

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 17, 2019
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

OLD BUSINESS:

1. 19-31...A request by Cathy Cedar, vacant, parcel #11-22-302-029 Noble Drive, for a variance to allow a three story structure with side, front, and rear yard setback variances, lot coverage variance, and a height variance to construct a new home. (Request to postpone)
2. 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.

NEW BUSINESS:

3. 19-42 ... A request by Sandra Gavin, 7900 Collingwood Drive (4711-13-400-003 and 4711-13-401-045), for a variance to split property to create a non-conforming lot. (Request to withdraw)

Administrative Business:

1. Approval of minutes for the November 19, 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

From: [Cedar, Cathy](#)
To: [Amy Ruthig](#)
Subject: December Board Meeting
Date: Tuesday, December 3, 2019 1:33:29 PM

Hi Amy,

Unable to make December 16 Board Meeting, requesting to retable with date TBD.

Thank you!

Cathy

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues



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.



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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

MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director
DATE: November 8, 2019 ([Revised December 12, 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, [wetland report](#)

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.

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 2nd 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 16th, 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.

Since the last meeting, the applicant has made progress towards vacating the property.

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

Table IND District	Front Yard Setback
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 has provided a report from Dana Knox, a wetland ecologist with ASTI Environmental dated 12/06/19 indicating that if a native seeding mix is established in addition to the planting of trees and shrubs along the natural features setback back line the full setback would not be necessary to preserve 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 report from ASTI indicates that if the applicant complies with the recommendations the impacts to the natural drainage pattern would be mitigated . 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. These potential impacts can be managed if the applicant complies with the recommendations in the ASTI report dated 12/06/19.

- (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 entire natural features remaining setback buffer shall be planted in the Basic Shortgrass Prairie Mix as is recommended in the ASTI report and shall remain in an un-mowed, natural and undisturbed state. The preparation, planting and establishment of the seed mix shall be done following the recommended best practices of Ms. Knox, Wetland Ecologist with ASTI Environmental. The natural features setback is and is not eligible for trail or recreational area exemptions.
- ~~3.~~ The applicant shall submit for Township approval a landscaping enhancement plan including extensive trees and shrubs to demarcate the natural features setback line. The landscaping materials used shall be recommended by a certified landscape architect, wetland ecologist or other certified professional to ensure compatible and successful implementation and longevity. for the remaining buffer zone area. Native wetland friendly vegetation shall be provided to help reduce erosion and maintain water quality.
- ~~4.3.~~
- ~~5.~~ 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.
- ~~6.4.~~ 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.
- ~~7.5.~~ 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



building is located 143 feet from the closest residential home. The Planning Commission found that the impacts were adequately mitigated, that the use of the facility was in compliance with the surrounding properties, and consistent with the intent of the ordinance and recommended the ZBA approve the 72-foot setback.

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

This approval is based on the following condition:

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

The motion carried unanimously.

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:

Ms. Rebecca Cassell, representing the applicant, and Mr. Wallace were present. The variances being requested are existing and were not self-created. They were created by the contractor and the engineer who performed the survey. She noted that the bins are four feet into the natural features setback, are not the wetlands area; it is into the wetlands buffer. She stated that these are not removable bins. They are made with concrete and there is no risk for the materials that are stored in there to leech into the wetlands. Their application notes that they are willing to install a natural buffer, such as arborvitae, etc. along the remaining area of the wetlands.

Ms. Ruthig stated there were materials behind the bins when she and Ms. VanMarter visited the site in August 2019. Ms. Cassell advised that those items have all been moved. Ms. Ruthig added that this area was mowed and it is required to be kept in its natural state after the bins were installed.

With regard to the building, Ms. Cassell stated the soil was not in the condition as expected and the footings had to be built wider than originally proposed and the contractor laying the brick, put them in the wrong location. This is not for the entire length of the building.

They are asking for clarification. The packet notes that the building is being used; however, that is not correct. They were not aware that they were not able to use the site or the outdoor storage unit the Building C of O is received. Ms. Ruthig confirmed that once the C of O for the building is approved, the site can be used for the business, and not before that time. She added that the applicant was given two citations in 2018 advising that all materials needs to be removed from the property and no business can be conducted on the site until the building C of O is granted.

Ms. Cassell asked for clarification on the permits that will be required by EGLE. Ms. Ruthig explained why they are requiring the permit and that it has to do with the ponds and not the specific wetlands. Mr. Wallace stated that he has not applied for those permits as of today.

Board Member McCreary questioned Mr. Wallace why he continued to use the property after he received the citations. He stated that he did not have any other location to store his materials or vehicles.

Ms. Cassell noted that the materials that are on site now are for the remainder of the construction and she asked if that was allowed to remain. Ms. Ruthig stated that the building permit has expired so no work is able to be done to the building or the site.

Ms. Cassell requested that this item be tabled this evening so that she can gather more information and return to the Board with a complete plan and detailed request.

The call to the public was made at 7:37 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member McCreary, to table Case #19-41 for Wallace and Sons Enterprises, LLC until the December 17, 2019 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

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

Needed changes were noted. Board Member McCreary had a question regarding one of Board Member Ledford's motions. It was decided to table the minutes until she was in attendance to clarify.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to table the October 16, 2019 Zoning Board of Appeals Meeting minutes. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig provided the Board Members with a correspondence from the township attorney regarding the variance for Venture Designs.
3. Township Board Representative Report - Board Member Ledford was not present this evening.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the November 12, 2019 Planning Commission meeting.

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 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.

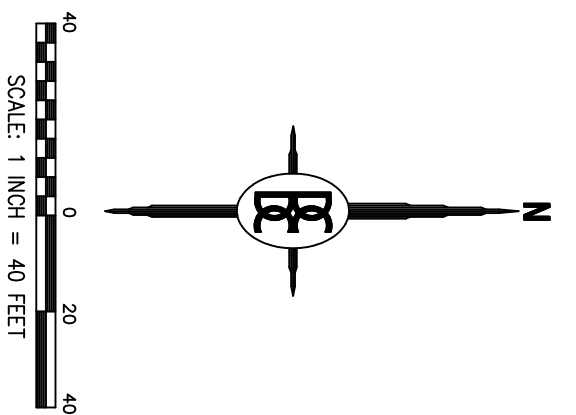
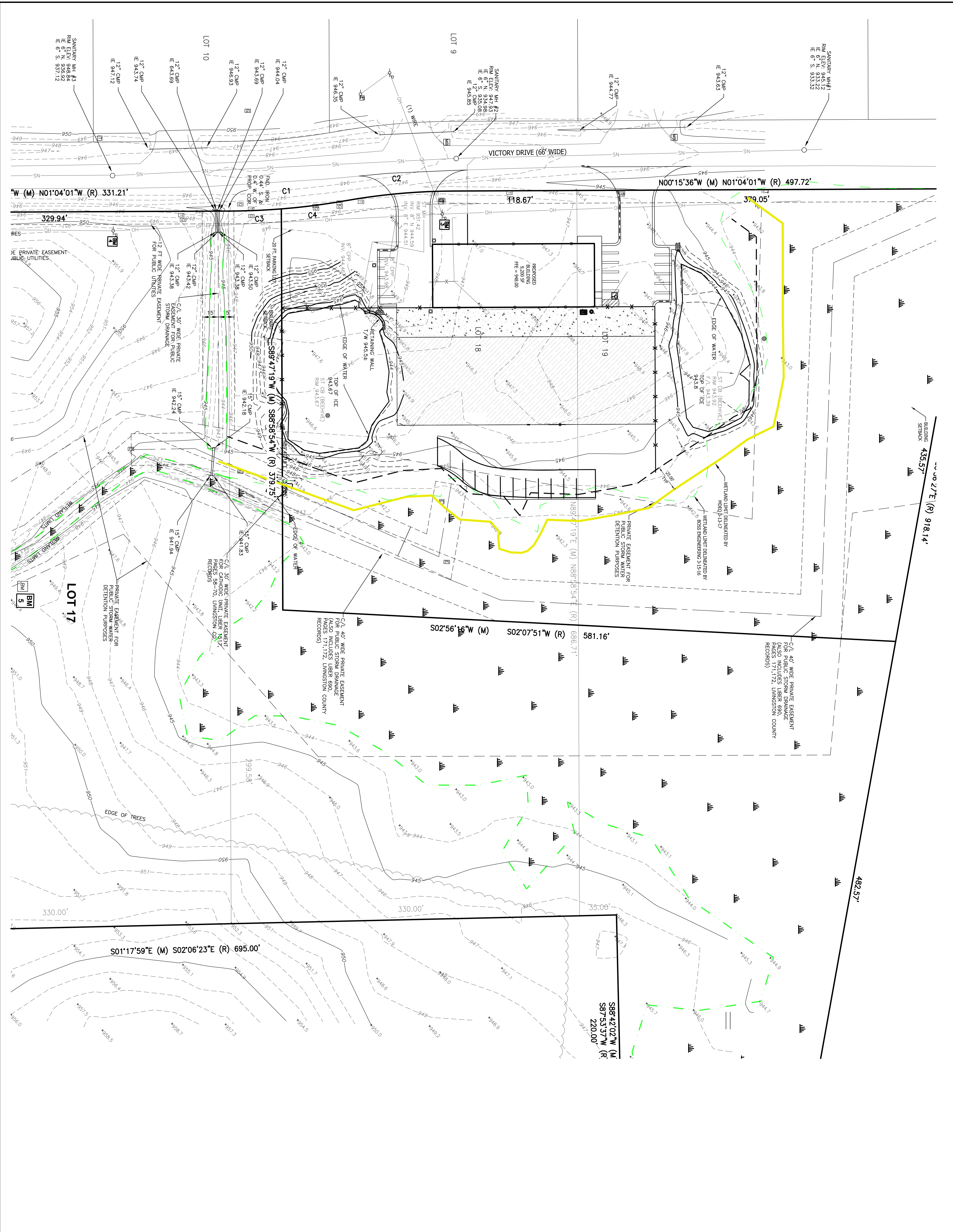
The motion carried unanimously.

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.



DESIGNED BY:	KS	
CHECKED BY:	KS	
DRAWN BY:	KS	
DATE:	8/13/19	
SHEET NO.:	1	
JOB NO.:	16-049	
SCALE:	1" = 40'	
PROJECT:	SEASIDE SEAWALLS, LLC	
PREPARED FOR:	SEASIDE SEAWALLS, LLC	
TITLE:	WETLAND LINES EXHIBIT	
NO. BY:	REVISION PER	DATE
1	PC 25-FT SETBACK FROM MOED LINE REV	10-2-19

SEASIDE SEAWALLS, LLC
SEASIDE SEAWALLS, LLC
 9868 EAST GRAND RIVER, SUITE 110-225
 BRIGHTON, MI 48116
 (248) 207-1984

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

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
 1-800-462-7177
 MISS DIG
 THE ORIGINAL OF UNDERGROUND UTILITIES

Mailing Address:
P.O. Box 2160
Brighton, MI 48116-2160800 395-ASTI
Fax: 810.225.3800

www.asti-env.com

Sent Via Email Only

December 6, 2019

Mr. Aaron Wallace
Wallace & Sons
9894 E. Grand River
Brighton, MI 48116**RE:** *Review of Natural Features Setback Encroachment
Seaside Seawalls, 855 Victory Drive, Howell, MI
ASTI File 11352*

Dear Mr. Wallace:

ASTI Environmental (ASTI) was retained to review an encroachment on a Genoa Township-regulated, 25-foot Natural Features Setback (NFS) of wetland. ASTI performed a site investigation on the above-referenced property on December 6, 2019, in order to document existing conditions, determine the impacts from the encroachment, and provide recommendations for site improvements that would discourage future NFS disturbance. Based on the site investigation, ASTI offers the following comments for your consideration:

- *Wetland Protection Standards (Zoning Ordinance No. 13.02)* – The portion of the NFS on the Seaside Seawall property was recently graded and seeded as part of site development activities. No vegetation was observed; the NFS is bare soil at this time. Nine concrete bins were constructed along the eastern extent of the property, upslope of regulated wetland and the 25-foot NFS. However, approximately 4.5 of these bins encroach on the NFS. Based on review of the Boss Engineering, Grading & Soil Erosion Control Plan dated October 10, 2019, the NFS encroachment ranges from approximately four feet at the northern-most bin and tapers down to zero at 4.5 bins south (or approximately 64 feet).

ASTI does not believe the four-foot encroachment will negatively impact adjacent wetlands. However, it is recommended that the NFS be seeded with native vegetation to both stabilize the slopes and provide a natural transition from the development to the wetland. The NFS should remain in a natural state and not

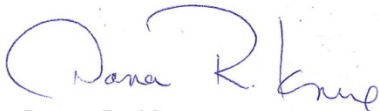
be mowed. ASTI recommends the Basic Shortgrass Prairie Mix (see attached) from Native Connections (www.nativeconnections.net). This mix will provide soil stabilization with the native temporary grass cover, along with native wildflowers.

ASTI further recommends that the NFS be demarcated with tree or shrub plantings to prevent future encroachment. Although a fence could be used, ASTI is discouraging use of this type of demarcation because it will limit wildlife use and therefore, is partially in conflict with the purpose of an NFS.

In summary, it is ASTI's opinion that the minimal encroachment by the existing concrete bins in the NFS will not negatively impact the wetland on the Wallace & Sons property. In some respects, the bins form an additional barrier to both the NFS and the wetland from future site activities. The proposed native seeding within the recently graded NFS will provide a natural transitional feature to the wetland as an NFS is intended. The vegetation will stabilize the slope within the NFS and will provide some habitat benefit for birds and pollinators. There may also be a small amount of water quality benefit, as the native vegetation will provide polishing of storm water entering the wetland. And, finally, planting tree and/or shrubs along the NFS boundary line will provide a natural demarcation to prevent future encroachment while allowing free movement of wildlife to occur.

Thank you for the opportunity to assess the recent development activities. If you have any questions, please do not hesitate to contact me at 800.395.ASTI.

Sincerely,
ASTI ENVIRONMENTAL



Dana R. Knox
Wetland Ecologist
Professional Wetland Scientist #213

Attachment: Native Connections Basic Short Prairie Mix



Native Connections

17080 Hoshel Rd, Three Rivers, MI 49093
 (P) 269.273.2894 • (F) 269.273.1367
 info@nativeconnections.net
 www.nativeconnections.net

Basic Shortgrass Prairie Mix

This is the economy version of our Dry Shortgrass Prairie Mix. Though the diversity and seed density are greatly reduced, this is a great starter prairie where a low stature on dry soils is needed or desired.


Total Seeding Rate: 31 lbs per acre
 3.75 lbs grasses • 2.25 lbs forbs • 25 lbs nurse crop
 41 native seeds per sq ft

Call, email or visit our website for pricing.

Grasses		PLS Oz/acre	Seeds/sq ft
<i>Bouteloua curtipendula</i>	Side-oats Grama	20.00	2.75
<i>Bromus kalmii</i>	Prairie Brome	4.00	0.73
<i>Elymus canadensis</i>	Canada Wild Rye	7.50	0.90
<i>Koeleria cristata</i>	June Grass	0.25	1.15
<i>Schizachyrium scoparium</i>	Little Bluestem	28.00	9.64
<i>Sporobolus heterolepis</i>	Prairie Dropseed	0.25	0.09
Total Grasses		60.00	15.27

Forbs		PLS Oz/acre	Seeds/sq ft
<i>Asclepias tuberosa</i>	Butterfly Milkweed	0.50	0.05
<i>Aster sagittifolius</i>	Arrow-leaved Aster	0.50	1.55
<i>Cassia fasciculata (Chamaecrista f.)</i>	Partridge Pea	8.00	0.50
<i>Coreopsis lanceolata</i>	Lance-leaf Coreopsis	7.00	3.21
<i>Echinacea purpurea</i>	Purple Coneflower	7.00	1.06
<i>Kuhnia eupatorioides</i>	False Boneset	0.60	0.44
<i>Monarda fistulosa</i>	Wild Bergamot	0.50	0.80
<i>Penstemon digitalis</i>	Foxglove Beardtongue	0.50	1.49
<i>Petalostemum purpureum (Dalea p.)</i>	Purple Prairie Clover	4.00	1.65
<i>Potentilla arguta (Drymocallis a.)</i>	Prairie Cinquefoil	0.50	2.64
<i>Ratibida pinnata</i>	Yellow Coneflower	0.70	0.48
<i>Rudbeckia hirta</i>	Black-eyed Susan	4.90	10.35
<i>Solidago rigida</i>	Stiff Goldenrod	0.70	0.66
<i>Verbena stricta</i>	Hoary Vervain	0.60	0.39
Total Forbs		36.00	25.27

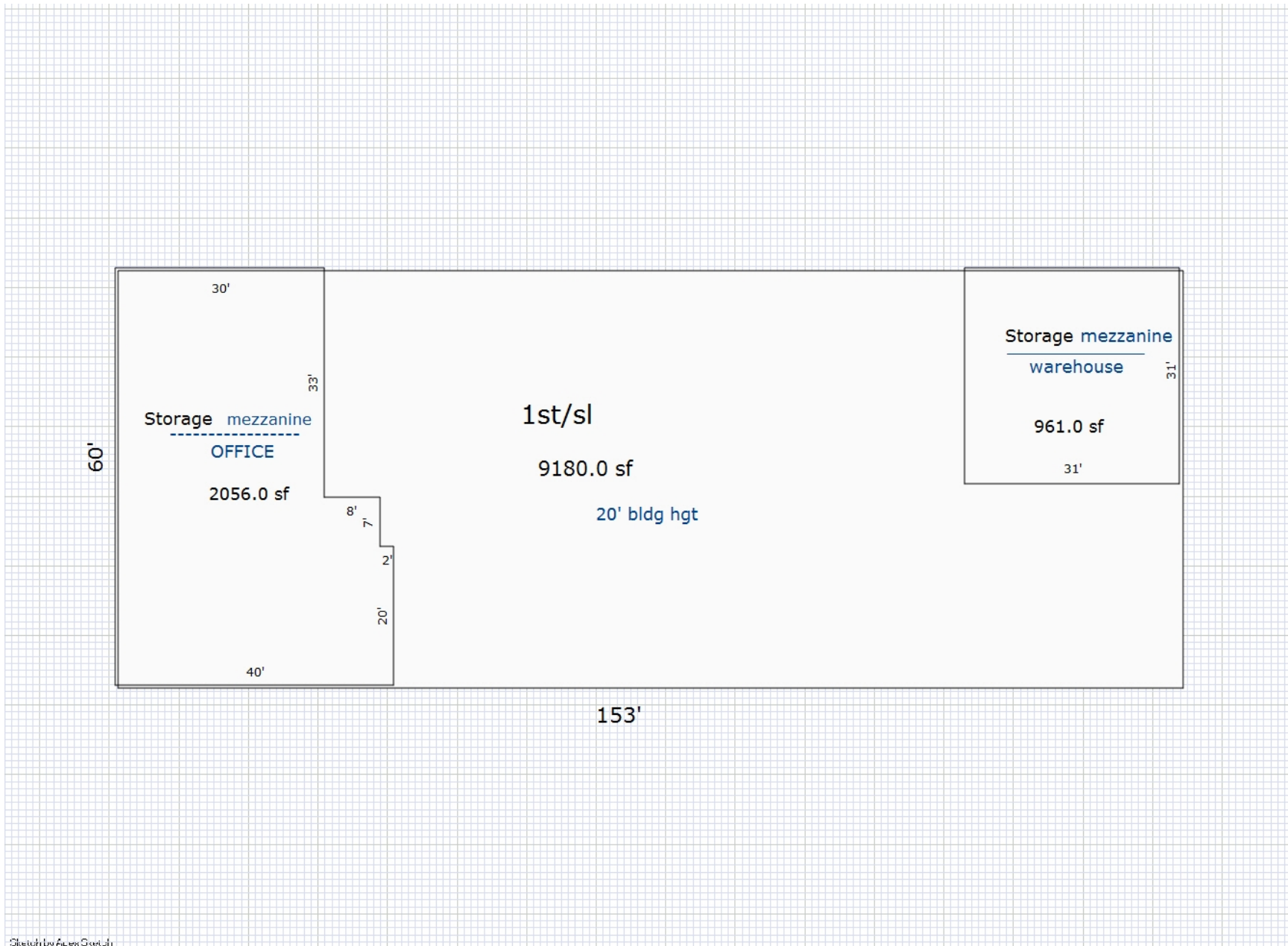
Temporary Grass Cover		Oz/acre	Seeds/sq ft
<i>Lolium multiflorum</i>	Annual Ryegrass	80.00	24.79
<i>Avena sativa</i>	Seed Oats	320.00	7.35
Total Temp Grasses		400.00	32.14

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 *		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 #1: 2056 Type #1: Good Storage (No Rates)		Area #2: 961 Type #2: Good Storage (No Rates)					
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		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		(40) Exterior Wall:	
(5) Floor Cover:		(10) Heating and Cooling:		(14) Roof Cover:		Thickness Bsmnt Insul.	
(6) Ceiling:		Gas Oil Coal Stoker Hand Fired Boiler					

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



Sketch by Aspen Group

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

**It has been determined by
Township Staff that the
applicant does not require
variance for the proposed
project.**

**Applicant is requesting to
withdraw the variance
request.**

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 19, 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, Michelle Kreutzberg, and Amy Ruth, Zoning Official. Absent were Jean Ledford and Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Chairman Rassel noted that there were only three board members in attendance at tonight's meeting so a unanimous vote of members present is needed for approval. Petitioners have the option to have their case tabled.

Call to the Public:

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

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.

Mr. Chouinard was present and stated there are drainage problems with this property. All of it goes to the neighbors on either side. They would like to remove the existing home and construct a new one. The existing retaining wall will be replaced and proper drainage will be installed. They will be removing some of the cement from the driveway and what is on top of the retaining wall. They are requesting a variance for lot coverage; however, they will be reducing the amount of existing lot coverage.

Board Member McCreary asked Mr. Chouinard to explain the 8.5 foot side yard setback. Mr. Chouinard showed that setback is where the "bump out" of the home will be on the side yard.

The existing home is five feet from that lot line. She also asked for clarification on the cement that will be removed, which Mr. Chouinard provided.

Board Member McCreary asked if the applicant would reduce the size of the deck. Mr. Chouinard stated it will be in the same location where it is currently. She noted that the front and south sides are being brought further into compliance; however, she would like the lot coverage and rear deck setback variances reduced.

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

The applicant was present and agreed to decrease the size of the deck to meet the required setback and not require that variance. Ms. Ruthig noted this would also decrease the lot coverage variance needed.

Chairman Rassel appreciates the improvements being made to the home.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #19-38 for 935 Sunrise Park for variances for both sides, front, rear, and lot coverage to demolish the existing home and construct a new single family home with a front yard setback variance of 17.3 feet from the required 35 feet for a 17.7 foot front setback, a south side setback variance of 1.5 feet from the required 10 feet for a setback of 1.5, a north side setback variance of 5 feet from the required 10 feet for a setback of 5 feet, a rear house setback variance of 15.2 feet from the required 40 feet for a setback of 24.8 feet, and to eliminate the rear yard deck setback noting that the east-west setback will be 15 feet instead of the 20 feet requested. Since there is no need for a rear deck setback variance, the lot coverage building setback variance will be 10% from the required 35% for a lot coverage building of 45%, and a lot coverage impervious surface variance of 3% from the required 50% for a lot coverage of impervious surface to 53%, based on the following findings of fact:

- The front and the south building setbacks will be less than the current building setbacks, bringing them more into compliance.
- The rear property line will be a slight adjustment extended toward the water line, but only on the southern part of the building.
- The setback from the water's edge is 8.9 feet, while the property to the north is 91 feet and is set behind this northern property and not interfering with the water view.
- The setback from the rear and north portion of the properties are as a result of being more conforming on the south and frontage being more compliant.
- The extraordinary circumstances are the narrowness of the lot and the current position of the house as it sits at an angle along with the nonconforming detached accessory structure being located less than one foot off of the property line at the front.
- The need for the variance is not self-created.
- 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 Genoa Township.

- The proposed variances would not have an impact on the appropriate development continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following conditions:

1. Structure must be guttered with downspouts.
2. No other structures or impervious surfaces are allowed.
3. Concrete shall be removed on the north side of the house and will be reduced in the front to just in front of proposed attached garage and sidewalk as indicated to staff. See attached drawings dated 9/12/19.
4. The existing shed shall be removed.

The motion carried unanimously.

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.

Mr. Stancombe would like to replace his current rotting deck and concrete patio. He is replacing it with a Trex-type deck. Because of the way the door wall is positioned next to the privacy wall, if he were to meet the requirements, he could endanger people walking from the deck into the door wall. He believes the safety and appearance is an extenuating circumstance. Additionally, the proposed deck would be at the same level as the entrance to the door wall. This deck would be similar to more than 30% of the homes on his street, which abutt the shared wall of the condominiums. It will have no negative impact on the neighborhood and will improve it. It will not be seen from the neighbors. He submitted photographs showing decks with similar placement. He also submitted two letters from his neighbors who are in favor of granting this variance.

The call to the public was made at 7:01 pm.

Ms. Lois Mould, who is a Board Member of the Glen Eagles Association, stated the Board reviewed this request in depth and agree with Mr. Stancombe that most of the decks do not have setbacks between them and the privacy wall. Having the decks put up next to the walls alleviates unusable space. They are 100% in agreement with Mr. Stancombe's request.

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

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #19-39, for 4468 Golf View Drive for Bruce Stancombe for a variance to replace a current rotting deck and concrete patio and allow a four-foot variance from the required four foot setback for a setback of 0 feet from the neighboring property, based on the following findings of fact:

- Compliance with the ordinance would not prevent unreasonable use of the property however other homes in the immediate area do not meet the side setbacks and granting

of this variance would provide substantial justice as those properties around it enjoy the same circumstance.

- The extenuating circumstances are the property has a privacy wall that is adjoined to the neighboring property which already gives a buffer to the neighboring property thereby the reconstruction of the new proposed deck will not interfere with the privacy that is anticipated and expected in this condominium complex. The maintenance and improvement of the newly proposed deck will be an improvement and harmonious with the continuance of the surrounding decks in the area. The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

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.

Mr. Andrew Lerch and Mr. Kevin Johnson were present. Mr. Johnson provided a review of their proposed use for this property. He showed a colored floor plan. Mr. Lerch stated this use will be much less intensive than the current use. He noted the exceptional or extraordinary conditions of the property are 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 call to the public was made at 7:10 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #19-40 for the property located at 5311 Brighton Road for Andrew Lerch and Kevin Johnson for a setback variance for an indoor commercial recreational business within 100 feet from a residential zoning, based on the following findings of fact:

- The proposed variance from the required setback of 100 feet is 28 feet, for a proposed setback of 72 feet.
- Strict compliance with the ordinance would prevent the recreation use on the property. The proposed use would be intensive than the previous restaurant use. The adjacent site is part of a larger Planned Unit Development that includes a golf course community. The variance is necessary for the preservation and enjoyment of the property rights others possess in the same zoning district and surrounding areas.
- The extraordinary circumstances are the location of the existing building on the property. In addition, the location of the zoning district is the center of the road. The existing

building is located 143 feet from the closest residential home. The Planning Commission found that the impacts were adequately mitigated, that the use of the facility was in compliance with the surrounding properties, and consistent with the intent of the ordinance and recommended the ZBA approve the 72-foot setback.

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

This approval is based on the following condition:

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

The motion carried unanimously.

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:

Ms. Rebecca Cassell, representing the applicant, and Mr. Wallace were present. The variances being requested are existing and were not self-created. They were created by the contractor and the engineer who performed the survey. She noted that the bins are four feet into the natural features setback, are not the wetlands area; it is into the wetlands buffer. She stated that these are not removable bins. They are made with concrete and there is no risk for the materials that are stored in there to leech into the wetlands. Their application notes that they are willing to install a natural buffer, such as arborvitae, etc. along the remaining area of the wetlands.

Ms. Ruthig stated there were materials behind the bins when she and Ms. VanMarter visited the site in August 2019. Ms. Cassell advised that those items have all been moved. Ms. Ruthig added that this area was mowed and it is required to be kept in its natural state after the bins were installed.

With regard to the building, Ms. Cassell stated the soil was not in the condition as expected and the footings had to be built wider than originally proposed and the contractor laying the brick, put them in the wrong location. This is not for the entire length of the building.

They are asking for clarification. The packet notes that the building is being used; however, that is not correct. They were not aware that they were not able to use the site or the outdoor storage unit the Building C of O is received. Ms. Ruthig confirmed that once the C of O for the building is approved, the site can be used for the business, and not before that time. She added that the applicant was given two citations in 2018 advising that all materials needs to be removed from the property and no business can be conducted on the site until the building C of O is granted.

Ms. Cassell asked for clarification on the permits that will be required by EGLE. Ms. Ruthig explained why they are requiring the permit and that it has to do with the ponds and not the specific wetlands. Mr. Wallace stated that he has not applied for those permits as of today.

Board Member McCreary questioned Mr. Wallace why he continued to use the property after he received the citations. He stated that he did not have any other location to store his materials or vehicles.

Ms. Cassell noted that the materials that are on site now are for the remainder of the construction and she asked if that was allowed to remain. Ms. Ruthig stated that the building permit has expired so no work is able to be done to the building or the site.

Ms. Cassell requested that this item be tabled this evening so that she can gather more information and return to the Board with a complete plan and detailed request.

The call to the public was made at 7:37 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member McCreary, to table Case #19-41 for Wallace and Sons Enterprises, LLC until the December 17, 2019 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

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

Needed changes were noted. Board Member McCreary had a question regarding one of Board Member Ledford's motions. It was decided to table the minutes until she was in attendance to clarify.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to table the October 16, 2019 Zoning Board of Appeals Meeting minutes. **The motion carried unanimously.**

2. Correspondence – Ms. Ruthig provided the Board Members with a correspondence from the township attorney regarding the variance for Venture Designs.
3. Township Board Representative Report - Board Member Ledford was not present this evening.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the November 12, 2019 Planning Commission meeting.

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5. Zoning Official Report – Ms. Ruthig provided the Board with the ZBA meeting dates for 2020.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:48 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary