

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
NOVEMBER 17, 2020  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

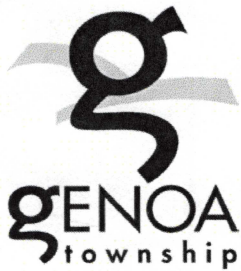
Approval of Agenda: with the withdraw of Case # 20-25 A request by Metro Detroit Signs, 7799 Conference Center Drive, for a variance to allow a third wall sign on an existing business.

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

1. 20-22... A request by Catherine Richmond and Frederick Ort, 2742 Scottwood Place, for a retaining wall height variance to allow existing retaining walls in the rear yard. (Request for table)
2. 20-23 ... A request by Steffan Ramage, 3771 Dorr Road, for a side yard setback variance and a wetland setback variance to allow for an addition to an existing home.
3. 20-24 ... A request by Brian and Lynn Shelters, 3829 Highcrest, for front, side, rear and waterfront yard setback variances to construct a new single family home.
4. 20-25 ... A request by Metro Detroit Signs, 7799 Conference Center Drive, for a variance to allow a third wall sign on an existing business. (Request for withdraw from agenda)
5. 20-26 ... A request by Chester and Debra Towles, 3210 Pineview Trail, for a side yard variance in order to construct a detached accessory building.

Administrative Business:

1. Approval of minutes for the October 20, 2020 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment



**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116

(810) 227-5225 | FAX (810) 227-3420

Case # 20-23

Meeting Date: November 17, 2020  
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Steffan Ramage Email: sramage@gosvt.com

Property Address: 3771 Dorr Road Brighton 48116 Phone: 248.860.8312

Present Zoning: CE Tax Code: 4711-23-300-010

**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: Seeking relief from sideline setback for addition to front of home for garage at current 28' sideline setback. Looking for wetland setback relief of 25' to 20' for addition of 12' to the rear of the house.

Please see attached drawings

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

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

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

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

The land restrictions do not allow for additional width as it would have a greater impact on the setbacks. The additions to the front and rear of the house are the least impactful. The land does not allow for additions in any other directions to increase size and maintain a ranch layout.

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 house is currently a ranch and we intended to keep a walkout ranch. The addition increases the current 1394sqft to 1952sqft  
The current house size is below the requirements of CE and is well under the size of similar homes in the area on 5ac.  
The house on the adjacent 5ac is 2800sqft and therefore valued over \$100,000 higher

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 additions will not have any impact to the public- the north side is undevelopable due to wetlands and the south side is maintaining a 28' setback to the neighbors. The neighbors house is greater than 52' from the lot line. There will not be any decreases in setbacks.

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.

There will not be an impact to the surrounding neighborhood as the width of the house will not change. The added sq ft will most likely increase the value of the surrounding homes as this house(3771 Dorr) is \$60K-\$100K less than other houses on dorr road due to size.

**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: 10-19-2020 Signature: 



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

Case # 20-23 Meeting Date: 11-17-20

PAID Variance Application Fee

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

Applicant/Owner: Steffan Ramage Email: sramage@gosvt.com

Property Address: 3771 Dorr Road Brighton 48116 Phone: 248.860.8312

Present Zoning: CE Tax Code: 4711-23-300-010

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

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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:** Seeking relief from sideline setback for addition to the rear of the house of 12'. Adding the 12' to the rear of the house will casue the house to end up 20' from the wetland vs the current 22' due to the natural curve of the wetland.

The following is per Article 13.02.05 of the Genoa Township Ordinance:

**Criteria Applicable to Wetland Setback 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.**

**13.02.05 Variances from the Wetland Setback Requirements**

The setback is not necessary to preserve the wetland's ecological and aesthetic value;

There will be no impact to vegetation of the wetland as the elevation change over the 20' still slopes to the wetland and is a maintained yard with a very clear line of the cattails with other vegetation (trees, shrubs) more then the 25' from the house.

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The natural drainage pattern to the wetland will not be significantly affected;

The drainage pattern runs from the east to the west, while the slop from the house to the wetlands runs south to north, away from the house. The area of the addition currently slops to the wetland and the additon will not change the amount of rainwater going to the wetlands.

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The variance will not increase the potential for erosion, either during or after construction;

A silt fence has already been installed to prevent any erosion that may be caused from the construction but the area already has vegetation and it would be the intention to maintain the vegetation boarder during construction. The area closest to the wetlands is already a walkout so the excavation will be minimal and all removed soil will be placed further south away from the wetlands.

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No feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed;

The current north side of the house is currently between 28' and 22' from the wetland. The intention is to countinue the north wall 12' east and getting 2' closer is the minimum necessary to allow. There would be significant cost increase to the design and construction to move the addition 5' to the south

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MDEQ permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

I have confirmed with Amy Berry Wetland Protection Program Policy Coordinator with EGLE that no permit is required as the setback requirement is only a local ordinance. I have installed a 3' silt fence to contain any runoff and will keep the current grass to control erosion during the build.

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**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: \_\_\_\_\_

3771 Parc

5.01 Ac.

Current

← 166.62' →

N ↖

Key



Addition



Replace current to add basement  
Scale

110'-1

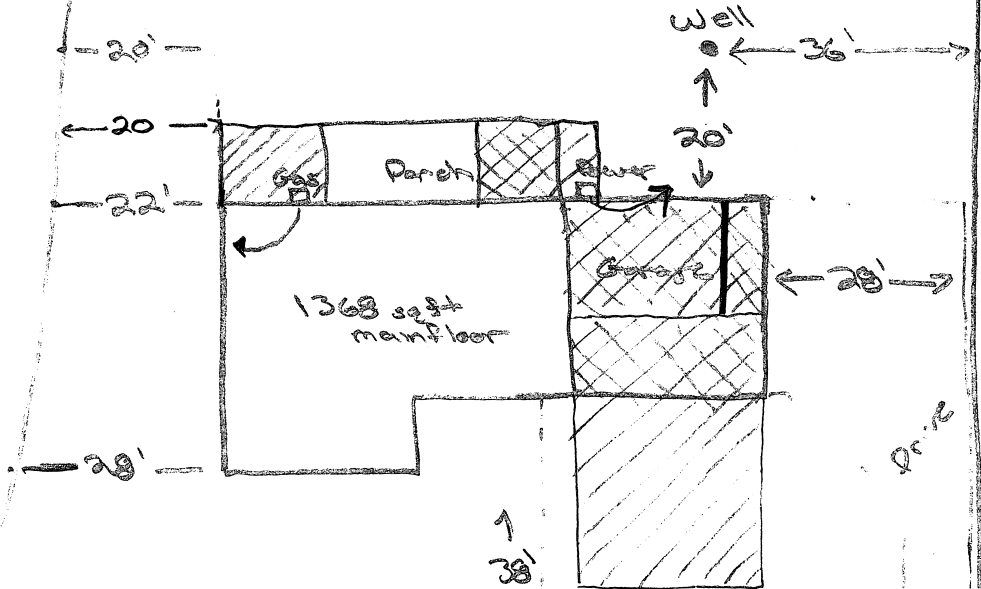
22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



Wetlands

Pole

← 1275.53 →



- Current
- 3 Bedroom
  - 1.5 Bath
  - 2 garage
  - 1368 sq ft walkout ranch

- New
- 3 Bedroom
  - 3 Bath
  - 3 garage
  - 1952 sq ft walkout ranch

3771 Dorr

5.01 Ac

Current

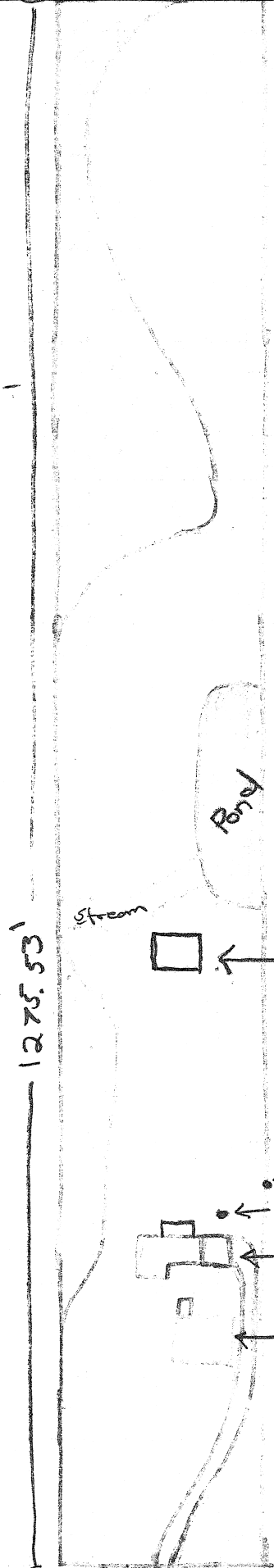
22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



□ walled  
■ pool

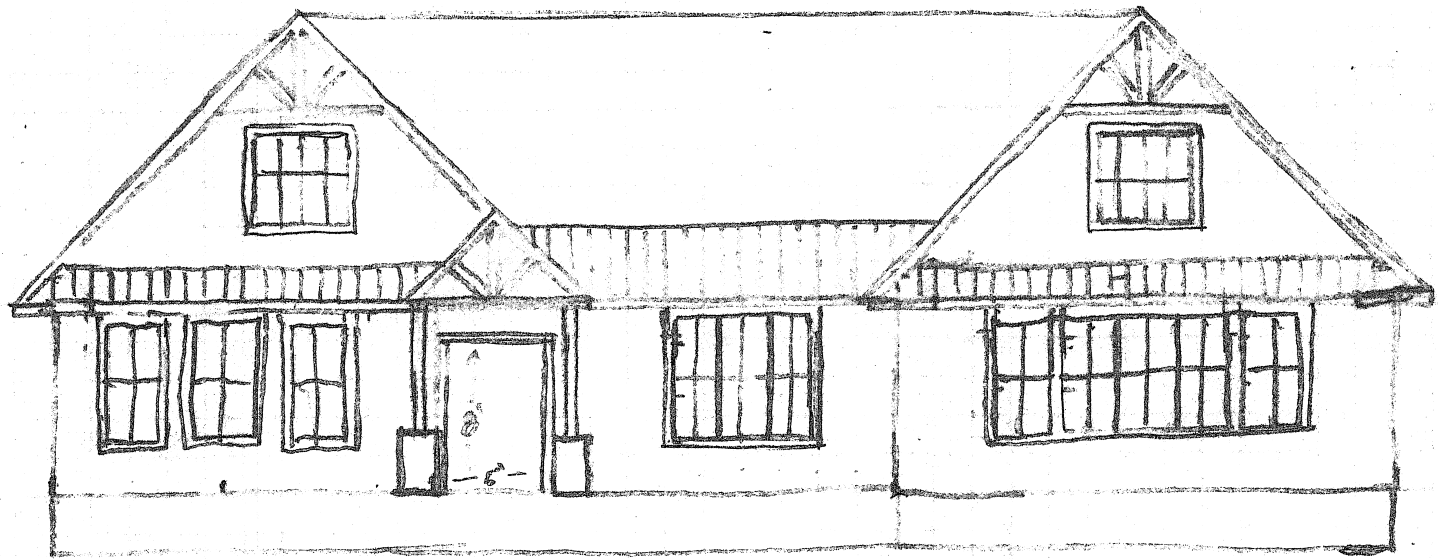
Scale

1  
25'



House vs current  
1368 sq ft walled

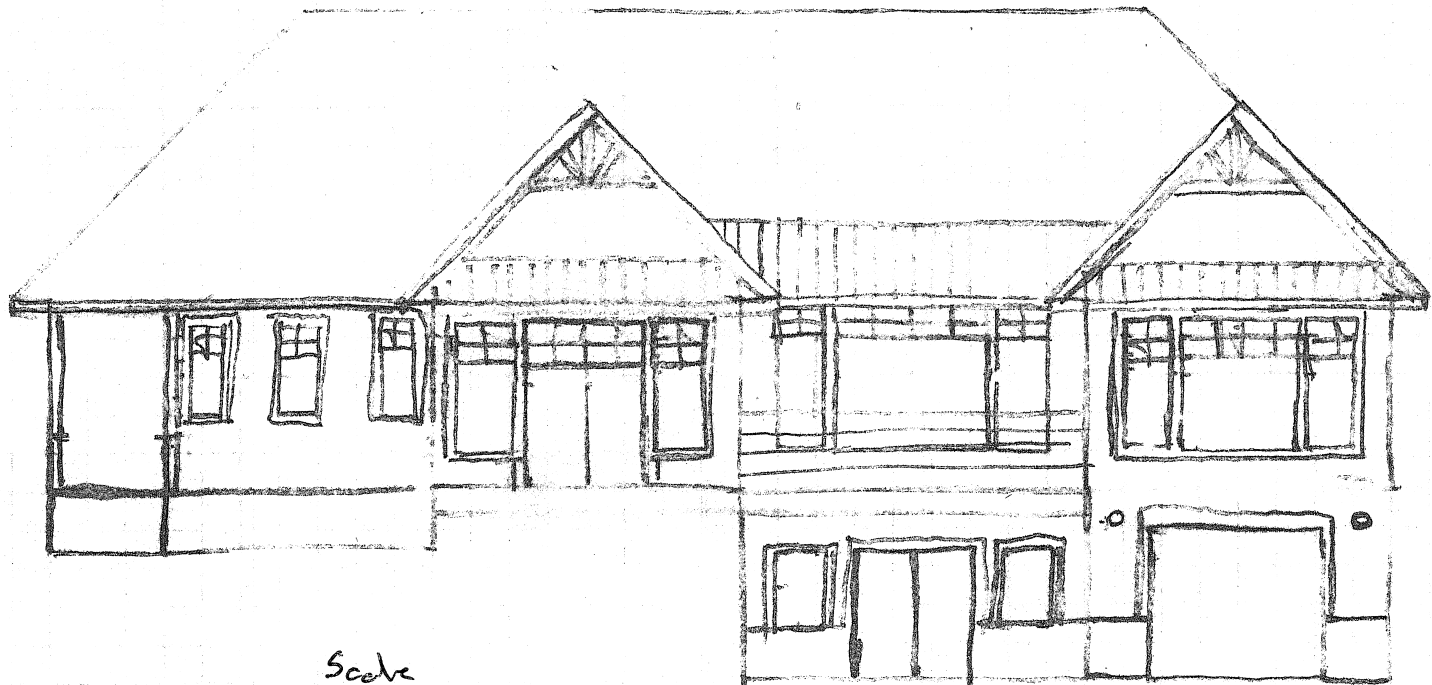
166.62'



28'

Scale  
1-1/4"



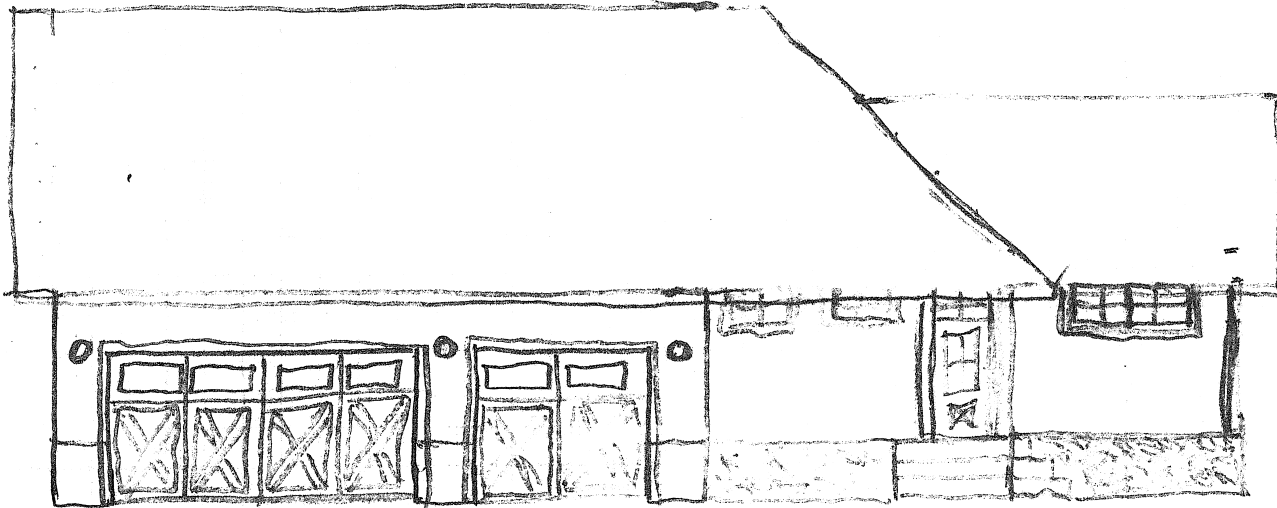


Scale

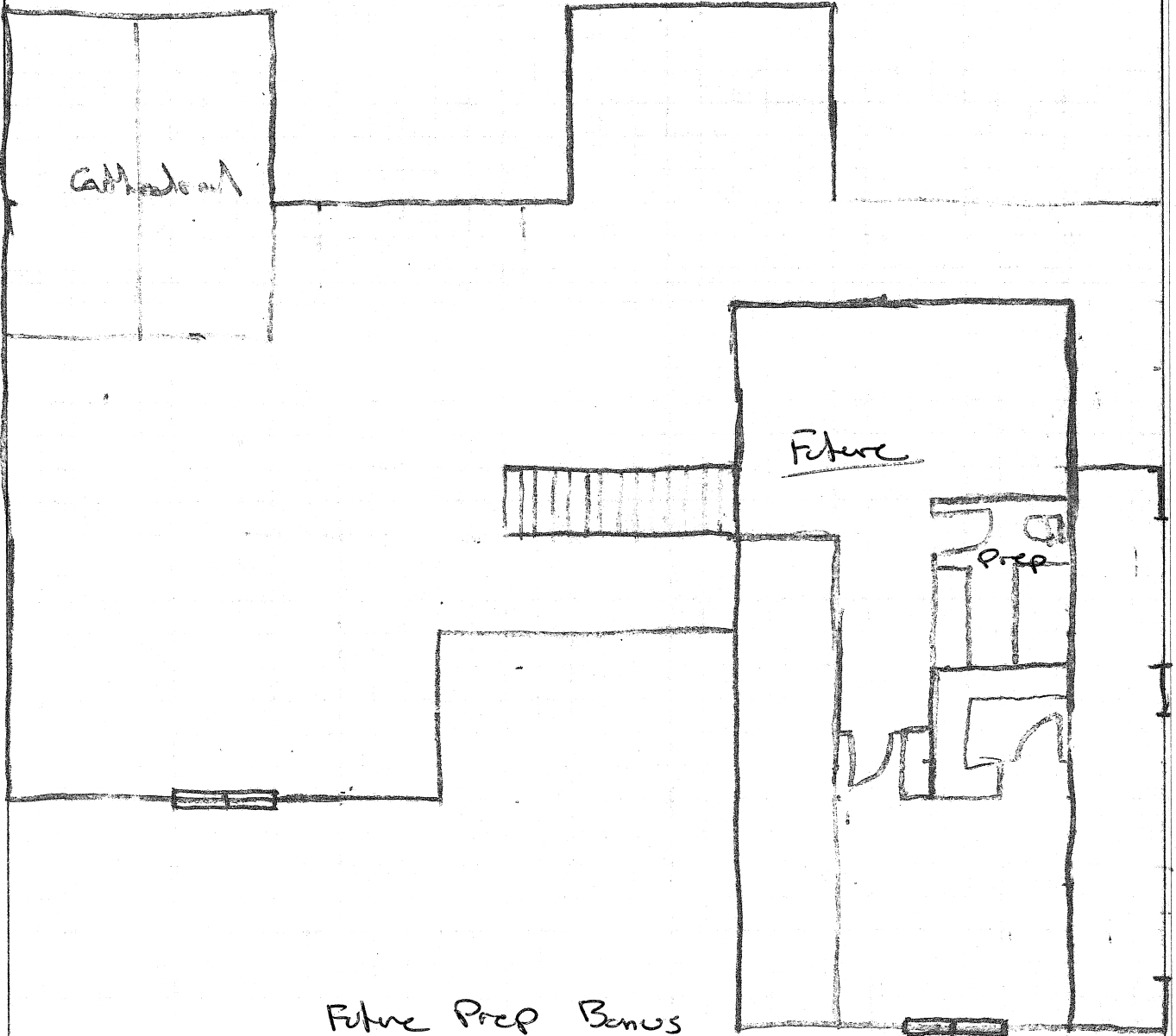
1/2"

Sealz

121



22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



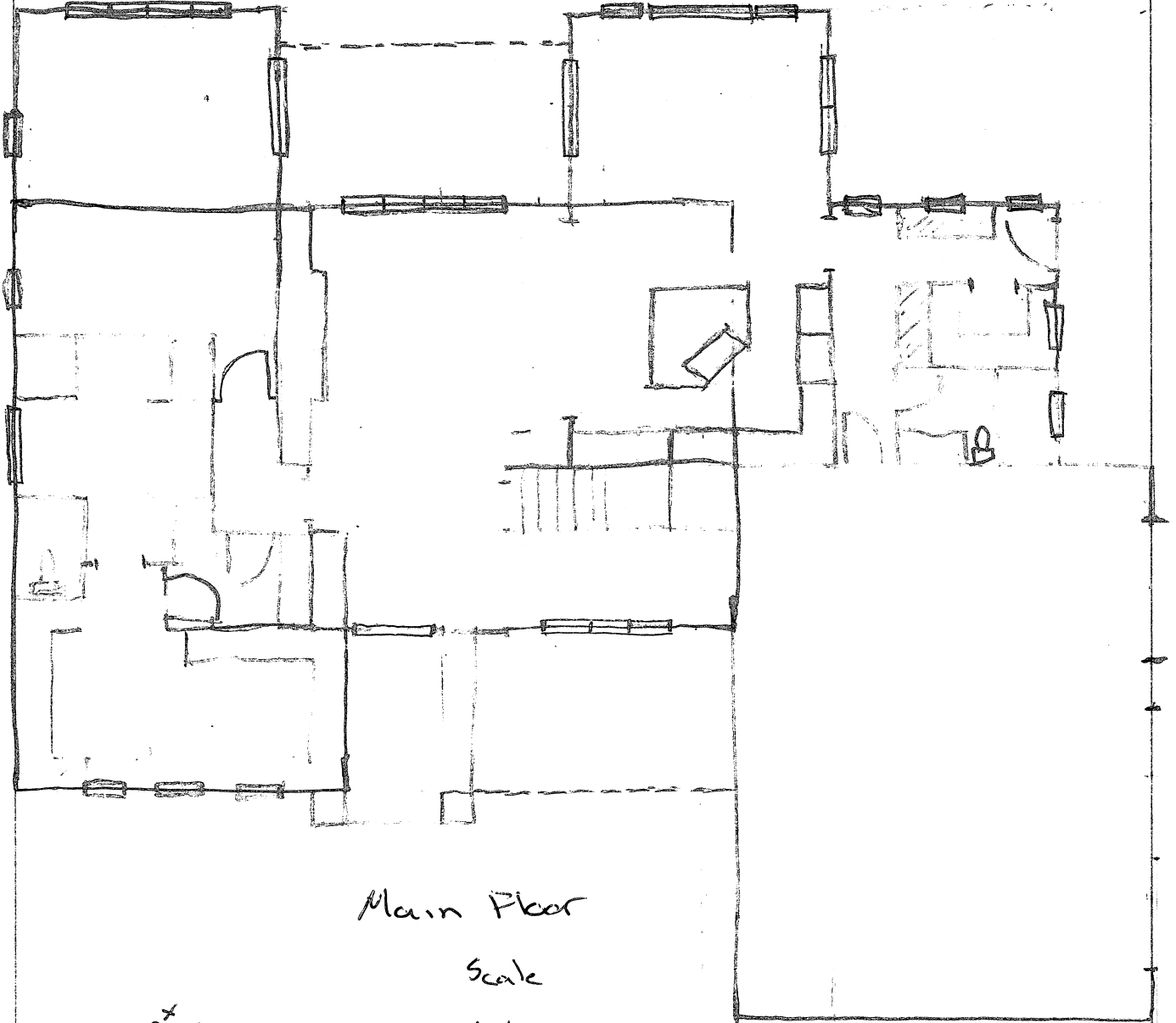
Future Prep Bonus

Scale

1/2"

694 x  
616  
1260

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



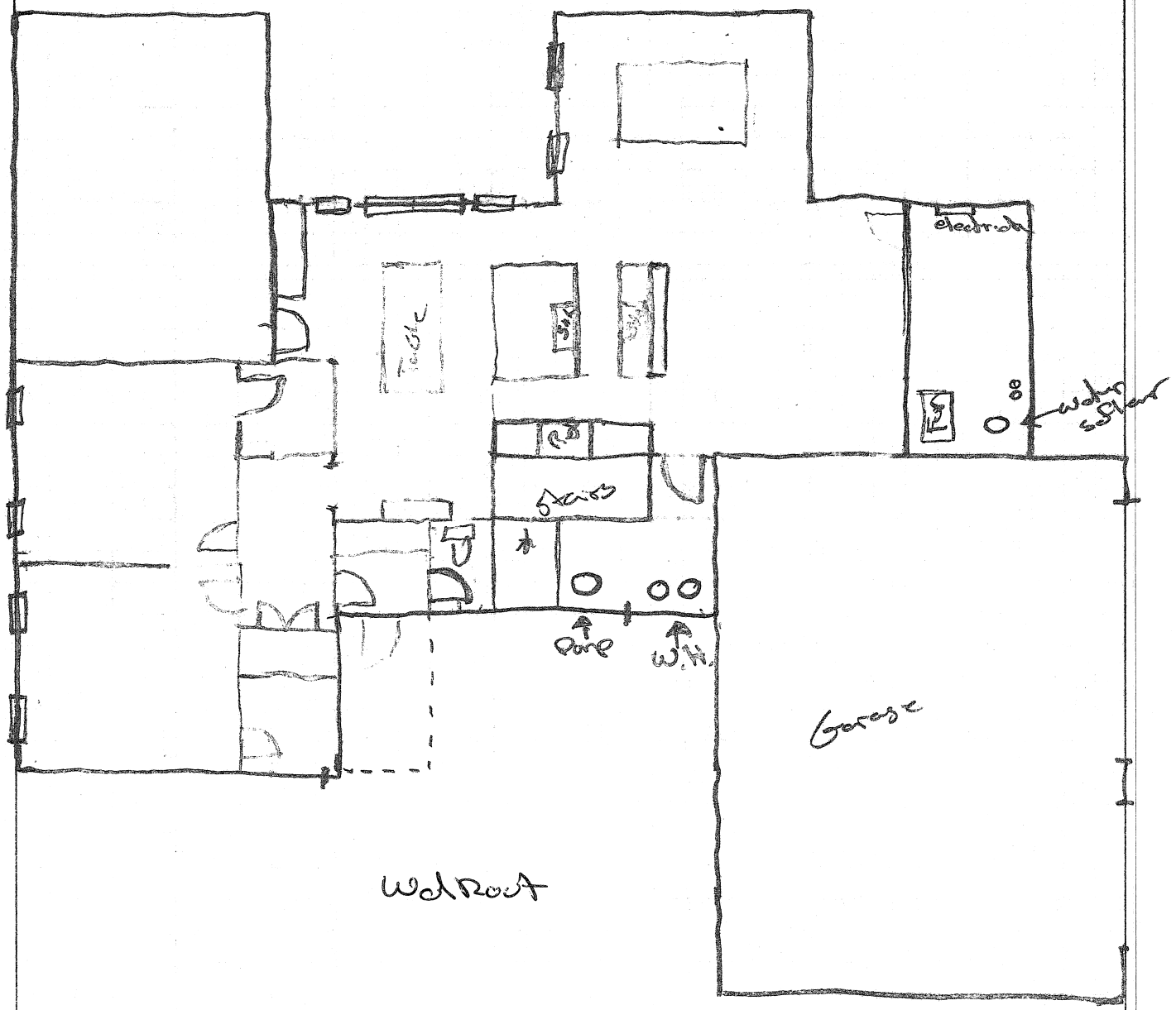
Main Floor

Scale

1/2"

720x  
192x  
624  
192x  
234  
1952

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



Wd. Pout

Scale

1/2"

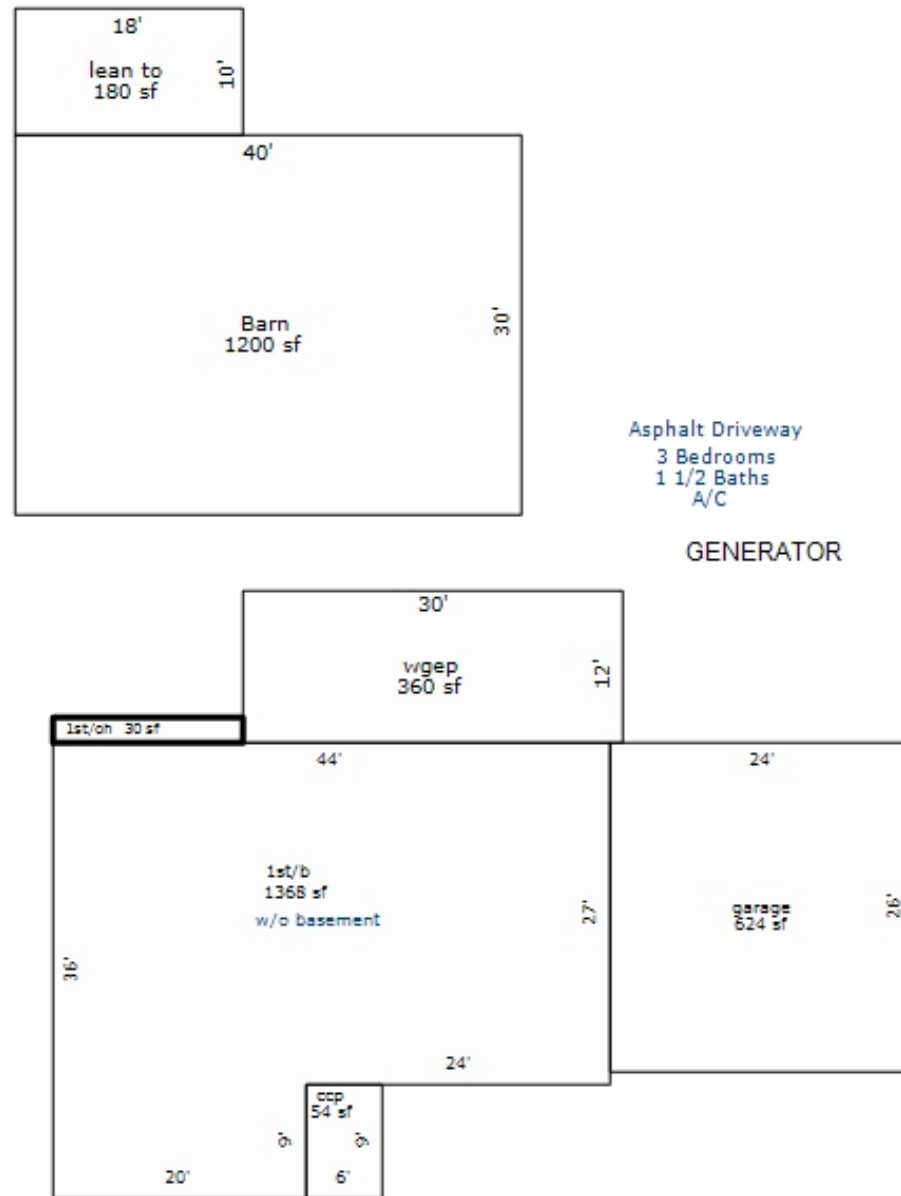
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
LANGE, DENNIS	RAMAGE STEFFAN	250,000	09/02/2016	WD	ARMS-LENGTH	2016R-027182	BUYER	100.0			
LANGE, DENNIS		0	10/06/1998	QC	QUIT CLAIM	24420988	BUYER	0.0			
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: CE	Building Permit(s)		Date	Number	Status		
3771 DORR RD		School: BRIGHTON AREA SCHOOLS									
Owner's Name/Address		P.R.E. 100% 10/07/2016									
RAMAGE STEFFAN 3771 DORR RD BRIGHTON MI 48116		MAP #: V20-23		2021 Est TCV Tentative							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4501.BRIGHTON M & B						
SEC 23 T2N R5E BEG AT A PT ON THE C.L. OF DORR RD, N 0*18'15"W 1168.62 FT FROM SW COR, TH N 0*18'15"W 166.62 FT, TH S 89*58' 30"E 1308.53 FT, TH S 0*26'E 166.62 FT, TH N 89*58'30"W 1308. 91 FT TO POB, 5AC M/L		X	Public Improvements		* Factors *						
Comments/Influences		Dirt Road		Description		Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		TABLE A		5.00	Acres	17,000	100		85,000
		Paved Road				5.00 Total Acres		Total Est. Land Value =		85,000	
		Storm Sewer		Land Improvement Cost Estimates							
		Sidewalk		Description		Rate	Size	% Good	Cash Value		
		Water		Unit in Place Item(s)							
		Sewer		Description		Rate	Size	% Good	Cash Value		
		Electric		GENERATORS		4,250.00	1	50	2,125		
		Gas		Total Estimated Land Improvements		True Cash Value =		2,125			
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		REFUSE									
		X	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who	When	What	2021	Tentative	Tentative	Tentative	Tentative		
		LLG 05/11/2020	REVIEWED R		2020	42,500	83,800	126,300	126,300S		
		CG 07/12/2016	REVIEWED R		2019	45,000	79,100	124,100	124,100S		
					2018	45,000	78,900	123,900	123,900S		



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 54 360	Type CCP (1 Story) WGEP (1 Story)	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 624 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: C Effec. Age: 32 Floor Area: 1,398 Total Base New : 238,981 Total Depr Cost: 162,508 Estimated T.C.V: 157,633		E.C.F. X 0.970	Bsmnt Garage: Carport Area: Roof:		
Building Style: C		Trim & Decoration		X			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C Blt 1973					
Yr Built 1973	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1368 SF Floor Area = 1398 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=68/100/100/100/68								
Condition: Good		Lg	X	Ord		Small	(7) Excavation			Building Areas								
Room List		Doors:		Solid	X	H.C.	(13) Plumbing			Stories Exterior Foundation Size Cost New Depr. Cost								
Basement 1st Floor 2nd Floor 3 Bedrooms		Kitchen: Other: Other:	(6) Ceilings			(14) Water/Sewer			Other Additions/Adjustments									
(1) Exterior		Basement: 1368 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0	No./Qual. of Fixtures			Public Water Public Sewer			Basement, Outside Entrance, Below Grade									
Wood/Shingle Aluminum/Vinyl Brick		1 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan	Ex. X Ord. Min			1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Plumbing									
X Brick/Siding Insulation		1 Walkout Doors No Floor SF	Many X Ave. Few			Lump Sum Items:			2 Fixture Bath Water/Sewer									
(2) Windows		Recreation SF Living SF 1 Walkout Doors No Floor SF	(8) Basement			Notes:			1000 Gal Septic Water Well, 200 Feet									
Many Avg. Few	X	Large Avg. Small	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			ECF (4501 (47010) BRIGHTON M & B) 0.970 => TCV:			1000 Gal Septic Water Well, 200 Feet									
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens			(9) Basement Finish			Totals:			1000 Gal Septic Water Well, 200 Feet									
(3) Roof			Recreation SF Living SF 1 Walkout Doors No Floor SF			Base Cost Common Wall: 1 Wall			1000 Gal Septic Water Well, 200 Feet									
X Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support			Fireplaces			1000 Gal Septic Water Well, 200 Feet									
X Asphalt Shingle			Joists: Unsupported Len: Cntr.Sup:			Exterior 1 Story			1000 Gal Septic Water Well, 200 Feet									
Chimney: Brick						Totals:			1000 Gal Septic Water Well, 200 Feet									

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



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Building Type	Farm Utility Buildings				
Year Built					
Class/Construction	D,Pole				
Quality/Exterior	Average				
# of Walls, Perimeter	4 Wall, 140				
Height	10				
Heating System	No Heating/Cooling				
Length/Width/Area	40 x 30 = 1200				
Cost New	\$ 15,708				
Phy./Func./Econ. %Good	59/100/100 59.0				
Depreciated Cost	\$ 9,268				
+ Unit-In-Place Items	\$ 0				
Description, Size X Rate X %Good = Cost  Itemized ->  Unit-In-Place ->  Items ->					
E.C.F.	X 1.021				
% Good	59				
Est. True Cash Value	\$ 9,462				
Comments:					
Total Estimated True Cash Value of Agricultural Improvements / This Card: 9462 / All Cards: 9462					



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

Case # 20-24 Meeting Date: November 17, 2020  
@ 6:30 pm

PAID Variance Application Fee

\$215.00 for Residential

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

BRIAN & LYNN

Applicant/Owner: SHELTERS Email: shelters4493@sbcglobal.net  
 Property Address: 3829 HIGHCREST Phone: (734) 260-0543  
 Present Zoning: LRR Tax Code: 4711-22-302-012

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

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**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: Revised front and waterfront setbacks since application was made. Please see staff report.

FRONTYARD OF 16'-6" 35' MANDATE, 18'-6" PROPOSED  
REARYARD OF 5'-1 1/2" 49'-2 1/2" MANDATE, 44'-1" PROPOSED  
SIDEYARD OF 12" 5' MANDATE, 4' PROPOSED FOR  
CANTILEVERED FIREPLACE CHASE

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.

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

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

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

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

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

Date: 10-21-20 Signature: Gym M. Shelton

## 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.

This phrase summarizes our condition exactly, "necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties". Our site is in the middle of a string of seven properties, all with very similar size and shape. We are requesting a similar consideration afforded to all of them.

A simple average of the neighboring frontyard setbacks is 18'-6". Our request is three feet further from the road than this average, 21'-6".

Our rear yard condition is more complex due to the position of the neighboring homes, our request is intended to strike a common sense balance between the two. Our northern neighbor is closer to the water than any of the others, our southern neighbor is significantly further from the lake than others. The condition is further complicated by the diagonal nature of the lakeshore. Following the setback formula in the zoning ordinance, the rear corner of our porch would be 20' behind the rear corner of our northern neighbor, and the corner of our house would be 28'-6" behind theirs.

We are seeking relief from the standard formula due to the unusual position of our neighbor's homes. We think this exception is a reasonable way to deal with the existing conditions. The variance would position our house in rough alignment between the two neighbors, each home staggered along the diagonal lakeshore. Our resulting view is not great as the corner of our house is still more than 18' behind, but the impact for us and our southern neighbor is roughly equal and tolerable given the conditions. Our northern neighbor is not impacted at all, their view is perfectly preserved. In a nutshell, we are simply seeking to avoid being harmed by an ordinance intended to equalize lakefront enjoyment for all.

## 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 properties in the vicinity, The need for the variance was not self-created by the applicant.

Again, this phrase summarizes our condition exactly, "the variance would make the property consistent with the majority of properties in the vicinity". Our request carefully considers the condition of neighboring properties, and creates a roughly equal and consistent circumstance from one property to the next. Our lot holds a cottage built many decades ago, the need for a variance was certainly not self-created.

#### Public Safety and Welfare

The granting of the variance will not impair and 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 site will be used for a private residence, not a threat to any of the conditions listed above. In fact, the existing cottage exists in a position outside the setbacks and that condition will be rectified in the construction of the new house, easing fire vehicle access.

#### 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 site will be used for a private residence, promoting the further development of the neighborhood. Our request is completely reactionary to conditions of neighboring lots. We are not asking for unreasonable or extraordinary conditions, just a reflection of our neighbor's circumstances.



## REVISED MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 10, 2020

**RE:** ZBA 20-24

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

---

### STAFF REPORT

**File Number:** ZBA#20-24  
**Site Address:** 3829 Highcrest Drive, Brighton  
**Parcel Number:** 4711-22-302-012  
**Parcel Size:** .130 Acres  
**Applicant:** Brian and Lynn Shelters, 250 N. Mill Street, PO Box 155, Pinckney  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variances  
**Project Description:** Applicant is requesting a side, front, rear and waterfront yard setback variances to demolish and construct a new single family home.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday November 1, 2020 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

### Background

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

- Per assessing records the existing home was constructed in 1945.
- The parcel is serviced by a well and public sewer.
- See Assessing Record Card.

### **SUPERVISOR**

Bill Rogers

### **CLERK**

Paulette A. Skolarus

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

### **MANAGER**

Michael C. Archinal

The proposed project is to demolish the existing home and construct a new single family home. In order to construct the new home as proposed, the applicant is required to obtain a side, front and waterfront yard setback variances. The proposed single family home will be located further from the rear yard setback line and the waterfront setback line than the existing home. The applicant is also proposing to construct home to bring the side yard setbacks more into compliance than the existing side yard setbacks.

**Variance Requests**

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

**Table 3.04.01 (LRR District):**

<b>Table 3.04.01 LRR District</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Waterfront Yard Setback</b>	<b>Rear Yard Setback</b>
Requirement	35'	5'	49' 2.5"	40'
Request	21'6"	4'	39' 2.5"	39' 2.5"
Variance Amount	13'6"	1'	10'	9.5"

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front, rear, side and waterfront yard setbacks would prevent the applicant from constructing the proposed new single family home. There are other homes in the vicinity with reduced front and side yard setbacks and the fact that the waterfront setback is proposed to be located further from the water’s edge than the existing home it would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot. The need for the front, waterfront, rear and side yard setback variances is not self-created and seems to be the least amount necessary.
- (c) Public Safety and Welfare** – The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Recommended Conditions**

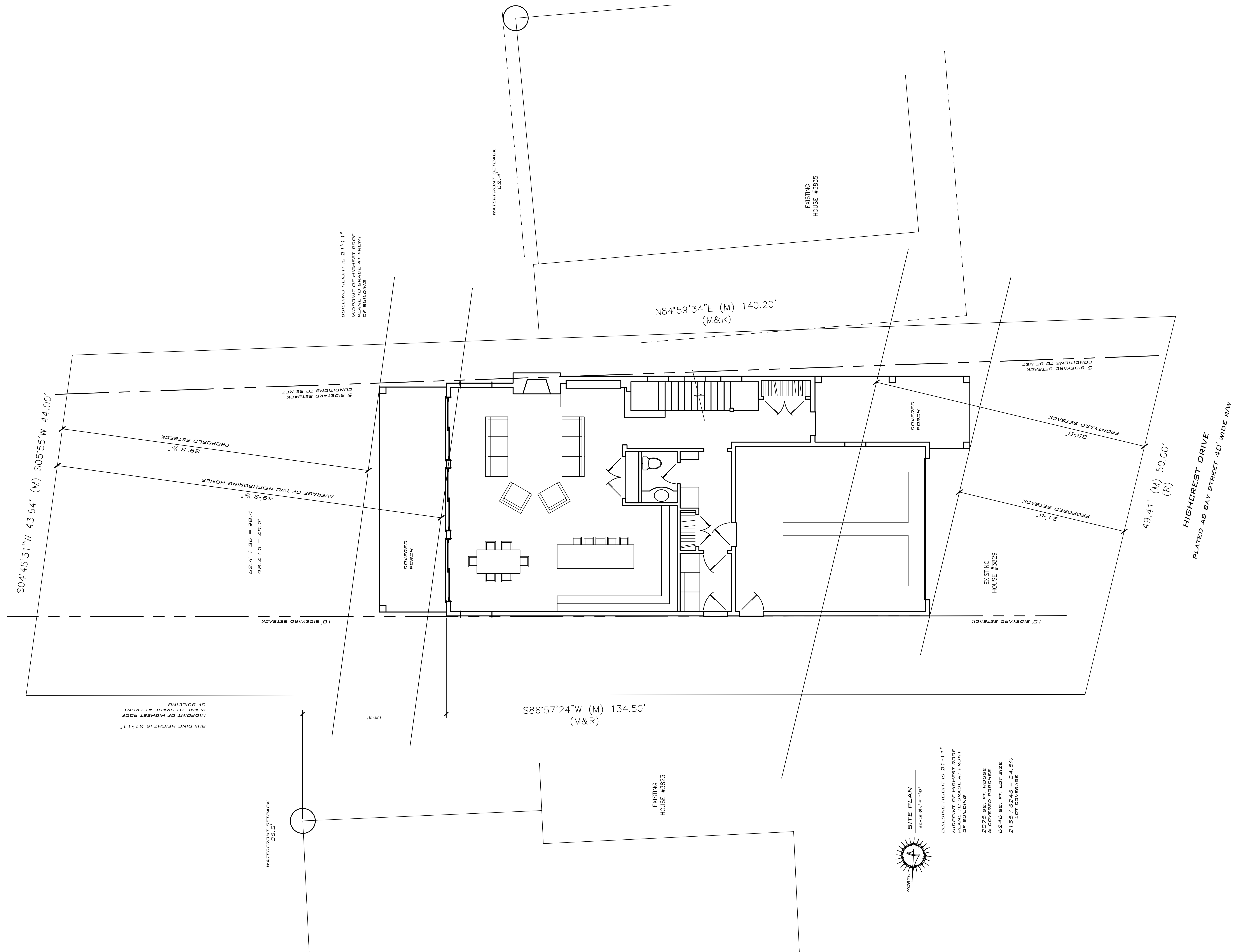
If the Zoning Board of Appeals grants the variance requests staff recommends the following conditions be placed on the approval.

1. Structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Dept. in regards to the sewer disconnect and if relocating the grinder, must receive MHOG Utility Dept. approval for new location prior to land use permit issuance.



# GENOA TOWNSHIP





S04°45'31"W 43.64' (M) S05°55'W 44.00'

BUILDING HEIGHT IS 21'-1 1/2"  
MIDPOINT OF HIGHEST ROOF  
PLANE TO GRADE AT FRONT  
OF BUILDING

PROPOSED SETBACK  
39'-2 1/2"

AVERAGE OF TWO NEIGHBORING HOMES  
49'-2 1/2"

62.4' + 36' = 98.4'  
98.4' / 2 = 49.2'

WATERFRONT SETBACK  
36.0'

BUILDING HEIGHT IS 21'-1 1/2"  
MIDPOINT OF HIGHEST ROOF  
PLANE TO GRADE AT FRONT  
OF BUILDING

5' SIDEYARD SETBACK  
CONDITIONS TO BE MET

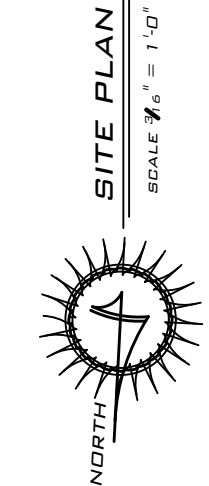
WATERFRONT SETBACK  
62.4'

S86°57'24"W (M) 134.50'  
(M&R)

EXISTING  
HOUSE #3823

N84°59'34"E (M) 140.20'  
(M&R)

EXISTING  
HOUSE #3835



SITE PLAN  
SCALE 1/4" = 1'-0"

BUILDING HEIGHT IS 21'-1 1/2"  
MIDPOINT OF HIGHEST ROOF  
PLANE TO GRADE AT FRONT  
OF BUILDING

9076 SQ. FT. HOUSE  
& COVERED PORCHES  
6246 SQ. FT. LOT SIZE  
2155 / 6246 = 34.5%  
LOT COVERAGE

5' SIDEYARD SETBACK  
CONDITIONS TO BE MET

10' SIDEYARD SETBACK

COVERED PORCH

EXISTING  
HOUSE #3829

PROPOSED SETBACK  
21'-6"

FRONTYARD SETBACK  
35'-0"

49.41' (M) 50.00' (R)

HIGHCREST DRIVE  
PLATED AS BAY STREET 40' WIDE R/W

SHELTERS  
RESIDENCE



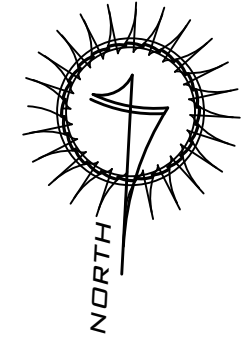
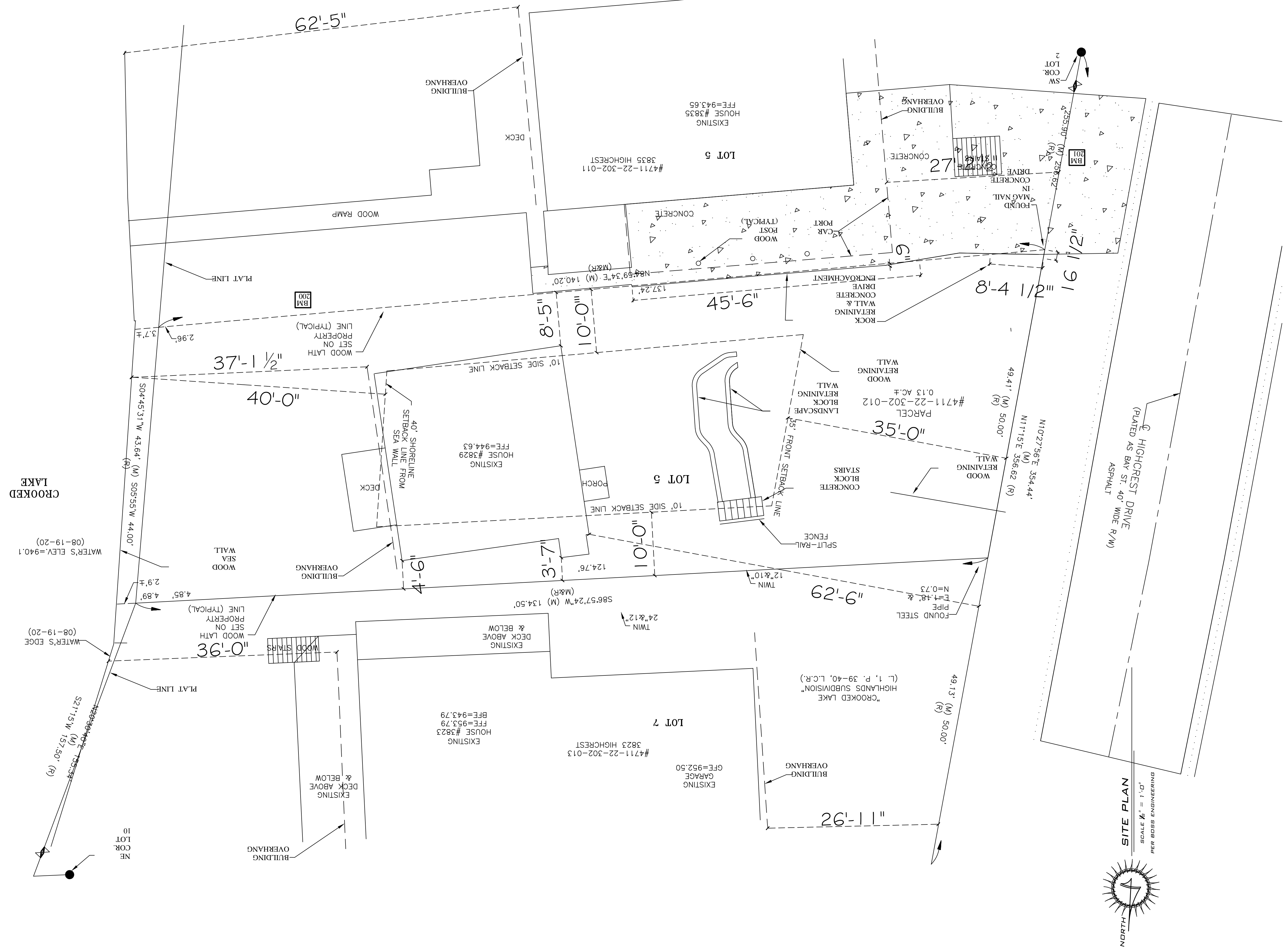
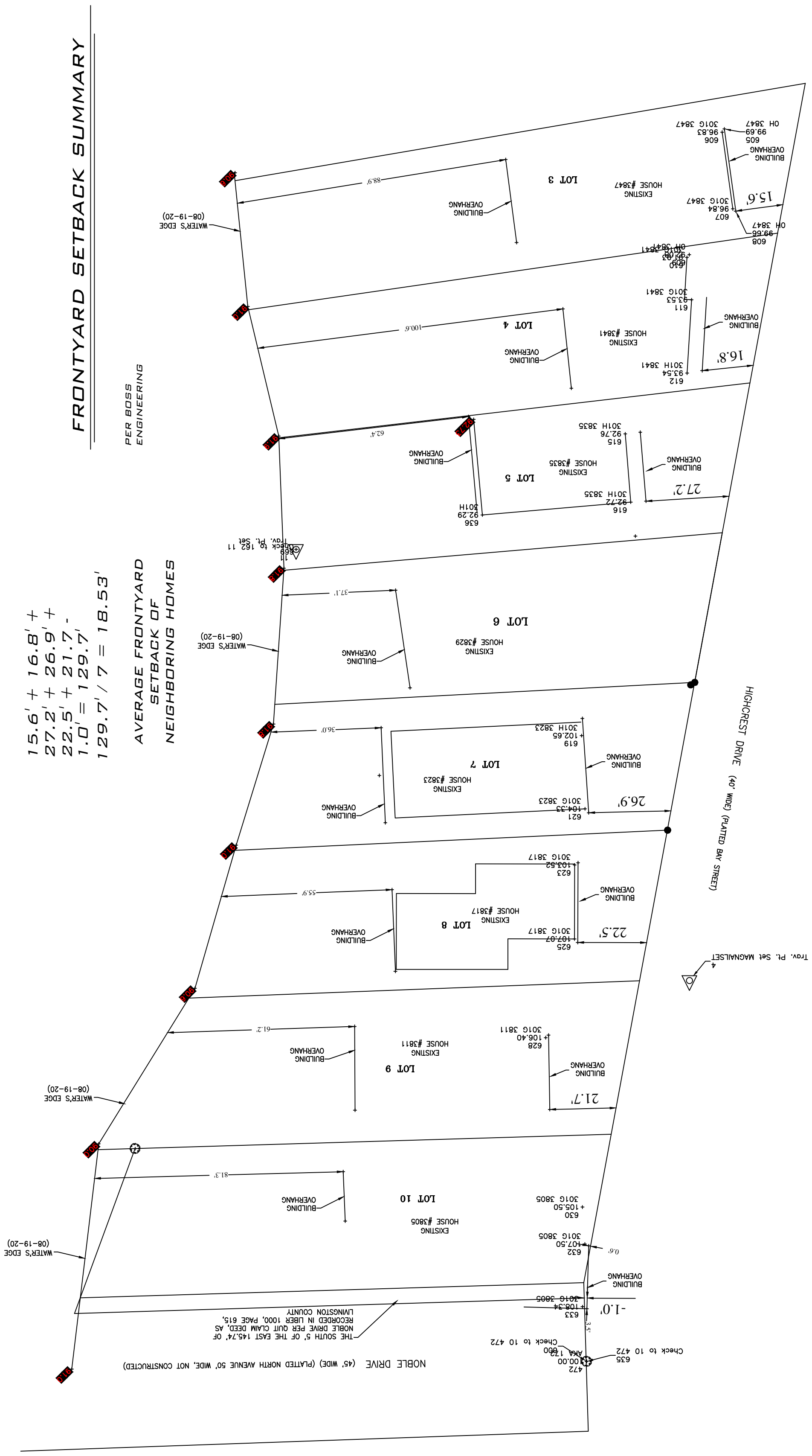
DENNIS DINSER  
7091 Augustine Court  
Fenton, MI 48430  
517-540-9960  
www.arcadiandesign.net

DRAWN	DD
CHECKED	
DATE	11-10-20
SHEET NUMBER	
1 of 1	
PROJECT NUMBER	200000

**FRONTIARY SETBACK SUMMARY**

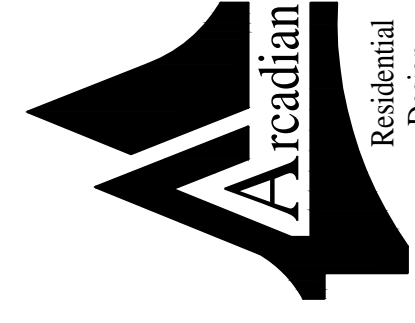
15.6' + 16.8' +  
27.2' + 26.9' +  
22.5' + 21.7' +  
1.0' = 129.7'

AVERAGE FRONTIARY  
SETBACK OF  
NEIGHBORING HOMES



**SITE PLAN**  
SCALE: 1/8" = 1'-0"  
PER BOBBS ENGINEERING

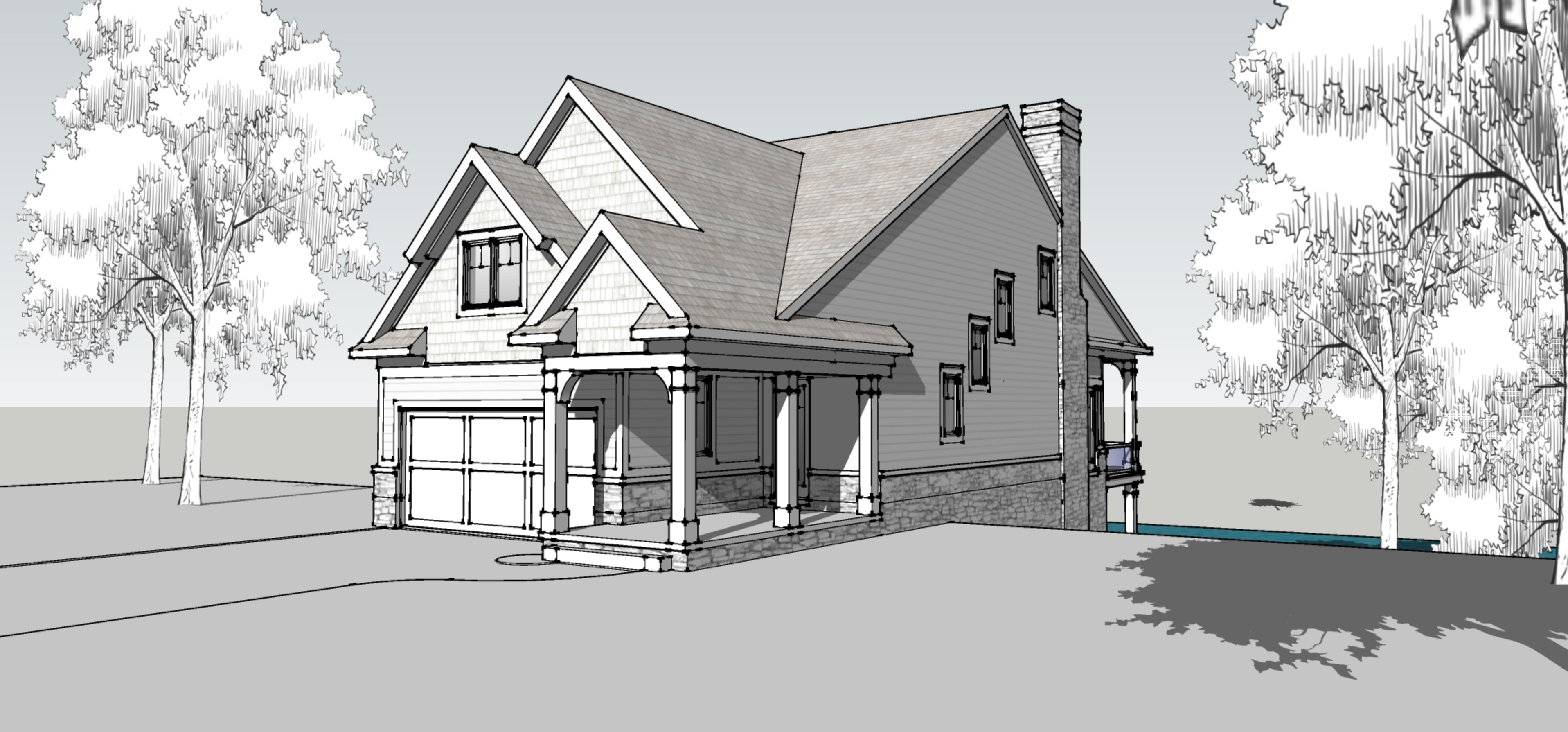
SHELTERS  
RESIDENCE

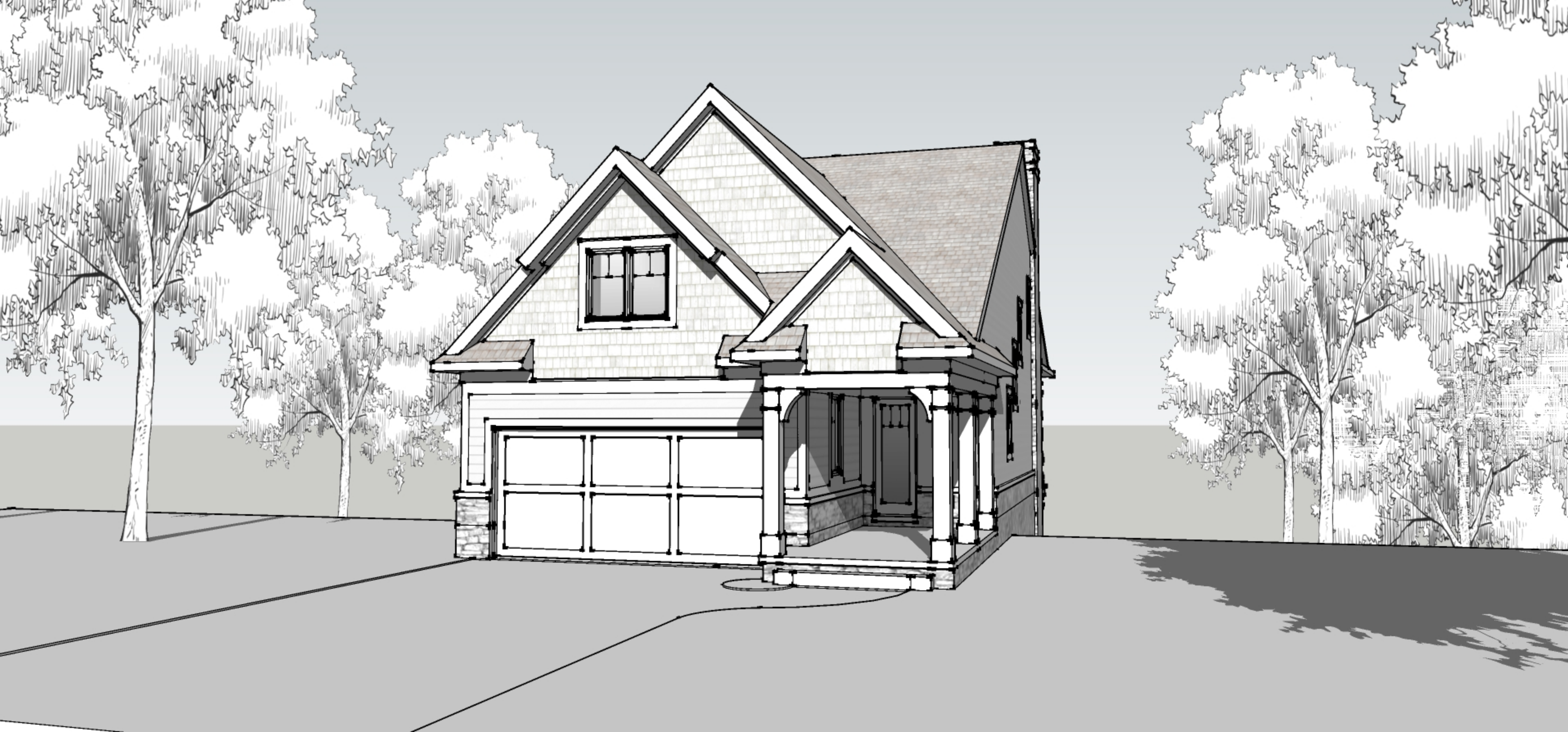


DENNIS DINSER  
7091 Augustine Court  
Farmington, MI 48330  
517-540-9960  
www.arcadiandesign.net

DRAWN	DD
CHECKED	DD
DATE	
SHEET NUMBER	2 of 2
PROJECT NUMBER	20000















**From:** [Jon House](#)  
**To:** [Amy Ruthig](#)  
**Subject:** ZBA - Meeting 11.17.20  
**Date:** Friday, November 13, 2020 10:32:15 AM

---

Hello,

I am in support of the variance requests made by Brian and Lynn Shelters for their property located at 3829 Highcrest.

Jon House  
3841 Highcrest Dr  
734.679.5066

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
SHELTERS, BRIAN/LYNN		50,000	08/28/1992	WD	INVALID SALE	2066-0137	BUYER	0.0		
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR	Building Permit(s)	Date	Number	Status		
3829 HIGHCREST		School: BRIGHTON AREA SCHOOLS								
Owner's Name/Address		P.R.E. 0%								
SHELTERS, BRIAN/LYNN 250 N. MILL P O BOX 155 PINCKNEY MI 48169		MAP #: V20-24								
Tax Description		2021 Est TCV Tentative								
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 6		X	Improved	Vacant	Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT					
Comments/Influences		Public Improvements		* Factors *						
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		A LAKE FRONT	45.00	126.00	1.0000	1.0000	4300 100	193,500
		Paved Road		45 Actual Front Feet, 0.13 Total Acres Total Est. Land Value =						193,500
		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								
		REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		X		2021	Tentative	Tentative	Tentative			Tentative
		CG	07/28/2016 REVIEWED R	2020	90,000	30,000	120,000			53,660C
				2019	85,500	29,100	114,600			52,660C
				2018	67,500	28,100	95,600			51,426C

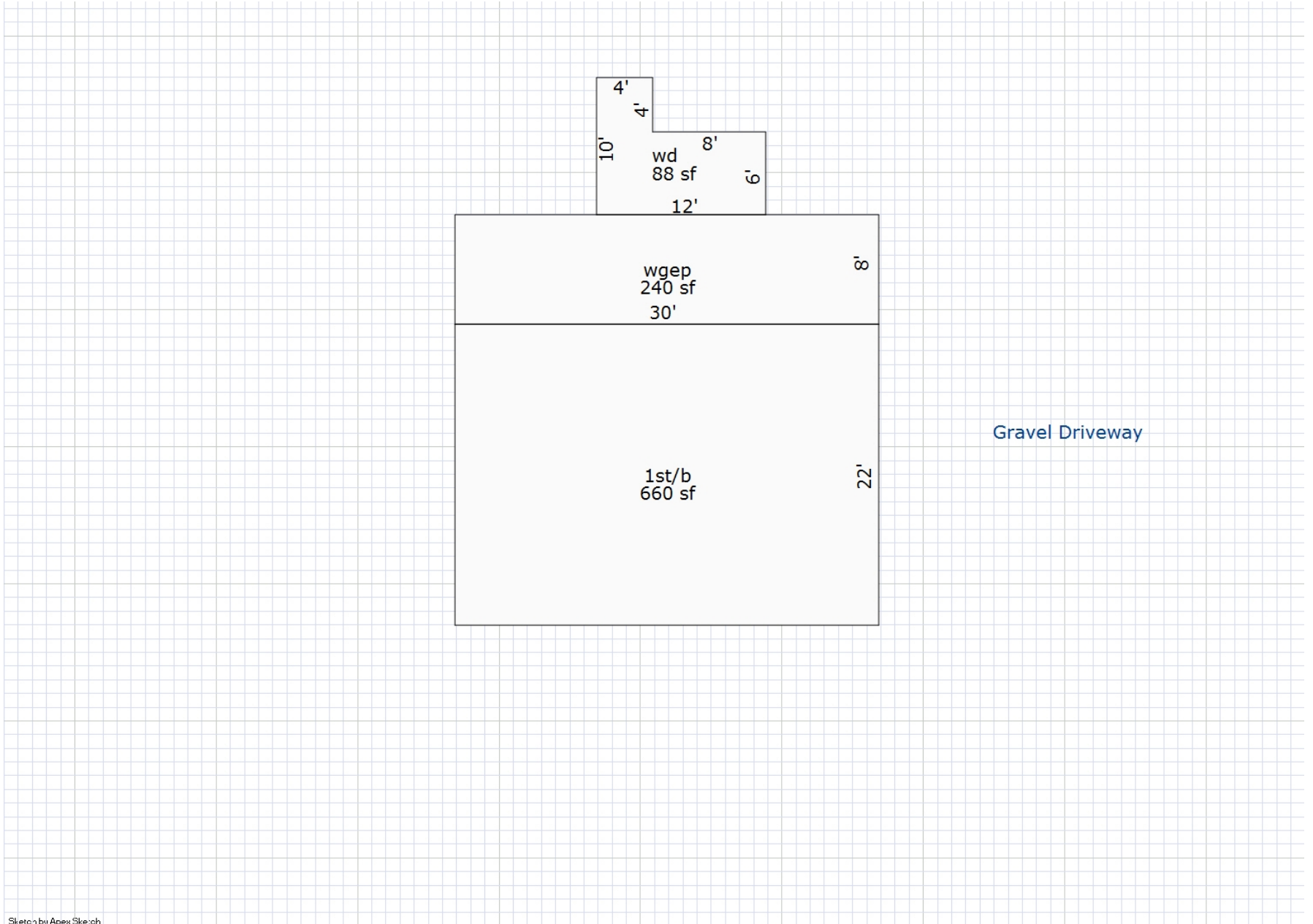


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

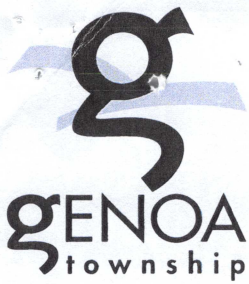
Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame	Eavestrough Insulation 0 Front Overhang 0 Other Overhang		X	Gas Wood	Oil Coal	Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas		Area 240 88	Type CGEP (1 Story) Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:
X	Wood Frame	Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			Class: D Effec. Age: 56 Floor Area: 660 Total Base New : 93,930 Total Depr Cost: 42,269 Estimated T.C.V: 63,108		E.C.F. X 1.493		Bsmnt Garage: Carport Area: Roof:	
Building Style: D		Trim & Decoration		Central Air Wood Furnace			(12) Electric		Cost Est. for Res. Bldg: 1 Single Family D		Cls D		Blt 1945	
Yr Built 1945	Remodeled 0	Ex X Ord Min		(12) Electric			0 Amps Service		Ground Area = 660 SF Floor Area = 660 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=45/100/100/100/45					
Condition: Good		Lg X Ord Small		No./Qual. of Fixtures			No. of Elec. Outlets		Building Areas					
Room List		Doors: Solid X H.C.		Ex. X Ord Min			Many X Ave. Few		Stories Exterior Foundation 1 Story Siding Basement		Size 660		Cost New Depr. Cost 73,452 33,054	
Basement 1st Floor 2nd Floor 2 Bedrooms		Kitchen: Other: Other:		No. of Elec. Outlets			(13) Plumbing		Other Additions/Adjustments		Porches CGEP (1 Story) Deck Treated Wood		240 9,307 4,188	
(1) Exterior		(6) Ceilings		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(14) Water/Sewer		Water/Sewer Public Sewer Water Well, 200 Feet		88 1,895 853			
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 660 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Lump Sum Items:		Notes: ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TCV:		1 975 439 1 8,301 3,735 Totals: 93,930 42,269		63,108	
Insulation		(8) Basement		Public Sewer										
(2) Windows		Recreation SF Living SF Walkout Doors No Floor SF												
Many Avg. Few	X Large Avg. Small	(9) Basement Finish												
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(10) Floor Support												
(3) Roof		Joists: Unsupported Len: Cntr.Sup:												
X	Gable Hip Flat	Gambrel Mansard Shed												
X	Asphalt Shingle													
Chimney: Brick														

\*\*\* 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 # 20-26 Meeting Date: 11-17-20

PAID Variance Application Fee

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

Applicant/Owner: Chester+Debra Towles Email: debratowles@gmail.com  
Property Address: 3210 Pineview Trail Phone: 248-789-6290 / 517-304-8062  
Present Zoning: CE Tax Code: 11-17-100-029

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: Request to build a shed on the east portion of our property. It would be 16'x20' with two overhead doors to house our mower + tractor currently stored outside. Placement would require a variance request for sideyard setback to be reduced from 40' to 25'. We plan to extend tree line on the north side of shed, making it barely visible from Pineview Trail.

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.

Established drive does not allow us to move shed further to the west to meet setback requirement. Ability to store tractor, mower, + lawn eqt currently stored outside would preserve value of eqt + improve curb appeal for neighbors. It would also decrease potential theft.

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.

Proposed placement would allow for accessibility without the burden of cost to establish another drive. It is also the most secure location available. Other properties on Pineview Trail have mult. accessory bldgs, but due to elevation issues, placement is difficult.

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.

Granting of this variance will not impair air supply or light to the neighbor that is adjacent to the east, as it backs up to a wooded area. There will be no increase in congestion or fire danger.

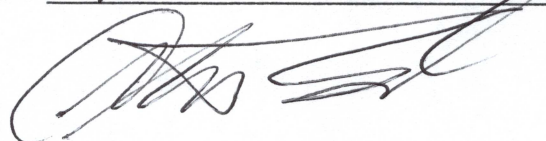
Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Being able to store equipment (lawn/landscape) indoors will improve value to area.

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: 10/21/2020 Signature: Debra K Bowles





# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 10, 2020  
**RE:** ZBA 20-26

---

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

## STAFF REPORT

**File Number:** ZBA#20-26  
**Site Address:** 3210 Pineview Trail  
**Parcel Number:** 4711-17-100-029  
**Parcel Size:** 5.040 Acres  
**Applicant:** Chester and Diana Towles  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a side yard variance to construct a detached accessory structure.  
**Zoning and Existing Use:** CE (County Estates) Single Family Dwelling and detached accessory structure are located on property.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday November 1, 2020 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 home was built in 2007.
- In 2016, a land use permit was issued for a detached accessory structure.
- The parcel is serviced by well and septic.
- See Assessing Record Card.

#### **SUPERVISOR**

Bill Rogers

#### **CLERK**

Paulette A. Skolarus

#### **TREASURER**

Robin L. Hunt

#### **TRUSTEES**

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

#### **MANAGER**

Michael C. Archinal



**Summary:** The proposed project is to construct a detached accessory structure. A side yard variance is necessary to construct the structure in the applicant's proposed location.

**Variance Requests**

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

**Sec. 11.04.01(f): (f) Required Setbacks (Detached, over one hundred twenty (120) square feet total floor area): Detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:**

**(1) On lots greater than one (1) acre detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall meet the setback requirements for principal structures.**

**Sec. 03 Table 03.04.01 (CE)**

**Required Side Yard Setback: 40'**

**Proposed Side Yard Setback: 25'**

**Proposed Variance Amount: 15'**

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

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

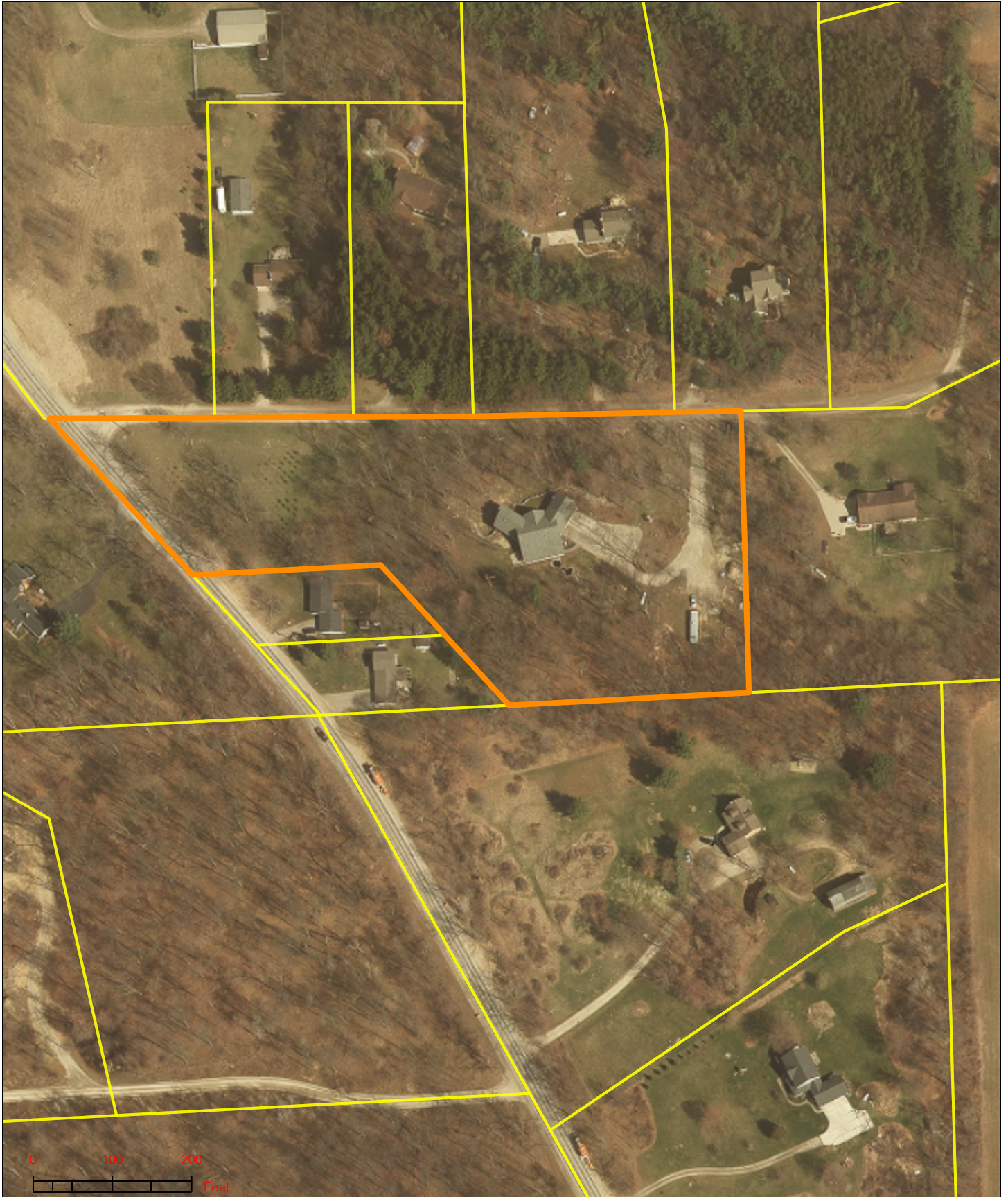
- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the side yard setback would prevent the applicant from constructing the detached accessory structure in the proposed location. The variance does not seem to provide substantial justice for there are quite a few detached accessory structures in the surrounding area with conforming side yard setbacks.
  
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the existing location of the home. It appears that the proposed detached structure cannot be moved to the rear of the home due to the existing detached accessory structure and landscaping on the property. Applicant should address if the proposed location is the only location on the property with the least amount of a variance setback and that it is not self-created.
  
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
  
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

**Recommended Conditions**

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

1. Shall comply with the accessory structure requirements.

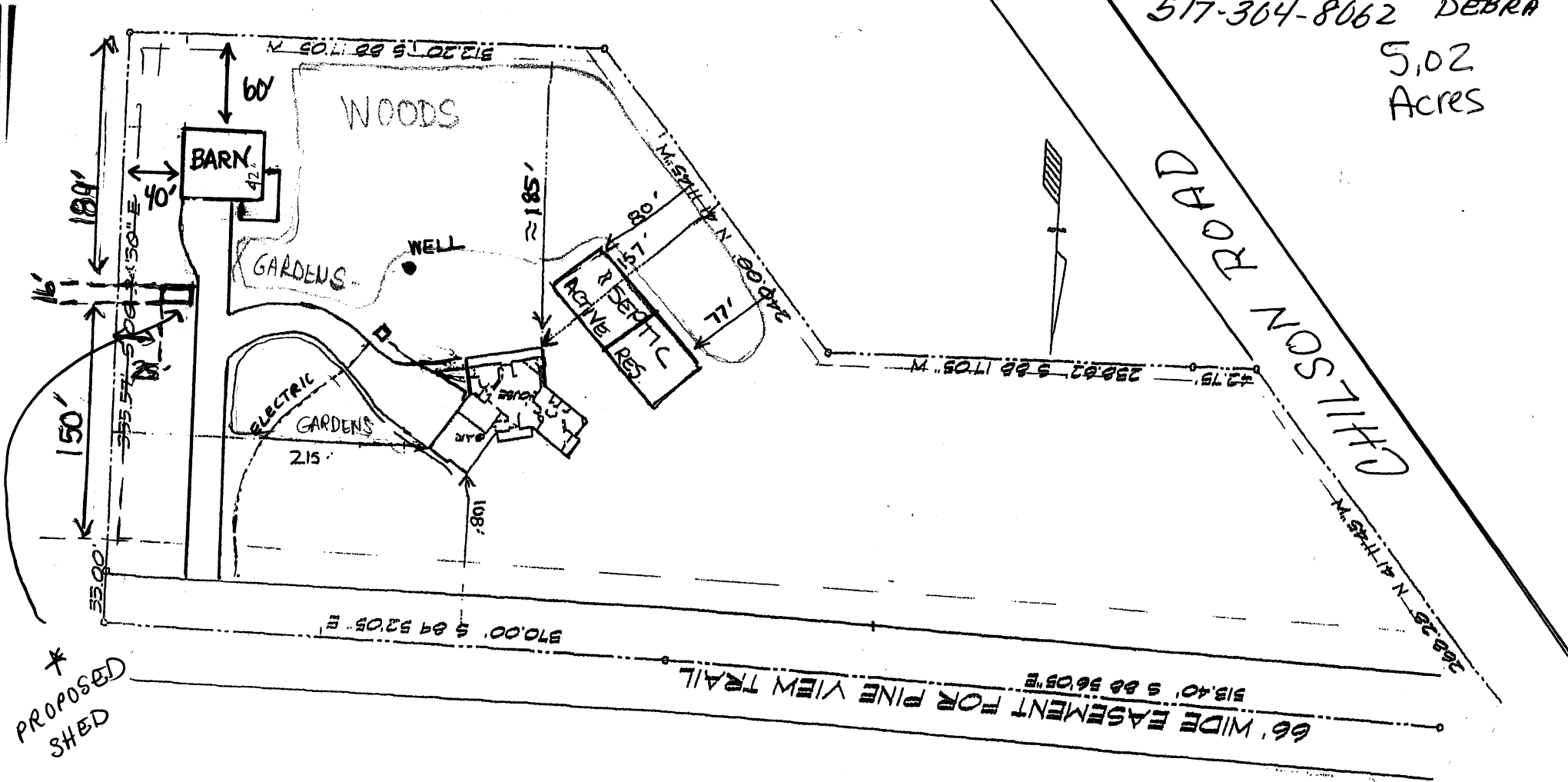
# GENOA TOWNSHIP

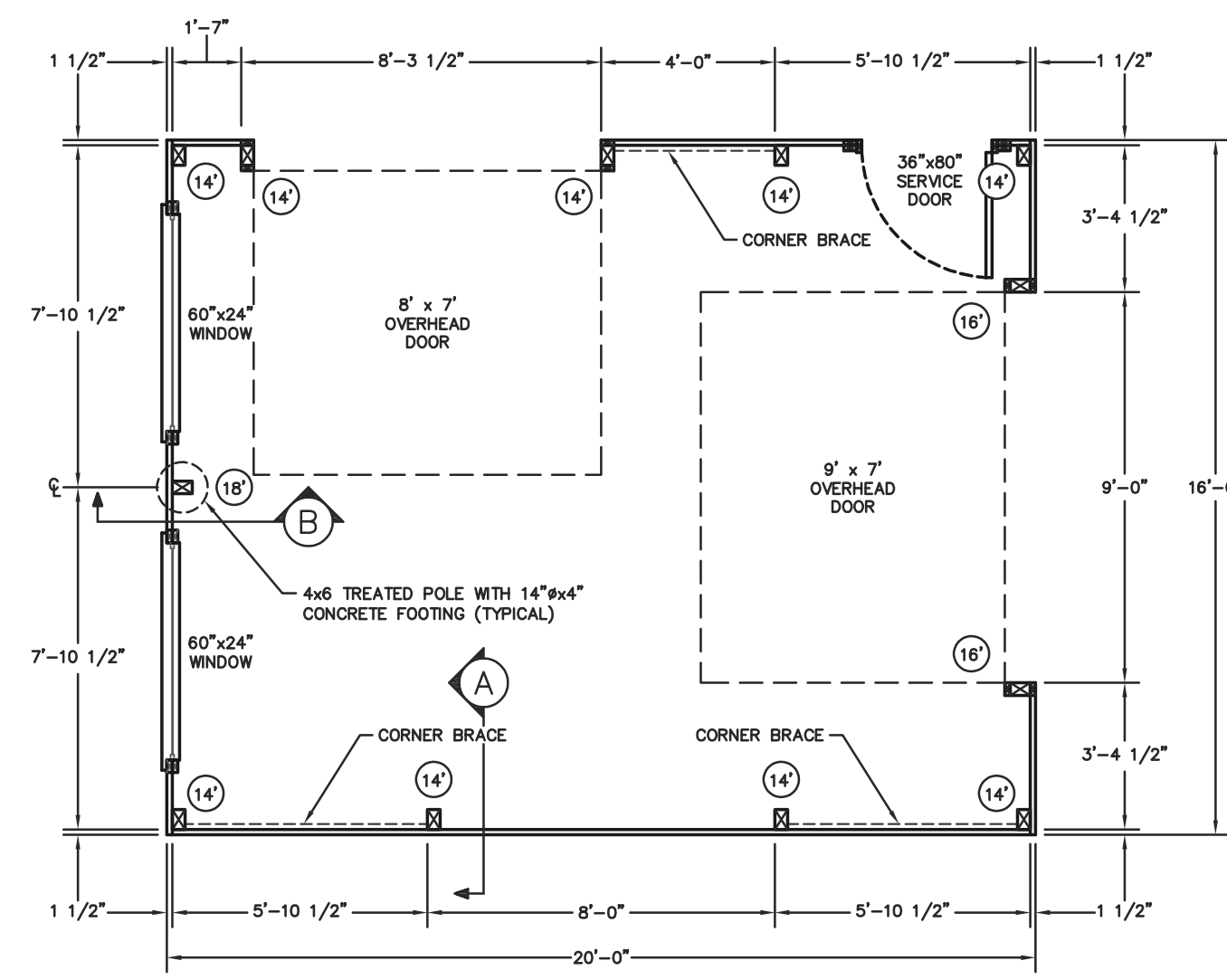


Chester + Debra Towles  
 3210 Pineview Trail  
 Howell, MI 48843

248-789-6290 CHESTER  
 517-364-8062 DEBRA

5.02  
 Acres

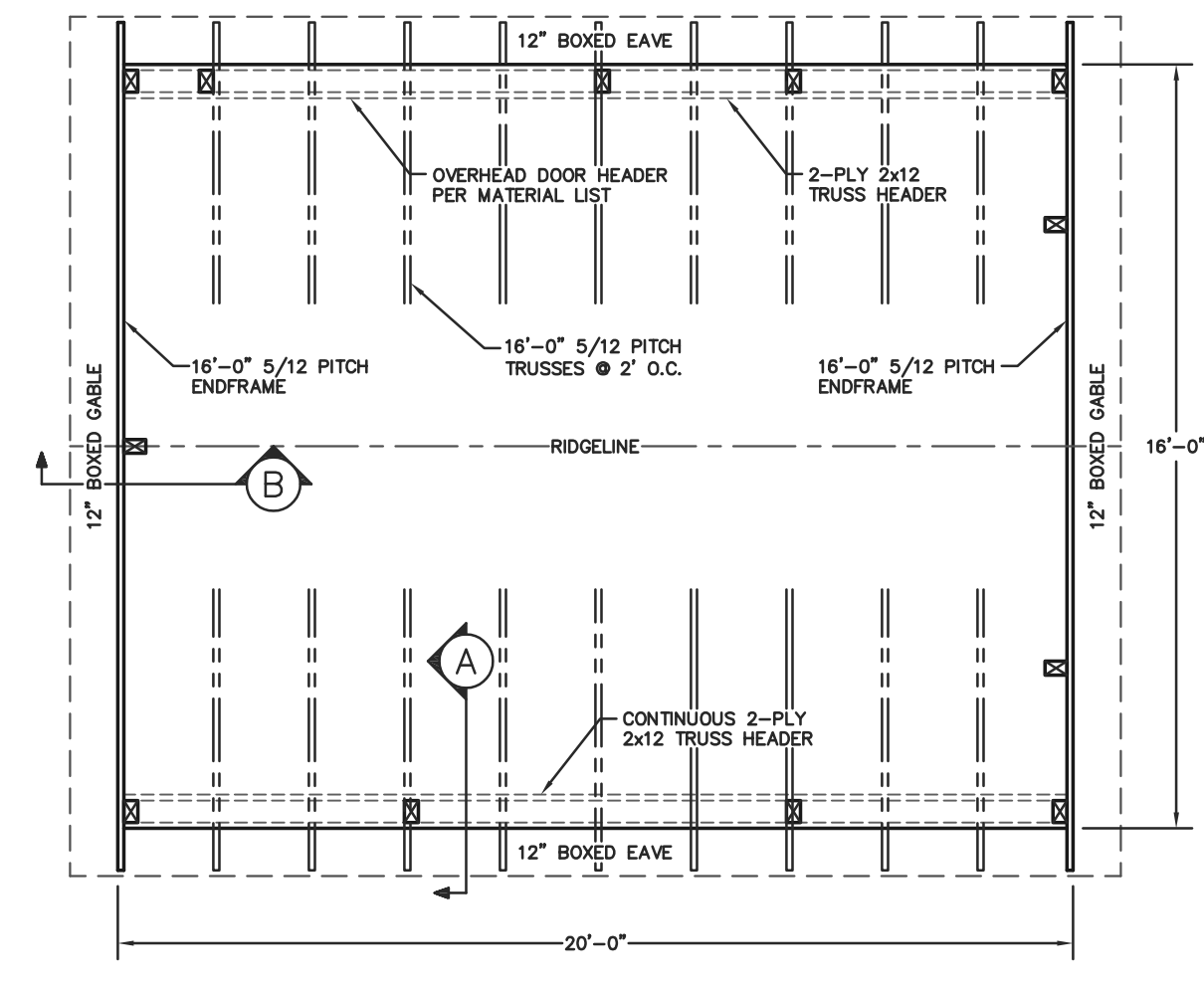




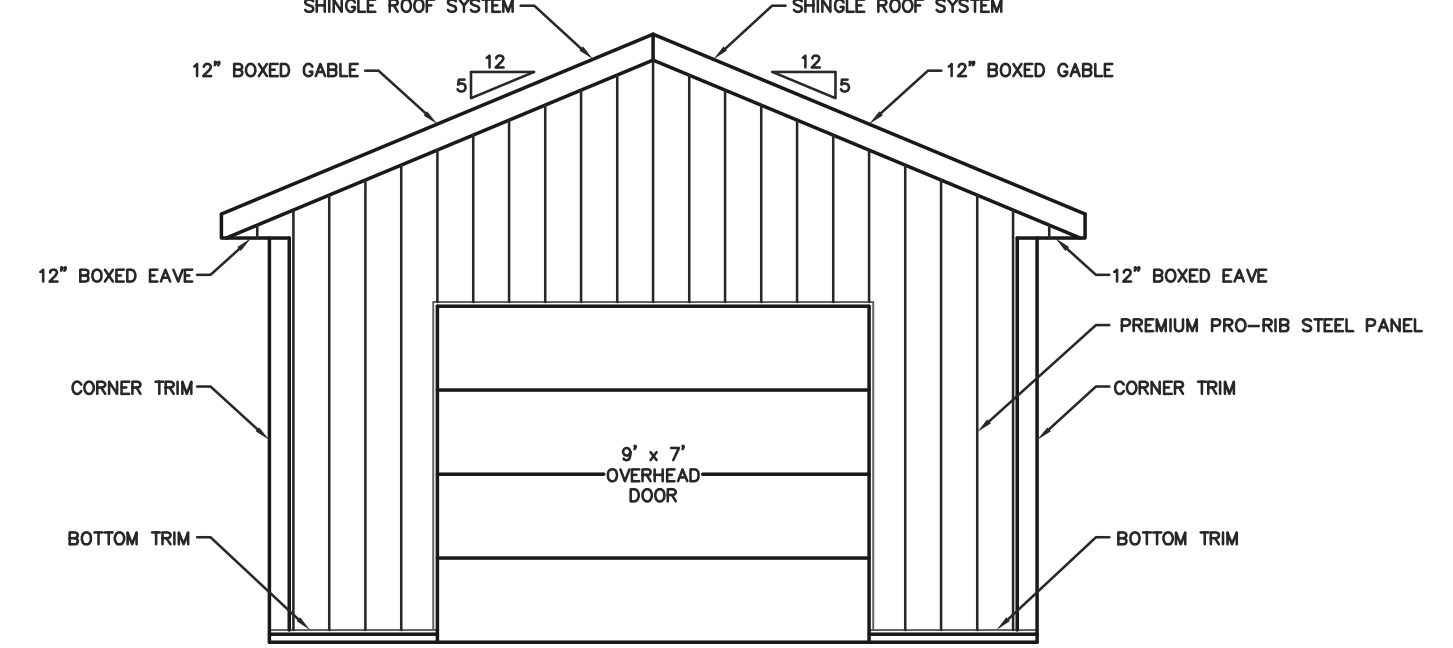
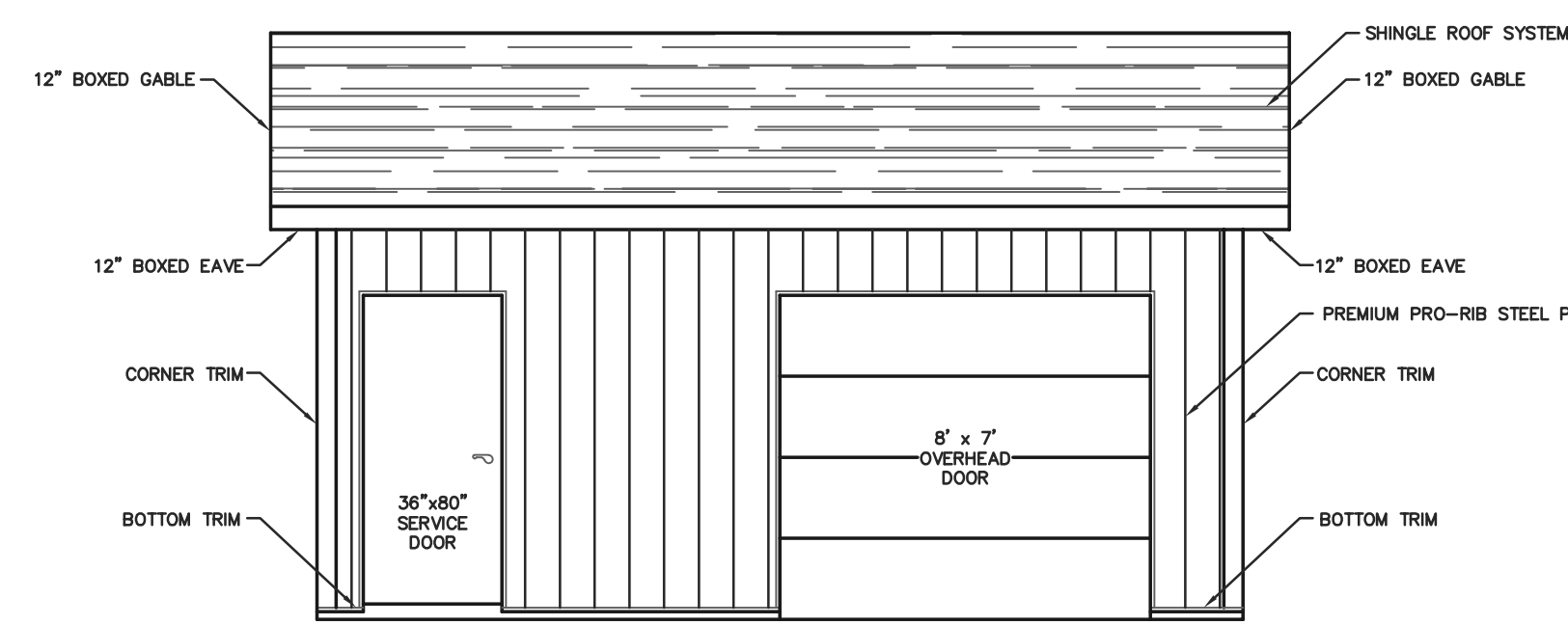
**FLOOR PLAN**  
SCALE: 1/4"=1'-0"

NOTE: OWNER/CONTRACTOR SHALL VERIFY SERVICE DOOR AND WINDOW LOCATIONS AT TIME OF CONSTRUCTION.

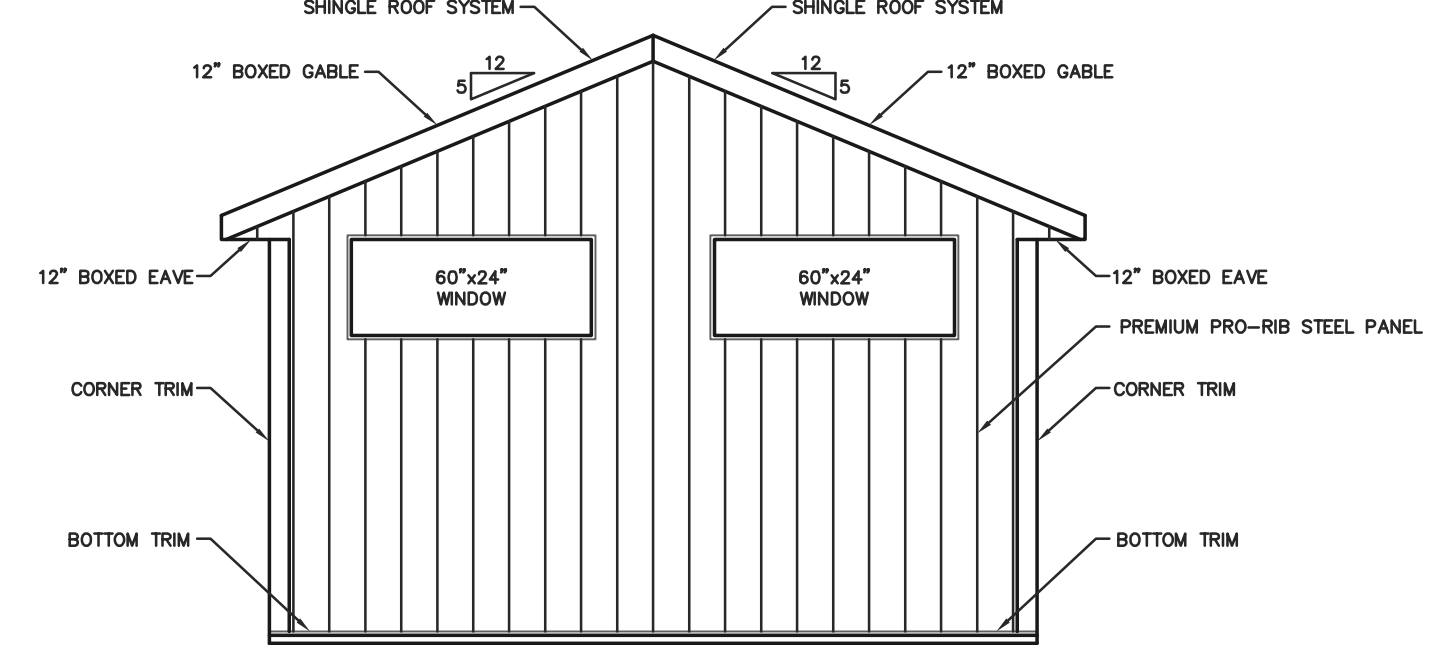
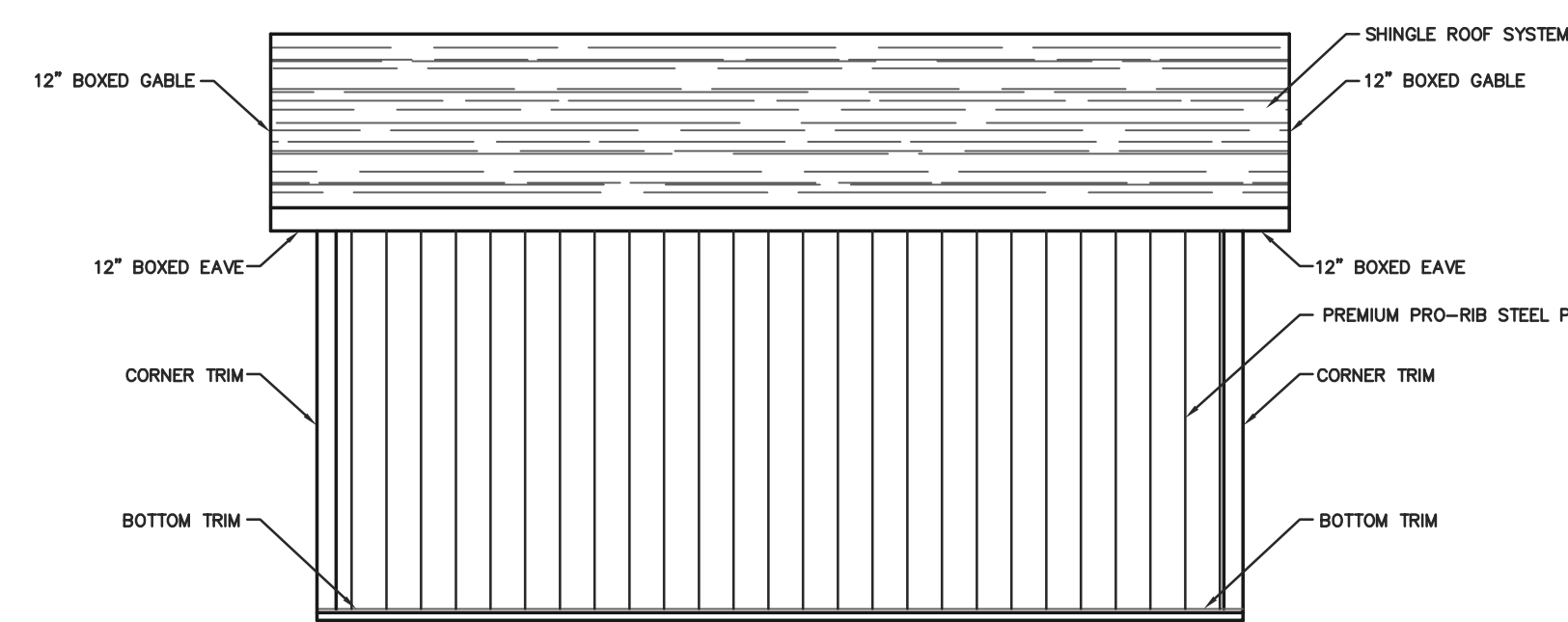
NOTE: OWNER/CONTRACTOR MUST VERIFY OVERHEAD DOOR HEADROOM REQUIREMENTS WITH DOOR MANUFACTURER PRIOR TO STARTING CONSTRUCTION.



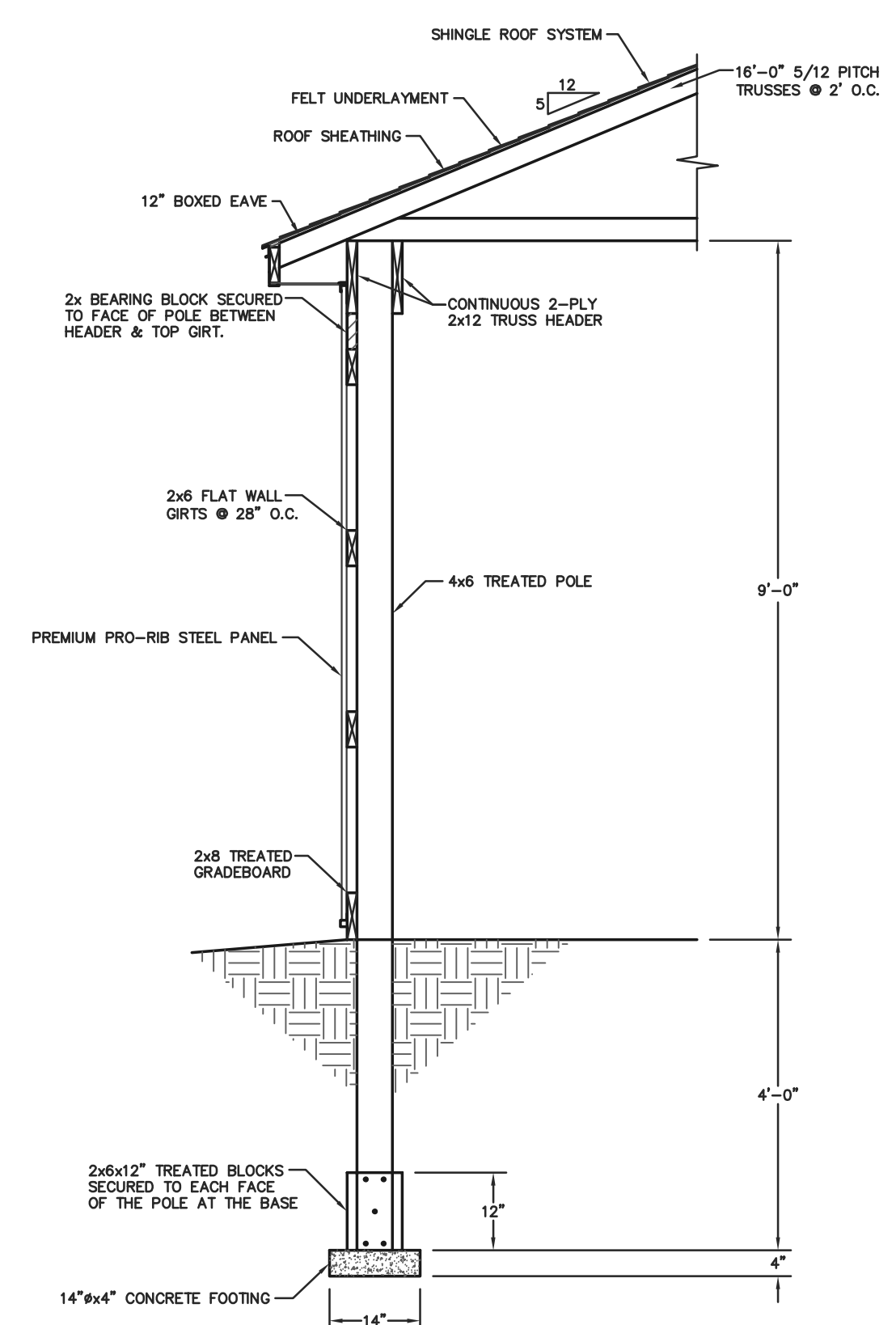
**ROOF FRAMING PLAN**  
SCALE: 1/4"=1'-0"



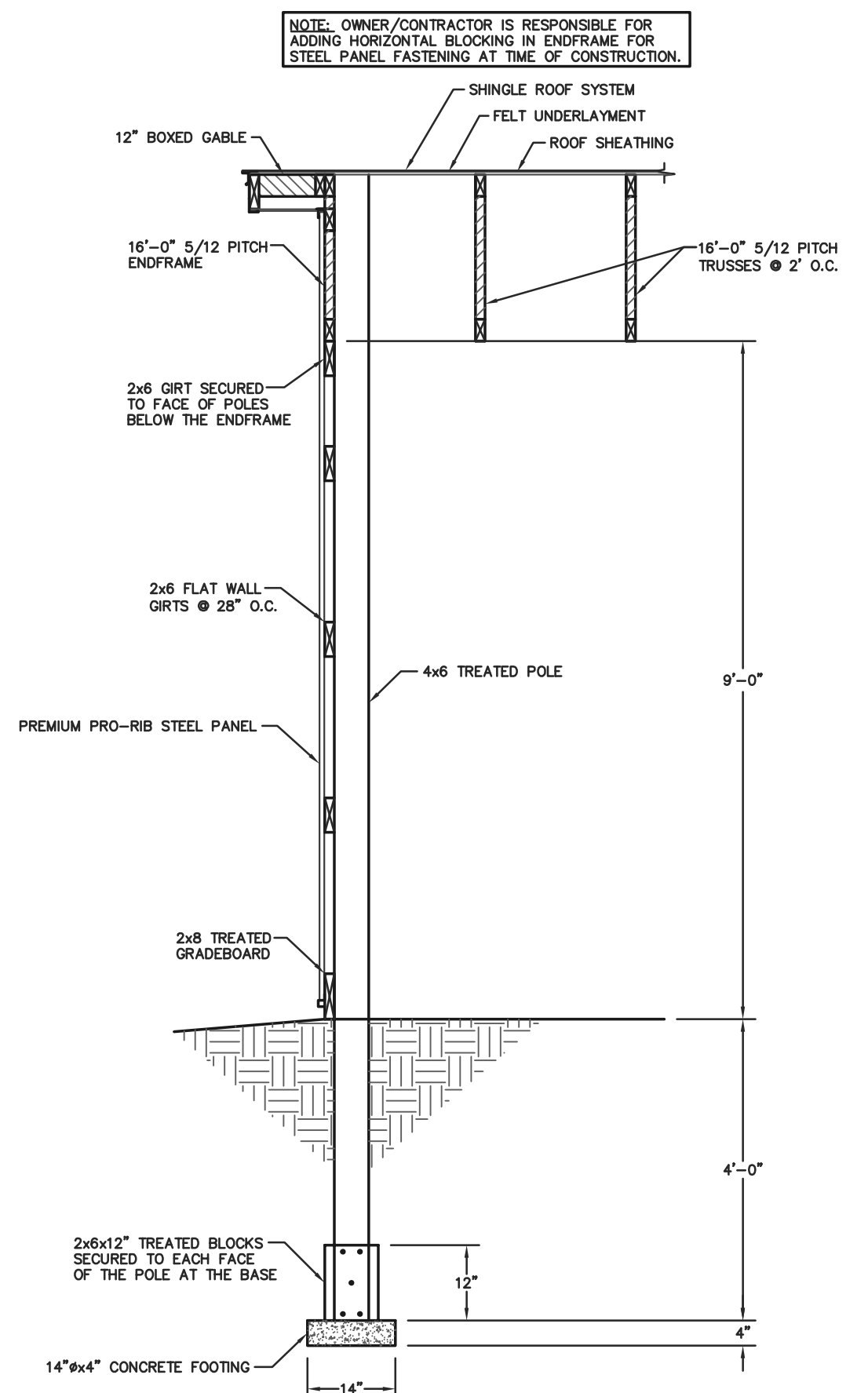
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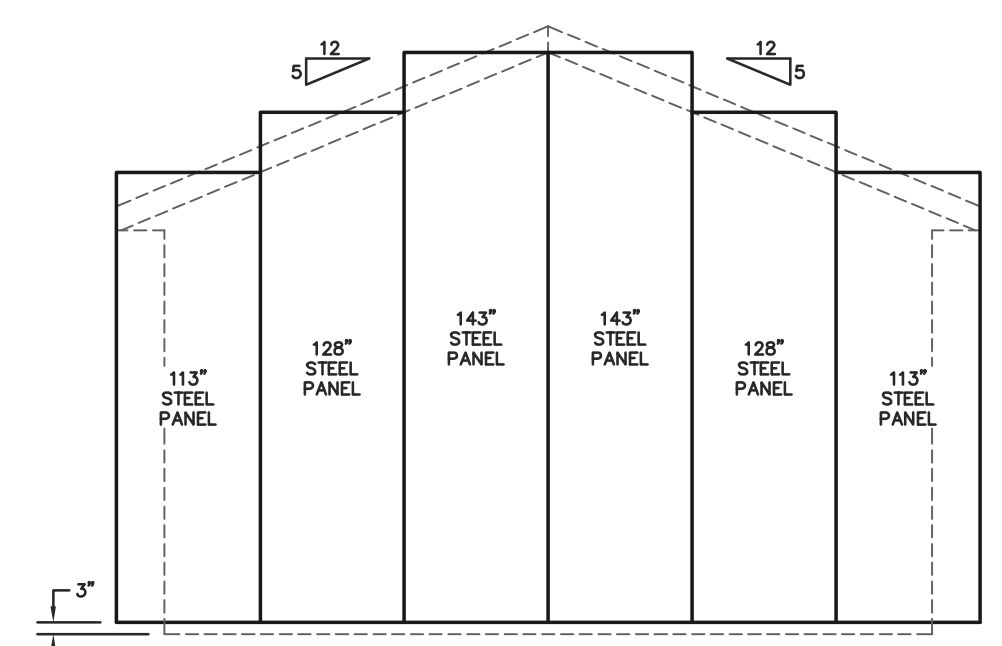
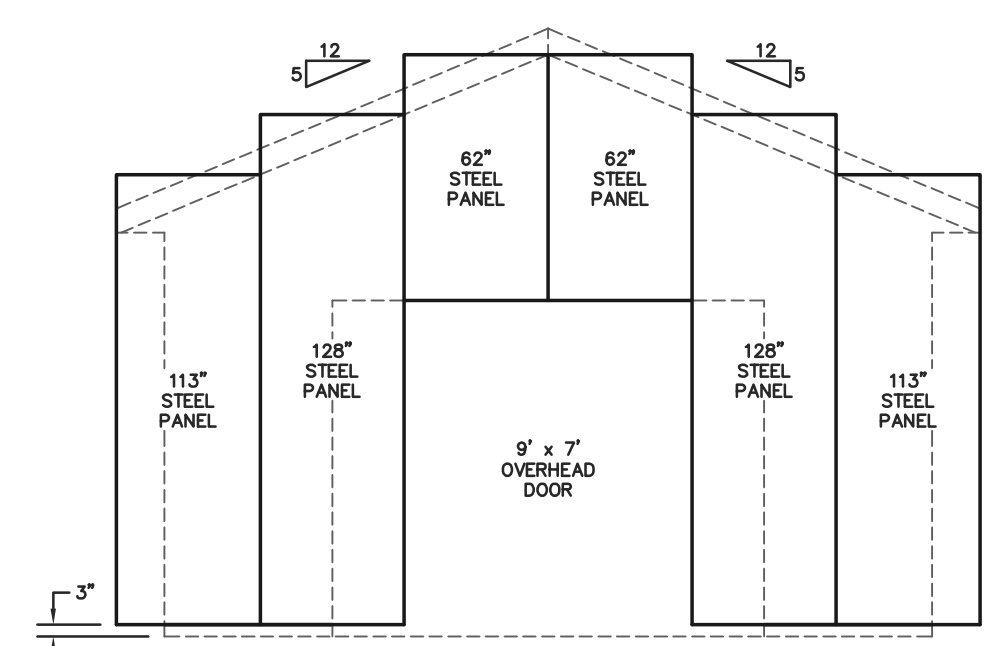
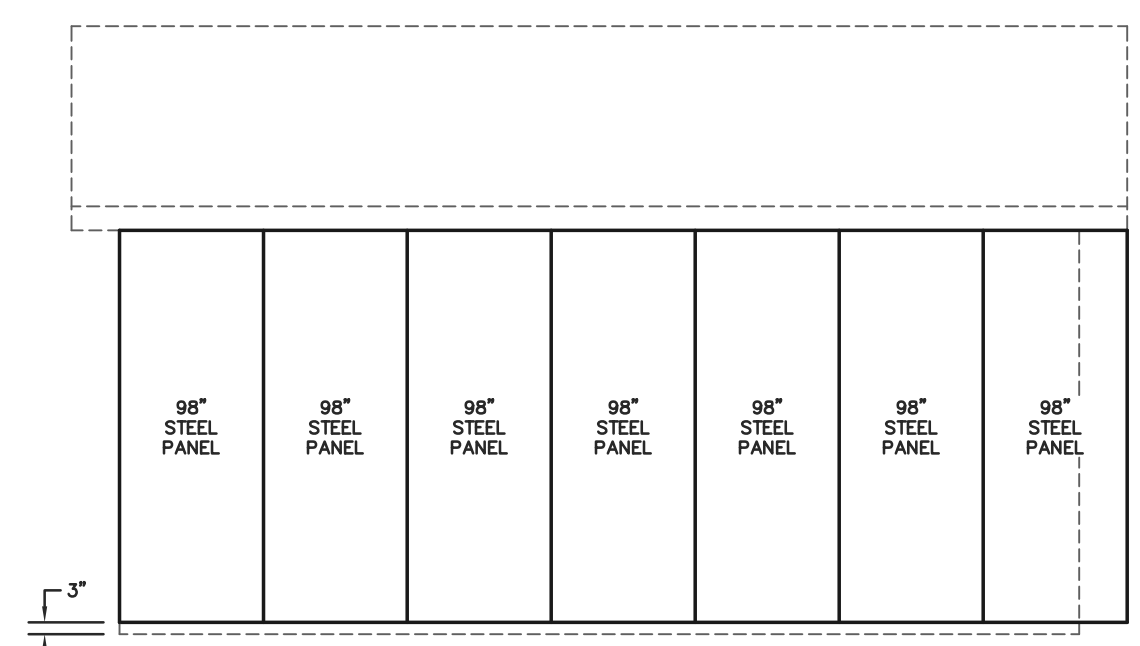
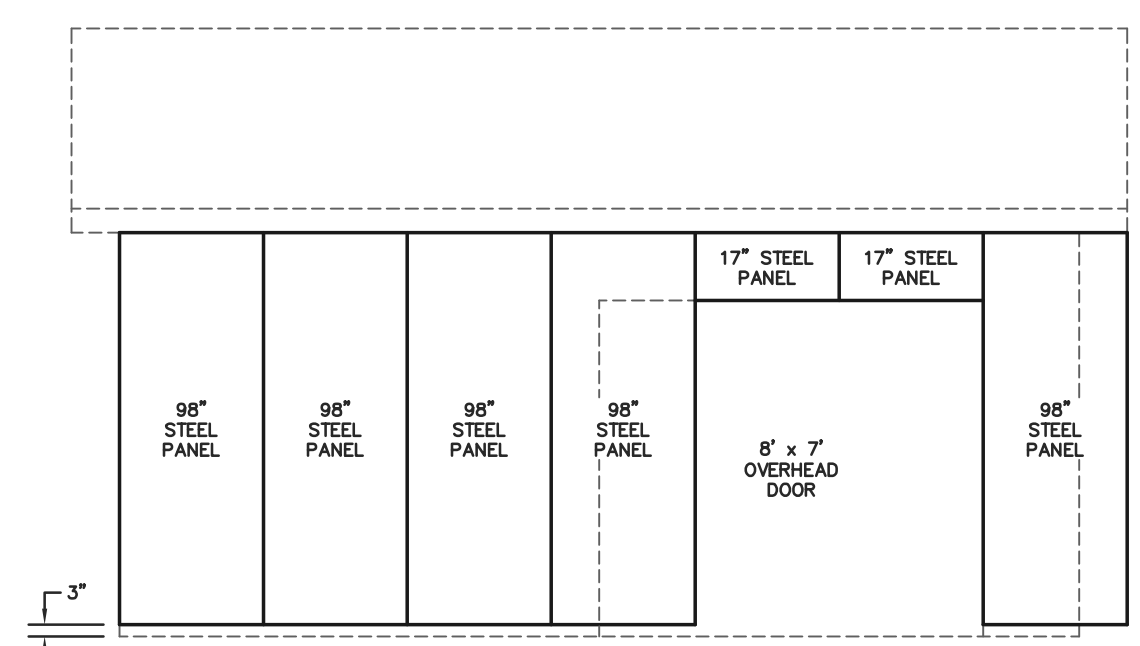
**ELEVATIONS**  
SCALE: 1/4"=1'-0"



**(A) SIDEWALL SECTION**  
SCALE: 1/2"=1'-0"



**(B) ENDWALL SECTION**  
SCALE: 1/2"=1'-0"



**WALL STEEL LAYOUTS**  
SCALE: 1/4"=1'-0"

**MM**  
CODE EXEMPT PRINT  
6311 KANE RD. EAU CLAIRE, WI 54703 (715) 876-5555  
PROJECT TITLE:  
**TOWLES TRANSPORT INC.**  
HOWELL, MI  
FILE NAME: 320-591604A2020

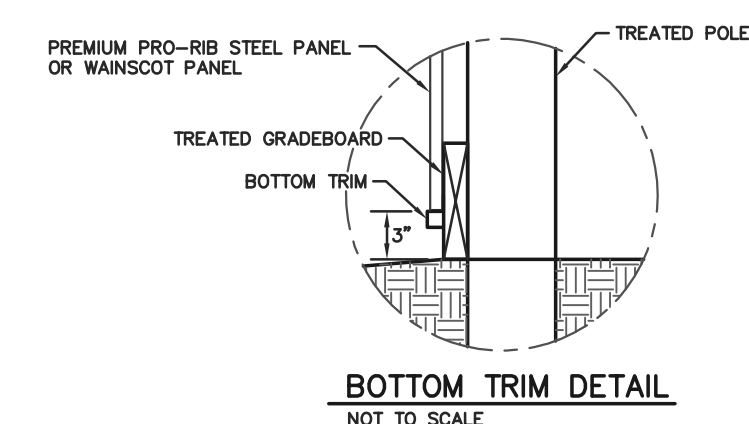
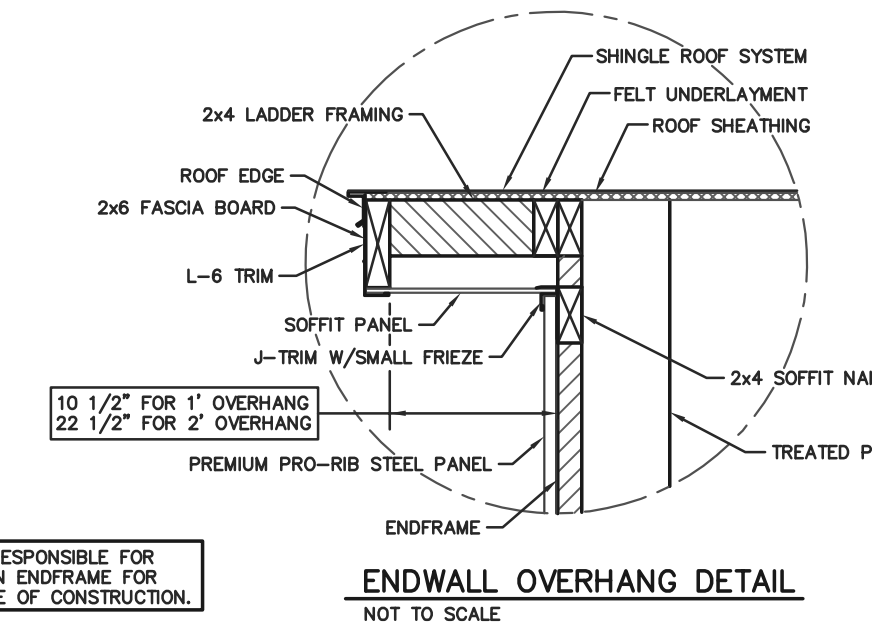
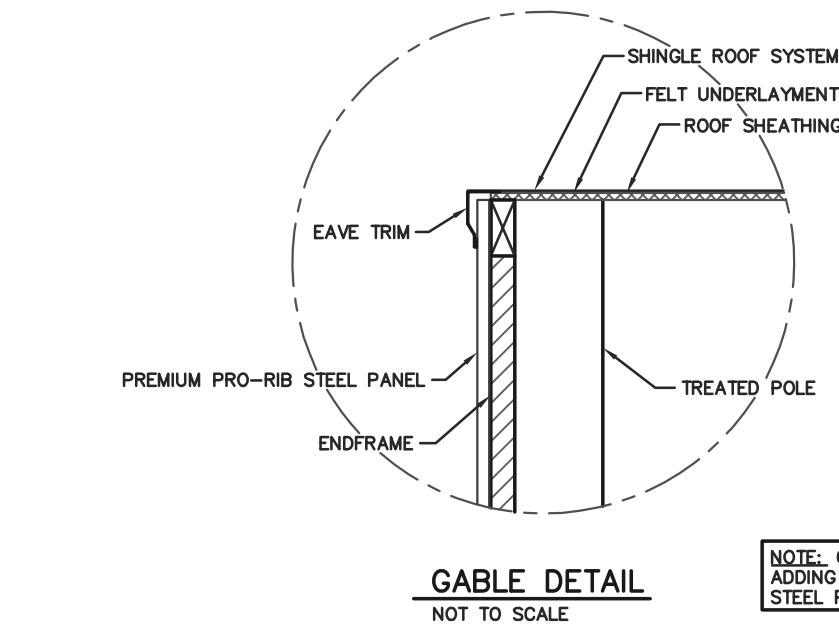
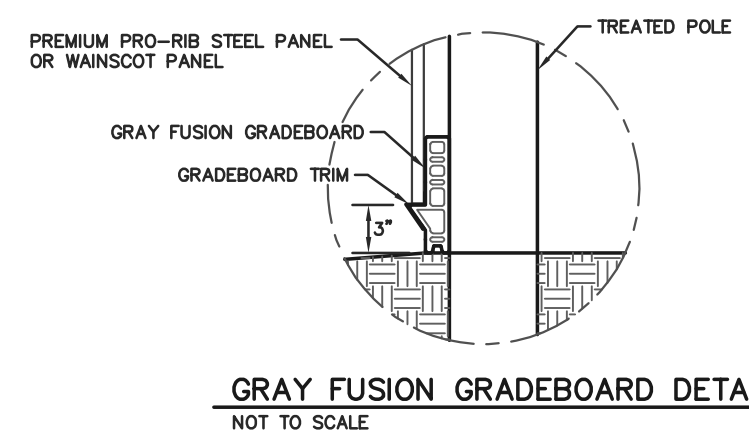
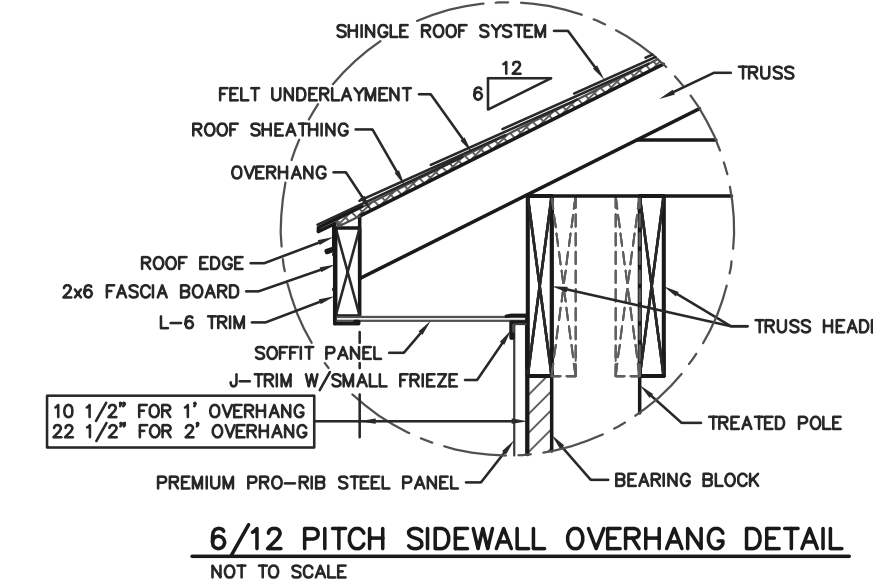
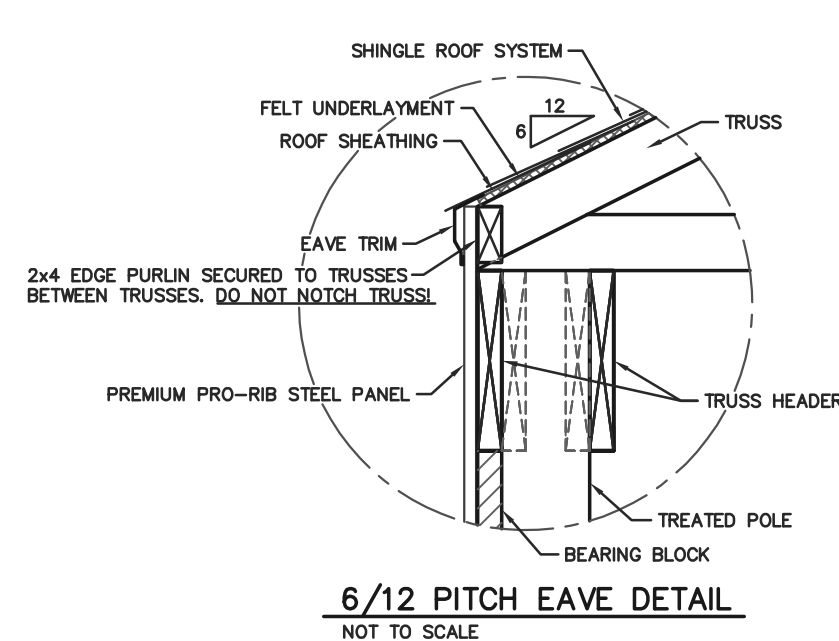
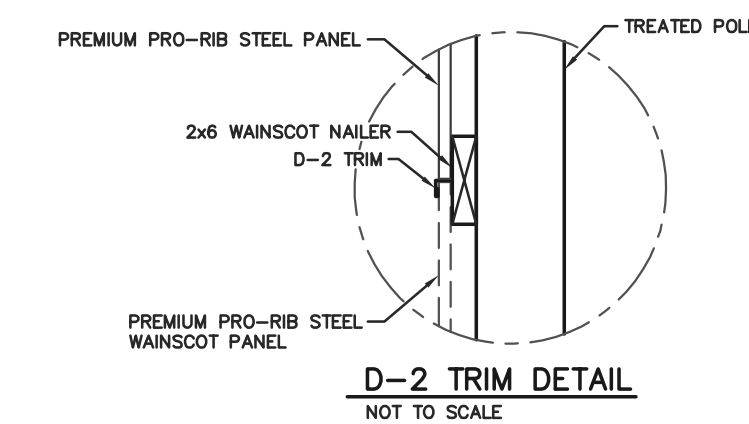
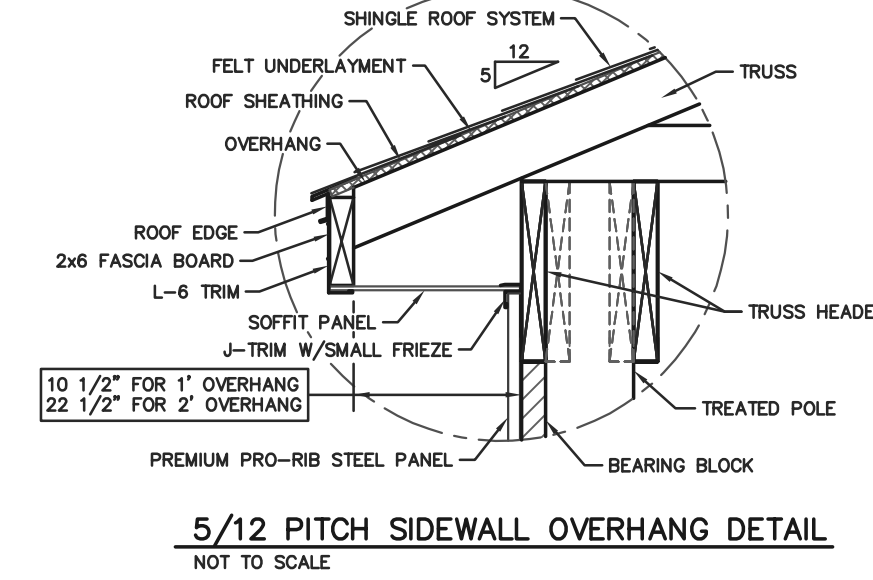
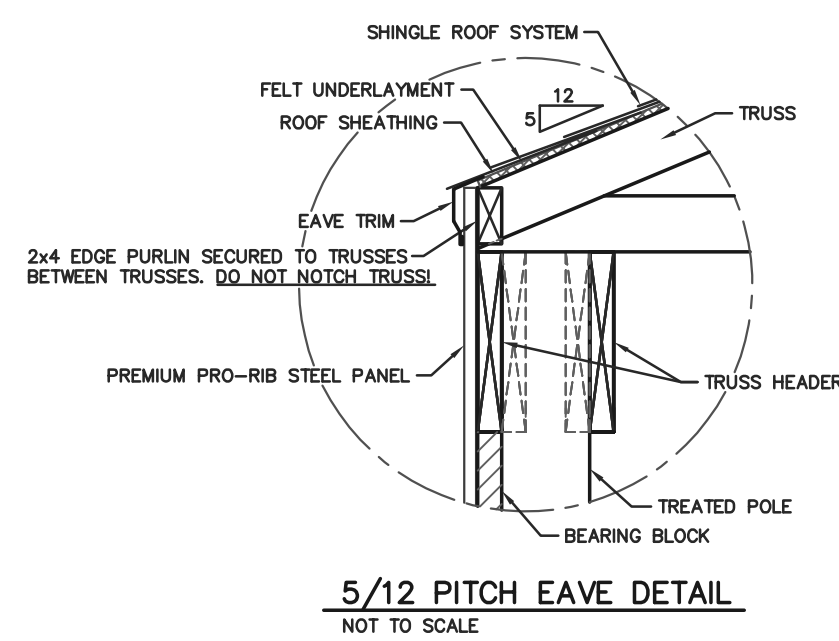
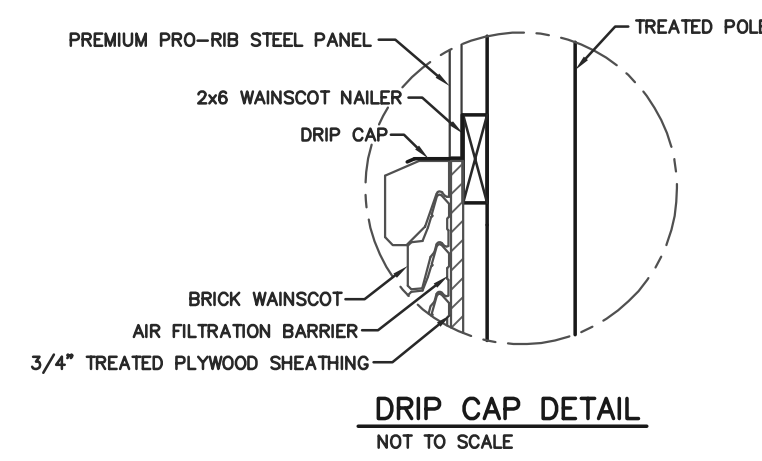
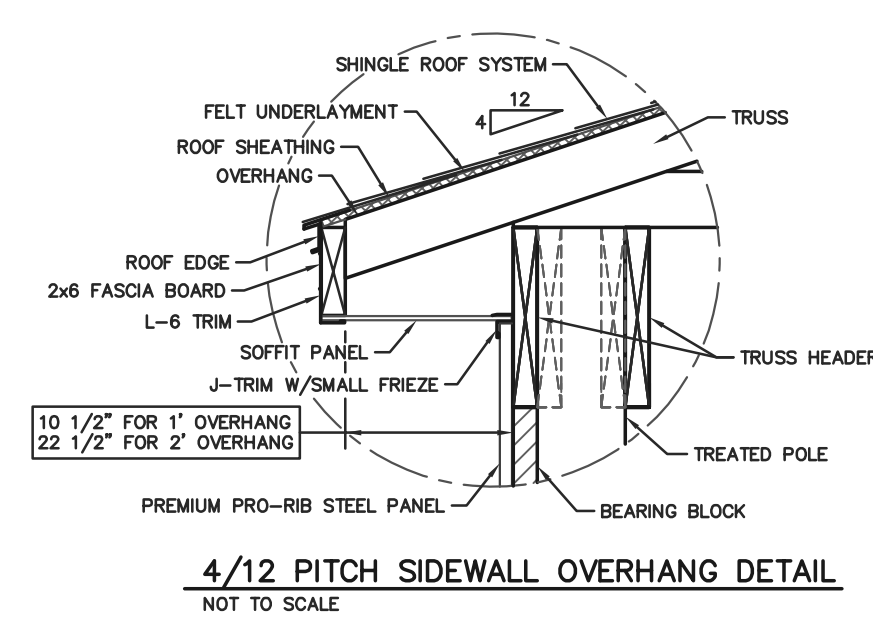
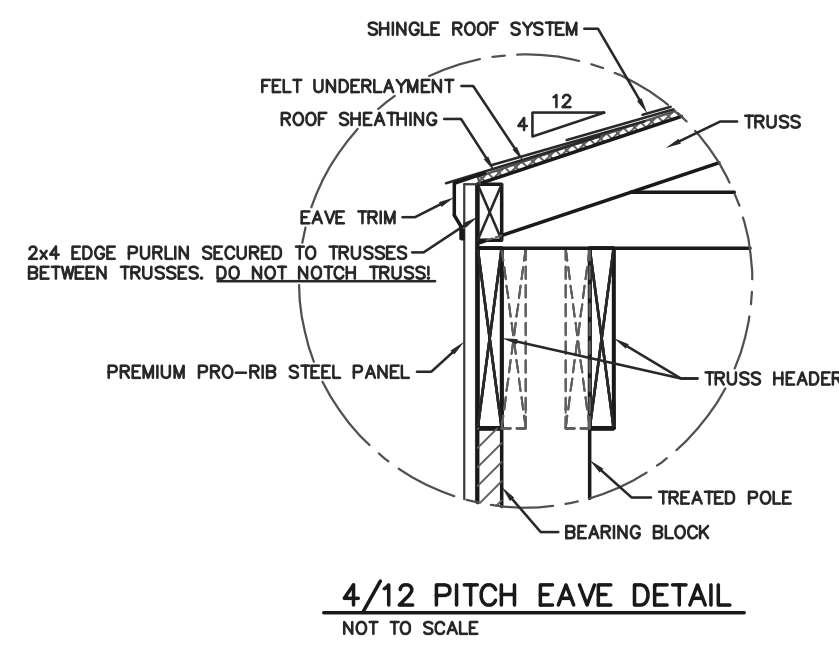
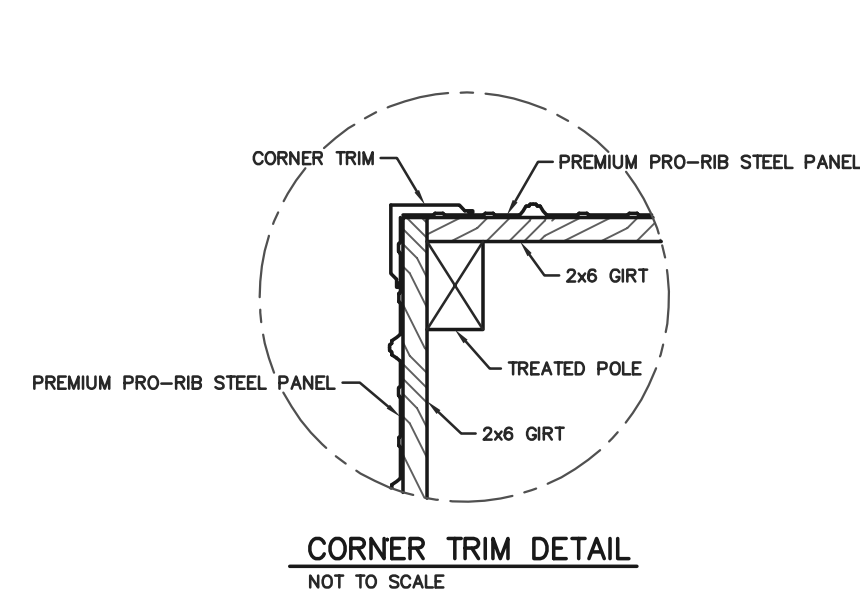
**DIMENSIONS**  
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**ERRORS AND OMISSIONS**  
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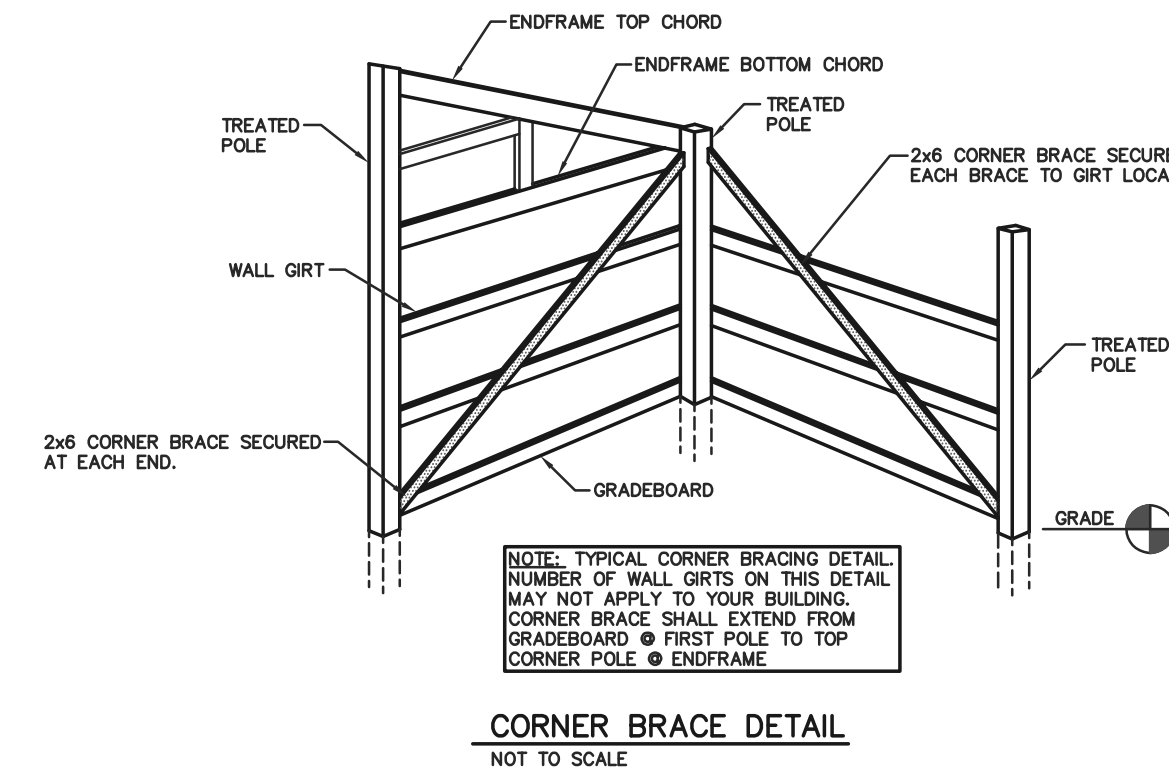
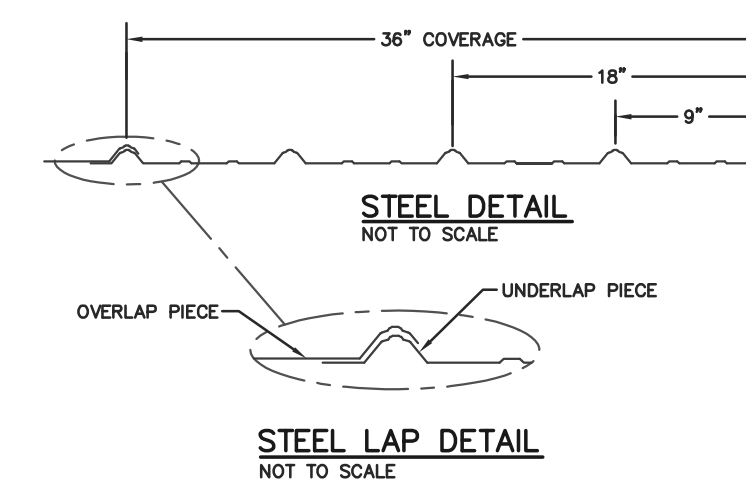
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### OVERHANG AND TRIM DETAILS



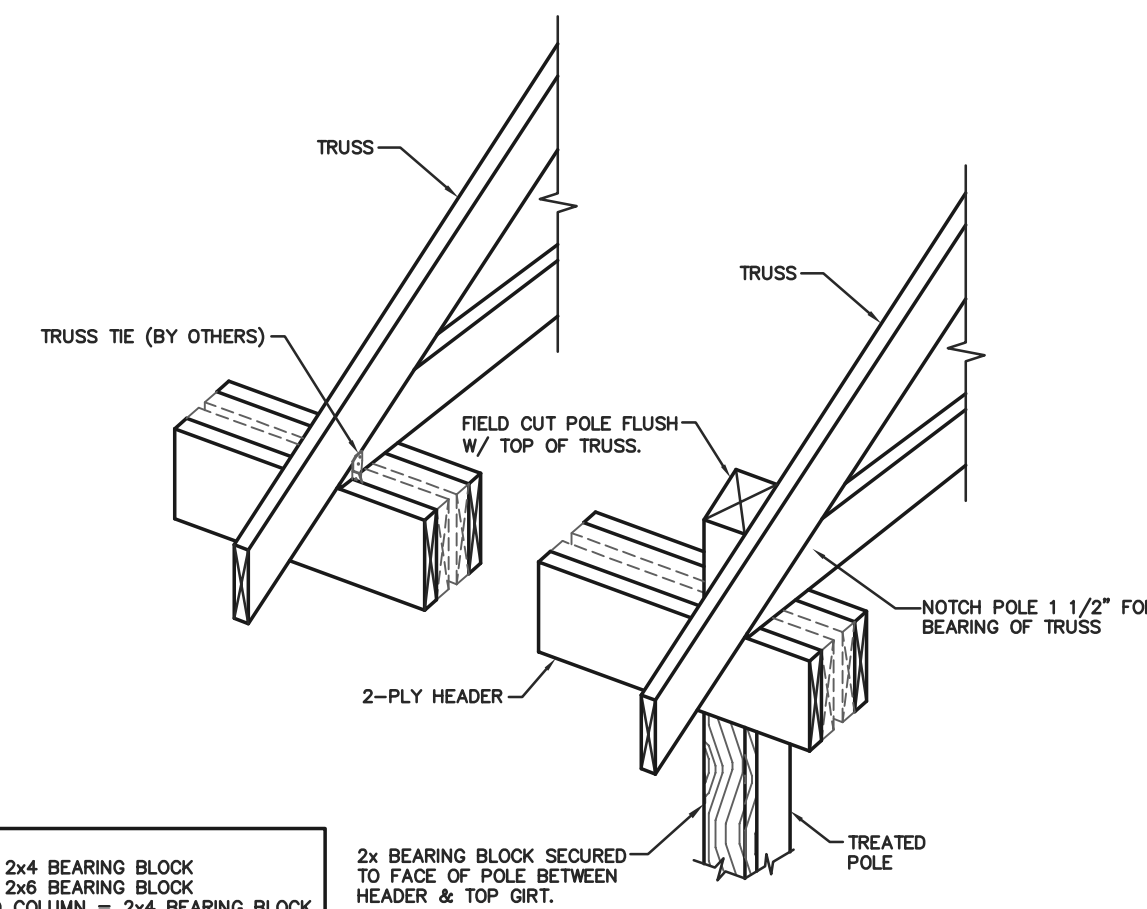
NOTE: OWNER/CONTRACTOR IS RESPONSIBLE FOR ADDING HORIZONTAL BLOCKING IN ENDFRAME FOR STEEL PANEL FASTENING AT TIME OF CONSTRUCTION.

### MISCELLANEOUS DETAILS



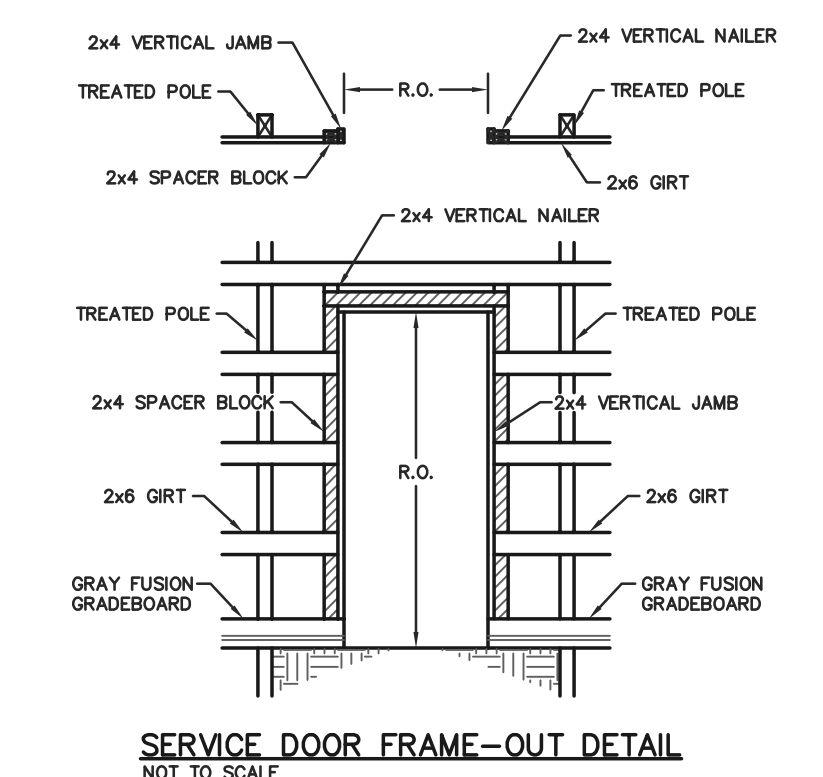
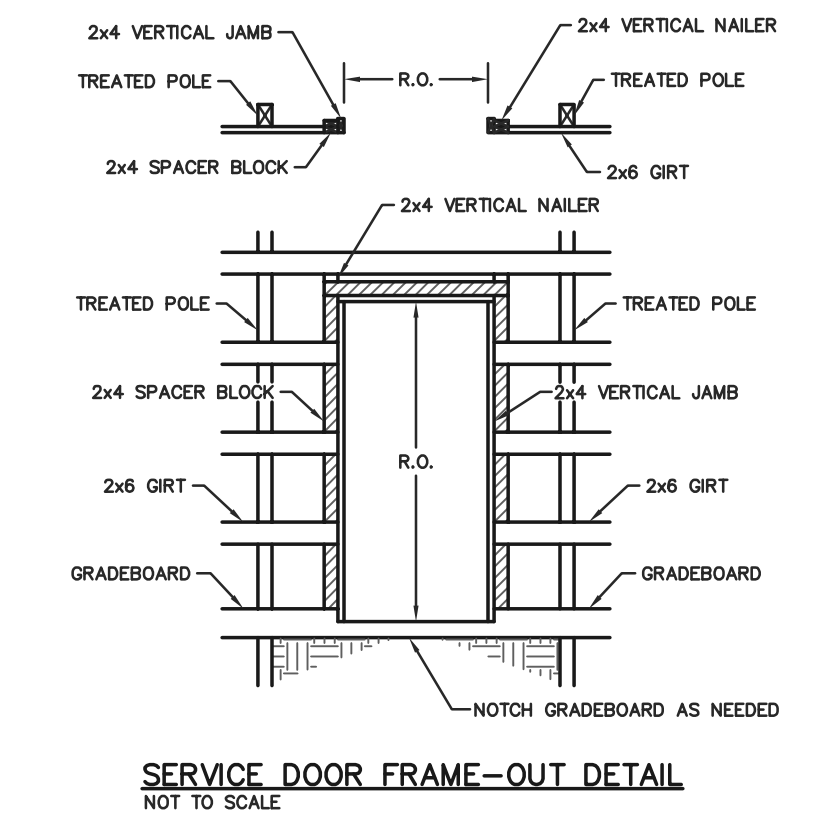
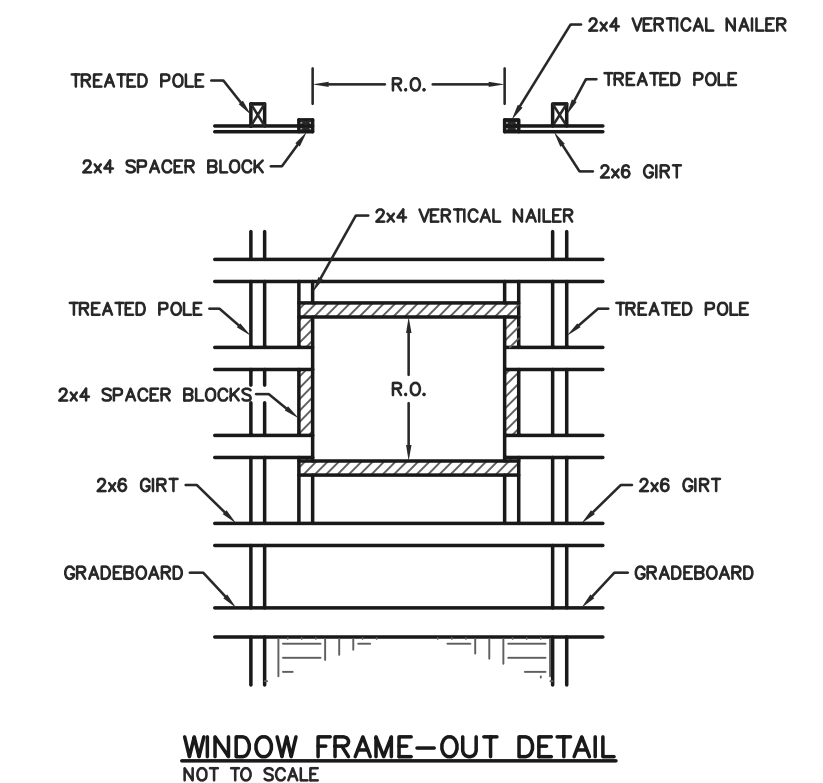
NOTE:  
4x6 TREATED POLE = 2x4 BEARING BLOCK  
6x6 TREATED POLE = 2x6 BEARING BLOCK  
3-PLY 2x6 LAMINATED COLUMN = 2x4 BEARING BLOCK

### HEADER INSTALLATION DETAIL



HEADER NOTCH SCHEDULE	
HEADER PILES	DIMENSIONAL LUMBER
2-PLY HEADER	1-PLY FACE NAILED TO POLE AT EXTERIOR & 1-PLY FACE NAILED TO POLE AT INTERIOR
3-PLY HEADER	2-PIES NOTCHED 1 1/2" INTO POLE AT EXTERIOR & 1-PLY FACE NAILED TO POLE AT INTERIOR
4-PLY HEADER	2-PIES NOTCHED 1 1/2" INTO POLE AT EXTERIOR & 2-PIES NOTCHED 1 1/2" INTO POLE AT INTERIOR
HEADER PILES	LVL LUMBER
2-PLY HEADER	1-PLY NOTCHED 1/4" INTO POLE AT EXTERIOR & 1-PLY NOTCHED 1/4" INTO POLE AT INTERIOR
3-PLY HEADER	2-PIES NOTCHED 2" INTO POLE AT EXTERIOR & 1-PLY NOTCHED 1/4" INTO POLE AT INTERIOR
4-PLY HEADER	2-PIES NOTCHED 2" INTO POLE AT EXTERIOR & 2-PIES NOTCHED 2" INTO POLE AT INTERIOR

### SERVICE DOOR AND WINDOW DETAILS



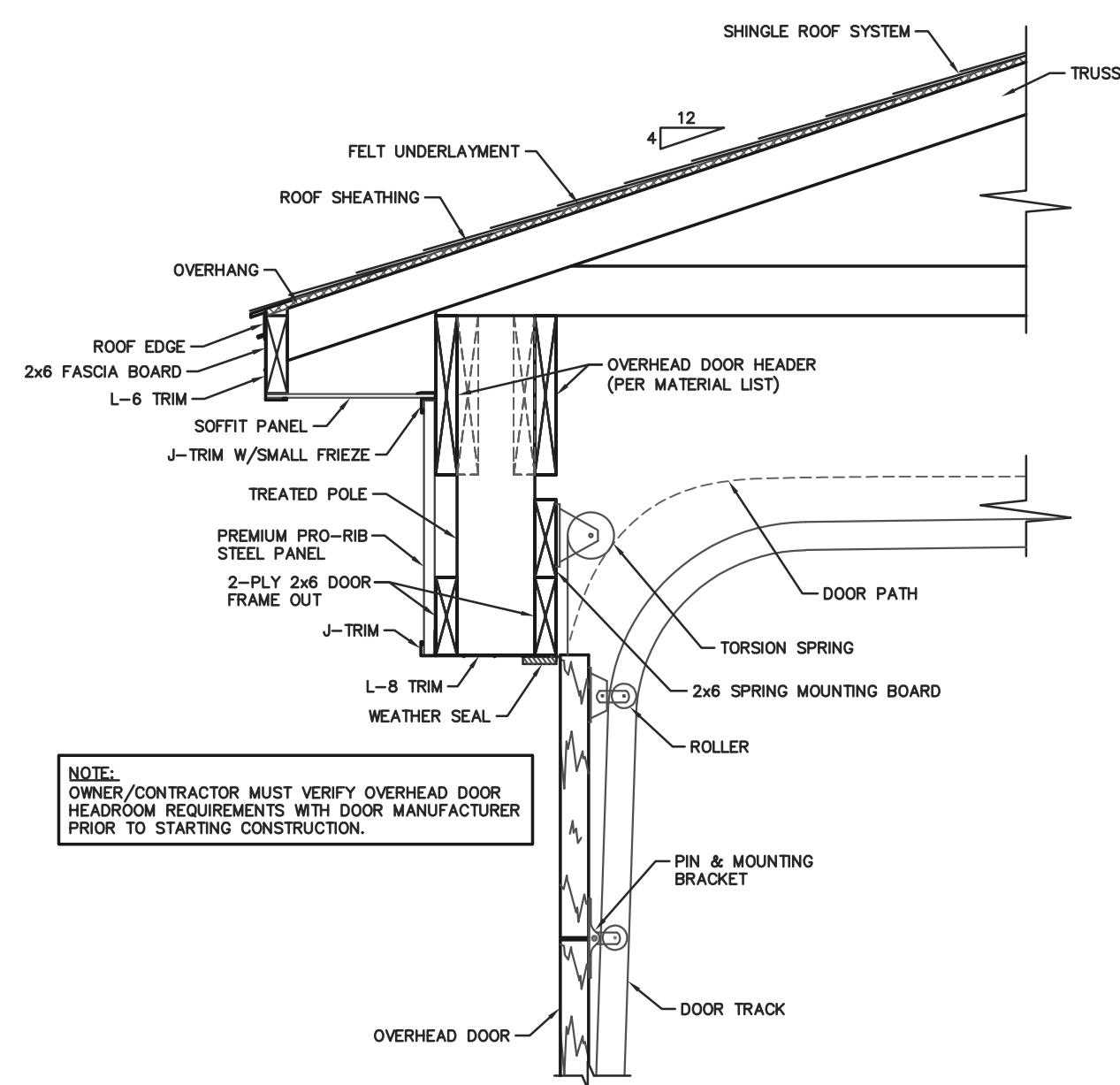
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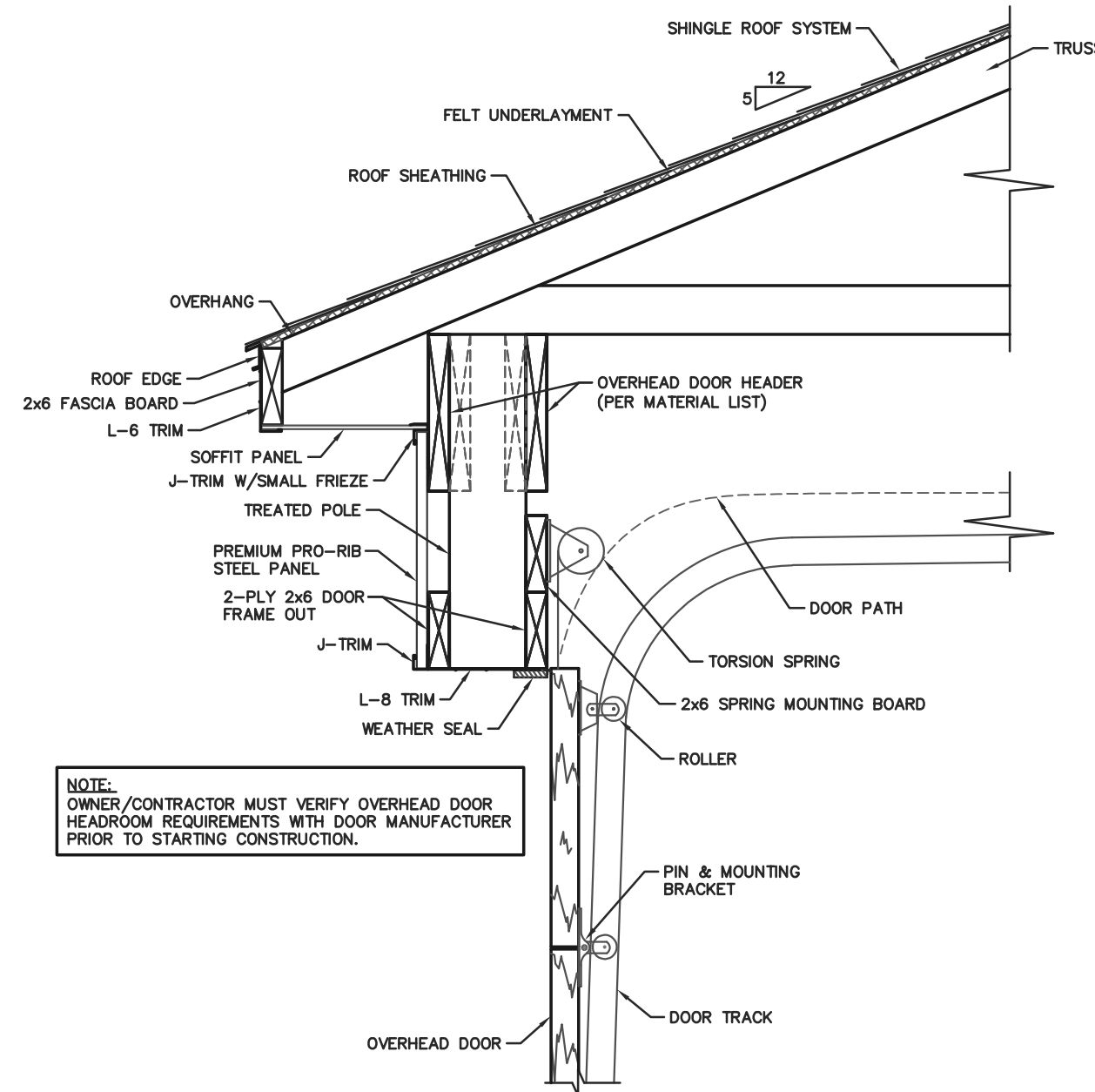
**CODE EXEMPT PRINT**  
6311 KANE RD. EAU CLAIRE, WI 54703 (715) 876-5555  
PROJECT TITLE:  
**TOWLES TRANSPORT INC.**  
HOWELL, MI  
FILE NAME: 320-591604B2020

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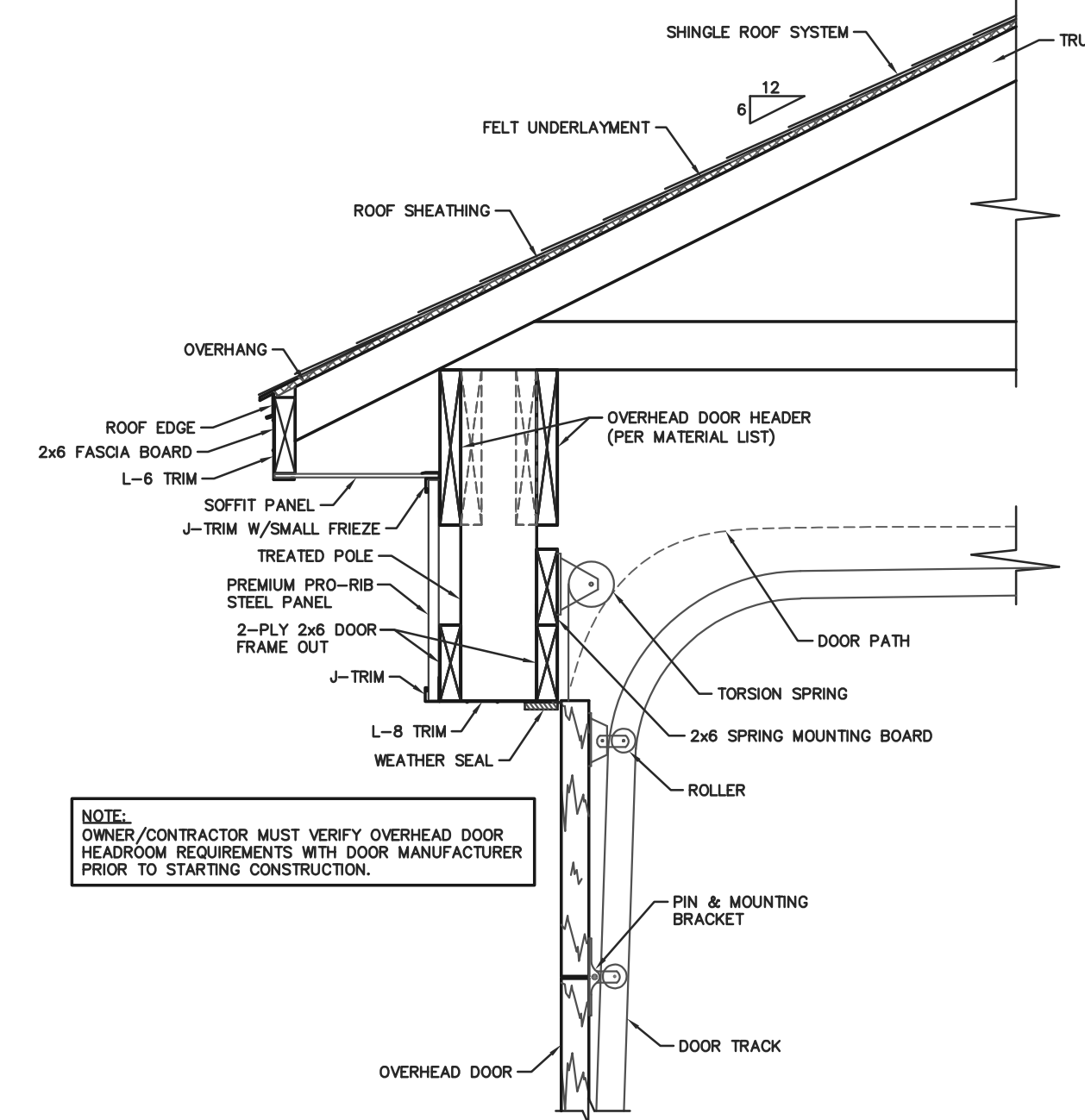
### OVERHEAD DOOR DETAILS



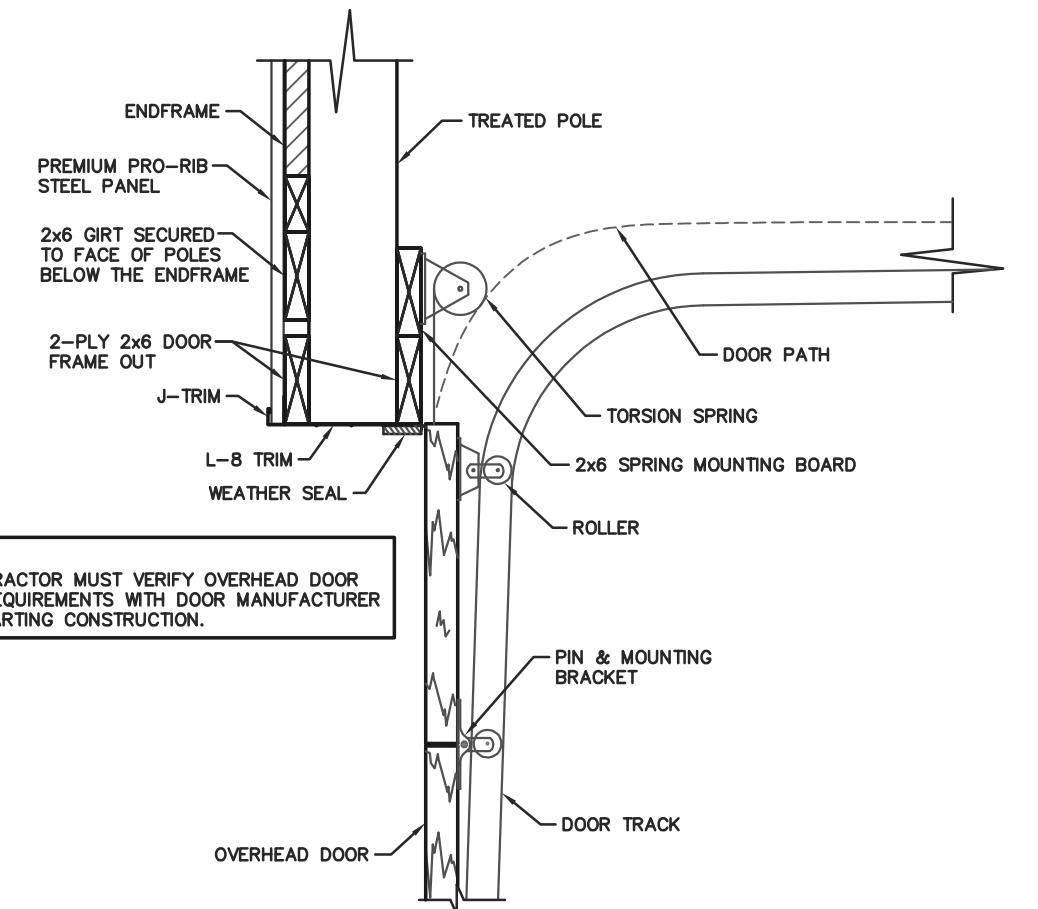
**4/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE



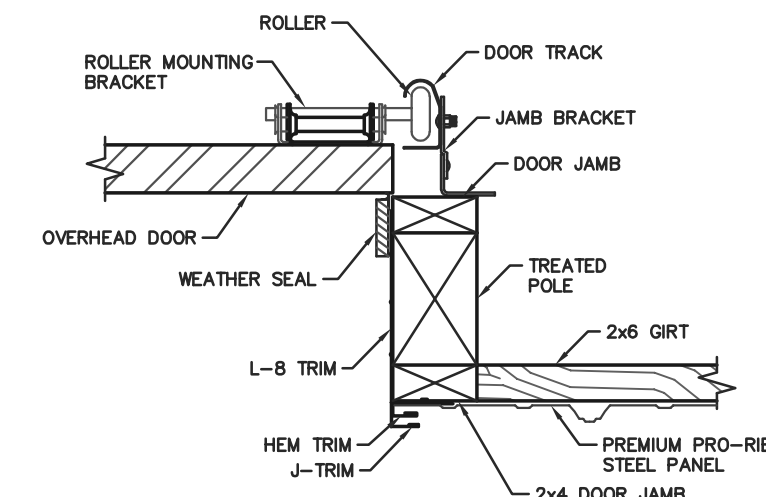
**5/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE



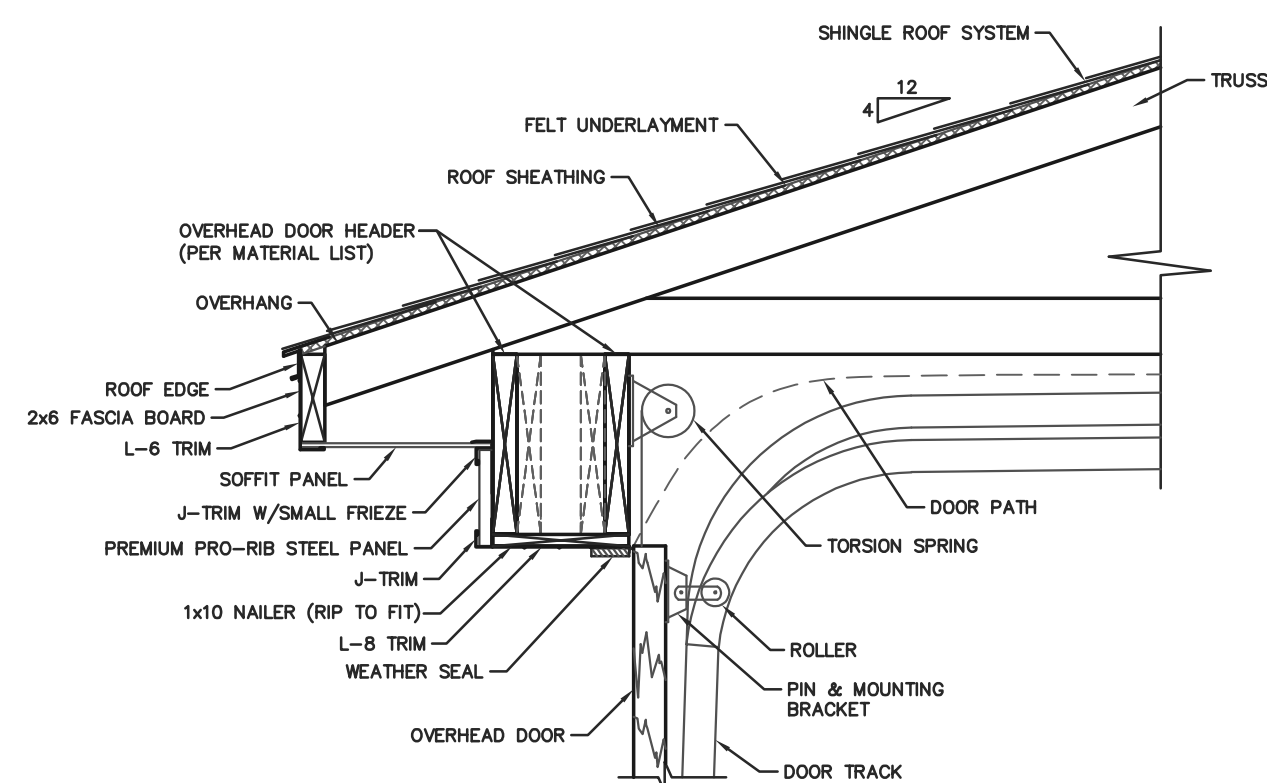
**6/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE



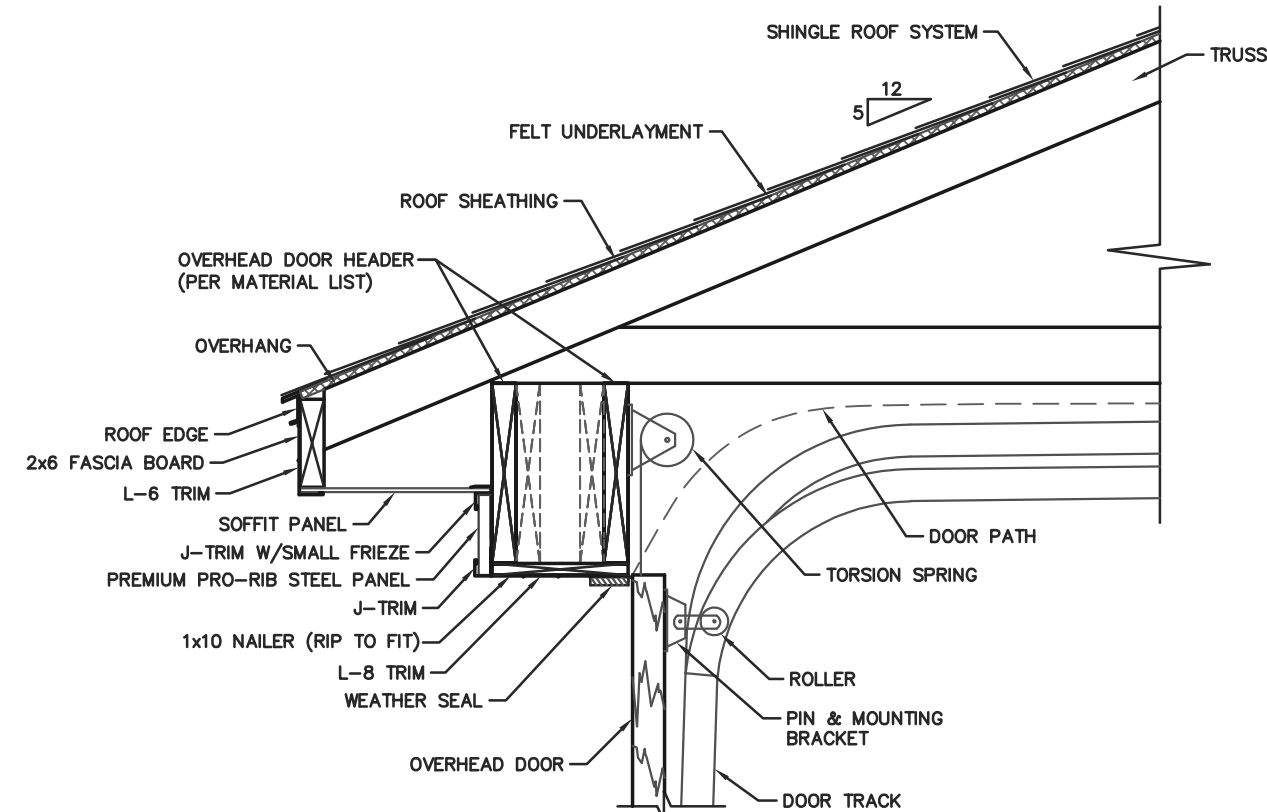
**ENDWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE



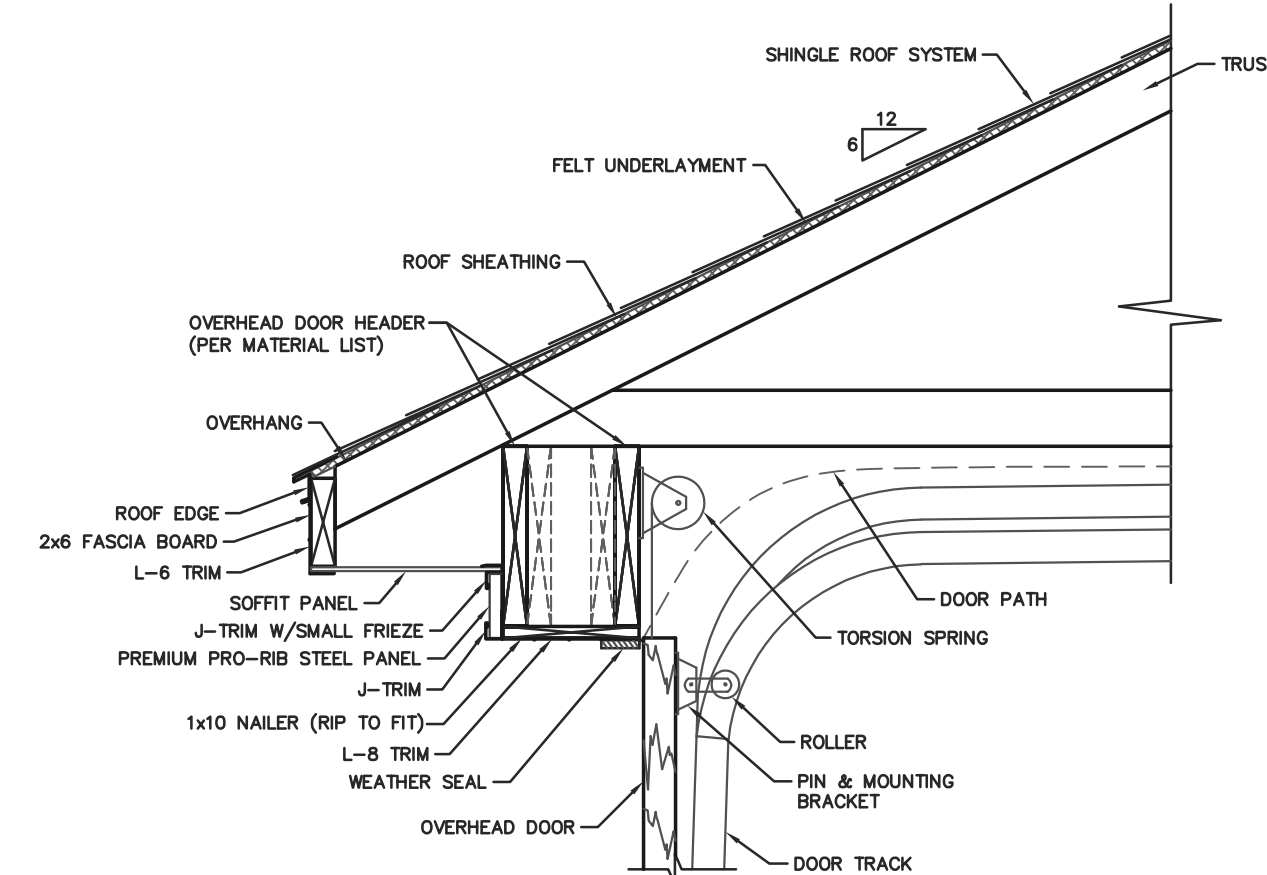
**OVERHEAD DOOR JAMB DETAIL**  
NOTE TO SCALE



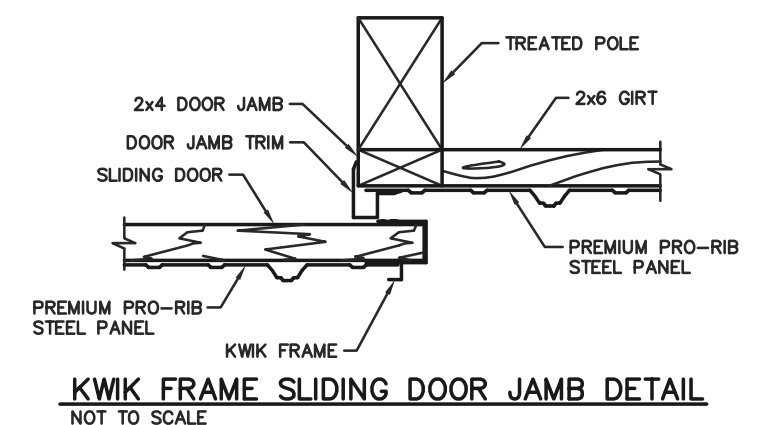
**4/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE



**5/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE

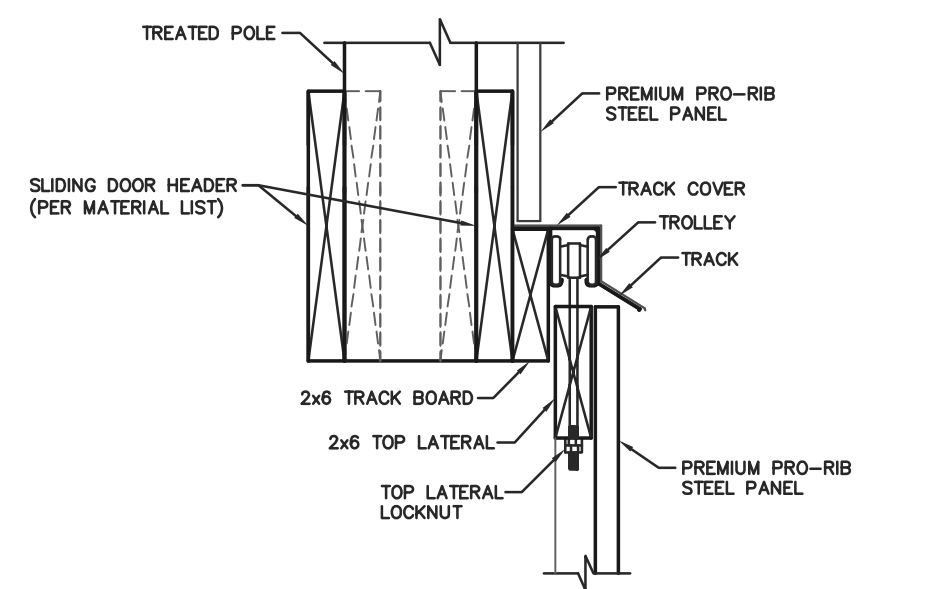


**6/12 PITCH SIDEWALL OVERHEAD DOOR DETAIL**  
NOT TO SCALE

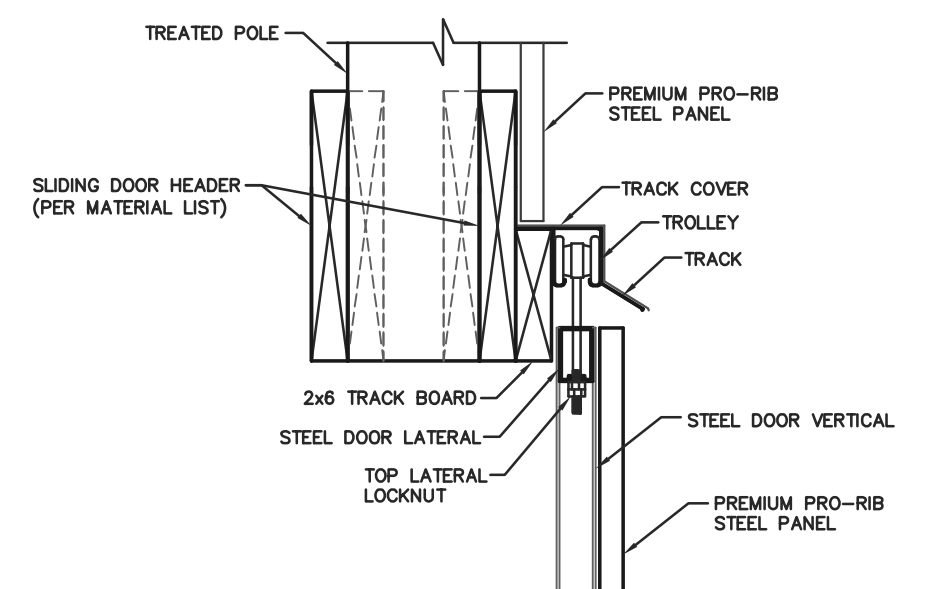


**KWIK FRAME SLIDING DOOR JAMB DETAIL**  
NOT TO SCALE

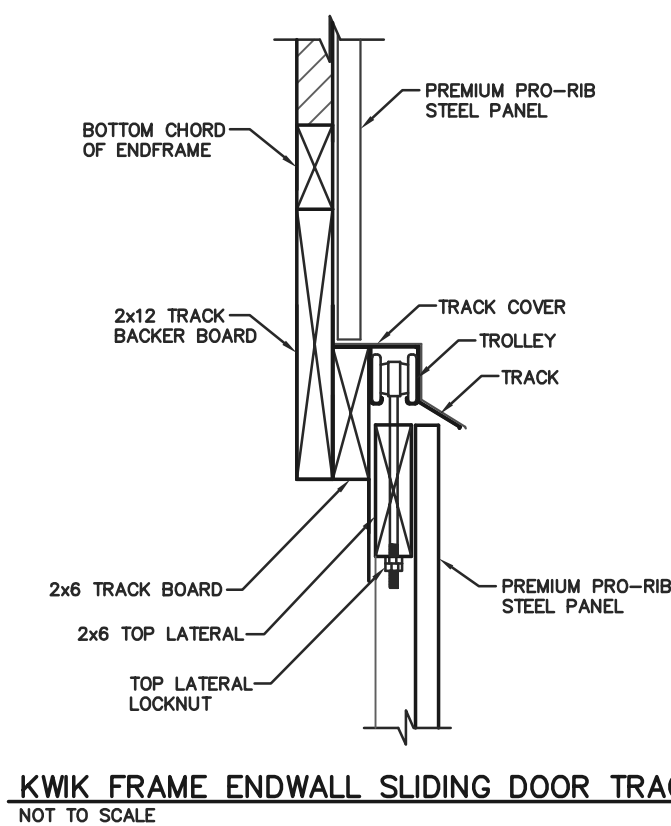
### SLIDING DOOR DETAILS



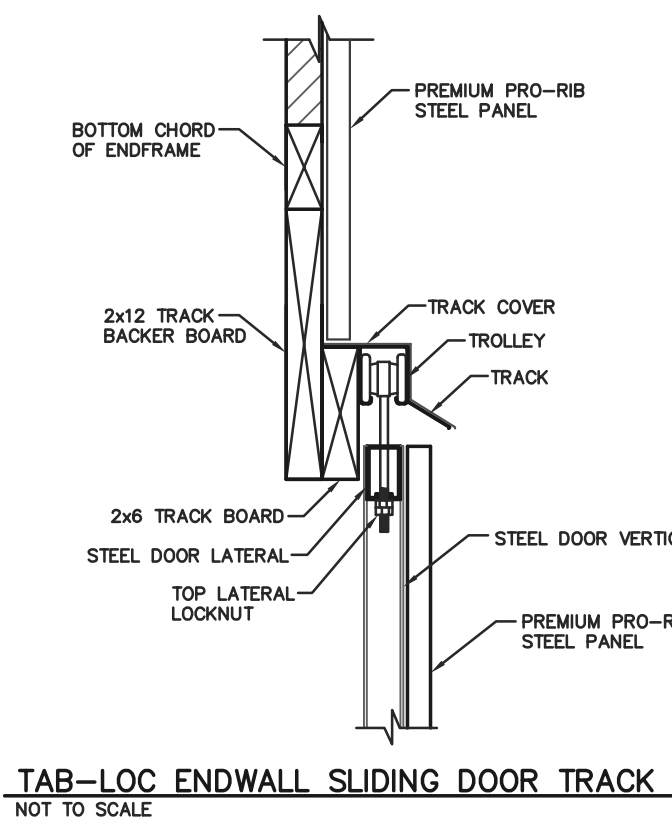
**KWIK FRAME SIDEWALL SLIDING DOOR TRACK DETAIL**  
NOT TO SCALE



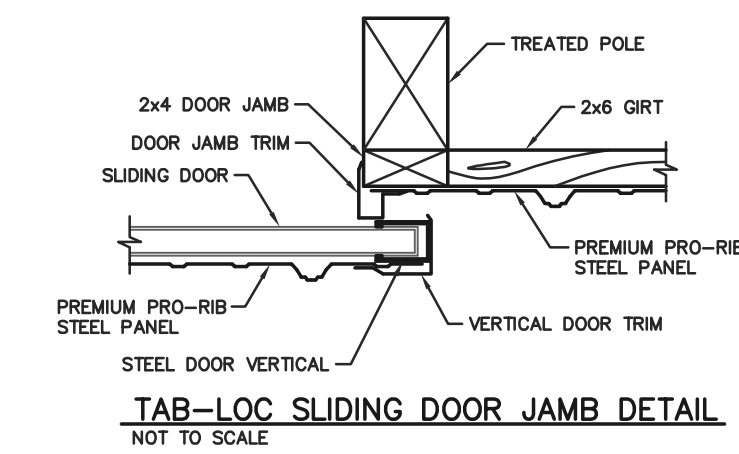
**TAB-LOC SIDEWALL SLIDING DOOR TRACK DETAIL**  
NOT TO SCALE



**KWIK FRAME ENDWALL SLIDING DOOR TRACK DETAIL**  
NOT TO SCALE



**TAB-LOC ENDWALL SLIDING DOOR TRACK DETAIL**  
NOT TO SCALE



**TAB-LOC SLIDING DOOR JAMB DETAIL**  
NOT TO SCALE

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**MM**  
**CODE EXEMPT PRINT**  
6311 KANE RD. EAU CLAIRE, WI 54703 (715) 876-5555  
PROJECT TITLE:  
**TOWLES TRANSPORT INC.**  
HOWELL, MI  
FILE NAME: 320-591604C2020

**From:** [Linda Byer](#)  
**To:** [Amy Ruthig](#)  
**Subject:** building site zoning - Chester and Debra Towles variance request  
**Date:** Friday, November 13, 2020 10:48:12 PM

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November 13, 2020

To: Genoa Township Zoning Board of Appeals

We are neighbors of Chester and Debra Towles (3210 Pineview Road). Our property at 2627 Chilson Road is adjacent to the Towles. We have talked to them about the structure they wish to build in their side yard. We both believe this new building is needed, the size is reasonable for the intended use, the site is perfect, and the design is a visual asset to the neighborhood. It will be a useful addition to their property, and certainly no problem for us.

We understand that the requested side yard variance must be approved by the Genoa Township Board of Appeals. We are in favor of the issuance of the requested variance. Thank you for your consideration.

Norman Collins  
Linda Byer

2627 Chilson Road  
Howell MI 48843



To: The Zoning Board of Appeals

RE: Side Yard Variance Request by Chester and Debra Towles for the purpose of constructing a detached accessory building. Meeting 11/17/2020 @ 6:30pm

I/We, the neighbors, have met with Chester and Debra Towles to discuss the variance that they are requesting from the Genoa Township Zoning Board of Appeals. We understand that this will allow them to house their John Deere Tractor, their mower and other lawn equipment that is currently stored outside, in a sheltered area. We support the building of this accessory building, in spite of the variance that must be issued for this purpose, as we believe that this will allow for improved security and curb appeal for their and surrounding properties. I do not believe that the granting of this variance will have any negative impact on the neighborhood, as a whole, or on my individual property.

Printed Name	Address	Signature
Robert Schultz	3244 Pineview Trail	Robert Schultz
James Reeder	3217 Pineview Tr	James Reeder
Deborah Denthe	3109 Pineview Tr	Deborah L. Denthe
Ralph Berz	3093 Pineview Tr.	RALPH BERZ
John R. Brennan	2470 Hillson	JOHN BRENNAN
Linda Byer	2627 Chilson Rd.	Linda Byer
NORMAN COLLINS	2627 CHILSON RD	Norman Collins
Jeannette Vlahos	2545 Chilson Rd	Jeannette Vlahos
Val Cunniff	2521 Chilson	Val Cunniff

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
FOURNIER, MICHAEL L.	TOWLES CHESTER E & DEBRA K	107,000	05/01/2007	WD	VACANT LAND	2007R-017412	BUYER	100.0
LANE		36,000	07/27/1995	WD	VACANT LAND	1944-0950	BUYER	100.0
LANE, DONALD E. & MARIA		0	06/21/1994	IV	QUIT CLAIM	1849-0189	BUYER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: CE	Building Permit(s)	Date	Number	Status
3210 PINEVIEW TRAIL	School: HOWELL PUBLIC SCHOOLS		POLE BARN	07/06/2016	P16-119	NO START
	P.R.E. 100% 07/09/2009		HOME	09/21/2007	07-149	NO START


  

Owner's Name/Address	MAP #: V20-26	2021 Est TCV Tentative
TOWLES CHESTER E & DEBRA K 3210 PINEVIEW TRAIL HOWELL MI 48843		

Tax Description	Improvements	Land Value Estimates for Land Table 4500.HOWELL M& B
SEC 17 T2N R5E COMM AT W 1/4 COR TH N88*E 754.82 FT TO POB TH N41*W 240 FT TH S88*W 238.62 FT TH N41*W 268.28 FT TH S88*E 513.40 FT TH S89*E 370 FT TH S355.57 FT TH S88*W 312.70 FT TO POB CONT 5.04 AC SPLIT FR 014 4/94 PARCEL D-1	X Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.	* Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value LAND TABLE A 5.04 Total Acres Total Est. Land Value = 85,200 Land Improvement Cost Estimates Description Rate Size % Good Cash Value D/W/P: 3.5 Concrete 5.46 384 89 1,866 Total Estimated Land Improvements True Cash Value = 1,866

Comments/Influences	Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Level	2021	Tentative	Tentative	Tentative			Tentative
	Rolling	2020	42,600	174,600	217,200			195,375C
	Low	2019	42,600	169,700	212,300			191,733C
	High	2018	45,100	174,700	219,800			187,240C
	Landscaped							

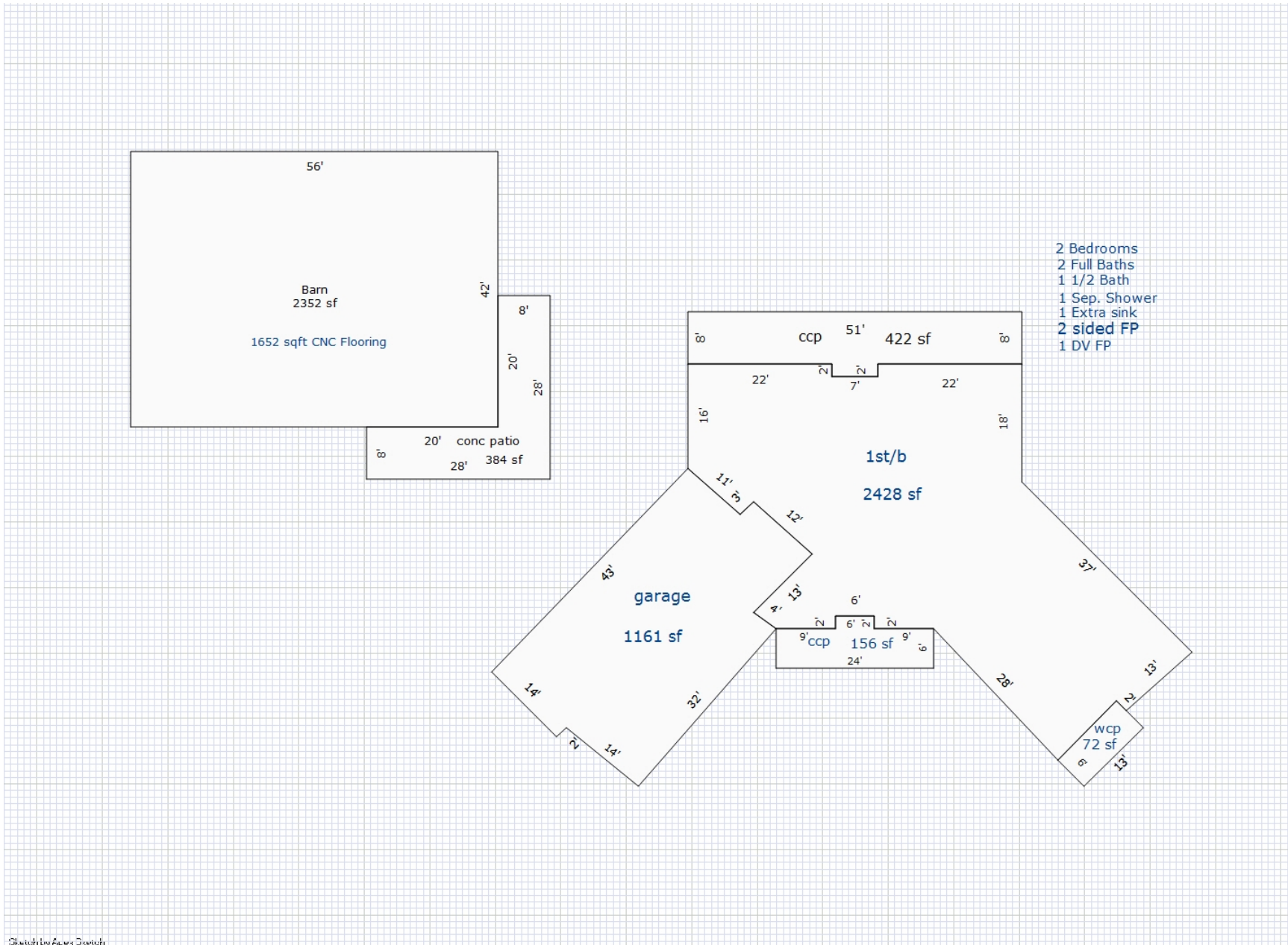
Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
JB	11/09/2016	INSPECTED	2020	42,600	174,600	217,200			195,375C
LLM	11/18/2010	INSPECTED	2019	42,600	169,700	212,300			191,733C
			2018	45,100	174,700	219,800			187,240C

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

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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 1 Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 1 Direct-Vented Gas		Area 72 156 422 384	Type WCP (1 Story) CCP (1 Story) CCP (1 Story) CCP (1 Story)	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 1161 % Good: 0 Storage Area: 0 No Conc. Floor: 0	
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: C Effec. Age: 9 Floor Area: 2,428 Total Base New : 363,174 Total Depr Cost: 330,959 Estimated T.C.V: 324,340		E.C.F. X 0.980	Bsmnt Garage: Carport Area: Roof:		
Building Style: C		Trim & Decoration		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C Blt 2007								
Yr Built 2007	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 2428 SF Floor Area = 2428 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=91/100/100/100/91								
Condition: Good		Lg	X	Ord		Small	(13) Plumbing			Building Areas								
Room List		(5) Floors		Kitchen: Other: Other:			Average Fixture(s)			Stories Exterior Foundation			Size Cost New Depr. Cost					
	Basement 1st Floor 2nd Floor 2 Bedrooms	(6) Ceilings		Basement: 2428 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet			1 Story Siding Basement			2,428 Total: 277,847 252,842					
(1) Exterior		(7) Excavation		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			1 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments								
X	Wood/Shingle Aluminum/Vinyl Brick	(8) Basement		Recreation SF Living SF Walkout Doors No Floor SF			(14) Water/Sewer			Plumbing								
	Insulation	(9) Basement Finish		Public Water Public Sewer			Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			3 Fixture Bath 2 Fixture Bath Extra Sink Separate Shower Water/Sewer			1 3,855 3,508 1 2,579 2,347 1 788 717 1 1,128 1,026					
(2) Windows		(10) Floor Support		1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Porches			1000 Gal Septic Water Well, 200 Feet			1 4,036 3,673 1 8,914 8,112					
Many Avg. Few	X	Large Avg. Small	(11) Heating/Cooling		Lump Sum Items:			Garages			WCP (1 Story) CCP (1 Story) CCP (1 Story) CCP (1 Story)			72 3,304 3,007 156 3,504 3,189 422 8,571 7,800 384 7,803 7,569				
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(12) Electric		1 1000 Gal Septic 2000 Gal Septic			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Common Wall: 1 Wall Base Cost			1 6,351 5,779 1 2,507 2,281			1 -2,228 -2,027 1161 34,215 31,136					
X	Gable Hip Flat	(13) Plumbing		1 1000 Gal Septic 2000 Gal Septic			Fireplaces			Two Sided Direct-Vented Gas			1 6,351 5,779 1 2,507 2,281					
X	Asphalt Shingle	(14) Water/Sewer		Lump Sum Items:			Totals:			1 6,351 5,779 1 2,507 2,281			363,174 330,959					
Chimney: Brick		(15) Fireplaces		Lump Sum Items:			<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>											

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



Sketch by Alex Detch

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

Building Type	Farm Utility Buildings			
Year Built	2016			
Class/Construction	D,Pole			
Quality/Exterior	Average			
# of Walls, Perimeter	4 Wall, 196			
Height	21			
Heating System	No Heating/Cooling			
Length/Width/Area	56 x 42 = 2352			
Cost New	\$ 34,198			
Phy./Func./Econ. %Good	96/100/100 96.0			
Depreciated Cost	\$ 32,830			
+ Unit-In-Place Items	\$ 0			
Description, Size X Rate X %Good = Cost  Itemized ->  Unit-In-Place ->  Items ->				
E.C.F.	X 1.035			
% Good	96			
Est. True Cash Value	\$ 33,979			
Comments:				
Total Estimated True Cash Value of Agricultural Improvements / This Card: 33979 / All Cards: 33979				

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
OCTOBER 20, 2020 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:32 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Bill Rockwell, Marianne McCreary and Amy Ruthig, Zoning Official.

**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 Rockwell, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

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

**Old Business:**

1. 20-15 ... A request by Chestnut Development, 6253 Grand River, for a height variance for an addition to an existing monument sign.

Mr. Steve Gronow of Chestnut Development was present. He showed the site plan noting that Building #B is now constructed. The existing sign is fully occupied by the current tenants so there is now no room on the sign for the tenants in the new building. He has had three potential users who will not sign the lease because they do not have a sign on Grand River. They originally requested a variance to have a second sign, but that was denied because it is one property. They also attempted to split the property but that was not able to be done because the setbacks for the building were non-conforming. He is now requesting a variance to increase the height of the existing sign by 20 inches. He showed a colored rendering of the proposed sign.

Board Member Ledford questioned if each of the buildings has their own addresses. Mr. Gronow stated that each of the tenants have their own address and those are on the buildings.

Board Member McCreary asked how many tenants will be in the second building. He is not sure at this time; however, he could have a maximum of eight. If he were granted the variance,

two of the tenants would not be able to have signage. The call to the public was made at 6:48 pm with no response.

Board Member McCreary questioned why Mr. Gronow did not consider the tenants' needs for a sign for both buildings when the property was developed. Mr. Gronow stated it was an oversight. He added that further down the road, Grand River Annex has a sign that is about 12 feet tall. Ms. Ruthig stated that sign was put in prior to the change in the ordinance.

There was a discussion about redesigning the sign; however, the tenants have the right to use the scrolling digital portion of the sign as part of their lease and to remove "Chestnut Landing" would remove the identity of the development.

**Moved** by Board Member Ledford, second by Board Member Rockwell, to approve Case #20-15 for 6255 Grand River Avenue, requested by Chestnut Development LLC for a sign height variance of 2 feet six inches, for a sign that is six feet, 8 inches high, with a maximum height of 8 feet six inches and square footage from 77.3 to 111.8 square feet. The property currently has a monument sign for an existing building; however, another building is under construction at the rear of the property requiring signage as well, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from enlarging the existing sign. Granting of the requested variance may provide substantial justice to the applicant and provide a substantial property right similar to that possessed by a few other properties in the same zoning district with multiple buildings and reduced visibility from the road.
- The exceptional or extraordinary conditions to the property is the location of the second building that has reduced visibility from the road and the odd shape of the lot.
- 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.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding area.

This approval is conditioned upon on the following:

1. No additional ground signage will be allowed.
2. The changeable message portion of the sign will not be increased.

**The motion carried unanimously.**

2. 20-16... A request by Chad Newton, vacant lot located on the northwest corner of Grand River Ave. and Wildwood Drive (4711-10-301-033), for a variance to allow an addition to an existing nonconforming detached accessory structure.

Mr. Newton was present. He stated that when they purchased the home, their future plans were to build their dream house on the vacant property. When he was before the Board last month, a restriction was put on the motion not allowing a home to ever be built on that property, so he

asked for it to be tabled. He is now requesting that the Board approve his requested variance, with a condition that he has to build the home within a certain amount of time. He does not want to lose the ability to build a home on that property in the future.

Board Member McCreary asked where the new home would be built. Mr. Newton stated they would tear down the existing garage and shed and build it on that property. They would leave the existing house that is on the other property as a guest house.

Board Member McCreary noted that the applicant was advised by the Township that a variance would be needed to build a shed and a variance was not requested and the shed was built anyway. Mr. Newton agreed. He apologized to the Board and knows he made a mistake. She stated the reasons given in the applicant's letter for requesting the variance are not hardships. She agrees with Board Member Ledford's motion from last month.

Mr. Newton stated there is no location on the property with the house to build the shed and he needs the storage space.

The call to the public was made at 7:22 pm with no response.

**Moved** by Board Member McCreary, second by Board Member Ledford, to deny Case #20-16 for Chad Newton to allow an addition to an existing nonconforming detached accessory structure on vacant lot located on the northwest corner of Grand River Avenue and Wildwood Drive (4711-10-301-033), based on the following findings of fact:

- The request does not comply with the current ordinance
- The request for the variance was self-created.

This denial is based on the following condition:

1. The petitioner shall remove the shed within six month and no other work will be done on the shed
2. No other structures shall be built on the lot.

**The motion carried unanimously.**

3. 20-18 ... A request by Ventures Design, 3470 Pineridge Lane, for a waterfront setback variance to install a swimming pool and a variance to construct retaining walls in the required waterfront yard.

Mr. Loch Durrant and Mr. Brandon Bertrang were present to represent the homeowners. He reviewed their requests and the outcome of the meeting from last month. He read the following statement to address the four requirements of granting a variance.

To recap the last meeting; we are requesting two variances, one for a retention wall due to the severe slope of the property and one for an inground pool to be constructed between the retention wall and the house. At September's board meeting the board determined that a



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retention wall was needed and that the board would utilize an engineer to determine where the retention wall would be placed. Based on the report the board would determine the second variance request.

What we concluded from the engineers report is the reason for a retaining wall is to create more usable space between the proposed wall and the lake, and that the severe slope, although could be left in place, would create hardship. We outlined these findings in our synopsis of the engineered report.

We are seeking two variances that allow us to build a retaining wall in the water front yard and a 14'10" variance to allow us to build an inground pool. I think there has been some confusion that we are seeking to change the setback for primary structures amongst the community, but this is not the case. Our goal does not and is not to set a precedent for reducing the setbacks of houses within this community; this is simply for a retaining wall to replace a severe slope and an inground pool placed between the retaining wall and the house. The principal structure currently has an 80'6" setback from the water's edge. The proposed distance from the pool structure and retaining wall is 65'8" from the water's edge, which is substantially less than numerous homes on Crooked Lake. This distance has also been confirmed by the township's engineer. We are primarily seeking a variance to construct a retaining wall in order to gain usable yard space between the proposed wall and the lake, NOT between the house and the wall which seems to be a point of confusion. We are additionally seeking this variance to eliminate a severe slope. In conjunction with that we are seeking to build an inground pool behind the retaining wall. We believe these variances should be looked at in a step by step order. First we would like to discuss the proposed retaining wall since it is clearly evident that one should be permitted, not to mention the countless other homes around the lake that have been granted the same or even more encroaching variances. Once we have come to a consensus on the wall we would like to discuss the placement of the pool behind the retaining wall since it will have no impact on line of site and would be no different from a lawn, patio, deck, or pond.

To give background the current lot has a substantial topographic drop from the rear walkout to water level. If you look at the topographic survey and supplied photographs you can see there is a 10' drop which was also verified by the township's engineer. Our proposed plan cuts back the disturbed soil that was pushed out on the slope. Ultimately the current slope is not suitable for a rear yard and creates a hardship for the homeowner because it's such a severe slope and reduces their usable yard space (steeper than any point on Mt. Brighton). The pre-existing home had natural stone landscape retaining walls that had become overgrown with vegetation, since construction started on the new home these have all been removed. And since the retaining wall is not being built higher than the slope and existing grade they will not impact the line of site from either property as seen in the overlays we have provided. In most jurisdictions retaining walls fall into 2 categories. 1. A wall that is being built up and backfilled usually has to follow certain zoning restrictions because it is built up and out from existing grade. 2. A retaining wall that is being cut back and built into the existing grade generally does not require zoning restrictions because it is not conflicting with lines of site. Our proposed wall is the latter of these two circumstances and ultimately will have zero effect on the neighboring community.

Practical Difficulty: We believe the unusual characteristics of this lot demonstrate practical difficulty and the setbacks that have been granted to other homes within the community and the next door neighbor's variances demonstrate Substantial Justice. The homeowner has an

unusual pie shaped lot that is located on a peninsula with unusual topography with a steep slope in the lake front yard. The current principal set back is 80.5' from the water's edge, this is substantially more than multiple houses within the community and on Crooked Lake including the neighbor directly to the north at 3450 Pine Ridge Lane the setback variance that was granted at this house are as follows Deck: 45' setback from water. House: 58' setback from water. To put into comparison our proposed wall/pool are 7'8" farther back from the water's edge than the neighbor to the north's house. And 20'8" further back than that neighbors deck. Countless other lots have been granted variances reducing the waterfront set back up to 40' as well, these were all based on unusual lot shapes and topographic issues therefore it would be unjust to not take into account the same issues this lot faces. Not to mention these are setbacks for principal structures.

Additionally, the rationale of the setback requirement is to ensure that a person cannot build a home that would take away the lake views from his adjacent neighbors. With the petitioner's variance request, neither of the neighbors would lose any lake views. As our proposal is to build a retaining wall with a pool at grade level, since neither structure has a wall or a roof, no line of site is impacted.

In regards to our second variance request, there has been Precedent set with a pool located at 4252 Highcrest Dr. that was permitted and built beyond the principal structure setback, the validity of this pool is not in question since we believe it does not impact the line of site from neighboring properties but is a further demonstration of substantial justice. In this case, based on the zoning approved the pool was not viewed as a principal structure. There are also water front yard retaining walls throughout the community that have been granted variances for the same reasons we are before you today. The inconsistencies between other zoning approvals and our proposal show a general bias from one project to the other. We have brought copies of 30 variances that have been granted based on one or two of the exact hardships faced by the petitioner, and will be willing to read through them should the board determine it necessary.

In addition, there is a strong argument that the Ordinance's setback requirement of taking the averages of the two houses should NOT be applied at all in this situation. Due to the unique situation that the outdated ordinances do not specify set back requirements for inground pools, thereby defaulting them to the same category as a house with walls and a roof, the rationale of protecting the neighbors views simply do not apply in this situation.

Additional "exceptional undue hardships" include the narrowness of the lot. This is an exceptional undue hardship because the placement of the home on the lot had to conform to side yard setbacks. If the home were to be built further from the lake, to allow space to conform with the waterfront set back, additional variances for side yard setbacks would be necessary.

Extraordinary circumstances: We believe extraordinary circumstances do apply to our case. The unusual shape and topographic nature of the lot set forth the location of the principal structure and to ensure site stability we need to either have a slope with a 50% grade (determined by engineer) or a retaining wall. During demolition multiple failing retaining walls were removed and overgrown vegetation was cleared. In order to reduce the total amount of retaining walls and to have the least amount of impact we are proposing a wall being built well within the side yard setbacks. We have returns cutting in towards the house to allow proper side yard grading so it will not affect neighboring properties. As for the pool there is not a more suitable location on the

property, there is no room on either side and it is not permitted to place the pool in the front yard of the property. Since the pool has to abide by the same setback as the house it would require a variance for any location in the waterfront yard. We also feel that given the need for a retaining wall, the most minimally intrusive way to incorporate the pool would be to do so as a monolithic structure with the wall, therefore serving two purposes. Furthermore if we were to build the retaining wall out of natural stone or landscape block we would not need to seek a variance for the monolithic wall.

Further points to take into consideration:

- A deck is permitted to be built 15' beyond the existing house at the ground level or second story level, which poses an actual impact of line of site for neighboring properties. Additionally the original house had a ground level deck that was in the same location as our proposed structure so we are not proposing anything that impacts the area more than it did before.
- If the house were to be shifted back further away both the pool and principle structure could be built within the 80' setback, this would cause a significant cut out of land for the walkout basement which could cause grading issues for neighboring lots, and create the need for additional unnecessary retaining walls.
- We feel the current ordinances for walls are somewhat outdated and not fully intended to apply to structures built below the existing high point of land. As mentioned before we would be cutting into the existing grade to gain usable space as opposed to building out and up.
- An inground pool with an autocover should not follow the same setbacks as a principal structure or accessory structure in a waterfront yard and rather should carry its own setback requirements as common in other jurisdictions for the reason that it poses no additional burden to neighboring properties than if the surface were mowable grass, or concrete. We feel the code was written during a time when a pool was built a fence was required. With new technology and advanced pool practices also supported by the Livingston County Building Department, the need for a fence is obsolete when a locking automatic pool cover is installed.

To summarize based on the site conditions, distances determined by the townships engineer, and variances granted to other properties within the community we believe there is ample evidence to grant a variance for the proposed retaining wall. And based on that approval we cannot find a reason as to why an inground pool with an autocover should not be permitted in this location. We could see there being restrictions for pools that would require a permanent fence but with a certified autocover Livingston County no longer requires a fence. The inground pool would be set back further than multiple houses within the neighborhood including the direct neighbor (that all were granted variances for the primary structure) and most importantly poses no impact to other properties unlike the variances that have been approved for the houses that are located closer to the water. The inground pool itself would be no different than lawn, or concrete, or most comparably a pond. Technically we could build a pond in that exact location without any zoning restrictions and the only technical difference between a pond and a pool is the filtration system which would be located on the side of the house far behind any setback requirements. These points we believe indicate the need for a variance or revised zoning

ordinances within this community since many of the current ones are out of date for current construction practices.

Mr. Bertrang showed photographs of the home prior to the construction and the proposed new structure. He noted that the Township Engineer confirmed that the retaining wall is needed; however, based on his comments, they reduced the size of the pool and brought it closer to the home by three feet and moved the retaining walls further back. He presented an overlay where the pool will be in relation to the location of the previous deck and noted that the pool could be built in this location without the retaining wall, but the retaining wall is necessary due to the slope of the land. They could plant 30 to 40 foot high arborvitae along one side of the property to block the view of the pool from the neighbor.

He showed another home on Highcrest that has an infinity pool that was not considered a structure. He also noted that many homes on Crooked Lake have retaining walls.

Mr. Durrant reiterated that they are allowed, by ordinance, to build a deck on the second floor, which would impact the neighbors' lines of sight. They also could plant the arborvitae with no variance needed. Mr. Durrant stated they could put a patio there with no variance needed.

Board Member McCreary is concerned with the noise from the people in the pool that could negatively impact the neighbors because it is further away from the home and closer to the water. Mr. Bertrang stated they could plant the arborvitae with no variance needed to help shield the noise from the neighbors.

Board Member McCreary noted that the applicant was denied a variance to build the home closer to the lake and asked why the pool was not presented at that time. Mr. Bertrang stated the pool was decided to be built after the home was planned. Venture Designs was not part of the construction of the home. They are building the retaining wall and the pool.

Mr. Durrant stated that the Township Ordinance does not speak to pools on lakefront lots, so it is considered a structure. A variance is needed for the retaining wall due to the hardship of the topography of the lot and they are putting in a pool at the same location. They could put grass, a patio, etc. at the retaining wall and they would not need a variance for any of those.

Ms. Ruthig agrees that the ordinance is silent to pools on lakefront lots, so staff refers to detached accessory structures. She noted that this will be added during the zoning ordinance update. She also noted that the applicant can build a wall with boulders and would be considered landscaping and could be placed anywhere on the property.

The call to the public was made at 8:10 pm.

Mr. Robert Pettengill of 3540 Pineridge Lane read the letter that he submitted to the Township. I think what is presented here - the fundamental problem - is a package too big for the size and shape of the lot. A huge amount of earth has been moved and removed and most of the trees were taken down, which may have created the need for this variance. But this is not uncommon today: fitting big houses on small lots. Particularly for those of us who have been in this neighborhood for some time this can be an aesthetic shock and departure from what has been

including norms of setback, lines of sight, etc. Nevertheless I must assume up to this point this is all within the various ordinances and in accordance with the owner's permits.

You as the Zoning Board and we as neighbors are reduced to being able to only address the ordinance dealing with lakefront setback. In the case of the pool there is also a quibble about the definition of "structure", between attached or unattached even though they both look the same and require the same footprint.

So, technically the subject on the table tonight is the retaining wall and pool, not the house construction. However, this is because the complete plan, house and pool, were not presented in the beginning even though as I understand it (and I could be wrong) the pool was always intended. There was no mention of a pool at your February 2019 meeting when you denied their variance request of 6.5 feet. It was then that this should have been considered.

It was stated by the owner's representative in the September 15, 2020 meeting that discussion of construction of the home was not relevant to the discussion of the request now being made. It is relevant because it's the total package, house and pool, that result in a variance requirement. Now with the foundation in and construction proceeding the house becomes a fait accompli, a given, and accommodating the pool can only be done by a variance. Any hardship or practical difficulty with the property that causes this variance request goes back to the original layout of the house and pool apparently being incompatible with the lot configuration. Everything was known when they bought the property in 2016 and when the house and pool plans were being developed. Apparently the topographic features of this property were disregarded in favor of going with their plans hoping for variances to deal with the anomalies. Beginning construction before these issues were addressed is what caused the so-called hardship. Going ahead with construction makes this a self-created problem.

I found it difficult to follow the owner's agreements/disagreements with the engineer's recent review. But, looking at the photographs and overlays: the previous property including the house, now gone, was rather modest on both the lakeside and roadside. In fact the previous house was hardly noticeable from the road. The new structure with or without the variance will dominate both lakeside and roadside. My point is the discussion about grades not being changed I find hard to match with the visuals and knowing how much earth has been moved. But, my reading of the engineering review is: no pool; no need for variance. Further, going with a natural grade obviates the need for a retaining wall.

The fact remains a variance is required to accommodate this house and pool on this particular lot. Is this not the definition of a self-created situation? It is only now an unfortunate hardship to the owners because construction is in progress and they do not want to forego the pool which is an add-on to the original plans and to repeat not in their February 2019 variance request which was denied. The conclusions reached then still apply. Adding a pool now only exacerbates the problem.

Bottom line: I can't see how the need for this variance is not self-created, the basis for denial.

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Mr. Bob Musch of 3500 Pine Ridge was present to read Donnie Bettes' letter dated October 17, 2020.

After reading the engineer's comments it would appear that the only reason for the wall would be to support the pool. It appears the petitioner's pool engineers may disagree but when you look at the pictures below you can see that before the dirt was added the grade appeared to be more gradual. Also since the home's foundation was already in before this variance request was made in the past couple months the hardship was again self-created vs adjusting the footprint to accommodate the lot while they were in the planning phase. Note the petitioner has owned the property since Feb 2016, so there has been plenty of time to plan for this feature.

In the previous meeting, in September, there was a motion to deny which was withdrawn so the board could consider the need for a wall. It was suggested that the township engineer's review the area and give their opinion regarding its need. The report appears to purport that the only need for a wall is to support the request for a pool. Otherwise natural settings can be used for landscaping the area. It would appear via your expert's professional opinion that the motion for denial would have the support needed to move forward.

If a wall were approved there is certainly no need for it to be 21 feet closer to the lake. I am sure 0-5 feet is all that is necessary, as that is what is typically allowed along the sides of buildings for emergency personnel to get around.

Mr. Doug Brown of 3420 Pineridge Lane would like Tetra Tech to be given the chance to review Venture's response to their letter.

Mr. Mike Balagna of 3450 Pineridge Lane lives to the north of this property. His biggest concern is the sight line. The applicant raised the grade three to four feet higher and now it blocks his view. They are not allowed to put trees along their property line that would block views.

The call to the public was closed at 8:24 pm.

Ms. Ruthig clarified that trees are allowed to be planted along the property line.

Board Member Ledford lives far off a lake and can still hear the noise all summer. Mr. Bertrang stated it is not what people are in or on that creates the noise, it's what they do while they are there. People in a pool do not make more noise than people on a patio.

Board Member McCreary agrees with Mr. Brown's comment regarding Tetra Tech being able to respond to Venture's response to their letter.

Board Member Rockwell has not changed his mind from last month and Tetra Tech's letter confirmed his decision.

Mr. Bertrang stated that other retaining walls have been built and other variances have been granted for retaining walls and homes closer to the lake than what they are proposing.

Board Member McCreary stated that each property has its own set of circumstances.

Mr. Ralph Slider, the property owner, stated that the neighbor's house to the north of his house is closer to the water than his and his retaining wall will be at grade level.

Mr. Loch stated the house to the north was given a variance to be closer to the lake than the house that is to the north of that one.

Mr. Bertrang reiterated that because the ordinance is silent to pools, it is considered a structure with walls and a floor. They could build a deck with a railing, which would be more intrusive, and that would be allowed by ordinance. He would like to know at what slope the Township would determine that a retaining wall is needed.

Board Member Kreuzberg noted that Tetra Tech stated a wall is not necessary. It can be done with landscaping, boulders, etc.

Board Member Ledford would like to have this item tabled this evening and have the engineer present at the next meeting. Board Member McCreary agrees; however, she is not sure that it will change her opinion.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to table Case #20-18 until the next Zoning Board of Appeals Meeting to allow the Township Engineer to be present. **The motion carried unanimously.**

**New Business:**

4. 20-20 ... A request by Sarah Lanning, 2638 Hubert Road, for a size variance to allow for an existing addition to remain on a detached accessory structure.

Mr. and Mrs. Lanning were present. Ms. Lanning stated they wanted to add to their existing barn for a gym because of the requirement to wear a mask at the gym due to COVID. They understand there is no hardship with the property; however, they would like to be able to work out without having to wear a mask.

Board Member McCreary asked why this wasn't requested when the permit for the barn was requested in April. She added that the addition was started to be built on the barn without another approval.

Mr. Lanning stated that after they built it, they realized that it wasn't big enough for gym equipment after learning that masks would be required at the gym. They stated the addition is 14 x 28, which is 268 square feet.

Chairman Rassel stated the reason presented does not qualify as a hardship.

Ms. Ruthig stated that a 1,200 square foot barn was allowed because the Township did not know the applicant had an existing 168 square foot structure which they are saying is a playhouse, when the approval for the barn was granted.

The call to the public was made at 8:59 pm with no response.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to deny Case #20-20 for Sarah Lanning, 2638 Hubert Road, for the variance for a shed to stay on the permitted building that was 40 x 30, based on the following findings of fact:

- The building size exceeds the ordinance allowance of a maximum of 1,200 for an accessory structure in the Rural Residential Zoning District
- The need for the variance was self-created.

This denial is based on the following conditions:

1. The petitioner shall remove the addition within six month and no other work will be done on the addition.
3. No other structures shall be built on the lot.

**The motion carried unanimously.**

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve a variance for Sarah Lanning, 2638 Hubert Road, to allow a 168 square foot playhouse as it was not considered in the permit approval for the barn.

This approval is conditioned upon the following:

1. No other accessory buildings shall be built on this property.

**The motion carried unanimously.**

5. 20-21 ... A request by Philip and Melissa Casteleyn, 1717 S. Hughes Road, for a side yard variance to construct an addition on an existing single family home.

Mr. Philip Castelyen was present. He is requesting a side yard setback of four feet for a one-foot side yard setback. This addition will make his home similar in size to others in the neighborhood and will not restrict access to his backyard. The way the original house was built on the lot, it is 8 feet from the side setback at the front of the lot and 1 foot at the back. The lot is narrow and is two feet wider at the front of the property than at the rear. Granting this variance will not impact safety, welfare, or the surrounding neighbors in a negative way.



Board Member Kreutzberg asked the applicant if he considered moving the rear section of the home over. Mr. Casteleyn stated that if he was to shift the house over, he would need a variance on both sides because of his neighbor's garage.

Ms. Ruthig stated the neighbor's fence was not put to the property line. Mr. Casteleyn confirmed that. He maintains his side of the fence, which is not actually his property.

He submitted letters from neighbors who are in favor of him receiving this variance.

The call to the public was made at 9:20 pm.

Mr. Eric Colson of 1725 S. Hughes Road asked if he will have to move his fence. Ms. Ruthig stated no, because it is within the ordinance.

He also asked if the addition will be higher than the existing home. Mr. Casteleyn stated they will be maintaining the roof line of the existing home.

Mr. Greg French of 1732 S. Hughes Road stated Mr. Casteleyn has done improvements to his home, which have improved the neighborhood.

The call to the public was closed at 9:22 pm.

Board Member McCreary asked the applicant how he is going to maintain that side of the property without trespassing on his neighbor's property. Mr. Casteleyn stated that he will be able to maintain his lot and home with the 8 inches on the side between his home and the neighbor's fence. He currently walks on Mr. Colson's property because of where the fence is located. He added that since it's new construction, there won't need to be anything maintained or replaced, such as siding or windows, and when that time comes, he believes they can be done within that space. Board Member McCreary suggested that the applicant obtain an easement from his neighbor to enter onto his property. She understands that the two neighbors are friendly and have an agreement; however, that may not always be the case.

**Moved** by Board Member Kreutzberg, second by Board Member Rockwell, to approve Case #20-20 for Philip and Melisa Casteleyn at 1717 S. Hughes Road for a side-yard variance of 4.4 feet for a home addition, based on the following findings of fact:

- Strict compliance with the side yard setback would unreasonably prevent or restrict the use of the property and there are other homes in the area with similar side setbacks.
- Granting the variance will provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood and is not self-created.
- The extraordinary conditions are the narrowness of the lot and the placement of the existing home on the property line.

- The granting of the variance would not impair an adequate supply of light and air to the adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- The granting of the variance would have little or no impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.
2. 10 feet must be maintained from the existing shed on property.
3. Must maintain 40 feet from the rear property line.
4. Approval from adjacent neighbor to enter property to construct and maintain the addition if required.

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

**Administrative Business:**

1. Approval of minutes for the September 15, 2020 Zoning Board of Appeals meetings.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the September 15, 2020 ZBA meetings as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig had no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the September 21, October 5, and October 19, 2020 Board Meetings.
4. Planning Commission Representative Report - Board Member McCreary provided a review of the October 13, 2020 ZBA Meeting.
5. Zoning Official Report - Ms. Ruthig had nothing to report.
6. Member Discussion - There were no items to discuss this evening.
7. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to adjourn the meeting at 9:50 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
OCTOBER 13, 2020  
6:30 P.M.  
MINUTES**

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:31 p.m. Present were Marianne McCreary, Chris Grajek, Eric Rauch, Jim Mortensen, Jeff Dhaenens, and Glynis McBain. Absent was Jill Rickard. Also present were Kelly VanMarter, Community Development Director/Assistant Township Manager, and Brian Borden of Safebuilt Studio. There were six audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

**Moved** by Commissioner Dhaenens, seconded by Commissioner McCreary, 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.

**OPEN PUBLIC HEARING # 1**...Review of a rezoning application and impact assessment to rezone approximately 4.34 acres from Office Service District (OSD) to High Density Residential (HDR) for Parcel# 11-06-200-101. The parcel in question is located on an undeveloped 4.34 acre site on the north side of Grand River, west of Char Ann Drive. The request is petitioned by Kevin Irish.

- A. Recommendation of Rezoning Application
- B. Recommendation of Environmental Impact Assessment (8-31-2020)

Mr. Brent LaVanway from Boss Engineering was present to represent the applicant. This property is bordered on the west side by general commercial, the north by low density residential, and the east side has an existing office building that is zoned office service. Mr. Irish has owned this property for approximately 18 years and it has been for sale for almost as long. He has done market research and the property is most viable as high density residential. It has Grand River frontage and public utilities. There are two other apartment complexes in this area.

Mr. Borden reviewed his letter from September 14, 2020.

- 1. This request will need to go to the County Planning Commission for review and recommendation prior to it being sent to the Township Board.
- 2. The request is not consistent with the Township Master Plan Future Land Use classification of office; however, the Township may find that there has been a change in conditions since the Master Plan was adopted.

3. The Township is beginning the process of updating the Master Plan. If this rezoning is granted, then this change will need to be made.
4. Provided the Township finds that there has been a change in conditions since the Master Plan was adopted, high density residential zoning is generally consistent with the rezoning criteria of Section 22.04.
5. The request is anticipated to be compatible with the surrounding area.
6. The host of uses permitted in high density residential is generally compatible with existing and planned uses in the surrounding area.
7. Consideration must be given to any technical comments provided by the Township Engineer, Utilities Director and/or Fire Authority with respect to infrastructure, utilities, and services.

Ms. VanMarter reviewed Mr. Markstrom's letter September 16.

1. The high density zoning requires no more than 8 units per acre. The Petitioner is proposing 32 units on the 4.34 acre site which complies with this density requirement.
2. The parcel has access to the municipal water and sanitary sewer utilities. The utilities have capacity for the proposed development density of HDR.
3. If the rezoning is approved, the proposed apartment community will require its own site plan for review and site plan approval. At that time the proposed facilities for management of the storm water and traffic will be reviewed.
4. The petitioner has presented a plan indicating how the proposed zoning would be interpreted on the parcel. From an engineering viewpoint, he has no objections to the parcel being rezoned to HDR. Once more detailed site plans are submitted, he may have additional comments regarding the layout, road, drainage and utility plans.

Chairman Grajek asked Mr. LaVanway if he had received the letter from Rick Boisevert, the Fire Marshall, dated September 11. Mr. LaVanway stated he has received the letter and his comments are primarily site plan issues.

Commissioner Mortensen stated this appears to be a case of spot zoning.

Commissioner Rauch noted that it is not consistent with the Master Plan; however, there have been changes since the last Master Plan was adopted, specifically in the last several months on how people interact, live, and work. Eight or nine months ago, he would not have considered this, but things have changed. He questioned if this will set a precedent for other like-minded developers in the community and further, is that good or bad? He does not believe that the examples of high density residential given by Mr. LaVanway are the same as this proposal. One of those has their clubhouse on Grand River frontage and the other has a long roadway or driveway to the apartments.

Commissioner Mortensen agrees with Commissioner Rauch; however, he questioned if it is too soon. Commissioner Rauch agrees that it is premature, but will there be a time when it is too

late and then the Township will be behind? Commissioner Mortensen would like these changes to be discussed during the Master Plan review process.

Commissioner Dhaenens agrees that it could be considered spot zoning, but does understand that many people are working from home now.

Commissioner Rauch asked how long Mr. Irish has owned the property and why is this being requested now.

Mr. Kevin Irish of 4205 Faussett Road, Howell stated he has owned the property since 2000 and has tried to sell it, after it was improved, since that time. With the advent of technology people can do business anywhere. There is no demand, nor has there been for almost a decade, for office buildings. The property has been listed for less than its appraised value. People always need housing and in speaking with developers, residential is a viable option for this property. There is also no interest in this property for retail use. He noted there are many vacancy signs along Grand River in the Township.

Commissioner McBain does not feel that it is dense enough and recommends more units that are truly affordable. She would like this to be considered when updating the Master Plan.

The call to the public was made at 7:04 pm.

Mr. Michael Trepanier, the owner of Hidden Ridge Lot 4, which is on Turning Leaf Drive and north of the subject property, addressed the Planning Commission. He was planning to build a house on his property next spring. He purchased this lot last year, did his due diligence and checked the surrounding zoning. If he had known this was zoned for high density residential, he would not have purchased this property. Approving this rezoning will negatively impact the property values of the homes on this street. There are five vacant properties on this street that may not be sold and developed if the apartments are built. He reviewed sections of the ordinance regarding setbacks and what is being proposed is not within the requirements. This building is proposed to be 30 feet high and the berm is proposed to be only 4 feet high. He would like the Planning Commission to consider how this will affect the expensive homes that are on Turning Leaf Drive.

Commissioner Rauch advised Mr. Trepanier that there are many uses that are allowed in the current zoning, which are bars, restaurants, adult care facilities, financial institutions, and many more. This zoning also allowed for buildings up to three stories. Mr. Trepanier noted that many of those uses require a special land use.

Mr. Borden advised the Commission and the public that only the zoning is being discussed this evening, not the site plan. The Planning Commission cannot place conditions on a rezoning and they cannot consider any proposed site plan when making a decision.

Mr. Chris Mammoser of 2757 Turning Leaf Drive was present to represent the homeowners association. In his business, he knows that there is demand for office space. Many companies who have their headquarters in large cities are interested in building satellite offices close to where people live. He does not agree that office space is not going to be needed. He understands reviewing and changing the Master Plan, but does not agree with changing this zoning at this time.

Mr. Dan Hassett of 2955 Turning Leaf Lane is a veteran, a retired firefighter, and a volunteer for Habitat for Humanity. He asked the Planning Commission if they would like a 32-unit apartment complex 200 feet from their home. He built his home because the Master Plan assured that there would not be high density residential zoning on this property. His property value is going to go down.

Mr. Scott Runyan of 3141 Char Ann Drive asked what is the zoning to the east and the west of this property. Ms. VanMarter stated the zoning to the east is office and the west is general commercial district. He would like the Planning Commission to consider the residents of Char Ann Drive. If there are 32 apartments built on this property, there will be people walking on their road, which is private, and the residents pay to maintain. He owns a nine unit office building and eight of those units are occupied. He disagrees that there is no need for office space.

The call to the public was closed at 7:36 pm.

**Move** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board denial of the Rezoning Application for the property on the north side of Grand River, west of Char Ann Drive, from OSD to HDR because the Planning Commission finds that it is inconsistent with the rezoning criteria of 22.04 of the Township Zoning Ordinance. **The motion carried unanimously.**

**Move** by Commissioner Mortensen, seconded by Commissioner Dhaenens, to recommend to the Township Board denial of the Environmental Impact Assessment or the property on the north side of Grand River, west of Char Ann Drive because the Planning Commission finds it is inconsistent with the rezoning criteria of 22.04 of the Township Zoning Ordinance. **The motion carried unanimously.**

Chairman Grajek called for a five minute break.

**OPEN PUBLIC HEARING # 2...**Review of a site plan and environmental impact assessment for a proposed parking lot at 1183 Fendt Drive to be used in conjunction with the existing UPS Facility on the west of Fendt Drive. The request is petitioned by Hugo Ceron, SME.

- A. Recommendation of Environmental Impact Assessment (9-2-2020)
- B. Disposition of Site Plan (9-23-2020)

The applicant was not present this evening.

Ms. VanMarter provided a review of the request. UPS has been using their undeveloped lot across the street from their facility for parking. The Township has been allowing this but advised that UPS needs to pave this area and install a parking lot.

Mr. Borden reviewed his letter dated October 6, 2020.

1. He recommends the Commission require the applicant to provide and record an agreement stating that the two properties are tied together, and that a shared parking easement must be provided and recorded should either property be sold separately
2. The applicant will need to obtain a variance from the ZBA to exceed the 300-foot spacing between the nearest parking space and public building entrance (Section 14.02.03).
3. The landscape plan is deficient in parking lot landscaping. The applicant requests that the Township waive these requirements, per Section 12.02.13.
4. If signage is proposed in the future, a sign permit must be obtained from the Township prior to installation.

There was a discussion regarding the shared parking easement recommended by Mr. Borden. All Commissioners agree that since the applicant has not officially agreed to this, then this item should be tabled this evening so they can be made aware of it and advise if they are in agreement with the recommendation.

**Move** by Commissioner Dhaenens, seconded by Commissioner Rauch, to table the public hearing for a site plan and environmental impact assessment for a proposed parking lot at 1183 Fendt Drive to be used in conjunction with the existing UPS Facility on the west of Fendt Drive until the next Planning Commission meeting giving the applicant an opportunity to address the items in the review letters. **The motion carried unanimously.**

## ADMINISTRATIVE BUSINESS

### **Staff Report**

Ms. VanMarter stated that changes made to the sign ordinance will be before the Township Board for their review, with additional changes that needed to be made to the off premise signs section due to a recent court ruling.

The Township is hoping to purchase property contiguous to the Township Hall and apply for a grant. Staff is currently working on a Recreation Plan as part of this process. After that is complete, they will again work on the Master Plan revisions. She anticipates the joining meeting between the Planning Commission, ZBA, and Township Board to be held later this year or early next year.

### **Approval of the September 14, 2020 Planning Commission meeting minutes**

Genoa Township Planning Commissioner  
October 14, 2020  
Approved Minutes

Needed changes were noted.

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the September 14, 2020 Planning Commission Meeting as amended. **The motion carried unanimously.**

### **Member Discussion**

Chairman Grajek has learned that while many people will be working from home, there will be people who will be going back to work and those people will need to be distanced from each other, office spaces will be needed.

### **Adjournment**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to adjourn the meeting at 8:23 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary



**GENOA CHARTER TOWNSHIP BOARD  
Regular Meeting  
November 2, 2020**

**MINUTES**

Supervisor Rogers called the Regular Meeting of the Genoa Charter Township Board to order at 6:30 p.m. at the Township Hall with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jean Ledford, Terry Croft, Jim Mortensen and Diana Lowe. Also present were Township Manager Michael Archinal; Township Attorney Joe Seward; Township Assistant Manager Kelly VanMarter and two persons in the audience.

A Call to the Public was made with Rita Croft inquiring concerning signage at polling places. Skolarus responded that signs at polling places were unlimited during elections.

**Consent Agenda:**

Request for approval of the consent agenda

Moved by Lowe and supported by Mortensen to approve all items under the consent agenda as requested. The motion carried unanimously.

**1. Payment of Bills.**

**2. Request to Approve Minutes: October 19, 2020**

**Regular Agenda:**

Request for approval of the regular agenda:

Moved by Ledford and supported by Mortensen to approve for action all items listed under the regular agenda as requested. The motion carried unanimously.

**3. Conduct second reading and consider for adoption ordinance number Z-20-04 regarding Zoning Ordinance Text Amendments involving changes to Article 16 entitled "Sign Standards."**

Moved by Hunt and supported by Lowe to amend the zoning ordinance with reference to temporary signs in residential areas to allow ten (10) small temporary signs instead of five (5) small temporary signs with a minimum separation of ten (10) feet and adopt ordinance Z-20-04 with regard to Article 16 of the Sign Standards as requested by VanMarter The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers Nays – None.

**4. Request for approval of Township employee benefit changes as presented by the Human Resources Director.**

Moved by Lowe and supported by Croft to approve the benefit changes as requested by the Human Resources Director Kim Lane with a 5.9% projected increase in cost. The motion carried unanimously.

**5. Request for approval of Resolution 201102 establishing the 2021 instructions for poverty exemption, guidelines for poverty exemption, poverty exemption application, and poverty exemption worksheet as submitted by Assessor Debra Rojewski.**

Moved by Skolarus and supported by Hunt to approve resolution 201102 as requested by Rojewski. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None.

Archinal provided an update on Grand River sidewalk project.

The regular meeting of the Genoa Charter Township board was adjourned at 7:00 p.m.



Paulette A. Skolarus, Clerk  
Genoa Charter Township Board