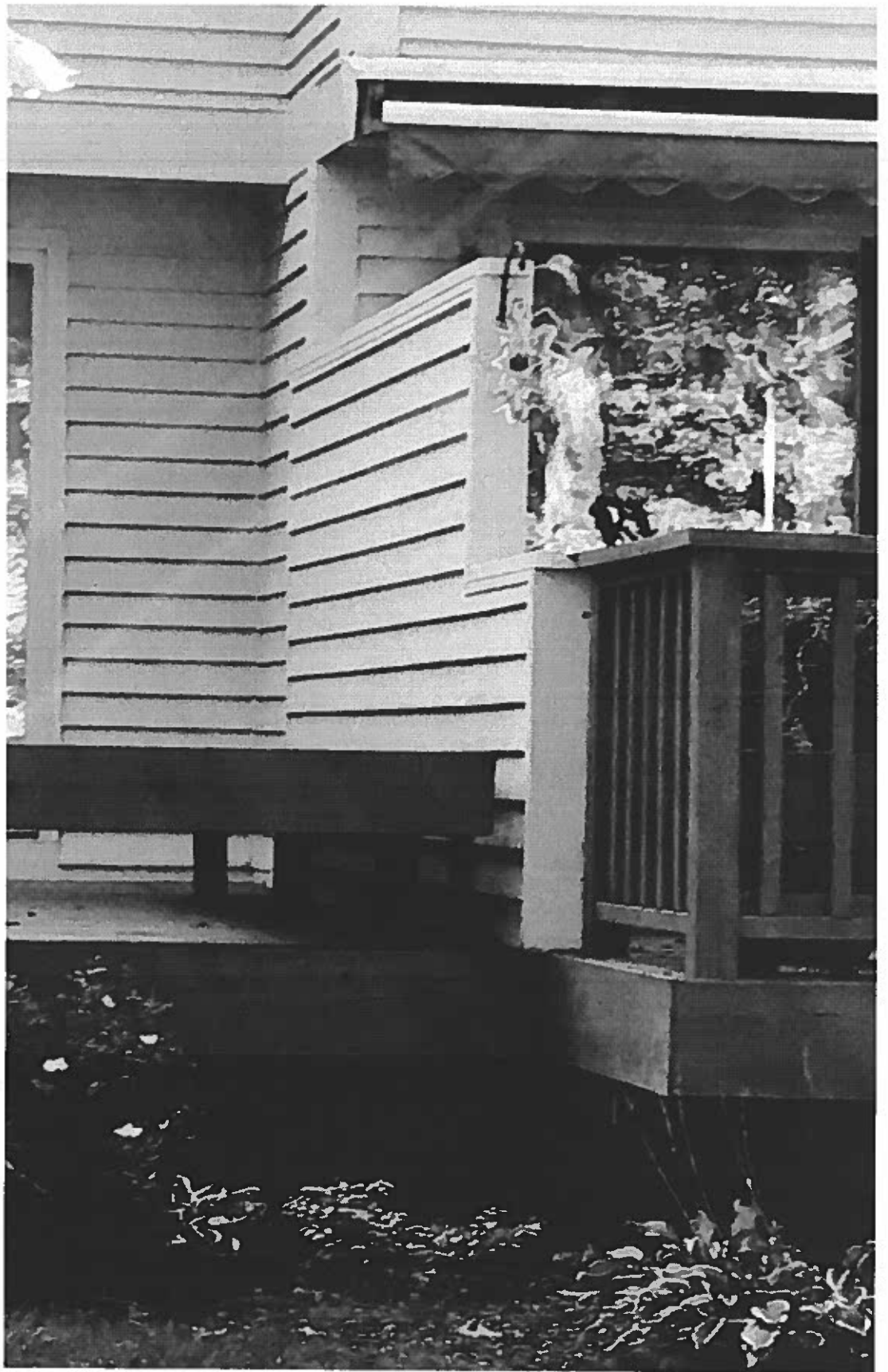




Golf View Drive 4470-4472



Golf View Drive 4480-4482



Golf View Drive 4488-4490



Pine Eagles Drive 4769-4775

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
STANCOMBE BRUCE	STANCOMBE BRUCE RLT	1	08/13/2019	WD	TRUST	2019R-021205	BUYER	0.0
WESTRAN, ROY A. TRUST	STANCOMBE BRUCE	300,000	01/18/2017	WD	ARMS-LENGTH	2017R-002309	BUYER	100.0
DIMARTINI TRUST	WESTRAN, ROY A. TRUST	292,040	10/09/2003	WD	INVALID SALE	4225-0011	BUYER	100.0
DI MARTINI, THEODORE		0	01/04/1999	QC	QUIT CLAIM	25360042	BUYER	0.0
Property Address		Class: 407 RESIDENTIAL-CO		Zoning: MUPUD	Building Permit(s)	Date	Number	Status
4468 GOLF VIEW DR		School: BRIGHTON		Deck		08/23/2019	P19-125	
Owner's Name/Address		P.R.E. 100% 01/18/2017		RES MISCEL		07/18/1997	97-294	NO START
STANCOMBE BRUCE RLT 4468 GOLF VIEW DR BRIGHTON MI 48116		MAP #: V19-39		2020 Est TCV Tentative				
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4209.PINE EAGLES & GLEN EAGLES		
SEC 28 T2N R5E GLEN EAGLES CONDOS UNIT 55		Public Improvements		* Factors *			Value	
Comments/Influences		Dirt Road		Description		Frontage Depth		Rate %Adj. Reason
		Gravel Road		<Site Value A> A GOLF COURSE		70000 100		70,000
		Paved Road		0.00 Total Acres		Total Est. Land Value =		70,000
		Storm Sewer		Land Improvement Cost Estimates				
		Sidewalk		Description		Rate		Size % Good
		Water		D/W/P: 3.5 Concrete		5.46		111 50
		Sewer		Total Estimated Land Improvements		True Cash Value =		303
		Electric						303
		Gas						
		Curb						
		Street Lights						
		Standard Utilities						
		Underground Utils.						
		Topography of Site						
		Level						
		Rolling						
		Low						
		High						
		Landscaped						
		Swamp						
		Wooded						
		Pond						
		Waterfront						
		Ravine						
		Wetland						
		Flood Plain						
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review
		Who	When	What	2020	Tentative	Tentative	Tentative
		LG	08/21/2019	INSPECTED	2019	37,500	124,500	162,000
		LM	12/21/2017	REVIEWED R	2018	37,500	119,300	156,800
					2017	35,000	108,800	143,800
								121,807C

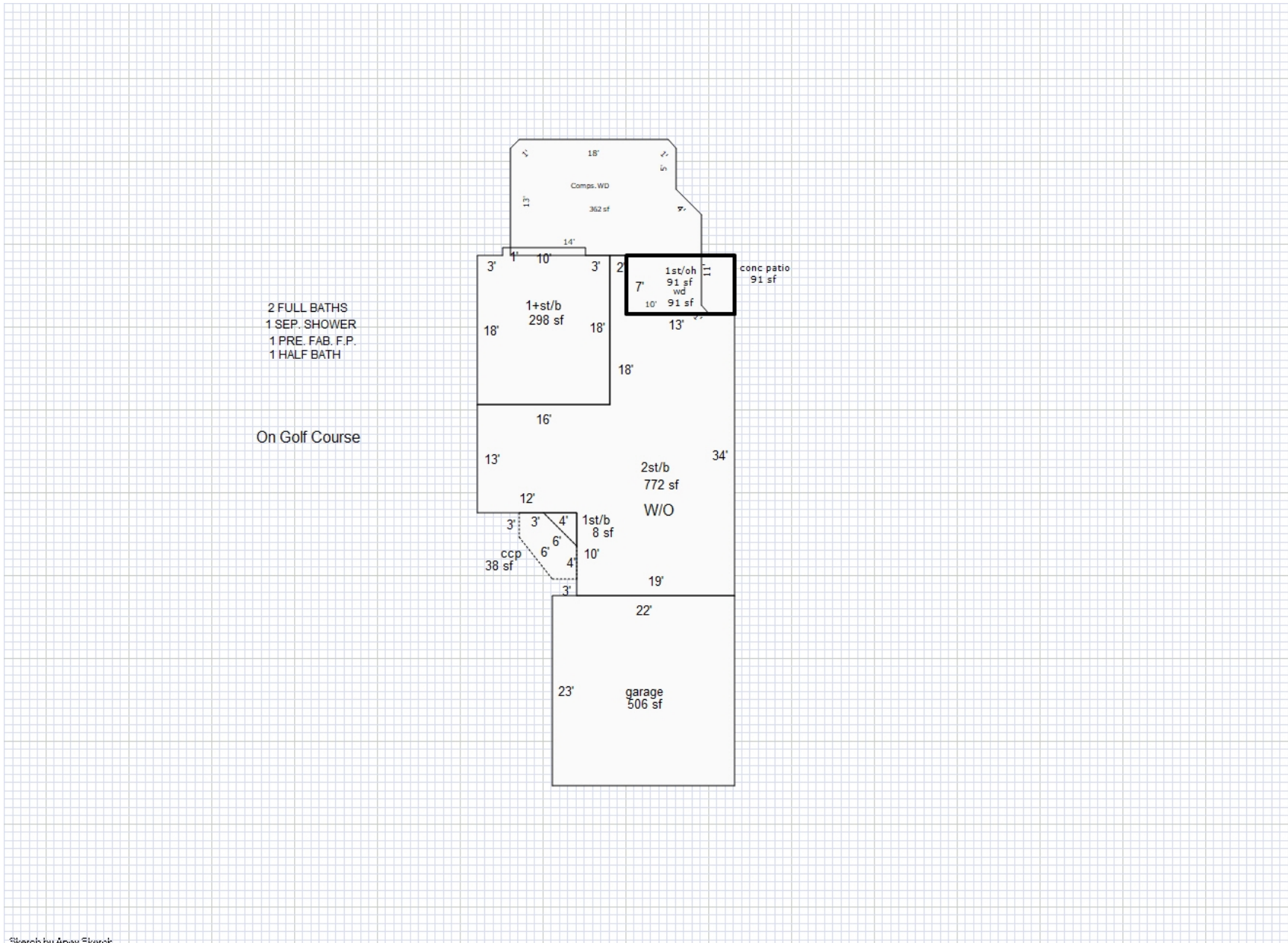


4711-28-405-055 08/21/2019  
 The Equalizer. Copyright (c) 1999 - 2009.  
 Licensed To: Township of Genoa, County of Livingston, Michigan

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home	Eavestrough Insulation		X	Gas Wood	Oil Coal	Elec. Steam			Appliance Allow. Cook Top			Interior 1 Story		Year Built:		
	Town Home Duplex A-Frame	0 Front Overhang 0 Other Overhang			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water			Dishwasher Garbage Disposal Bath Heater Vent Fan			1 Interior 2 Story 1 2nd/Same Stack Two Sided		Area Type 38 CCP (1 Story) 91 Treated Wood		Car Capacity: Class: B Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 506 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame	(4) Interior			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			Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System			Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas		E.C.F. X 0.700		Bsmnt Garage: Carport Area: Roof:		
Building Style: B		Trim & Decoration		Central Air Wood Furnace			Cost Est. for Res. Bldg: 1 Town Home B			Class: B +10 Effec. Age: 15 Floor Area: 1,941		Total Base New : 438,170		Total Depr Cost: 372,440		Estimated T.C.V: 260,708	
Yr Built 1996	Remodeled 2015	Size of Closets		(12) Electric			Exterior Units: 0 Interior Units: 1			Roof: Asph.Shingle		Ground Area = 1078 SF		Floor Area = 1941 SF.		Phy/Ab.Phy/Func/Econ/Comb. % Good=85/100/100/100/85	
Condition: Good		Doors: Lg X Ord Small		0 Amps Service			Building Areas			Stories Exterior Foundation Size Cost New Depr. Cost		2 Story Siding/Brick Basement 772		1 Story Siding/Brick Basement 298		1 Story Siding Basement 8	
Room List		(5) Floors		No./Qual. of Fixtures			Other Additions/Adjustments			Basement, Outside Entrance, Below Grade		1 3,533		3,003			
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		X Ex. Ord. Min			Plumbing			3 Fixture Bath		1 2 Fixture Bath		Softener, Auto		Softener, Manual	
(1) Exterior		(6) Ceilings		No. of Elec. Outlets			Average Fixture(s)			2 Story Siding/Brick Basement		1 Story Siding/Brick Basement		1 Story Siding Basement		1 Story Siding Overhang	
X	Wood/Shingle Aluminum/Vinyl Brick			Many X Ave. Few			3 3 Fixture Bath			1 Story Siding		1 Story Siding		1 Story Siding		91	
Insulation		(7) Excavation		(13) Plumbing			1 Separate Shower			Separate Shower		CCP (1 Story)		38 1,364		1,159	
(2) Windows		Basement: 1078 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Solar Water Heat No Plumbing Extra Toilet Extra Sink			Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Deck Treated Wood		91 2,237		1,901			
X	Many Avg. Few X Large Avg. Small	(8) Basement		(14) Water/Sewer			Public Water			Garages		Class: B Exterior: Siding Foundation: 42 Inch (Unfinished)		Base Cost 506 29,222 24,839		Common Wall: 1/2 Wall 1 -1,513 -1,286	
	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		1 Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Lump Sum Items:			Water/Sewer Public Water Public Sewer		1 1,825 1,551		1 1,825 1,551			
(3) Roof		(9) Basement Finish								Fireplaces		<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>					
X	Gable Hip Flat	Recreation SF Living SF 1 Walkout Doors No Floor SF															
X	Asphalt Shingle	(10) Floor Support															
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:															

\*\*\* 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 #: 19-40 Meeting Date: November 19, 2019 PAID: \$395.00 on October 21, 2019

Applicant/Owner: Andrew Lerch and Kevin Johnston

E-Mail: [alerch@sbcglobal.net](mailto:alerch@sbcglobal.net)

Property Address: 5311 Brighton, Road, Brighton, Michigan 48116

Phone: 734-634-6584

Present Zoning:

Tax Code: 11-27-300-0B

**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:**

Article 7.02.02 s (Indoor Commercial Recreation): We are seeking a variance to requirement that structure shall not located within one-hundred (100) feet of any residential district or permitted residential use. We confirm all uses will be conducted completely within a fully enclosed building. Property will be converted to a full-service restaurant to an indoor golf simulator operation with food and beverage services. Intended property modifications include roof replacement (which is old and leaking), replacing all rooftop mechanicals (which are old, inoperable and in violation of code), disguising rooftop mechanicals with attractive lattice, making ADA compliance improvements to the facility, installing an indoor fire sprinkler system, repairing parking lot, repairing/replacing major electrical components which are severely damaged by rust from leaking roof, and many cosmetic improvements inside and out (while preserving the historical style of the building).

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 setback prevents recreational use of the property. A restaurant at this location has struggled over the years with many ownerships exchanging hands. Traditional commercial use of this existing property are not appropriate since it is **not** located in a commercial corridor. Our business will be a different scope offering indoor golf simulator use. Golf is very popular in the area and indoor golf recreation meets a growing demand for golf during the cold winter months. The golf simulator technology will be located inside the building on the parking lot side (north/east and north/west) corners which is the furthest distance from the residential district line. The golf simulator technology is very quiet and will **not** be noticeable from the exterior of the building. The facility usage will be significantly reduced from the restaurants of the past and typical recreational use properties such as bowling alleys or arcades. The reason being, we will have 5 simulators and on average 4 people utilize a simulator at one time. Based off this, we anticipate around 20 people utilizing the facility at a time.

**Extraordinary Circumstances.**

The location of the existing building prevents us from setback compliance. The need for the variance was not self-created as this is an existing historical building that has been in place for over 100 years. Golf is very popular in the area (especially in the Oak Pointe Community), and our facility will offer the community the opportunity to enjoy an indoor golf experience during the cold winter months.

**Public Safety and Welfare.**

Granting of this variance will not impair an adequate supply of light and air to adjacent property. The golf simulator technology will be located inside the building, is quiet, and will **not** be noticeable from the outside. This business model will **not** increase congestion, rather, it will reduce congestion as noted above, compared to the restaurants of the past. There will **not** be an increased danger of fire or public safety, rather these will be reduced with the purchase or new kitchen air management mechanicals, installation of an indoor sprinkler system and a less intensive use than previous occupants.

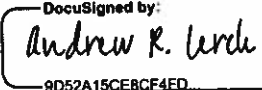
**Impact on Surrounding Neighborhood.**

Granting this variance will **not** interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. Rather, it will enhance the community by offering the following.

1. A unique indoor golf experience that is growing in popularity.
2. Repair and renovation of a historic building that has been neglected. New roof, new mechanicals, code compliance, etc....
3. An internal cosmetic makeover creating an upscale atmosphere to enjoy with friends or family.
4. A desirable place to visit for indoor golf, cocktails and exceptional food.

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

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

Date: 10/21/2019 Signature:  9D52A15CE8CF4ED



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 14, 2019

**RE:** ZBA 19-40

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

---

## STAFF REPORT

**File Number:** ZBA#19-40

**Site Address:** 5311 Brighton Road, Brighton

**Parcel Number:** 4711-27-300-013

**Parcel Size:** 1.420 Acres

**Applicant:** Andrew Lerch and Kevin Johnson

**Property Owner:** Myers, Michael E., 8111 Hammel Road, Brighton

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

**Request:** Dimensional Variance from Special Land Use condition.

**Project Description:** Applicant is requesting a setback variance to allow an indoor commercial recreation business within 100 feet from a residential zoning.

**Zoning and Existing Use:** MUPUD (General Commercial District underlay) vacant commercial building is located on the property. The previous use of the building was a restaurant.

**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday November 3, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

### Background

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

- The property has had multiple site plan approvals.
- In 2019, the applicant received Planning Commission approval for a special use for the indoor recreation and recommendation to the Zoning Board of Appeals. (See attached minutes)
- See Assessing Record Card.

### **SUPERVISOR**

Bill Rogers

### **CLERK**

Paulette A. Skolarus

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

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

### **MANAGER**

Michael C. Archinal

## Summary

The applicant is proposing to install indoor golf simulators in a building that has been historically used as a restaurant. Indoor commercial recreation is a Special Land Use in the zoning and there are specific conditions that apply to this use. Of those conditions, one requires a 100 foot setback to an adjacent residential zoning. The existing building does not meet this requirement therefore pursuant to Article 19 Special Land Uses, Section 19.04 Variances, the Planning Commission was required to make a recommendation to the Zoning Board of Appeals. At the November 12, 2019 meeting, the Planning Commission reviewed the project and recommended Township Board approval of the use and Zoning Board of Appeals approval of the reduced setback.

## Variance Requests

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

### **7.02.02 Use Conditions:**

**(s) Indoor commercial recreation: (bowling alleys, ice arenas, skating rinks, etc.) shall comply with the following requirements:**

**(1) The principal and accessory buildings and structures shall be not be located within one-hundred (100) feet of any residential district or permitted residential use.**

Required Setback - 100 feet

Proposed Setback - 72 feet

Variance Amount - 28 feet

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance would prevent recreation use on the property. The proposed indoor recreational use is less intensive than the previous use of a restaurant. The site and adjacent properties are part of a larger Planned Unit Development that includes a golf and country club. The variance 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 surrounding area. The site and adjacent properties are part of a larger Planned Unit Development that includes a golf and country club.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary conditions of the property is the location of the existing building and the residential zoning district line is located in the center of the road. The existing building is located 143 feet to the closest residential home. The Planning Commission found that the impacts of the use were adequately mitigated and recommended the Zoning Board of Appeals approve the 72 foot setback. The need for the variance is not self-created due to the location of the historical building.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase



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

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

**Recommended Conditions**

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

1. Applicant must receive Genoa Township Board approval for the special use.

**Moved** by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board, approval of the Final Site Plan dated October 25, 2019 for an indoor climate-controlled storage building on the Birkenstock property, subject to the following:

- The requirements spelled out in the Township Engineer's letter dated November 4, 2019 and the Brighton Area Fire Authority's letter dated October 30, 2019 will be met.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...**Review of a special use, sketch plan, and environmental impact assessment for a proposed indoor recreation use for the addition of golf simulators in the former Burrough's Roadhouse restaurant located on the north side of Brighton Road at 5311 Brighton Road, Brighton. This request is petitioned by Andrew Lerch and Kevin Johnson.

- A. Recommendation of Special Use Application
  1. Recommendation of Special Use Setback Variance to the ZBA
- B. Recommendation of Environmental Impact Assessment (10-21-19)
- C. Recommendation of Sketch Plan (10-15-19)

Mr. Andrew Lerch, and Mr. Kevin Johnson were present. Mr. Johnson stated they would like to renovate the building to house office space and golf simulators. He reviewed the submitted colored sketch plan.

Mr. Borden reviewed his letter dated November 6, 2019.

1. The request is generally consistent with the special land use standards of Section 19.03.
2. The applicant must seek a variance from the ZBA for one of the two applicable use conditions in Section 7.02.02(s). A favorable recommendation on the special land use and sketch plan should be conditioned upon the variance request being granted.
3. If exterior building improvements are proposed, details must be provided.
4. There are no details provided with respect to the ADA access improvements proposed.
5. If new signage is proposed, the applicant should provide details for review.
6. The parking spaces are re-painted, they should be double-striped per current Ordinance standards.
7. A sign permit will be required prior to installation of new signage.

Mr. Markstrom's letter dated October 31 stated "The proposed improvements are all internal to the existing structure. The proposed use is less intense than the previous restaurant bar facility and as such, should result in a lower use of the existing parking lot and utilities. There appears to be no site improvements being proposed. Therefore, we have no engineering related concerns to the proposed special land use application".

Chairman Brown reviewed The Brighton Area Fire Authority's letter dated October 30, 2019.

1. The water main location is not indicated on the submittal nor is the location of the proposed fire protection lead or the closest hydrant to the site.
2. A hydrant shall be located within 100' of the fire department connection for the fire sprinkler system.

3. The building will be provided with an automatic sprinkler system. It shall be installed in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems.
  - a. The FDC shall be located on the front of the building (Brighton Rd.) within 100-feet of the nearest hydrant.
  - b. The location, size, gate valve, and connection of the fire protection lead shall be indicated on the utility site plan.
4. Future project submittals shall include the address and street name of the project in the title block.
5. The building shall include the building address on the building. The address shall be a minimum of 6" high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.
6. The access road into the site is existing to access the rear parking area. There shall be a fire lane located along the rear-drive adjacent to the building at a minimum of 26-feet wide. With a width of 26-feet wide, the building side of the drive shall be marked as a fire lane. Include the location of the proposed fire lane signage and include a detail of the fire lane sign in the submittal. Access roads of 26-feet shall circulate the site and back to the exit drive. Access shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
7. Access around the access drive shall provide emergency vehicles with a turning radius up to 30-feet inside and 50-feet outside.
8. A minimum vertical clearance of 13½ feet shall be maintained throughout the access.
9. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor.

Commissioner Rauch believes that the Fire Authority reviewed this as if it were a site plan and not a sketch plan. He hopes that there will be further conversations with the applicant and the Fire Authority because perhaps not all of these requirements will be needed. Ms. VanMarter suggested that if the Planning Commission recommends approval of this project, it should be noted that the applicant meet with the Fire Authority to discuss their issues, instead of requiring all of their conditions to be met.

Commissioner Rauch stated that as it pertains to the recommendation to the ZBA for the variance request, he would suggest that the Planning Commission make a favorable recommendation as the need for the variance is not self-imposed because the building is existing.

The call to the public was made at 8:14 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board, approval of the Special Use Application to permit indoor golf simulators in the former Burrough's Roadhouse Restaurant, subject to the approval by the ZBA of the Special

Use Setback Variance, approval of which the Planning Commission finds to be consistent with the intent of the ordinance. This recommendation is made with the following conditions:

- The recommendation is made because the Planning Commission finds that this Special Land Use is consistent with the requirements of Section 19.03 of the Township Ordinance.
- The applicant shall meet the zoning requirements if outdoor events, as operated in the past, if they are to continue.
- The Planning Commission finds that this application meets the intent of Section 7.02.02(s) of the Zoning Ordinance and recommends approval to the ZBA.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board, approval of the Environmental Impact Assessment dated October 21, 2019 for indoor golf simulators in the former Burrough's Roadhouse Restaurant. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner McCreary, to recommend to the Township Board, approval of the Sketch Plan dated October 15, 2019 for indoor golf simulators in the former Burrough's Roadhouse Restaurant subject to the following:

- Future exterior building improvements, if made, shall require approval from Township Staff.
- Details regarding the ADA access improvements will require approval from Township Staff.
- If new signage is proposed, the applicant should provide details for review.
- If the parking spaces are repainted, they should be double-striped per current ordinance standards.
- A sign permit will be required prior to installation of any new signage.
- The renderings and sketch plan presented and reviewed this evening by the Planning Commission will become Township property.

**The motion carried unanimously.**

## ADMINISTRATIVE BUSINESS

### **Staff Report**

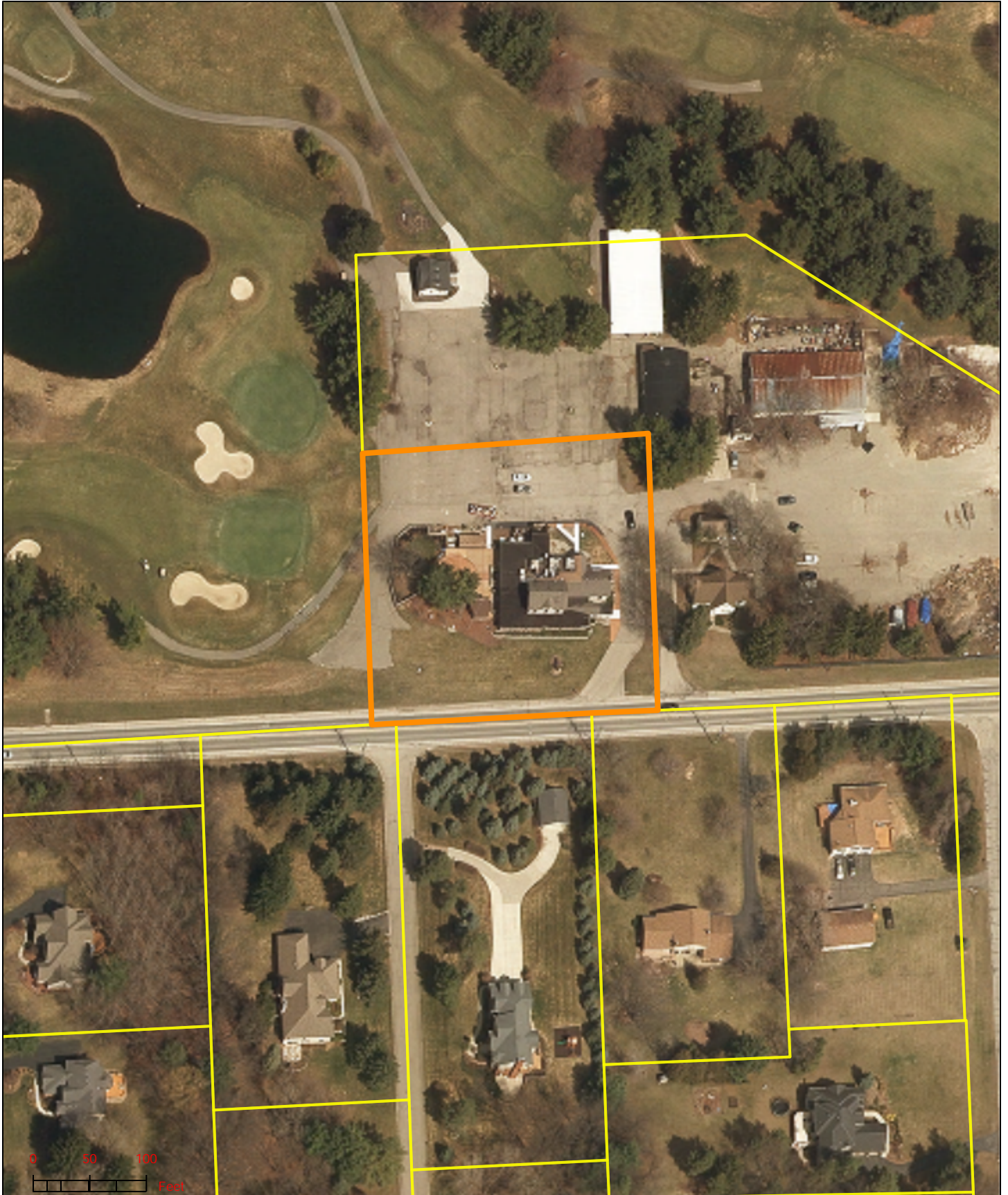
Ms. VanMarter stated the zoning ordinance update will be on the December Planning Commission meeting agenda. There may also be a Special Land Use request.

There will be a joint meeting of the Planning Commission and the Township Board to discuss the South Latson Corridor on December 10.

There will be a get-together at Aubrees in Howell from 4 pm to 6 pm on Thursday, December 12, to celebrate Mr. Brown's retirement as the Planning Commission Chairman.



# GENOA TOWNSHIP





16' to edge of road

72' to centerline

116' to house

1" = 50'

Parcel lines are approximate.





Simulator 2  
Simulator 3  
Simulator 4



Simulator 1

Simulator 5



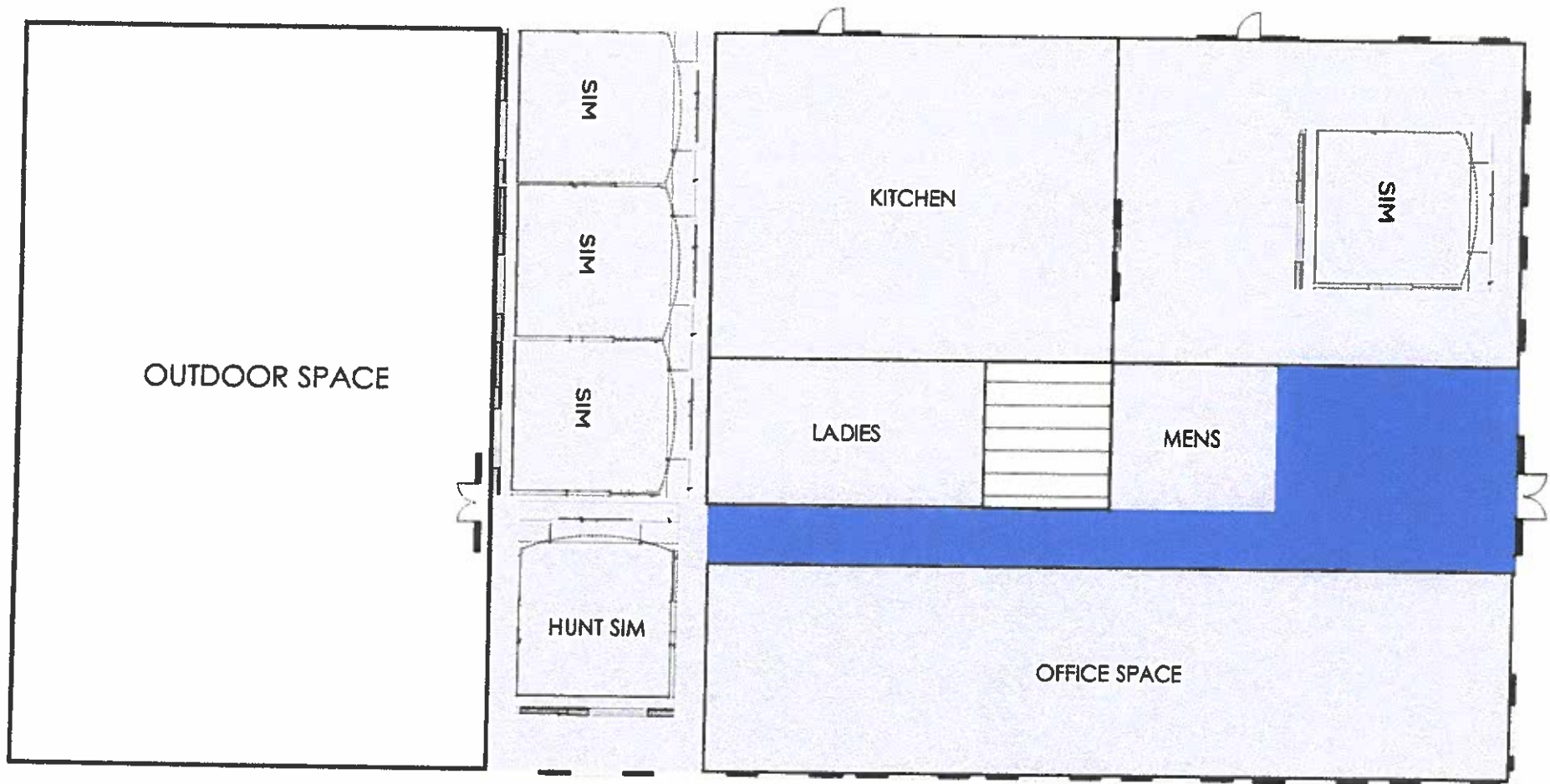
The Bunker ▶



The Bunker 

▲ Oak Pointe Golf Course

# Floor Plan ▶

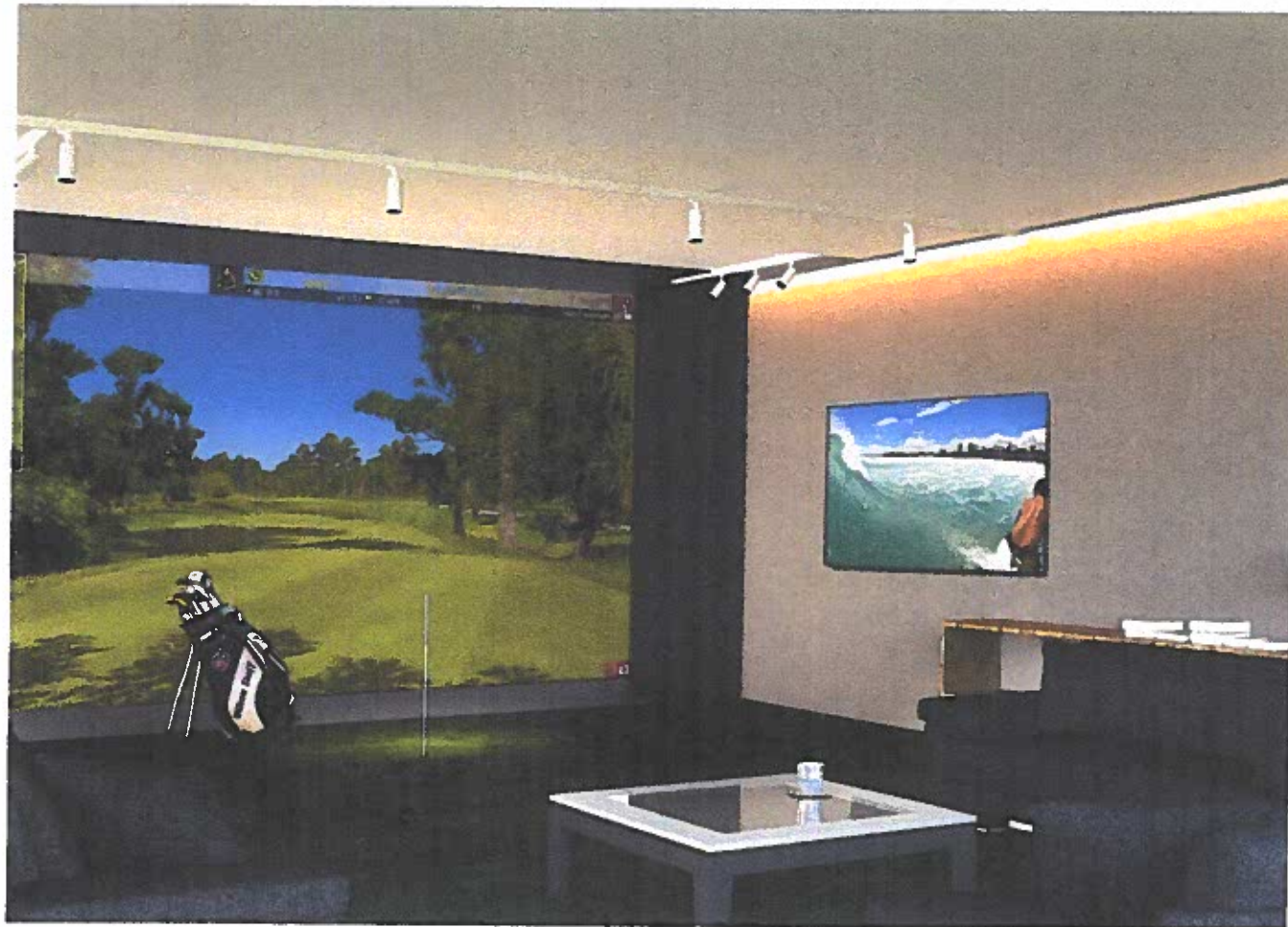


Brighton Road ▼











Agrowth

# GENOA TOWNSHIP

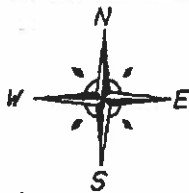




The land referred to in this commitment is situated in the Township of Genoa, County of Livingston, Michigan, and is described as follows:

Part of the Southwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 corner of said Section 27 and the centerline of Brighton Road, South 87 degrees, 15 minutes, 31 seconds West, 135.84 feet to the point of beginning of the parcel to be described thence continuing along the South line of said Section 27 and the centerline of Brighton Road, South 87 degrees, 15 minutes, 31 seconds West, 251.72 feet thence North 82 degrees, 44 minutes, 29 seconds West, 213.62 feet thence North 85 degrees, 36 minutes, 48 seconds East, 251.73 feet thence South 82 degrees, 44 minutes, 29 seconds East, 213.65 feet to the point of beginning.

10 20 0 10



CERTIFICATE OF SURVEY

SW CORNER OF SEC. 27, T20N, R5E, CO. MI FOUND STANDARD REMON CORNER

BRIGHTON ROAD

2672.19  
P=2672.15

S 1/4 POST OF SEC. 27, T20N, R5E, CO. MI FOUND STANDARD REMON CORNER

WOOD POLE (P) - FENCE POST (A) - ELECTRIC METER (M) - GAS METER (G) - STORM (S) - ELEVATION POINT (E) - TRIPLE POINT (T) - PLUMB POINT (P) - WIND (W) - LIGHT POLE (L) - WATER WELL (W) - IRREG. VALVE (V) - EXISTING MANHOLE (M) - OTHER MANHOLE (O)



LEMKE LAND SURVEYING

P.O. Box 1790  
Holland, MI 49422  
Tel: (616) 395-6280  
Fax: (616) 395-6283

SEC. 27 T. 20N. R. 5E TOWNSHIP OF GENOA  
DATE NOV. 19, 2003  
PROJECT BIR2012\_50  
FILE NAME BIR2012\_50  
SPELL CHECKED  
CLOSED IN VA  
LEGAL PROVIDED  
P. 10, PAGE 23  
SCALE 1"=40' FEET

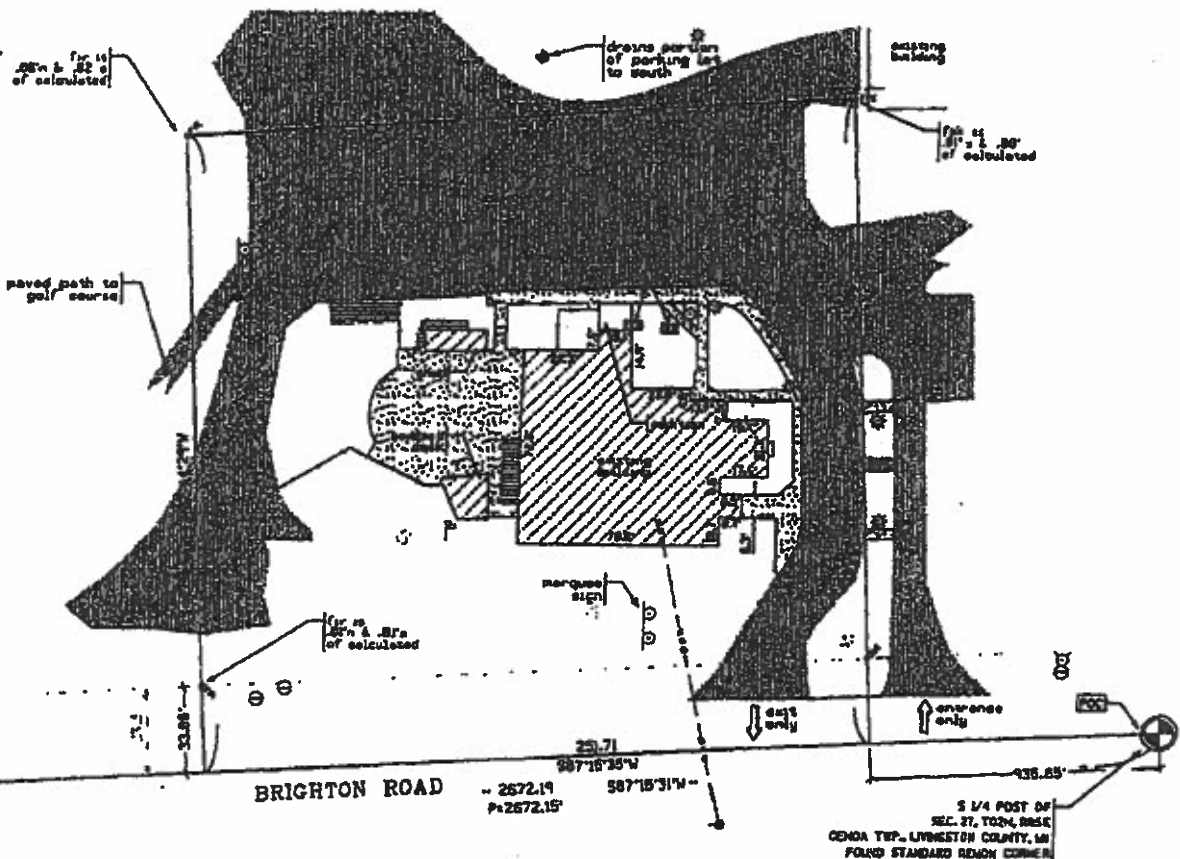
PREPARED FOR:  
Fifth Third Bank  
111 Lyon Street NW  
Grand Rapids, MI 49503

TO: FIFTH THIRD BANK  
111 LYON STREET NW  
GRAND RAPIDS, MI 49503  
DATE: NOV 19, 2003  
BY: ROBERT C. LEWIS  
CHECKED: [Signature]

LEGEND  
SP30 - 3/4" IRON SPIRE  
SP32 - 3/4" IRON SPIRE  
SP34 - 3/4" IRON SPIRE  
SP36 - 3/4" IRON SPIRE  
SP38 - 3/4" IRON SPIRE  
SP40 - 3/4" IRON SPIRE  
SP42 - 3/4" IRON SPIRE  
SP44 - 3/4" IRON SPIRE  
SP46 - 3/4" IRON SPIRE  
SP48 - 3/4" IRON SPIRE  
SP50 - 3/4" IRON SPIRE  
SP52 - 3/4" IRON SPIRE  
SP54 - 3/4" IRON SPIRE  
SP56 - 3/4" IRON SPIRE  
SP58 - 3/4" IRON SPIRE  
SP60 - 3/4" IRON SPIRE  
SP62 - 3/4" IRON SPIRE  
SP64 - 3/4" IRON SPIRE  
SP66 - 3/4" IRON SPIRE  
SP68 - 3/4" IRON SPIRE  
SP70 - 3/4" IRON SPIRE  
SP72 - 3/4" IRON SPIRE  
SP74 - 3/4" IRON SPIRE  
SP76 - 3/4" IRON SPIRE  
SP78 - 3/4" IRON SPIRE  
SP80 - 3/4" IRON SPIRE  
SP82 - 3/4" IRON SPIRE  
SP84 - 3/4" IRON SPIRE  
SP86 - 3/4" IRON SPIRE  
SP88 - 3/4" IRON SPIRE  
SP90 - 3/4" IRON SPIRE  
SP92 - 3/4" IRON SPIRE  
SP94 - 3/4" IRON SPIRE  
SP96 - 3/4" IRON SPIRE  
SP98 - 3/4" IRON SPIRE  
SP100 - 3/4" IRON SPIRE

ROBERT C. LEWIS #40160  
FOR LEMKE LAND SURVEYING, INC.

William H. Grooms, M.A.S.



RETURN TO: ✓ JOHN K. JACOBS, ESQ.  
HASON, STEINERD, JACOBS & FRIELMAN  
4000 IRON CENTER, SUITE 1500  
SOUTHFIELD, MI 48075

008912 112108 2/22

(3)

1913 REC 0960 DECLARATION OF RECIPROCAL EASEMENTS  
(0960) FOR ACCESS AND PARKING

THIS AGREEMENT made this 29 day of April, 1995, by OAK  
POINTE HOLDINGS, LTD., a Delaware corporation ("Declarant"), whose address is 856  
Featherstone, Pontiac, Michigan 48342.

RECITALS

- A. Declarant is, as of this date, the owner in fee of certain premises described as Parcel I and Parcel II on Exhibit A attached hereto and hereby made a part hereof (hereinafter referred to as "Parcel I" and "Parcel II", respectively);
- B. Declarant desires to impose and establish upon and against Parcel I and the portions of Parcel II designated on Exhibit "A" as the "North Parking Easement" and the "East Parking Easement" easements of common use for means of ingress and egress and parking, for the benefit of Parcel I and Parcel II, respectively; and to do so in accordance with certain other agreements.

AGREEMENT

NOW, THEREFORE, it is hereby declared as follows:

- 1. a. There is hereby reserved during the period of this Declaration, as set forth in Paragraph 2 hereof, in favor of the present and future owners, mortgagees, heirs, successors and assigns of Parcel I and II for the benefit of said Parcels and the owners, mortgagees, tenants, visitors and invitees of all or any parts thereof, a non-exclusive, irrevocable, perpetual easement: (i) for pedestrian and vehicular ingress and egress upon and over the present and future parking areas, walkways, roads, roadways, entrances and exits of Parcel I and the North Parking Easement and the East Parking Easement, and to and from each such parcel to and from the streets in the vicinity; and (ii) for the parking of motor vehicles upon the present and future parking areas within Parcel I and the North Parking Easement and the East Parking Easement as such parking areas exist from time to time.
- b. At all times there will be not fewer than 30 parking spaces situated upon Parcel I, available for the common use of the owners of all or any part of Parcels I and II, and their successors and assigns, and the mortgagees, tenants, visitors and invitees of all or any part of Parcels I and II.

RECORDED  
11 55 AM '95  
COUNTY CLERK  
STATE OF MICHIGAN  
SOUTHFIELD COURT, MI 48075

Perpetual Parking Agreement

169436

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
FIFTH THIRD BANK	MYERS MICHAEL E	170,000	05/29/2013	WD	FORECLOSURE	2013R-024051	BUYER	100.0				
FRANK SAMPLE REALTY, LLC	FIFTH THIRD BANK	0	12/22/2012	WD	FORECLOSURE	2013R-000693	BUYER	0.0				
KA-ROCK ASSOC.	FRANK SAMPLE REALTY, LLC	600,000	09/23/2004	WD	ARMS-LENGTH	4611/0528	BUYER	100.0				
KA-ROCK ASSOC.		1,100,000	07/30/1999	SD	NON DISCLOSED		BUYER	0.0				
Property Address		Class: 201 COMMERCIAL- IM		Zoning: MUPUD	Building Permit(s)		Date	Number	Status			
5311 BRIGHTON RD		School: BRIGHTON			TENT		06/11/2015	W15-100	NO START			
Owner's Name/Address		P.R.E. 0%			TENANT BUILD-OUT		06/04/2015	W15-088	NO START			
MYERS MICHAEL E 8111 HAMMEL ROAD BRIGHTON MI 48116		MAP #: V19-40			SIGN		07/30/2013	S13-103	NO START			
Tax Description		2020 Est TCV Tentative			SIGN		03/02/2010	10-017	NO START			
SEC 27 T2N R5E COMM S 1/4 COR SEC TH S87*W 935.84 FT TO POB TH S87*W 251.72 FT TH N02*W 243.02 FT TH N86*E 251.73 FT TH S02*E 245.86 FT TO POB CONT 1.41 AC M/L SPLIT 5/92 FR 003		X Improved		Vacant	Land Value Estimates for Land Table RURAA.RURAL ACERAGE							
Comments/Influences		Public Improvements		* Factors *								
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value	
		Gravel Road		RURAL ACERAGE			1.420	Acres	26,713	100	LOCATION	37,932
		Paved Road		1.42 Total Acres Total Est. Land Value = 37,932								
		Storm Sewer		Land Improvement Cost Estimates								
		Sidewalk		Description	Rate		Size % Good		Cash Value			
		Water		Commercial Local Cost Land Improvements								
		Sewer		Description	Rate		Size % Good Arch Mult		Cash Value			
		Electric		PAVING LC	1.50		56000 32 100		26,880			
		Gas		WELL/WATER	4,475.00		1 50 100		2,237			
		Curb		SEPTIC/SEWER	4,400.00		1 50 100		2,200			
		Street Lights		Total Estimated Land Improvements True Cash Value = 31,317								
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value				
Who	When	What	2020	Tentative	Tentative	Tentative		Tentative				
			2019	19,000	177,500	196,500		196,500S				
			2018	19,000	192,600	211,600		211,600S				
			2017	19,000	195,700	214,700		213,100C				

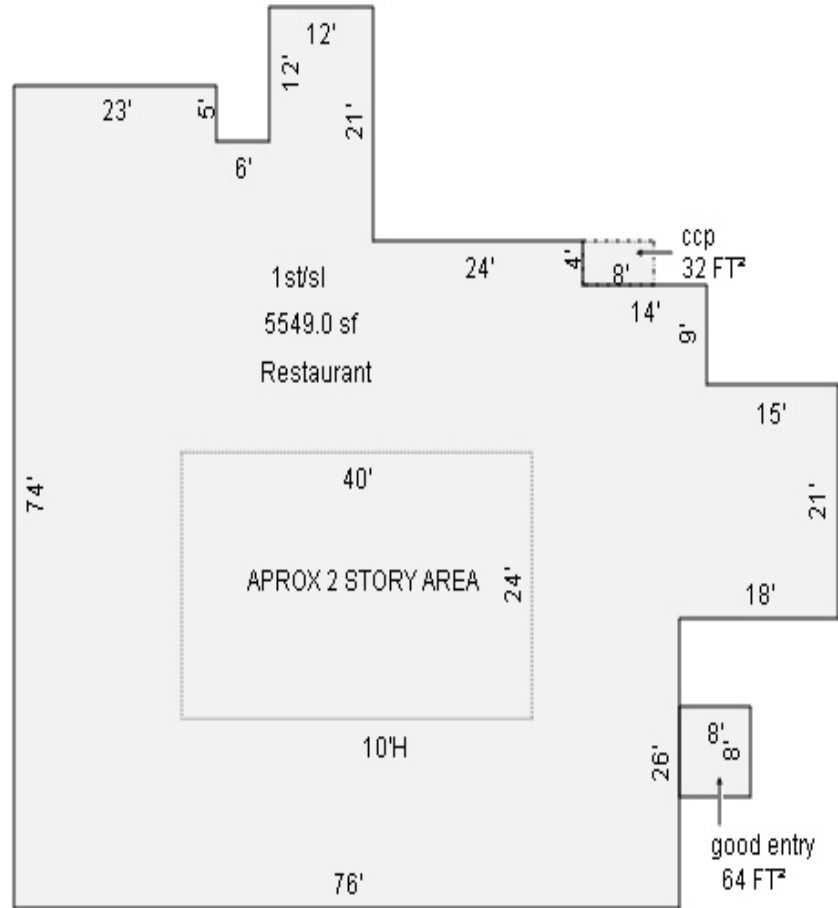


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Desc. of Bldg/Section: Calculator Occupancy: Restaurants				<<<<<< Calculator Cost Computations >>>>>>			
Class: D Floor Area: 5,549 Gross Bldg Area: 5,549 Stories Above Grd: 1 Average Sty Hght : 10 Bsmnt Wall Hght				Class: D Quality: Average Stories: 1 Story Height: 10 Perimeter: 336 Base Rate for Upper Floors = 109.81			
Depr. Table : 1.5% Effective Age : 42 Physical %Good: 53 Func. %Good : 100 Economic %Good: 100		Construction Cost High Above Ave. Ave. X Low		(10) Heating system: Complete H.V.A.C. Cost/SqFt: 21.37 100% Adjusted Square Foot Cost for Upper Floors = 131.18			
Year Built Remodeled		*** Calculator Cost Data *** Quality: Average Heat#1: Complete H.V.A.C. 100% Heat#2: Complete H.V.A.C. 0% Ave. SqFt/Story: 5549 Ave. Perimeter: 336 Has Elevators:		Total Floor Area: 5,549 Base Cost New of Upper Floors = 727,918 Reproduction/Replacement Cost = 727,918 Eff.Age:42 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 53 /100/100/100/53.0 Total Depreciated Cost = 385,797			
Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor		Local Cost Items Rate Quantity/Area %Good Depr.Cost AVE CANOPY 16.25 32 90 468 GOOD CANOPY 20.25 64 90 1,166			
Comments: THIS BUILDING IS VERY OLD AND IN NEED OF MAJOR REPAIRS.		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:		ECF (2013 RESTAURANTS) 0.850 => TCV of Bldg: 1 = 329,316 Replacement Cost/Floor Area= 131.47 Est. TCV/Floor Area= 59.35			
* Sprinkler Info * Area: Type: Average							
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:	
X	Poured Conc.	Brick/Stone	Block	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures		Urinals		Flex Conduit	
		3-Piece Baths		Wash Bowls		Rigid Conduit	
		2-Piece Baths		Water Heaters		Armored Cable	
		Shower Stalls		Wash Fountains		Non-Metalic	
		Toilets		Water Softeners		Bus Duct	
(4) Floor Structure:						Incandescent	
						Fluorescent	
						Mercury	
						Sodium Vapor	
						Transformer	
(5) Floor Cover:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(40) Exterior Wall:	
						Thickness	
						Bsmnt Insul.	
(6) Ceiling:		(10) Heating and Cooling:		(14) Roof Cover:			
		Gas					
		Oil		Coal Stoker			
				Hand Fired Boiler			

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



Sketch by Apex Medina™

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



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

Case # 19-41 Meeting Date: 11/19/19 @ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Wallace & Sons Enterprises, LLC Email: aaron@seasideseawalls.com

Property Address: 855 Victory Dr., Howell MI 48843 Phone: 248-207-1984

Present Zoning: Industrial Tax Code: 4711-05-303-025

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

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

The applicant is responsible for presenting the information necessary to support the relief requested. While much of the necessary information is gathered through the completed application, other information may be gathered by on-site visits, other sources, and during the ZBA meeting. ZBA members, township officials and township staff 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:** Two variances requested: (A) Variance from 50 foot building set-back requirements from the road for the Northwest corner of the building measuring approximately 26 inches at the corner. (B) Variance from the 25 foot wetland setback requirements for the back portion of poured-concrete storage bins measuring approximately 4.27 feet into the setback for a length of approximately 64 feet. The precise measurements and diagrams of the requested variances are shown in the drawings submitted with this application, including an enlarged portion of the drawing to show the precise areas at issue.



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.

Please see attached page.

---

---

---

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

Please see attached page.

---

---

---

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

Please see attached page.

---

---

---

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

Please see attached page.

---

---

---

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

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

Date: 10/24/2019

Signature: \_\_\_\_\_



## **Attachment to Variance Application for 855 Victory Drive**

### **Background Information:**

The variances are requested for the currently non-conforming building and bins. The appropriate permits and pre-construction procedures were followed, and the hired contractors erected the building and bins on the belief that they were in compliance with the requirements. But the as-built drawings show a building-setback encroachment for a 26 inch portion of the Northwest corner of the building and a wetlands-setback encroachment for the back portion of the bins on the north side. With respect to the building, the contractor pouring the concrete trench footings came across some difficulty in maintaining the stability of the excavated trench footings, which required him to pour the footings wider than required in certain areas. Then the mason contractor erecting the block walls used the full width of the wider-than-normal footings, which resulted in a slight twist of the building footprint and approximately 26 inches of the Northwest corner being erected within the 50-foot setback from the road. With respect to the bins, the contractor pouring the concrete used incorrect references and while he thought he was following the curve of the correct setback line, he poured the concrete slabs and walls of four-and-a-half of the 10 bins about four feet too far back, resulting in an encroachment of the north portion of the bins. In both circumstances, the contractors believed they were in compliance with the setback requirements, and because the encroachments were comparatively small, no one recognized there were encroachments in these two areas until much later. Recognizing that no encroachments are minor, the square foot and measurements of these encroachments are de minimis compared to the size of the building, bins, and property in general. Also, the encroachments are not obvious or likely to be noticed by anyone who does not have the as-built drawings.

### **Practical Difficulty/Substantial Justice**

At this point, coming into strict compliance will require demolition of the building and poured concrete bins. There is no practical way to shave off an angle of the building and leave the remainder of the building intact. The building would need to be razed and rebuilt entirely. With respect to the bins, they consist of a curved, poured concrete pad with poured concrete walls along the back and sides and poured concrete dividers to form ten storage bins. The concrete pad is 8-9 inches thick and the walls are 11-12 inches thick, with steel rebar throughout for added strength. Accordingly, the bins cannot simply be picked up and moved or relocated in any way, so coming into strict compliance would require the complete demolition of the bins. Moreover, after destructing the building and bins, the applicant could not afford to rebuild for many, many years, so the property would likely sit vacant or, at best, be used for storage. Granting the requested variances would do justice to the applicant as well as to other property owners in the area and is necessary for the applicant to comply with the zoning requirements and substantially enjoy the property rights.

### **Extraordinary Circumstances:**

As described above, the circumstances of this property are not ordinary, considering the hired contractors' good-faith belief of compliance and comparatively small encroachments. Additionally, the MDEQ has visited the site and inspected the wetlands and indicated that it has no concerns regarding the location of the bins or the small portion of the bins being in the Genoa Township wetlands setback area. Notably, the strong, thick concrete pad and rear walls act as a significant barrier between the property and the wetlands.

**Public Safety and Welfare:**

The public safety and welfare in granting the variances are not materially different than if the property was in strict compliance with the setbacks. As noted previously, the MDEQ has approved the location of the bins in the small portion of the wetlands setback area. Moreover, the applicant is willing to plant a line of arborvitae, shrubs, or vegetation along the unimproved wetlands setback line on the rear of the property to create an additional barrier. The applicant would like input from the Board in this regard to discuss the least intrusive options to best protect the wetlands and setback area.

**Impact on Surrounding Neighborhood:**

Since the requested variances are small, they are not likely noticeable to the “naked eye” and appear to be in substantial compliance. Thus, granting the variances will not have a negative impact on the neighborhood, and will add value to the adjacent properties by being actively used for more than mere storage, by having taxes paid on the increased value due to the presence of the building, and by keeping with the appearance and use of the adjacent industrial properties.

Applicant believes these statements and descriptions address the issues set forth in Sec 13.02.05 of the Genoa Township Zoning Ordinance with respect to its request for the wetlands variance; however, applicant will be present at the ZBA meeting and will be happy to answer questions and provide more information as the Board requests.



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Kelly VanMarter, Assistant Township Manager/Community Development Director  
**DATE:** November 8, 2019  
**RE:** ZBA 19-41

---

### STAFF REPORT

**File Number:** ZBA#19-41  
**Site Address:** 855 Victory Drive, Howell  
**Parcel Number:** 4711-05-303-025  
**Parcel Size:** 5.85 Acres  
**Applicant:** Wallace and Sons Enterprises, LLC.  
**Property Owner:** Wallace and Sons Enterprises, LLC, 800 W. Grand River Avenue #864, Brighton, MI 48116

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

**Request:** Dimensional Variance and wetland setback variance

**Project Description:** Applicant is requesting a front yard setback variance to allow an existing building and a natural features setback variance to allow an existing storage bin.

**Zoning and Existing Use:** Zoning is IND (Industrial). Use is contractor's office, warehouse, storage yard, storage bins and fuel tank storage.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday November 3, 2019 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

**Background**

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

- There is ongoing litigation associated with non-compliance of the approved site plan, work without permits, and occupancy without Certificate of Occupancy.
- Per assessing records the existing building is currently under construction.
- In 2016, a land use permit was issued for an industrial building
- The parcel is serviced by a private well and municipal sanitary sewer.
- See Assessing Record Card.

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

## **Summary**

In August 2016, the applicant received site plan and special use approval to construct a 9,200 sq. ft. industrial building with storage yard, concrete storage bins, and fuel storage tanks with site grading allowed in the 25 foot natural features setback. A Land Use permit to start construction was issued in September 2016.

On August 6, 2018 the Township issued a citation to the property owner for failure to comply with the approved site plan and for occupancy of the premises without a certificate of occupancy. In November 2018, a new land use permit was issued for the property after the occupant vacated the premises and the owner made written commitments regarding finishing the project and seeking compliance with approvals. One of the requirements of the re-issued permit was to submit as-built drawings showing how the site construction deviated from approved plans.

In April 2019, a site plan drawing was submitted from Boss Engineering that was insufficient since it was based on a sketch from the client and not surveyed. In June 2019, the Township and the Livingston County Building Department initiate legal action against the property owner due to re-occupancy of the premises and failure to comply with regulations.

In June 2019 the Township learned that EGLE (formerly DEQ) mapped the wetlands in 2017 and the wetland location did not match the wetland delineation on the approved site plan. Township staff then met with EGLE representatives on-site and obtained a GIS file of the revised wetland boundary. Staff again requested as-built drawings of all site features using the EGLE wetland delineation.

On July 2<sup>nd</sup> 2019, the Township and County Building Department filed a complaint with the Livingston County Circuit Court. Although filed, our Attorney has been working closely with the attorneys for Seaside and we have not yet required a response to the lawsuit. We are hoping to avoid incurring attorney fees in litigating the matter in court as long as the owner is diligently working towards compliance.

An updated drawing from Boss Engineering was provided on September 30, 2019 showing the location of the EGLE wetland line in comparison to the original approved site plan. This new drawing was again insufficient since it was not an as-built drawing. The as-built record drawing was submitted to the Township on October 16<sup>th</sup>, 2019. This drawing identified that in addition to the deviations from the approved plans, the building did not meet the required fifty foot (50') front yard setback and also the concrete storage bins were located within the required twenty-five foot (25') natural features setback. Given these issues, Township staff determined that the next step for the owner is to seek a variance for these encroachments and application was made.

Unfortunately, despite our many attempts to keep the site in compliance, a recent inspection of the property (11/ 13/19) has once again revealed that the owner is occupying the premises without proper approvals. This not only is a violation of Township Ordinances but also the Building Code.

## **Variance Requests**

This application requests dimensional variances from two distinct sections of the ordinance involving the front yard building setback and the natural features setback. Each section has different criteria for which to base your review of the request. To this end, the following report presents first the request and review for the front yard setback variance followed by the natural features setback variance.

**VARIANCE 1 – FRONT YARD SETBACK**

**Table 8.03.01 Dimensional Standards – INDUSTRIAL DISTRICT**

<b>Table IND District</b>	<b>Front Yard Setback</b>
Requirement	50'
Request	47'10"
Variance Amount	2'2"

**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** – Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would not unreasonably prevent the use of the property. Granting of the requested variance would not do substantial justice to the applicant or other property owners in the district and is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary circumstances or conditions applicable to the property is the presence of regulated wetlands. This condition is not different than other properties in the vicinity. The variance would not make the property consistent with the majority of other properties in the vicinity. The need for the variance was self-created by the applicant. Typically for industrial or commercial projects the project engineer will locate or tie out the corners of the building to assure compliance with setbacks. Based on the information submitted in the application, this step was not done for this project.
- (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.

**Considerations for conditions if front yard setback variance is approved:**

1. Ornamental Landscaping including trees, shrubs and perennials shall be installed to mitigate the front yard setback variance. A plan shall be presented to Township Staff for review and approval.
2. The site shall be brought into compliance with the Zoning Ordinance and the approved site plan which includes completely vacating the premises of all equipment, materials and fuel tanks not relevant to construction. Planning Commission and Township Board approval shall be obtained for amendments to the approved site plan, if necessary.



## VARIANCE 2 – NATURAL FEATURES SETBACK

### Section 13.02.04(d) - Genoa Township Wetland Protection Standards

**Required 25-foot setback: An undisturbed natural setback shall be maintained twenty-five (25) feet from a MDEQ determined/regulated wetland. Trails and recreational areas may be allowed in the wetland setback. Any site grading or storage within the wetland protection setback area shall require a Special Land Use Permit according to Article 19; provided that no such activity shall be allowed within ten (10) feet of a regulated wetland unless specifically approved by the Planning Commission.**

**Section 13.02.05 – Variances from the Wetland Setback Requirement:** In considering a variance for the wetland setback, the applicant must demonstrate to the Board of Appeals:

- (a) the setback is not necessary to preserve the wetland's ecological and aesthetic value.
- (b) the natural drainage pattern to the wetland will not be significantly affected;
- (c) the variance will not increase the potential for erosion, either during or after construction;
- (d) no feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed; or
- (e) MDEQ permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

---

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

- (a) Given the proximity of the storage bins to the wetland, the potential for impacts from industrial use including but not limited to the use of hazardous materials and machinery so close to the sensitive area have the ability to further impact the wetland. Reducing the setback also provides less protection from possible future encroachment into the wetland area. In addition, the applicant has not only stored materials behind the bins, but the area has been maintained as lawn rather than the required natural and undisturbed state which may negatively impact the wetlands value. The applicant should provide evidence as to how the reduced setback would preserve the wetlands ecological and aesthetic value at the same level as the required 25 foot setback.
- (b) The natural drainage pattern is not significantly affected however the rate of discharge to the wetland may be increased since the area has not been maintained in a natural state. The grading plan shows off-site grading. Approval shall be submitted for the proposed off-site work from the adjacent owner.
- (c) Having a decreased buffer area may increase the potential for erosion. The area behind the bins within the setback have been maintained as lawn and materials are being stored behind the bins. The additional compacted land surface and use of the area to store debris could contribute to increased volumes and higher velocities by lessening the degree of storm water infiltration and increasing the rate of runoff.
- (d) The applicant has an approved site plan showing the site can be developed in compliance with Township requirements without permanent encroachment into the setback. This was a vacant lot and the applicant had full knowledge of the required natural features setback prior to construction of the project. Due to this prior knowledge, this request for variance is self-created and the variance was not necessary to allow the project to proceed.
- (e) A MDEQ (now EGLE) permit is not needed for work in the 25 foot natural features setback from the wetland however during a site visit with Township Staff; representatives from EGLE did indicate that

permits were needed for other impacts on the regulated wetlands. The Township has not received any information regarding whether or not the required permits were obtained.

**Considerations for conditions if natural features setback variance is approved:**

1. No storage is allowed behind the storage bins or in any natural features setback buffer area. Any material currently behind the wall or within the required setback must be removed by hand to ensure minimal impact to the area.
2. The remaining setback buffer shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.
3. The applicant shall submit for Township approval a landscaping enhancement plan for the remaining buffer zone area. Native wetland friendly vegetation shall be provided to help reduce erosion and maintain water quality.
4. A fence, wall or other permanent barrier shall be installed along the edge of the approved storage yard in compliance with the original approved site plan drawings to delineate the edge of the storage yard and to deter further encroachment into the natural features setback. Plans for the barrier (construction and location) must be reviewed and approved by Township staff.
5. The site shall be brought into compliance with the Zoning Ordinance and the approved site plan which includes completely vacating the premises of all equipment, materials and fuel tanks not relevant to construction. Planning Commission and Township Board approval shall be obtained for amendments to the approved site plan, if necessary.
6. The applicant shall obtain all necessary permits from EGLE and a copy of approved EGLE permits shall be provided to the Township for our records.

# GENOA TOWNSHIP



**5. Request for approval of Resolution No. 3 [approving the project, cost estimates, special assessment district and causing the special assessment roll to be prepared] for the Grand Beach Aquatic Weed Control Improvement Project.**

Moved by Smith and supported by Mortensen to approve Resolution No. 3 as requested for the Grand Beach Aquatic Weed Control Project. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

**6. Request for approval of Resolution No. 4 [acknowledging the filing of the special assessment roll, scheduling the hearing and the directing the issuance of statutory notices] for the Grand Beach Aquatic Weed Control Improvement Project.**

Moved by Smith and supported by Skolarus to approve Resolution No. 4 as requested for the Grand Beach Aquatic Weed Control Project. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

**7. Public hearing on the Oak Pointe Honors Road Improvement Project Winter 2016**

A Call to the Property Owners and the Public was made with no response.

**8. Request for approval of Resolution No. 3 [approving the project, cost estimates, special assessment district and causing the special assessment roll to be prepared] for the Oak Pointe Honors Road Improvement Project.**

Moved by Mortensen and supported by Skolarus to approve Resolution No. 3 for Oak Pointe Honors Road Project, correcting the number of years from five to one. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

**9. Request for approval of Resolution No. 4 [acknowledging the filing of the special assessment rolls scheduling the hearing and the directing the issuance of statutory notices] for the Oak Pointe Honors Road Improvement Project.**

Moved by Skolarus and supported by Hunt to approve Resolution No. 4 for Oak Pointe Honors Road Improvement Project as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

**10. Request to approve the Special Use Applications, Environmental Impact Assessment and Site Plan for proposed 9,200 square feet contractor's office, warehouse and storage yard. Special Land Use approvals are requested for outdoor storage, storage of hazardous materials, and grading activities within 25-foot natural features setback. The property is**



**located on the east side of Victory Drive, south of Grand River Avenue on vacant parcel #11-05-303-025. The request is petitioned by Seaside Seawalls.**

**A. Disposition of Special Use Application – Outdoor Storage**

Moved by Smith and supported by Rowell to approve the Special Use Permit with the condition that the height of outdoor storage materials shall comply with Section 8.02.02(b) (8). The Special Land Use request was found to comply with the standards provided in Section 19.03. The motion carried unanimously.

**B. Disposition of Special Use Application – Storage of hazardous materials**

Moved by Skolarus and supported by Hunt to approve the Special Land Use Permit for the storage of hazardous materials – diesel fuel tanks). This action complies with the standards provided in Section 19.03 of the Township Zoning Ordinance. The motion carried unanimously.

**C. Disposition of Special Use Application – Grading within natural features setback**

Moved by Rowell and supported by Skolarus to approve Special Land Use Permit for grading within natural features setback that complies with the standards provided in Section 13.02.04(d) and 19.03 with the condition that the disturbed area be restored to a natural condition.

**D. Disposition of Environmental Impact Assessment (6-22-16)**

Moved by Hunt and supported by Smith to approve the environmental impact assessment dated June 22, 2016 with all conditions of the Planning Commission having been addressed. The motion carried unanimously.

**E. Disposition of Site Plan (7-25-16)**

Moved by Ledford and supported by Skolarus to approve the site plan provided that any required sewer connection fees are paid at the time of Land Use Permit issuance. The motion carried unanimously.

**11. Request to approve the Environmental Impact Assessment and Site Plan for the proposed construction of a new 9,600 square foot showroom and an 11,750 square foot storage building for the existing Wilson Marine located at 5866 Grand River Howell. The request is petitioned by Wilson Marine.**

**A. Disposition of Environmental Impact Assessment (dated 6-1-16, received 7-25-16)**

Moved by Smith and supported by Rowell to approve the impact assessment dated June 1, 2016 for both the showroom and storage building as it relates to the site plan for property located at 5866 Grand River Ave. in Genoa Township. The motion carried unanimously.

**B. Disposition of Site Plan (7-25-16)**



**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
July 11, 2016  
6:30 P.M.  
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Barbara Figurski, James Mortensen, Chris Grajek, and Eric Rauch. Absent were Diana Lowe and John McManus. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of LSL Planning, Gary Markstrom of Tetra Tech, and an audience of 15.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA: **Moved** by Commissioner Figurski, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously.**

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

OLD BUSINESS:

**OPEN PUBLIC HEARING #1...Review of special use applications, impact assessment, and site plan for proposed 9,200 square foot contractor's office, warehouse, and storage yard. Special land use approvals are requested for outdoor storage, storage of hazardous materials, and grading activities within 25 feet of natural features setback. The property is located on the east side of Victory Drive, south of Grand River Avenue, on vacant Parcel #11-05-303-025. The request is petitioned by Seaside Seawalls.**

Planning Commission Disposition of Petition:

- A. Recommendation of Special Use Application – Outdoor Storage
- B. Recommendation of Special Use Application – Storage of Hazardous Materials
- C. Recommendation of Special Use Application – Grading Activities within 25 feet of Natural Features Setback
- D. Recommendation of Impact Assessment (6-22-16)
- E. Recommendation of Site Plan (6-22-16)

Mr. Aaron Wallace of Seaside Seawalls and Brent LaVanway, of Boss Engineering were present.

Mr. LaVanway stated they feel they have addressed the items noted at last month's Planning Commission meeting. The architect did not have time to revise the note on the plans to state "display area / waiting room". Also, the emergency spillway details

have not been added on the site plan yet. They agree to the additional plantings as requested by the planner.

He described the outdoor storage area. They will have a Dumpster, material that will be stored in bins, fuel storage, and a parking area for vehicles to park while fueling. They have added a narrative to Sheet #3 to explain the material and fuel storage.

Chairman Brown does not feel that the "No Exposure" form that was submitted satisfies the requirement of submitting a PIP plan. This is a requirement of the Township. Mr. Borden agrees. Mr. Wallace stated that he contacted an environmental consultant who wanted to charge \$4,000 to develop a PIP plan and advised that the "No Exposure" form he submitted could be used. Ms. VanMarter stated there is a section of the ordinance that explains what items need to be included in the PIP plan. Mr. Borden stated that there is no professional certification need for a PIP plan. He believes this is something that the applicant can complete himself as much of the information he has already submitted can be used to answer the questions noted in the ordinance section cited by Ms. VanMarter.

Mr. Borden has no other outstanding items.

Mr. Markstrom stated all of his outstanding items have been addressed.

Chairman Brown noted there is still information needed by the Brighton Area Fire Authority. Mr. LaVanway stated this information has been included in the narrative on the site plan; however, he will follow up with the Fire Authority.

The call to the public was made at 6:55 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Figurski, to recommend to the Township Board approval of the Special Use Application for outdoor storage for Seaside Seawalls with the following conditions:

- The outdoor storage will be consistent with the ordinance in terms of the height permitted above the screening.
- Approval by the Township Board of the Site Plan and Impact Assessment.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Special Use Application for storage of hazardous materials as depicted on the Site Plan for Seaside Seawalls with the following conditions:

- A PIP Plan shall be prepared as required by Township Ordinance prior to submission to the Township Board and subject to review and approval by Township Staff.
- Approval by the Township Board of the Site Plan and Impact Assessment.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Special Use Application for grading within 25 feet of natural features setback with the following conditions:

- The area that is graded will be returned to its natural condition.
- Approval by the Township Board of the Impact Assessment and Site Plan.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Grajek, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the Impact Assessment with a revision date of 6/22/16 for Seaside Seawalls. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Figurski, to approve the Site Plan dated 6/22/16 for Seaside Seawalls with the following conditions:

- The following open items can be written on the Site Plan for review and approval by Township Staff prior to submission to the Township Board.
  - Indication of “Showroom and Customer Waiting Room”
  - Two emergency spillway locations on Sheet #4
- Shrubbery will be added as requested by LSL Planning with review and approval by Township Staff prior to submission to the Township Board.
- The colors and materials as presented in the rendering this evening are acceptable to the Planning Commission and will become the property of the Township.
- Any signs proposed will require a sign permit prior to installation.
- The requirements of the Brighton Area Fire Authority’s letter dated 6/29/16 shall be complied with.
- Approval by the Township Board of the Special Use Applications and Impact Assessment.

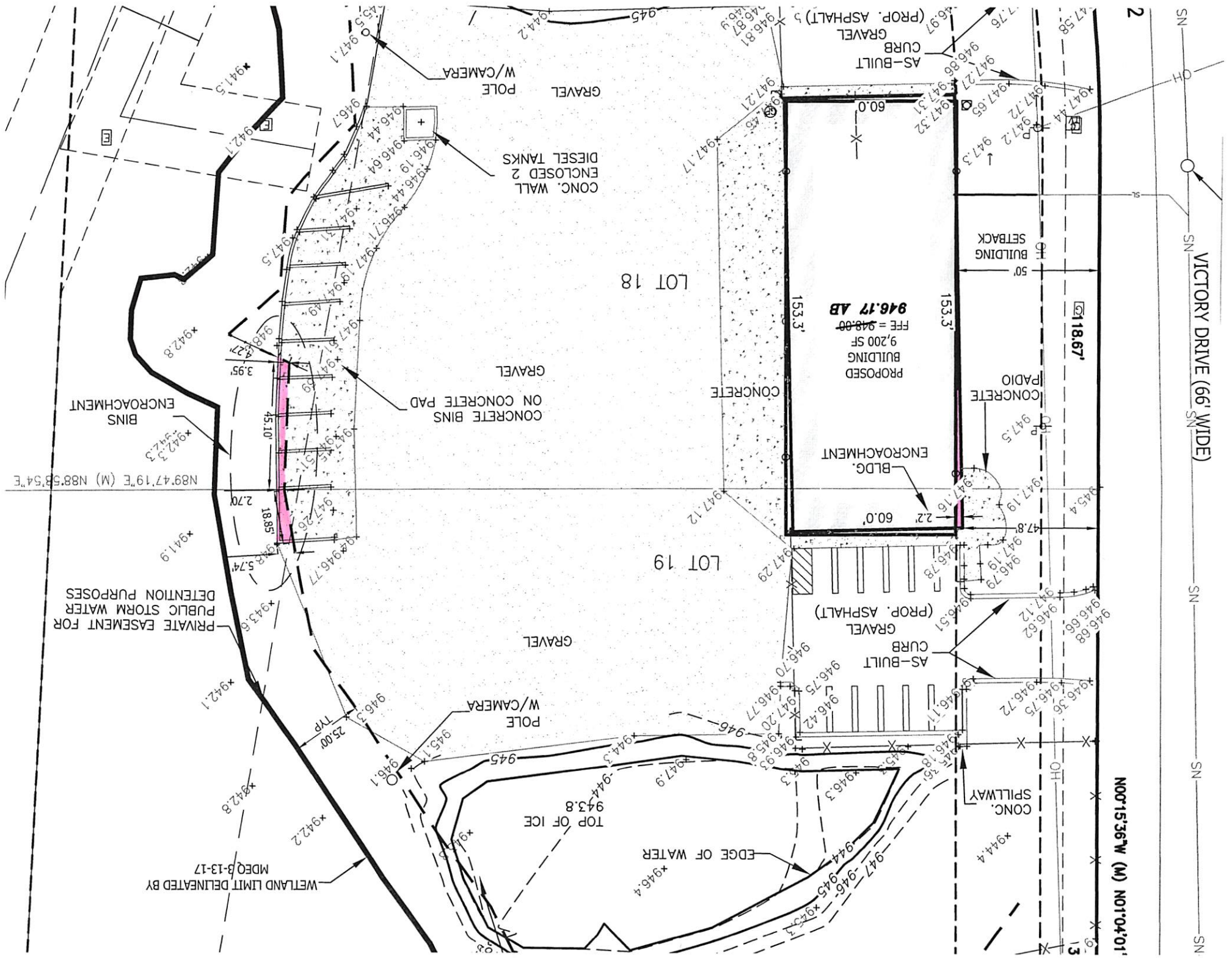
**The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...**Review rezoning application and impact assessment to rezone approximately 64 acres from RR and PRF to CE for the following parcels: #11-12-100-007, 008, 010, 011, 012, 013. The parcels are located on the east side of Euler Road, south of McClements Road, Brighton. The request is petitioned by Joyce Oliveto.


Planning Commission Disposition of Petition:

- A. Recommendation of Rezoning
- B. Recommendation of Impact Assessment (6-22-16)

Ms. Joyce Oliveto, the property owner, and Mr. Brent LaVanway of Boss Engineering were present. Mr. LaVanway stated there are five parcels, totaling 64 acres, that they would like to be rezoned. One parcel is zoned RR and the other four are zoned PRF. The purpose of this request is the ability to have horses on these parcels and that is only allowed in the CE zoning district.



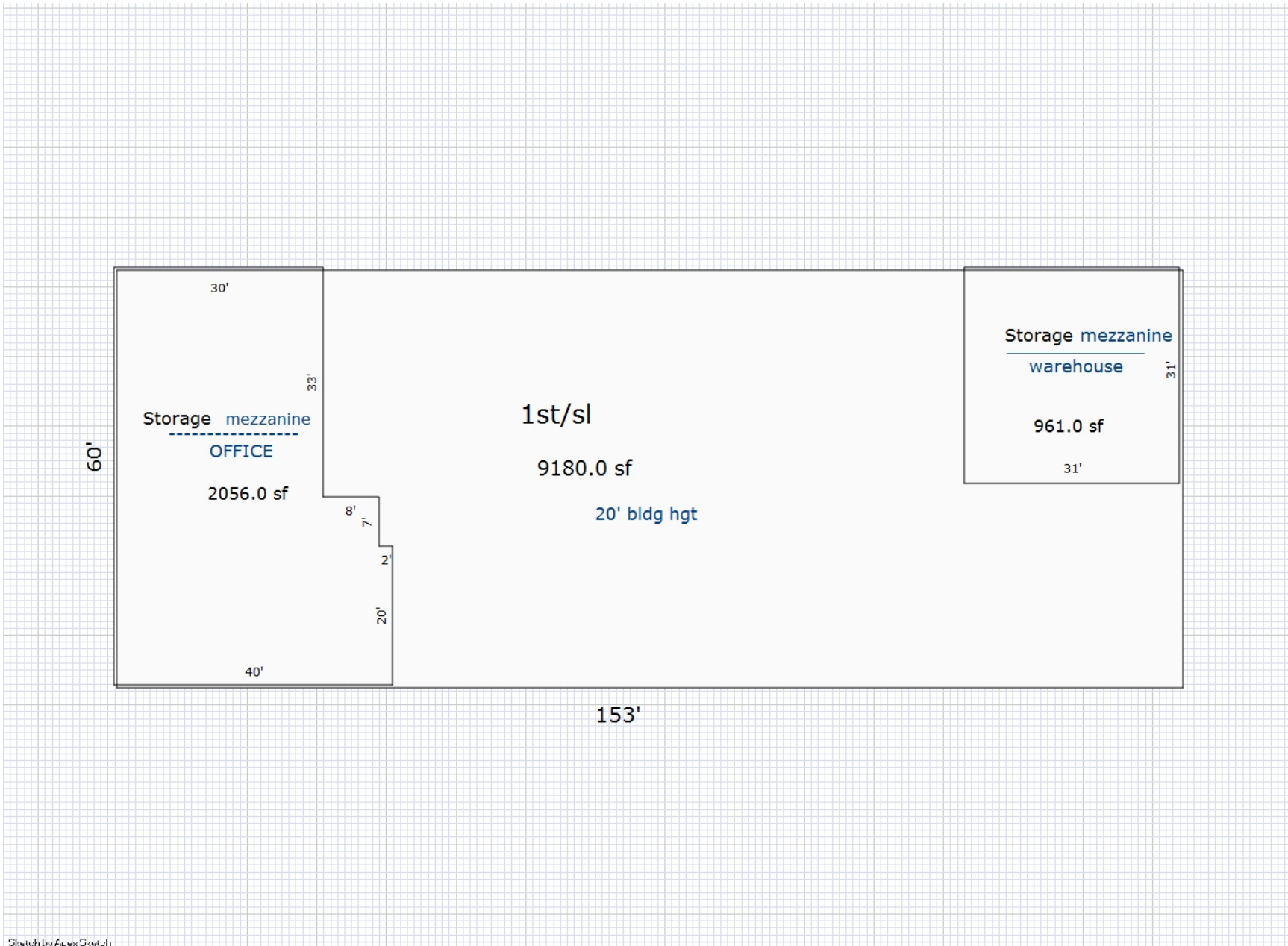


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
KJL PROPERTIES LLC	WALLACE & SONS ENTERPRISES	170,000	05/13/2016	MLC	MEMO L/C	2016R-015850	BUYER	100.0		
DECHRIS LIMITED PARTNERSHI	KJL PROPERTIES LLC	295,000	07/15/2005	WD	INVALID SALE	4869/0112	BUYER	100.0		
Property Address		Class: 301 INDUSTRIAL-IMP		Zoning: IND	Building Permit(s)	Date	Number	Status		
855 VICTORY DR		School: HOWELL			Industrial	11/30/2018	P18-210			
Owner's Name/Address		P.R.E. 0%			INDUSTRIAL	09/22/2016	P16-186	ROUGH BLDG		
WALLACE & SONS ENTERPRISES, LLC 800 W. GRAND RIVER #864 BRIGHTON MI 48116		MAP #: V19-41		2020 Est TCV Tentative						
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 03GRO.GRAND OAKS INDUSTRIAL					
SEC 5 & 6 T2N R5E GRAND OAKS WEST INDUSTRIAL PARK PART OF LOT 18 & PART OF LOT 19 DESCRIBED AS, BEG AT NW COR LOT 19 TH S80*36'27"E 435.57 FT TH S02*07'51"W 581.16 FT TH S88*58'54"W 379.75 FT TH N'LY ON AN ARC LEFT CHORD BEARING N08*06'52"W 62.37 FT TH N'LY ON AN ARC RIGHT CHORD BEARING N05*57'55"W 99.76 FT TH N01*04'01"W 497.72 FT TO POB CONT 5.85 AC M/L PARCEL #1 SPLIT ON 06/01/2005 FROM 4711-05-303-019, 4711-05-303-018, 4711-05-303-017;		Public Improvements		* Factors *				Value		
Comments/Influences		Topography of Site		Description Frontage Depth Front Depth Rate %Adj. Reason				Value		
Split/Comb. on 06/01/2005 completed 06/01/2005 DUFFY ; Parent Parcel(s): 4711-05-303-019, 4711-05-303-018, 4711-05-303-017;		Level		SQUARE FOO .70				178,378		
		Rolling		254826 SqFt 0.70000 100				178,378		
		Low		5.85 Total Acres Total Est. Land Value =						
		High		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Landscaped		2020	Tentative	Tentative	Tentative			Tentative
		Swamp		2019	89,200	226,500	315,700			307,948C
Wooded		2018	63,700	163,300	227,000			227,000S		
Pond		2017	89,200	0	89,200			89,200S		
Waterfront		Who When What		DLR 09/22/2016 INSPECTED						
Ravine		The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan								
Wetland										
Flood Plain										

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

Desc. of Bldg/Section: Calculator Occupancy: Warehouses - Storage				<<<<< Calculator Cost Computations >>>>>			
Class: C				Class: C    Quality: Average		Stories: 1    Story Height: 20    Perimeter: 426	
Floor Area: 9,180 Gross Bldg Area: 9,180 Stories Above Grd: 1 Average Sty Hght : 20 Bsmnt Wall Hght		Construction Cost		Base Rate for Upper Floors = 52.68		Mezzanine 1 Storage    Base Rate = 23.73 Mezzanine 2 Storage    Base Rate = 23.73	
Depr. Table : 2.25% Effective Age : 1 Physical %Good: 98 Func. %Good : 100 Economic %Good: 100		High    Above Ave.    Ave.    X    Low		** ** Calculator Cost Data ** ** Quality: Average Heat#1: Space Heaters, Gas with Fan    100% Heat#2: Space Heaters, Gas with Fan    0%			
Year Built Remodeled		Area: Perimeter: Type:		(10) Heating system: Space Heaters, Gas with Fan    Cost/SqFt: 4.57    100% Adjusted Square Foot Cost for Upper Floors = 57.25			
Overall Bldg Height		Heat: Hot Water, Radiant Floor		Total Floor Area: 9,180    Base Cost New of Upper Floors = 525,555 Mezzanine 1 Area: 2,056    Base Cost New of Mezzanine = 48,789 Mezzanine 2 Area: 961    Base Cost New of Mezzanine = 22,805			
Comments:		*** Basement Info ***		Reproduction/Replacement Cost = 597,148 Eff.Age:1    Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 98 /100/100/100/98.0 Total Depreciated Cost = 585,205			
* Mezzanine Info *		Area #1: 2056 Type #1: Good Storage    (No Rates) Area #2: 961 Type #2: Good Storage    (No Rates)		ECF (3000 IND. BLDGS UNDER 25,000 SQ FT) 1.050 => TCV of Bldg: 1 = 614,466 Replacement Cost/Floor Area= 65.05    Est. TCV/Floor Area= 66.94 75 % Completed => Est. True Cash Value 2020 = 460,850			
* Sprinkler Info *		Area: Type: Average					
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:                      Fixtures:		(40) Exterior Wall: Thickness                      Bsmnt Insul.	
X   Poured Conc.    Brick/Stone    Block		Many Above Ave.    Average Typical    Few None		Few Average    Few Average Many Unfinished    Many Unfinished Typical                      Typical			
(3) Frame:		Total Fixtures 3-Piece Baths    Urinals 2-Piece Baths    Wash Bowls Shower Stalls    Water Heaters Toilets            Wash Fountains Water Softeners		Flex Conduit    Incandescent Rigid Conduit    Fluorescent Armored Cable    Mercury Non-Metallic    Sodium Vapor Bus Duct            Transformer			
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure:    Slope=0			
(5) Floor Cover:		(10) Heating and Cooling:		(14) Roof Cover:			
(6) Ceiling:		Gas    Coal Oil    Stoker    Hand Fired Boiler					

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



Sketch by Aspen Group

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 16, 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: Greg Rassel, Marianne McCreary, Jean Ledford, Bill Rockwell, Michelle Kreuzberg, and Kelly VanMarter, Community Development Director/Assistant Township Manager.

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

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

**Approval of the Agenda:**

It was noted that Item #2, Case #19-34 needs to be corrected to “Section 23.02.01” instead of “Section 23.02.11”.

Chairman Rassel noted that Agenda Item #5, Case #19-38, was requested to be tabled this evening. **Moved** by Board Member McCreary, seconded by Board Member to Rockwell, to postpone Case #19-38 until the November 19, 2019 ZBA meeting at the applicant’s request.

**Moved** by Board Member McCreary, 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 6:33 pm with no response.

**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.

Mr. Roger Myers, the attorney representing the applicant, was present. Mr. Koss was not able to attend this evening’s meeting. He provided a review of the request and noted that most of the discussion at the previous meeting was the location of the fence and centered around the



fact that this property has two front yards. There is a significant drop in elevation from Brighton Road to Mr. Koss' property. If there was a fence constructed on the Brighton Road side of the property, where it would be allowed to be located with a variance, it would be much more visible from Brighton Road than what the applicant is proposing. Due to the uniqueness of the property and the topography, they do not believe that Brighton Road should be considered a front yard. The applicant would like to have the fence to keep their dogs in their yard as well as keep deer and other animals off of their property. He noted that Mr. Koss would be agreeable to have evergreen trees planted to provide screening for the fence when the deciduous trees lose their leaves in the winter.

He noted that there have been letters submitted to the Township from neighbors who are in support of granting the variance for the fence.

Ms. VanMarter noted that an email of support from the neighbors and photographs taken by the applicant of other properties along Brighton Road that have fences were received this afternoon.

Lisa Miller, whose son-in-law is the applicant and who lives at 4930 Brighton Oaks Trail reviewed the pictures that were submitted of the fences of properties on Brighton Road. She also showed a picture taken from the yard of her home, denoting the drop in elevation and the distance between the fence and Brighton Road.

Board Member McCreary requested that Ms. VanMarter explain how a front yard is determined. Ms. VanMarter stated that the front yard is determined as the closest point of the house to the Road Right-of-Way (ROW). The ordinance is specific in that it could be a private road or public road ROW; however, shared driveways do not apply. Brighton Road definitely meets the criteria of a front lot line. The part of the home that is closest to the Road ROW is considered the front yard, which in this case is Brighton Road. Board Member McCreary asked why the fence shown in red on the plan is permitted. Ms. VanMarter stated that if the house is outside of the setback, you are allowed to erect a ten-foot impervious fence, which is the area of the fence shown in red.

Board Member McCreary stated that Ms. Miller's reason for the fence is to keep out the wildlife and the fact that she owns dogs is not a hardship.

Mr. Myers reiterated that the fence would be seen more if it was placed where it is allowed. He reiterated that the hardship is that this property is on an easement and not a private road and the yard is considered Brighton Road.

Board Member Rockwell agrees that there would be less of the fence visible as it is now, than if it is placed where it is allowed without a variance.

The call the public was made at 7:09 pm.

Dr. Charles Grasseley of 7979 Brighton Oaks Trail has lived there for 25 years and the Koss' have made a lot of improvements to the property. The fence is very low from the road and serves a very useful purpose and none of the neighbors have an objection. It does not distract from the property value; it adds to it.

Ms. Karlene Shafer, owner of Landscape Design & Associates of 4939 Timber View Drive, Howell, has been a resident of Genoa Township for 18 years and is currently working on this property. This property is a nice asset. She noted that the applicant has offered to plant an evergreen barrier and there are areas where they can be planted.

Mr. Richard Miller, of 4930 Brighton Oaks Trail, wants this fence for protection for his grandchildren. There is water that pools in the back corner of their property and the fence will protect them from it.

Ms. Tara Brown of 5123 Pine Hill Circle is a friend of the Koss' and Millers. She said the position of the home, the topography of the land as well as the two front yards pose unique features and challenges for this property.

The call to the public was closed at 7:17 pm.

Board Member McCreary asked if the applicant would be willing to place a lower fence in this area. Mr. Myers stated a four-foot fence would be allowed and at that height, because of the drop off of the property from Brighton Road, it would allow an animal to enter onto the property from the road.

Board Member McCreary understands the hardships the applicant is stating for their request for the fence; however, she knows that granting a variance sets a precedent. The reasons for granting a variance must be a hardship with the property and not the house, the homeowner, etc.

Board Member Ledford noted that the Township Planner, Mr. Borden, explained how the Brighton Road side is considered the front yard. She agreed with Board Member McCreary on setting a precedent. A lot of work is done to develop the Township Ordinance and there are reasons why the ordinance is in place. She added that the Board cannot take into consideration that someone has grandchildren or dogs as a reason for granting a variance.

Mr. Myers stated that Mr. Borden was not giving an opinion on the granting of the variance. He was simply outlining the reason why Brighton Road was deemed to be the front yard line. Also, he does not believe that granting this variance would set a precedent for other properties in the area as the uniqueness of this lot is its topography. The justification for the six foot instead of four foot is because of the topography of the lot and that the extra height would help to keep the deer out.

Chairman Rassel stated there are four criteria that must be met when the Zoning Board of Appeals grants a variance.

Ms. VanMarter stated that the pictures showed this evening of fences at Oak Point are in the rear yard.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to deny case #19-19 for 4930 Brighton Oaks Trail for a fence height and impervious percentage variance to allow an existing non-conforming fence to remain based on the following findings of fact:

- Genoa Township Ordinance does not permit this type of fence in the front yard.
- The need for the variance is self-created.
- There is a practical difficulty in that there are two front roads on this property
- It is not a Circumstance that would be consistent with surrounding properties.

This denial contains 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 may apply for a land use permit for any section of the fence that will remain.

**The motion carried (Rassel - no; Rockwell - no; Ledford - yes; McCreary - yes; Kreutzberg - yes)**

2. 19-34...A request by Edward Koss, 4930 Brighton Oaks Trail, for an appeal of an administrative decision per Section 23.02.01 and use permit for a fence that was denied.

Mr. Myers, representing Mr. Koss, stated the applicant would like the ZBA to make an interpretation that Brighton Road should not be considered the front yard. It is unlike other properties that have frontage on a private or public road at the same grade and is the reason that this type of fence would not be allowed.

The call to the public was made at 8:02 pm

Mr. Miller of 4930 Brighton Oaks Trail is concerned that he has to remove his fence and there is a possibility that the ordinance could change, which would allow him to have this fence. Chairman Rassel is not aware of any proposed changes to the Ordinance. Ms. VanMarter stated that the applicant cannot reapply for a variance within a year after a denial. She is working on zoning amendments that would allow six foot fences in the rear yard only. She is not proposing that six-foot fences be allowed in the front yard.

The call to the public was closed at 8:05 pm.

Ms. VanMarter wanted to clarify that this is not a request for the ZBA to determine if Brighton Road should be considered a front yard. It is a request to determine if the Township Staff interpreted the ordinance incorrectly. Staff interpreted the ordinance text a certain way, and the

applicant is asking the ZBA to determine if staff made an incorrect interpretation. Staff interpreted Brighton Road as a front lot line so the question before the ZABA is, did staff make an incorrect interpretation of the ordinance when making that decision.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, that the ZBA finds that concerning Case #19-34, Township staff's ability to review and correctly determine the front lot line that they correctly applied the zoning regulations with regard to fences and height and front yard. **The motion carried unanimously.**

**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.

Mr. Lock Durrant of Ventures Design was present representing the applicant. They are requesting a variance to install an accessory structure. The special circumstances are due to the location of the septic field. There is no other place on the island where an accessory structure could be placed. The setback of the accessory structure would be seven feet less than the existing home. He noted that the other two islands on the lake have similar construction and one is closer to the lake than what they are proposing. There are no adjacent properties and there are no sight issues. This would not have a negative impact on any adjacent properties.

Board Member McCreary questioned how the location of the septic field was determined. Mr. Durrant stated he has documentation from the Livingston County Health Department. Board Member McCreary stated she researched this and could not find where the Health Department shows a septic field. Mr. Durrant stated they have located the septic tank. Ms. McCreary does not have proof of there being a septic tank or field. Mr. Durrant stated there will be no water or sewer needed for the accessory structure.

Board Member Ledford lives on the lake and the previous owner of that island placed a large septic drum in the ground; however, she is not aware if it is still there. If this request is approved, she would like to include a condition that the septic field be located.

Board Member McCreary asked if the applicant has put fire safety precautions in place with the addition of the grill and fireplace. This being on an island, it is very difficult for the fire department to get to. Mr. Durrant stated all of those requirements would be determined by the building department and they will follow all of the regulations.

The call to the public was made at 8:36 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #19-36 for Ventures Design, on behalf of the property owner at 4501 Oak Pointe Drive, for a waterfront setback variance of 42 feet, 4 inches, from the required 100 feet for a 57 foot, 8 inch setback to construct an 800 square foot detached structure, based on the following findings of fact:

- Strict compliance with the setback would unreasonably prevent/restrict use of the property or cause it to be unbuildable.
- Granting this variance would allow/provide substantial justice providing similar rights as other properties in the area.
- The exceptional or extraordinary condition of the property is being it is an island and the property is surrounded by water.
- The variance is the least necessary and would make the property consistent with other properties /homes in the area.
- The granting of the variance will not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare. 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 proposed conditions of this approval are:

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. The 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 (a) through (1) of the Zoning Ordinance.
6. The use of the pavilion shall not be used for commercial events or charitable events.
7. The applicant shall locate and assure the position of the septic field.
8. The applicant shall consult with the Brighton Area Fire Authority that all precautions are taken.

**The motion carried unanimously.**

4. 19-37...A request by Marygrove Awning, Co., 4219 Homestead, for a waterfront yard variance to allow a covered deck.

Vince from Marygrove Awning was present to represent the applicants, Ms. Jackie Williams and Ms. Lynda Williams. They would like to build a 600 square foot patio. They reduced the size of the awning to the least amount necessary to allow a 120 square foot retractable awning. Their request is 104 square foot over what is allowed by the Township. He stated they will be staying within the footprint of the existing approved deck. He showed an aerial view of the area showing that this will not obstruct the views of the lake for any of the neighbors. This awning



will be replacing the current shade structure, which went out 10 feet. They are proposing to go out an additional four feet, for a total of 14 feet.

The call to the public was made at 8:53 pm

Ms. Lynda Williams, one of the homeowners, stated they are only replacing the existing retractable awning, and only going out as far as the existing deck.

The call to the public was closed at 8:54 pm.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #19-37 for 4219 Homestead Drive for petitioners Jackie and Lynda Williams for a 28 foot waterfront setback variance from the required 40 feet for 12 foot waterfront setback in order to construct a 16x14 foot pergola with a louvered roof above an existing deck, which is attached to the existing structure, based on the following findings of fact:

- The deck is not able to be used during sunny, hot summer days by the property owner and will replace the existing retractable awning. The proposed pergola is designed to follow the sides of the existing deck without covering the entire deck in order to provide an appropriate amount of coverage from the elements, which is made from rotating louvers that close as needed.
- By granting this variance, substantial justice would be provided to the property owners and is necessary for the preservation and enjoyment of a substantial property right that is possessed by other property owners in the immediate vicinity.
- 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 public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The granting of the variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of the minutes for the September 17, 2019 Zoning Board of Appeals Meeting.

Needed changes were noted.

**Moved** by Board Member Ledford, seconded by Board Member Krutzenberg, to approve the September 17, 2019 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

2. Correspondence – Ms. VanMarter had nothing to report.

3. Township Board Representative Report - Board Member Ledford provided a review of the October 7, 2019 Board meeting.

4. Planning Commission Representative Report – Board Member McCreary provided a review of the October 15, 2019 Planning Commission meeting.

5. Zoning Official Report – Ms. VanMarter had nothing to report.

6. Member Discussion

Mr. Goble, who is the new owner of 4501 Oak Pointe Drive, introduced himself to the Board. He questioned the condition of the motion for his variance approval which states “The use of the pavilion shall not be used for commercial events or charitable events.” He and his wife sometimes hold fundraiser dinners for a non-profit to which they belong. He wants to ensure that he can have these. They are not large, public events.

Ms. VanMarter stated she will get an opinion from the attorney and will report back to the ZBA.

7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 9:18 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary