

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
ELECTRONIC MEETING NOTICE
DECEMBER 15, 2020
6:30 P.M.**

Due to Michigan Department of Health and Human Services requirements, this meeting will be virtual. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone. A link will be posted at www.genoa.org the day of the meeting.

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 15, 2020
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

1. 20-27...A request by Todd Krebs, 4222 Bauer Road, for a rear yard setback variance, size variance and a height variance to demolish an existing detached accessory structure and construct a new detached accessory structure.
2. 20-18 ... A request by Ventures Design, 3470 Pineridge Lane, for a variance to allow a swimming pool in the required waterfront yard and a variance to construct retaining walls in the required waterfront yard.

Administrative Business:

1. Approval of minutes for the November 17, 2020 Zoning Board of Appeals meetings.
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 # 20-27 Meeting Date: 12-15-20 6:30 p.m.

PAID Variance Application Fee

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

Applicant/Owner: TODD KREBS Email: TKREBS@SBCGLOBAL.NET
Property Address: 4222 BAUER RD Phone: 810-844-3262
Present Zoning: LDR Tax Code: 4711-26-200-003

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: _____

Please see attached.

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

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

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

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

Please see attached.

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.

Please see attached.

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

Please see attached.

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: 11/14/2020 Signature: Todd R. Webb

Variance requested/intended property modifications:

Property owner at 4222 Bauer road is requesting an out building rear setback variance of 4 feet and a height variance of 22 feet. Requesting size variance of 960 square feet. This will allow for construction of a modern out building and removal of the current out building.

1) 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 original ½ acre parcel was originally part of a 40-acre parcel. It was sub-divided in the 1960s when the surrounding properties and zoning was very different. The property owner is asking for a relief to allow a similar right currently possessed by surrounding property owners, namely to have enclosed garage space greater than the current attached single car garage. The property is unique when compared to surrounding properties. Granting the three variance requests and eliminating one current non-conformance would do substantial justice to the property owner without negatively impacting surrounding properties.

Practical Difficulties:

- It is on a smaller overall lot. The lot width is only 87 feet. The current footprint of the house does not allow for expansion. The property owner originally was working with John Moretti Sr. to purchase additional property to the north of the current parcel and was under the impression that an agreement was in place. This would have allowed for a conforming 1200 square foot 3 car garage with the allowable height requested. This path has been pursued for several years, but is no longer an option.

- The topographical layout of the lot is unique. The proposed highest area for the detached building is 7' 10" below the grade for the house and current attached one car garage. The same area is 11' 2" below the grade for the barrier area with trees dividing this parcel and the parcel to the north. This difference is more than the difference requested in height variance (8').

- The lot elevation is below that of surrounding parcels. The parcel immediately to the north is approximately 5' 1" above the grade of the property owner's house, even though the house sits on the highest elevation within the property owner's parcel.

- The parcel to the west is at a much higher overall elevation.

- Other new construction in the surrounding area has detached buildings that exceed this variance request. For example, the detached building at 6750 Mountain Ridge Drive has a detached building. It appears to be 28 feet to the zoning height, which is greater than the 14 feet allowed and greater than the 22 feet variance requested. The new construction at 4320 Ridge Lake Court also has a detached building that is greater than the 14 feet height allowed, although an accurate measurement was not available. It was estimate to be between 24' – 26'.
- The current detached building is non-conforming in both rear setback and side setback requirements. This proposal would keep the same rear setback while eliminating the non-conforming side setback.
- The proposed building is less than 7% (60 ft^2) greater than the current 900 ft^2 allowed. The minimum width is 24 feet for both standard construction and needed to be able to get into and out of vehicles in the garage. Forty feet is a standard building length.
- A building length whether the proposed 40' or shorter (likely 36') has no practical impact on the overall appearance, the surrounding view, or sight lines for others. The only impact is to the property owner forced to build a non-standard building at additional cost.
- The parcel now has a 10 foot barrier zone along the entire rear (west) property and along the north property line. The distance to the next parcel along the rear property line would be 14 feet, which is greater than the 10 foot setback requirement.

2) 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.

- Both the size of the lot and the topographical changes (elevations) are unique to this lot. While other parcels, including 6750 Mountain Ridge Drive, are on relatively flat lots at or near the same elevations of neighboring lots, 4222 Bauer sits well below the surrounding lots, especially the proposed out building area.
- Allowing for additional detached building space would be consistent with other properties in the area; both current construction and planned construction. The property owner was informed that the house planned to the property immediately to the north will include a four car garage extending to the edge of the current building envelope between the two properties. Other buildings in the immediate area are larger than the requested building.
- The need for the variance was not self-created by the applicant. In fact, the applicant has repeatedly attempted to come up with conforming solutions. This eventually included working with Kelly VanMarter. Examples are included. These options have been exhausted.

3) 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 granting of the variance request will have no impact on supply of light or air to adjacent property. It will not increase traffic nor have any adverse impact. It will result in the elimination of vehicles and other items, such as trailers and a camper from being parked outside and visible to being stored in a new detached building. It will also eliminate the current detached shed that could be considered non-desirable.

4) *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.*

- Granting of the variance would bring the property closer in use to the surrounding properties and allow the property owner to enjoy the same rights already granted to other parcels in the area.
- The property owner has already been negatively impacted by the new sub-division. Namely:
 - The entrance road was moved much closer the subject's property in a clear contradiction to the original plan and statements made at the public hearing on March 11, 2019. The property owner was never informed by any known method of the change to the plans.
 - The turn lane put in for the new sub division now extends pass the property owner's private driveway. This created an angled entrance to the property owner's drive that is awkward at best, especially when approaching from the north. It is also non-conforming to have a driveway in a turn lane in most zoning regulations.
 - The new subdivision will use a community mailbox cluster at the entrance to the subdivision. The location chosen is directly next the property owner's front yard on the north property line border. These mailbox lockers are located 6 feet from the property line and would be considered by many to be a negative impact to the property. It will also increase traffic.
 - The trees added for the south barrier were originally placed on the owner's property, not that of the subdivision. The property owner paid for a complete survey showing this encroachment. While the trees have now been moved, the berm negatively impacts the owner's ability to access his own property back yard from this side on his own property.
 - While the new sub division was planting trees on the parcel to the north, the landscape company hit the main gas line to the applicant's house. This was on October 19th. New service was not restored until November 23th. This resulted in the applicant going more than a month without gas. The applicant was forced to winterize the house (no heat) through no fault of his own and has had to spend additional time working with consumers on a new gas line for the house.
 - The shift of the road and resulting new path now results in all cars leaving the subdivision having the headlights sweep across the rear of the owner's house and south wall. These headlights shine directly into the two bedroom windows on the south wall. This is a direct negative impact to the property owner.

The property owner has incurred multiple negative impacts from the new subdivision; granting of this variance would not impact any of the development or continued use of adjacent properties. While not ideal for the current property owner, granting of the variance request would do substantial justice to the applicant and allow the property owner to complete the renovation of the property and enjoy a substantial property right similar to that possessed by

other properties in the same zoning district. The applicant respectfully asks that the entire experience be taken into account as it clearly demonstrates several practical difficulties, many of which are a result of extraordinary circumstances clearly not self-created, which if approved would not adversely impact public safety and welfare nor the surrounding neighborhood.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: December 1, 2020

RE: ZBA 20-27

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

STAFF REPORT

File Number: ZBA#20-27
Site Address: 4222 Bauer Road, Brighton
Parcel Number: 4711-26-200-003
Parcel Size: 0.499 Acres
Applicant: Todd Krebs
Property Owner: Taja Bauer, LLC., 6917 Goldwin Drive, Brighton

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a size and height variance and a rear yard setback variance to demolish an existing detached accessory structure and construct a new detached accessory structure.

Zoning and Existing Use: LDR (Low Density Residential) Unoccupied Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday November 29, 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 on the parcel was constructed in 1966.
- In 2018, a land use waiver was approved for an interior remodel.
- In 2014, a land use waiver was approved for a new roof.
- 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 22 foot in height and 960 sq. ft. detached accessory structure. The applicant is proposing a structure that is 60 sq. ft. more than allowed in the LDR zoning. In order to construct the proposed detached accessory structure, the applicant is required to obtain a size, height and rear yard variance. The applicant is proposing to construct the new structure within the same rear yard setback and is bringing the side yard setback into compliance. There is an existing detached accessory structure on the property that the applicant is proposing to demolish.

Applicant has referenced two addresses in their application, in regards to 4320 Ridge Lake Court; the structure height is measured at the front of the building at grade. In regards to 6750 Mountain Ridge Drive, the proposed structure is being attached to the home with a breezeway therefore it is not an appropriate comparison. The new subdivision that is currently under construction includes 19 parcels which only three parcels are over two acres in size and would be allowed over a 900 sq. ft. building.

Variance Requests

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

11.04.01 Accessory Buildings, Structures and Uses in General

(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;

(h) Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.

(j) Maximum, Height: The maximum building height of any detached accessory building shall be fourteen (14) feet (see Article 25 for calculation of building height)

DETACHED ACCESSORY STRUCTURE	Rear Setback	Building Height	Building Square Footage
Required	10	14'	900 sq. ft.
Setback Amount Requested	4'	22'	960 sq. ft.
Variance Amount	6'	6'	60 sq. ft.

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 zoning ordinance would not prevent use of the property. The applicant can construct a 14 foot in height and 900 sq. ft. detached accessory structure without requiring a height and size variance. Granting the size and height

variances would not offer substantial justice and is not necessary for the preservation and enjoyment of substantial property rights similar to that possessed by other properties in the same zoning and vicinity. In regards to the rear yard setback variance request, granting the variance would offer substantial justice because it would allow a detached accessory structure necessary for the preservation and enjoyment of substantial property rights similar to that possessed by other properties in the same zoning and vicinity. Due to lot size and topography compliance with the setbacks would unreasonably prevent the use of the property for a detached accessory structure.

(b) Extraordinary Circumstances – There is no extraordinary circumstances with that lot in regards to the height and size variance. Granting the size and height variance will make the lot inconsistent with other lots in the same zoning district since most of the detached structures are less than 900 sq. ft. The need for the size and height variances is self-created. In regards to the rear yard setback request, the extraordinary circumstance is the topography of the lot and location of the existing home. It appears to be the least amount necessary and the need for the rear yard setback variance is not self-created.

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

(d) Impact on Surrounding Neighborhood - The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

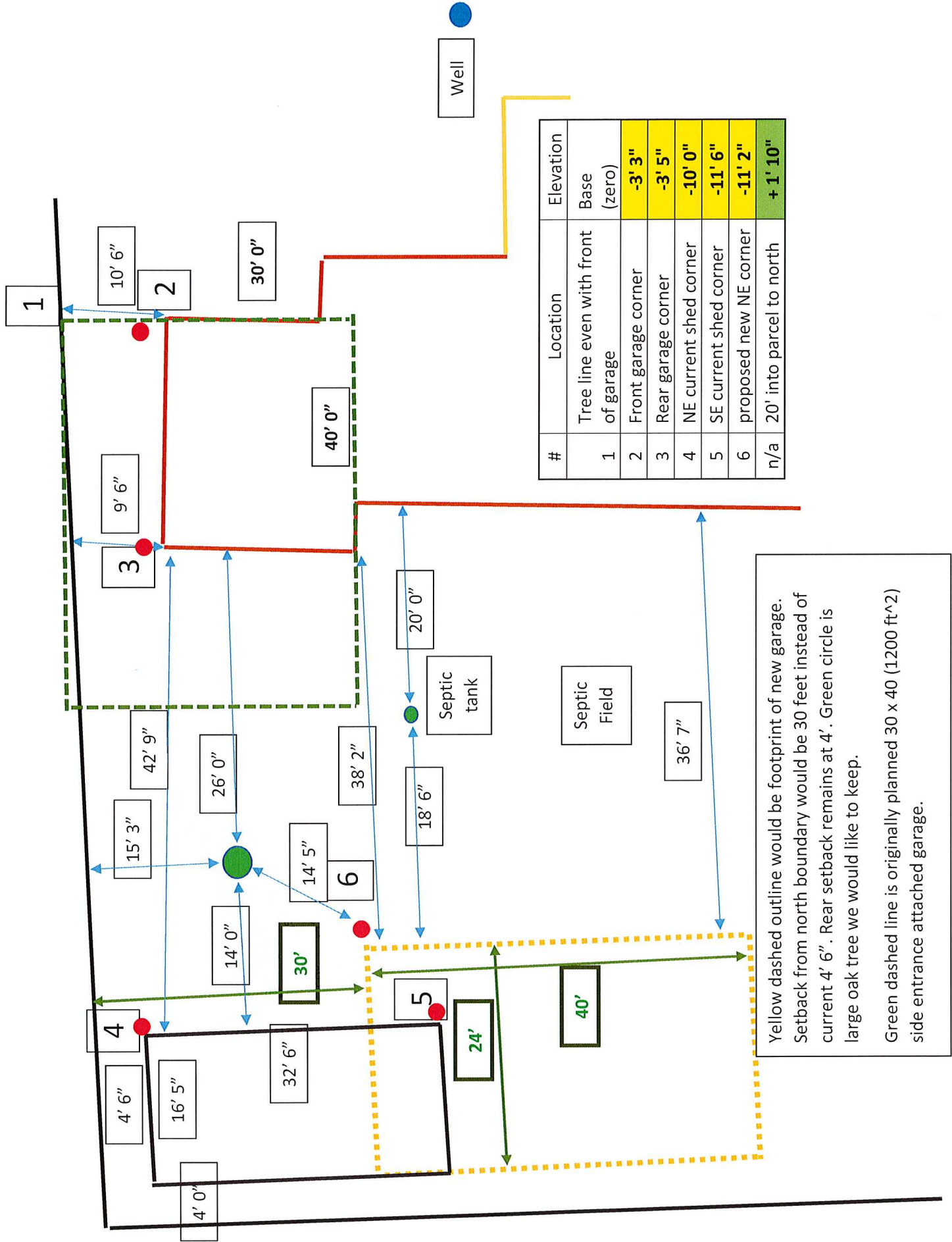
Recommended Conditions

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

1. Existing detached accessory will be removed prior to Certificate of Occupancy issuance.
2. The detached accessory structure must follow Sec. 03.03.02 of the Zoning Ordinance as it pertains to Home Occupations.

GENOA TOWNSHIP

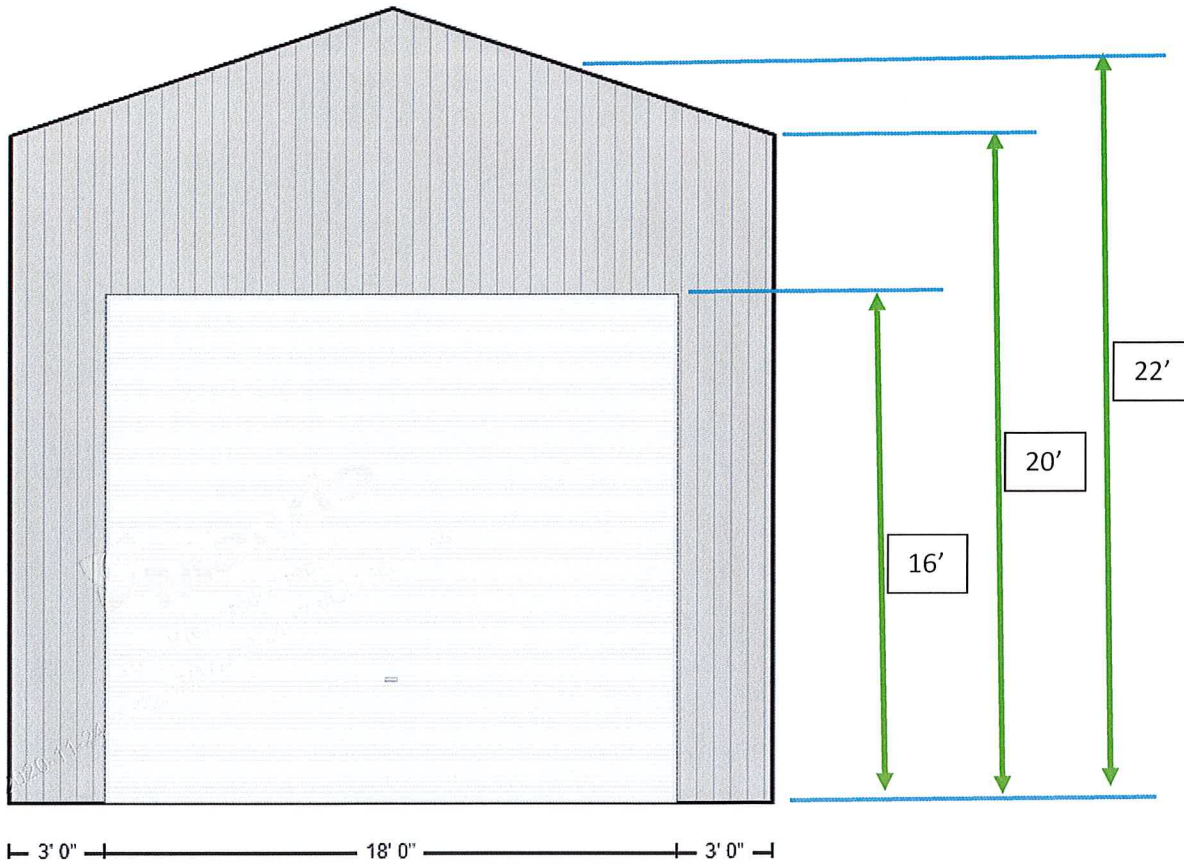




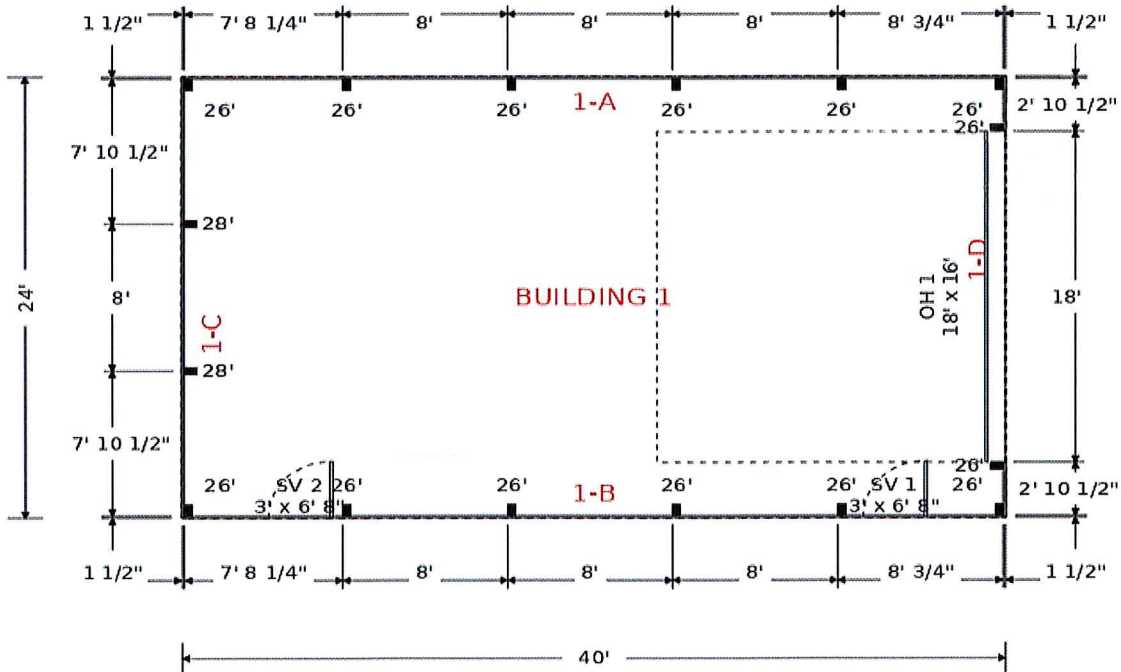
#	Location	Elevation
1	Tree line even with front of garage	Base (zero)
2	Front garage corner	-3' 3"
3	Rear garage corner	-3' 5"
4	NE current shed corner	-10' 0"
5	SE current shed corner	-11' 6"
6	proposed new NE corner	-11' 2"
n/a	20' into parcel to north	+ 1' 10"

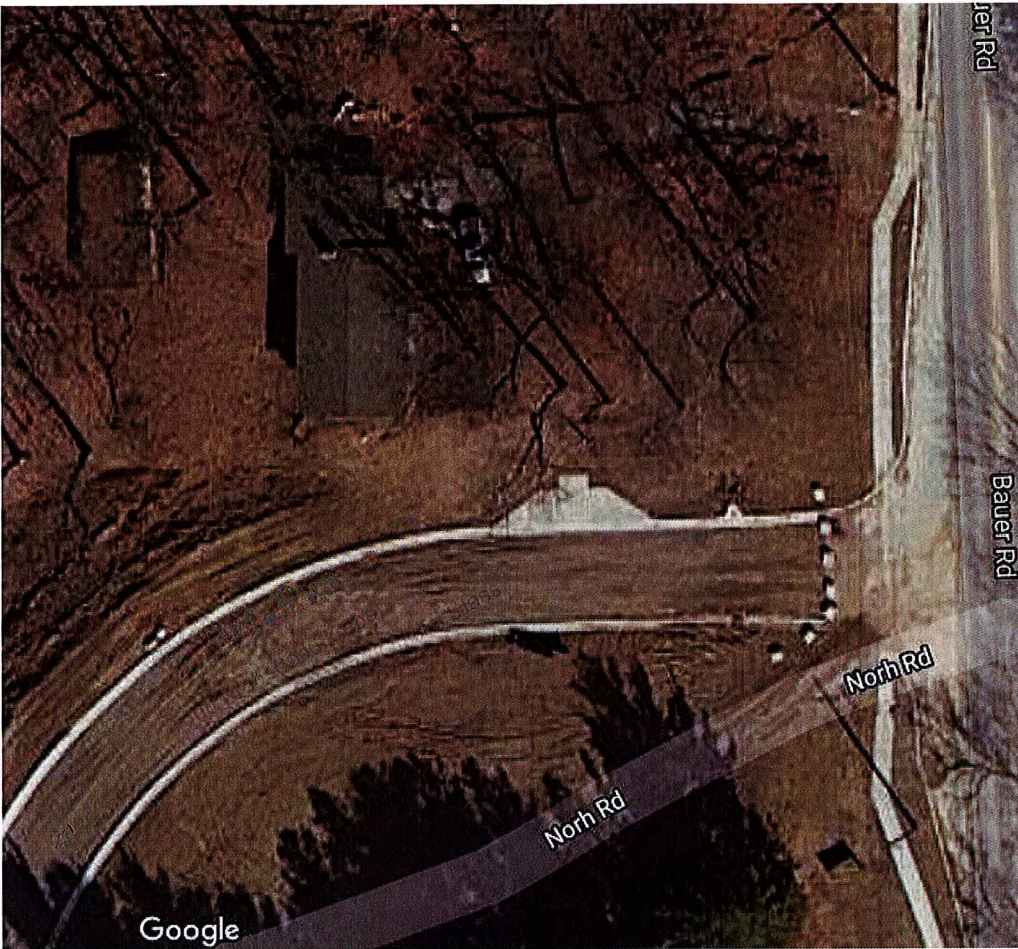
Yellow dashed outline would be footprint of new garage.
 Setback from north boundary would be 30 feet instead of current 4' 6". Rear setback remains at 4'. Green circle is large oak tree we would like to keep.
 Green dashed line is originally planned 30 x 40 (1200 ft²) side entrance attached garage.

Endwall D



FLOOR PLAN





Overview of all roads adjacent to property including original driveway entrance for 4242 Bauer Road. Sidewalk now encroaches onto 4222 Bauer Road property.

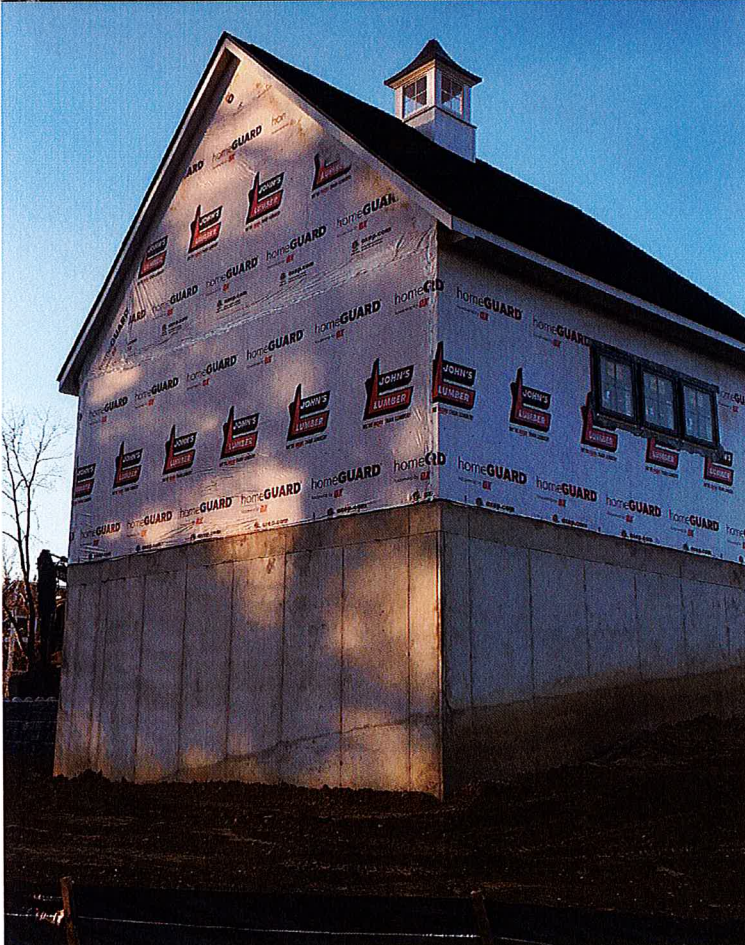




House to west of applicant's property.



Rear of applicant's property showing oak tree and topography.

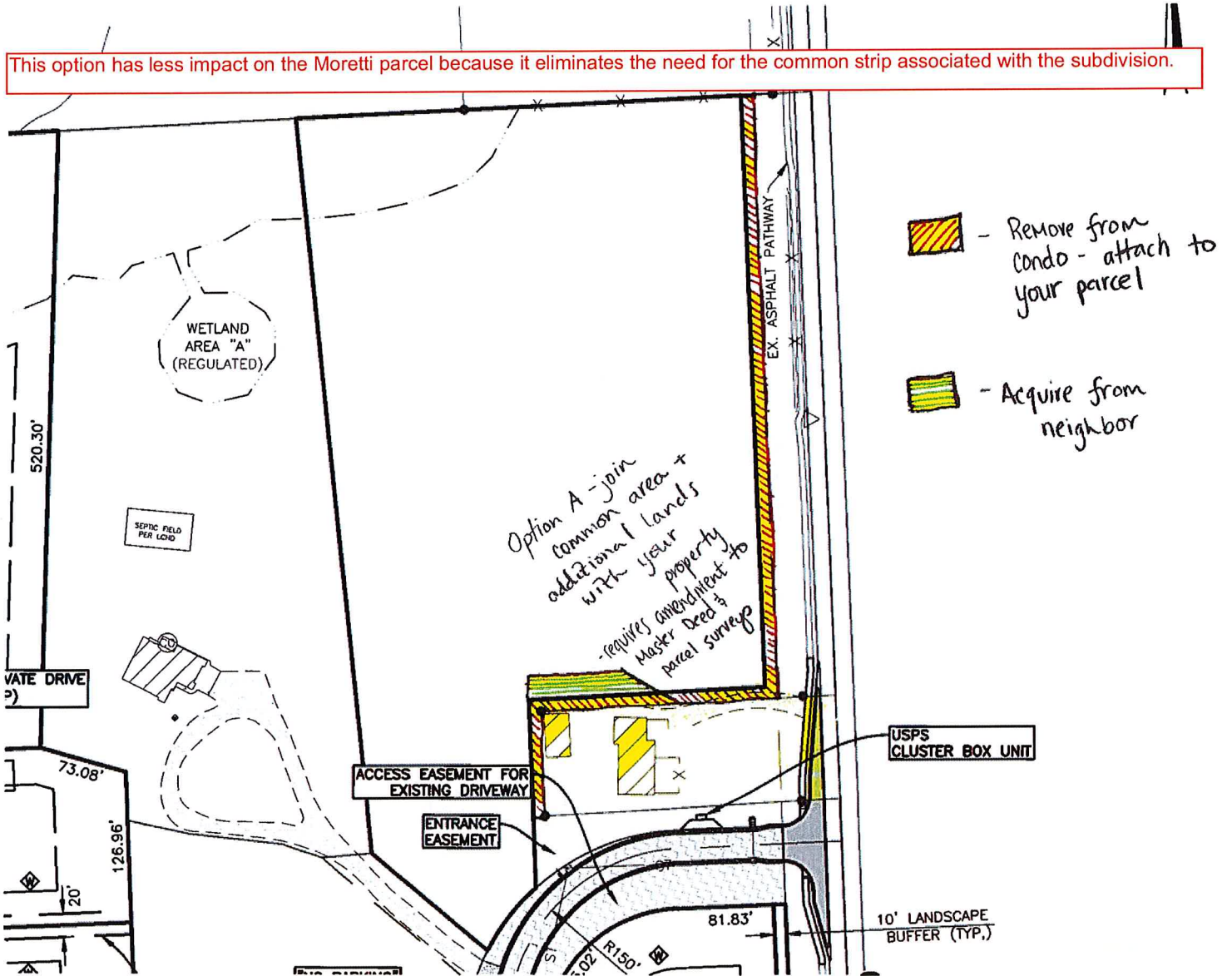


Detached two story garage located at 6750 Mountain Ridge Drive. Directly in rear yard line of sight from White Pines Drive.

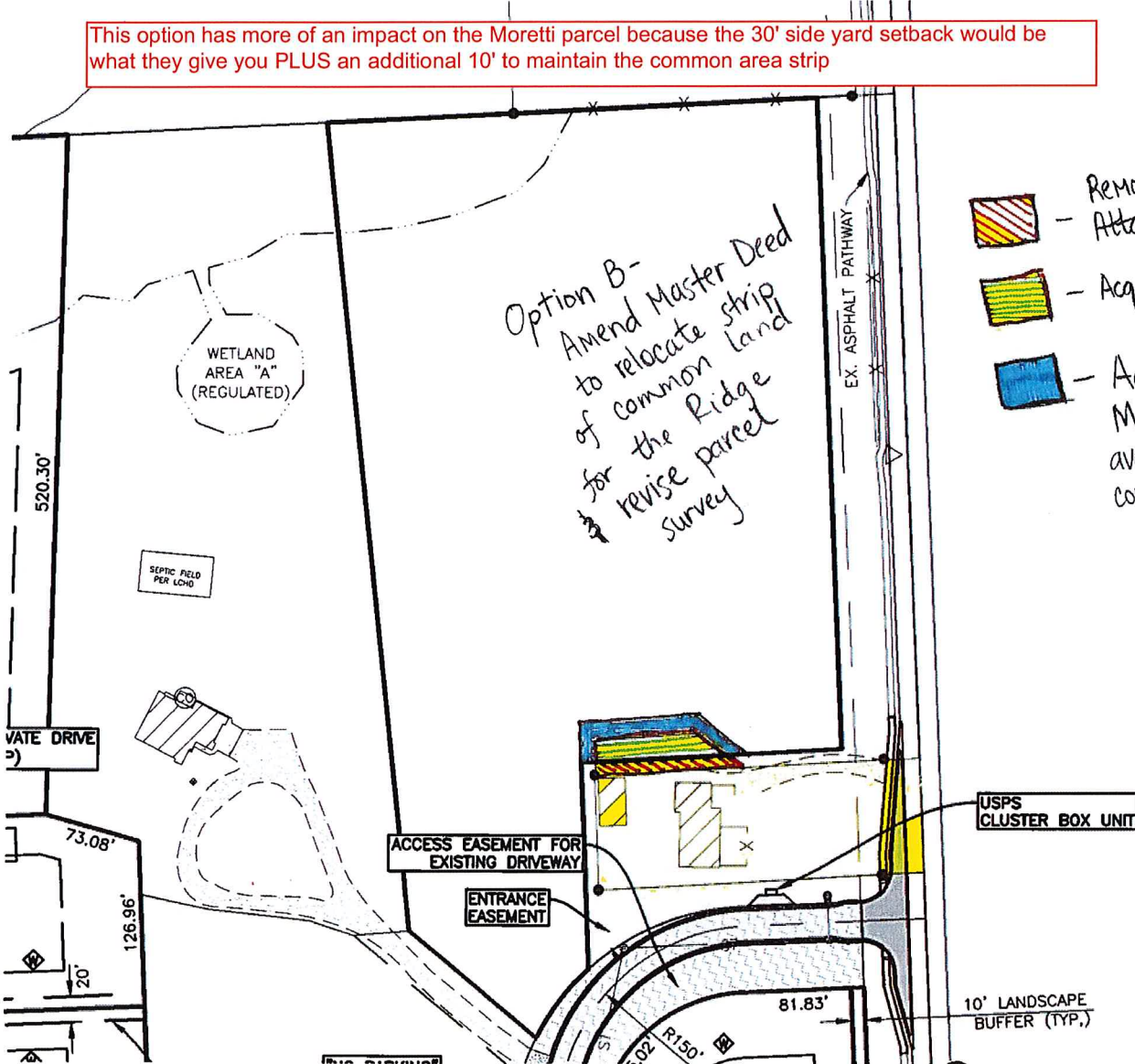





Detached out building located at 4320 Ridge Lake Court.

This option has less impact on the Moretti parcel because it eliminates the need for the common strip associated with the subdivision.

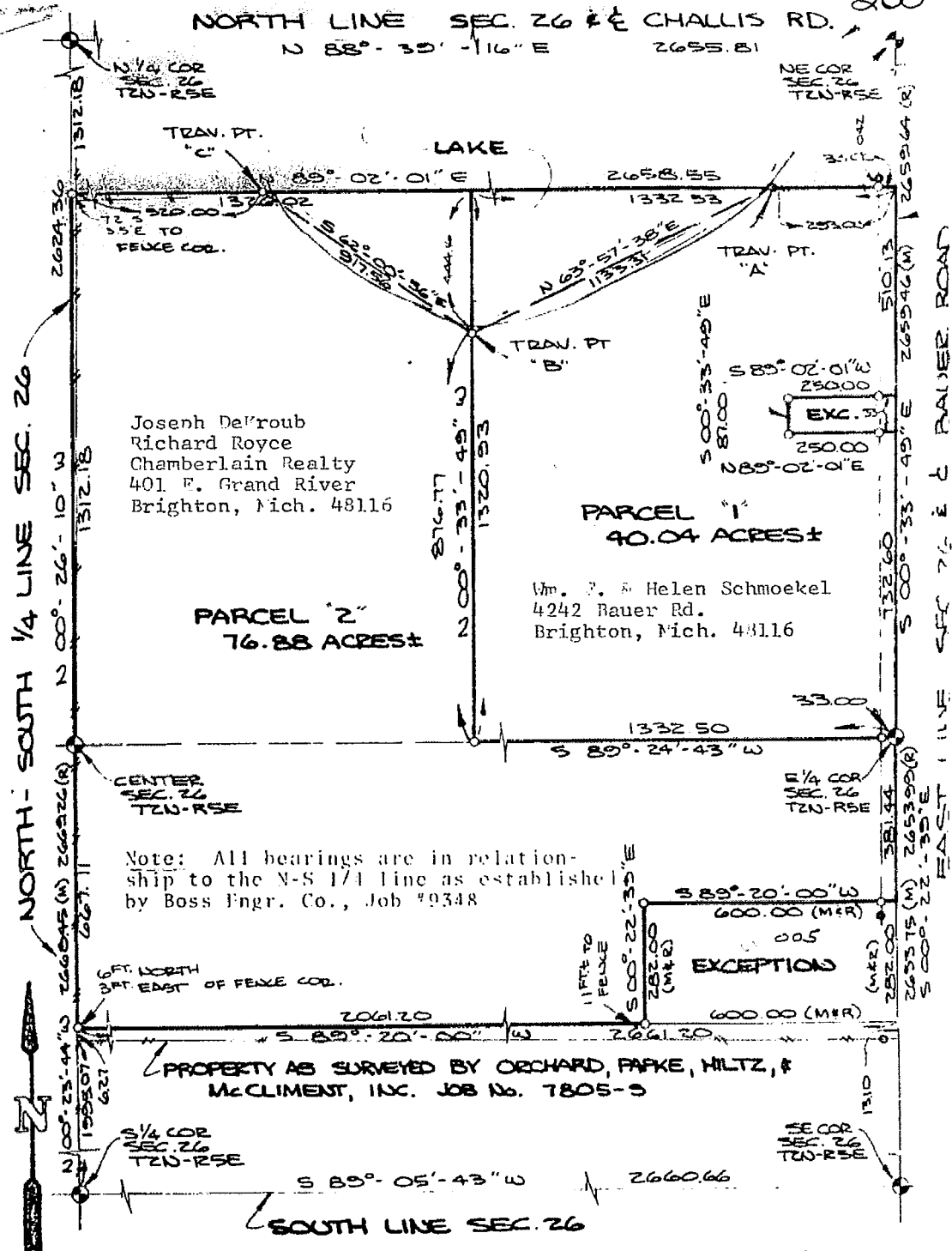


This option has more of an impact on the Moretti parcel because the 30' side yard setback would be what they give you PLUS an additional 10' to maintain the common area strip



-  - Remove from condo Attach to your parcel
-  - Acquire from neighbor
-  - Add back into Master Deed to avoid creating non-compliant parcel

54 26
200



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-1970.

Joseph P. Schmoekel
 REGISTERED LAND SURVEYOR
 NO. 17022

CLIENT	SCHMOEKEL
CLOSURE ERROR	1.26, 297
DESCRIPTION	PART OF THE S 1/2 OF THE NE 1/4 & PART OF THE N 1/2 OF THE SE 1/4
SECTION	26 T.2N - R.5E
TOWNSHIP	GENOA
LEGEND	<ul style="list-style-type: none"> ○ = IRON SET ● = IRON FOUND □ = HUB OR LATHE SET ○ = MONUMENT FOUND * = FENCE (R) = RECORDED (M) = MEASURED

BOSS ENGINEERING COMPANY	
CIVIL ENGINEERS - LAND SURVEYORS	
3121 E GRAND RIVER, HOWELL, MICHIGAN (517) 546-4836 48843	
BOX 28 A, PORT AIR PLAZA, CHARLEVOIX, MICHIGAN (616) 547-2872 49720	
SCALE: 1" = 300'	SHEET 1 OF 2
JOB NO. 11560	DR BY: RB
DATE: 5-14-79	CHKD BY:

Handwritten notes:
 211.96
 .98
 373-3233

Parcel 1: A part of the S 1/2 of the NE 1/4 of Section 26, T2N-R5E, Genoa Township, Livingston County, Michigan, described as follows: Beginning at the E 1/4 corner of said Section 26; thence S 89° 24' 43" W 1332.50 feet; thence N 00° 55' 19" W 876.77 feet to the traverse point "B"; thence continuing N 00° 55' 49" W 444.16 feet; thence N 89° 02' 01" E 1059.53 feet to traverse point "A", said point bearing N 63° 57' 38" E 1135.31 ft. from trav. pt. "B" thence continuing N 89° 02' 01" E 293.00 feet to the East line of said Section and the centerline of Bauer Road; thence S 00° 33' 49" E along said line 510.13 feet; thence S 89° 02' 01" W 250.00 feet; thence S 00° 33' 49" E 87.00 feet; thence N 89° 02' 01" E 250.00 feet to the East line of said Section and the centerline of Bauer Road; thence S 00° 33' 49" E along said line 732.60 feet to the Point of Beginning, containing 40.04 acres more or less and subject to the rights of the public over existing Bauer Road.

Parcel 2: A part of the N 1/2 of the SE 1/4 and part of the SW 1/4 of the NE 1/4 of Section 26 T2N-R5E Genoa Township, Livingston County, Michigan, described as follows: Beginning at the E 1/4 corner of said Section 26; thence S 00° 22' 39" E along the East line of said Section and the centerline of Bauer Road 381.44 feet; thence S 89° 20' 00" W 600.00 feet; thence S 00° 22' 39" E 282.00 feet; thence S 89° 20' 00" W 2061.20 feet to the North-South 1/4 line of said Section; thence N 00° 23' 44" W along said 1/4 line 667.11 feet to the center of said Section; thence continuing along said 1/4 line N 00° 26' 10" W 1512.18 feet; thence N 89° 02' 01" E 520.00 feet to traverse point "C"; thence continuing N 89° 02' 01" E 806.02 feet; thence S 00° 33' 49" E 444.16 feet to traverse point "B", said point bearing S 62° 00' 56" E 917.56 feet from said traverse point "C"; thence continuing S 00° 33' 49" E 876.77 feet; thence N 89° 24' 43" E 1332.50 feet to the Point of Beginning, containing 76.88 acres more or less, and subject to the rights of the public over existing Bauer Road.

- Ref: 1) Survey by Boss Engr. Co. #9348, 5-4-78.
 2) Survey by Orchard Papke, Hiltz & McCliment Inc., #7805-S, 4/4/73.
 3) Survey by Munsell & Garlock, Inc. #142.28, 11/30/76.
 4) Survey by Boss Engr., Co. #3644, 5-23-73.

Witnesses:

N 1/4 Cor. Sec. 26	NE Cor. Sec. 26	E 1/4 Cor.
Fd. 1/2" Iron (Boss 9348)	Fd. 1/2" Iron (L1, -163)	Fd. 1/2" Iron
S58°E 34.46' N. E/S 20" Maple	S70°E 30.40' & 12" W. Oak	N. N/S 24" Oak
S23°W 27.34' N. E/S 48" Oak	N70°W 41.60' & RR tie l.	E. 50.52'
S60°W 36.00' N. W/S 30" Oak	cor.	N. W/S 30" Oak
North 28.35' N. W/S 50" Oak	N30°E 24.72' & 40" W. Oak	S20°E 66.75'
		N. W/S power p.
		63.18' N20°
SE Cor. Sec. 26	S 1/4 Cor.	N. S/S power p.
Fd. 1/2" Pipe	Fd. Nail in Conc. (Boss 2726)	85.58' N47°
N. E/S power p.	S44°E 35.58' sp. 8" Ash	
S12°E 86.28'	S6°W 26.04' sp. power p.	
N. N/S twin cherry	N68°W 63.84' sp. 30" Oak	
S85°W 34.67'		
N. SE/S twin tree		
N42°W 47.87'		
N. N/S fence p.		
East 30.10'		

Center Sec. (931)
 Fd. 1 1/2" Pipe-Boss
 West 7.16' N. S/S P.p.
 N40°E 19.84' N. W/S 8" Oak
 S30°E 21.00' N. W/S 10" Oak

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132-1970.

Jerry R. Boss
 REGISTERED LAND SURV.
 NO. 17022

CLIENT Schmoekel
 CLOSURE ERROR 1/36, 297
 DESCRIPTION Part of the W 1/2 of NE 1/4 & part of N 1/2 SE 1/4
 SECTION 26 T2N -R. 5E
 TOWNSHIP Genoa

BOSS ENGINEERING COMPANY
 CIVIL ENGINEERS - LAND SURVEYORS
 3121 E. GRAND RIVER, HOWELL, MICHIGAN (517) 546-4836 48843
 906 S. BRIDGE ST. CHARLEVOIX, MICHIGAN (616) 547-2872 49720

LEGEND
 ○ = IRON SET
 ● = IRON FOUND
 ▲ = NAIL SET
 ⊙ = MONUMENT FOUND

SCALE: 1" = 300'
 SHEET 2 OF 2
 JOB NO 11569
 DR. BY: RB
 DATE: 5-14-79
 CHKD BY: *GR*

200

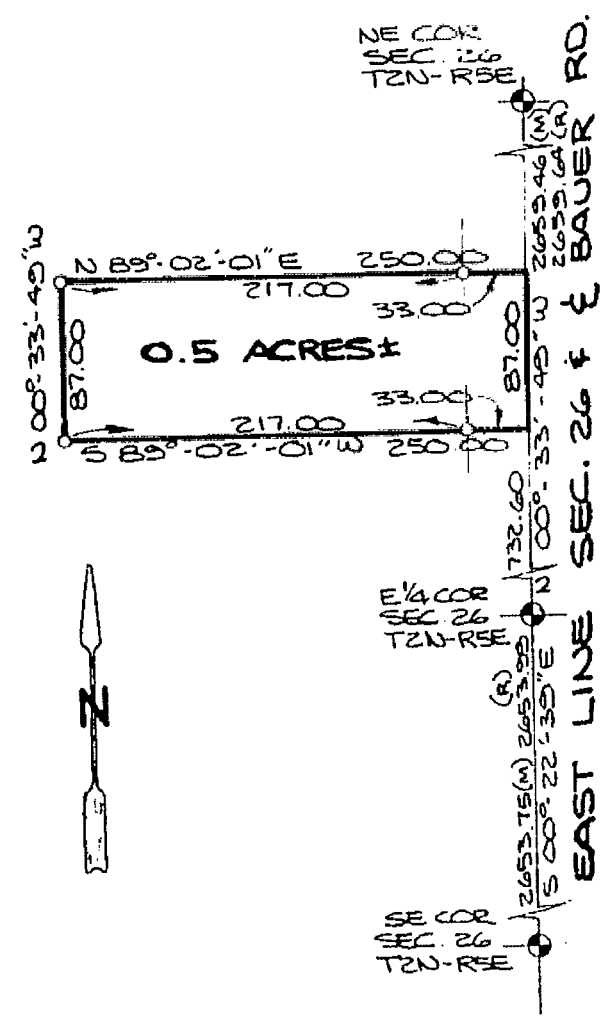
Part of the S 1/2 of the NE 1/4 of Section 26 T2N-R5E Genoa Township, Livingston county, Michigan, described as follows: Commencing at the E 1/4 corner of said Section 26; thence N 00° 33' 49" W along the East line of said Section and the centerline of Bauer Road, 732.60 feet to the Point of Beginning of the parcel to be described; thence S 89° 02' 01" W 250.00 feet; thence N 00° 33' 49" W 87.00 feet; thence N 89° 02' 01" E 250.00 feet to the East line of said Section and the centerline of Bauer Road; thence S 00° 33' 49" E along said line 87.00 feet to the Point of Beginning, containing 0.5 acres more or less and subject to the right of the public over existing Bauer Road.

- Ref: 1) Survey by Boss Engr., Job #11569, dated 5-14-79.
 2) Survey by Boss Engr., Job E9348, dated 5-1-78.
 3) Survey by Orchard Papke, Hiltz & McClivent Inc., #7805, dated 4-4-75.
 4) Survey by Munsell & Garlock, Inc. #112128, 11-30-76.
 5) Survey by Boss Engr., Job #3644, 5-25-75.

Witnesses:

NE Cor. Sec. 26 T2N-R5E
 Fd. 1/2" Iron(L1, -163)
 S70°E 30.40' & 12" W. Oak
 N70°W 41.60' & R.R.Tie f. cor.
 N30°E 24.72' & 40" W. Oak

SE Cor. Sec. 26 T2N-R5E
 Fd. 1/2" Pipe
 N. E/S power p. S12°E 86.28'
 N. N/S twin cherry S85°W 34.67'
 N. SE/S twin tree N42°W 47.87'
 N. N/S fence p. East 30.10'



Lawrence

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
KREBS TODD R & ANGELA S	TAJA BAUER LLC	100	03/29/2019	QC	QUIT CLAIM	2019R-006954	BUYER	0.0
TURGEON, PETER C. & ELISE	KREBS TODD R & ANGELA S	105,000	12/13/2013	WD	ARMS-LENGTH	2014R-000134	BUYER	100.0
CLOTHIER	TURGEON	165,000	09/22/2000	WD	ARMS-LENGTH	28500253	BUYER	100.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LDR	Building Permit(s)	Date	Number	Status
4222 BAUER RD	School: BRIGHTON AREA SCHOOLS		Interior Work/Repairs	07/05/2018	PW18-102	
Owner's Name/Address	P.R.E. 0%		RES MISCEL	07/05/2018	W18-102	NO START
	MAP #: V20-27		REROOF	08/18/2014	W14-186	NO START

TAJA BAUER LLC 6917 GOLDWIN DR BRIGHTON MI 48116	2021 Est TCV Tentative		Land Value Estimates for Land Table 4501.BRIGHTON M & B								
	X	Improved	Vacant								
	Public Improvements			* Factors *							
				Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
				M & B <.90 ACRE		21,738.000	Sq Ft	2.07	100		45,000
						0.50	Total Acres			Total Est. Land Value =	45,000
				Land Improvement Cost Estimates							
				Description				Rate	Size % Good		Cash Value
				Wood Frame				18.73	512 48		4,603
				Total Estimated Land Improvements True Cash Value = 4,603							

Tax Description
 SEC 26 T2N R5E COMM AT E 1/4, TH N ALONG C.L. OF BAUER RD, 732.60 FT TO POB, TH S 89*02'W 250 FT, TH N 87 FT, TH N 89*02'E 250 FT, TH S 87 FT TO POB, .5AC M/L

Comments/Influences

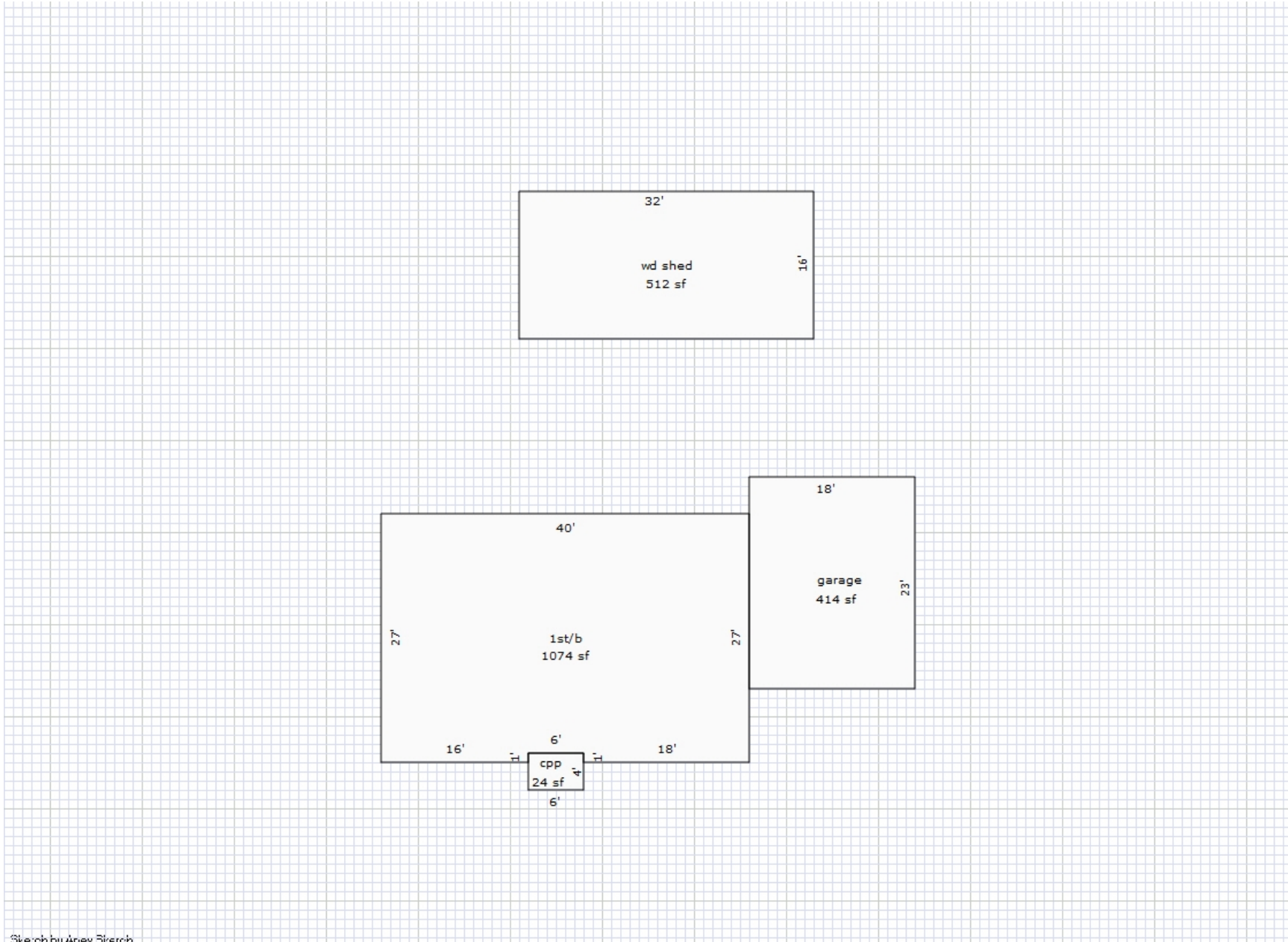


4711-26-200-003 11/18/2019
 The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level							
Rolling							
Low							
High							
Landscaped							
Swamp							
Wooded							
Pond							
Waterfront							
Ravine							
Wetland							
Flood Plain							
X REFUSE							
Who	When	What	2021	Tentative	Tentative	Tentative	Tentative
JB	11/18/2019	INSPECTED	2020	22,500	80,200	102,700	69,493C
			2019	22,500	70,800	93,300	68,198C
			2018	5,500	62,200	67,700	62,987C

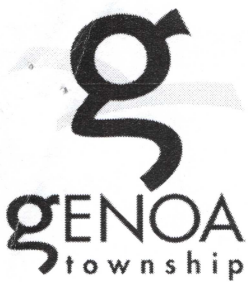
Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam	1	Appliance Allow. Cook Top Dishwasher 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 2 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 24	Type CPP	Year Built: Car Capacity: Class: C Exterior: Brick Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 414 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G										
Building Style: C		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling											
Yr Built 1966	Remodeled 2018	Ex	X	Ord		Min	Size of Closets		Class: C Effec. Age: 25 Floor Area: 1,074 Total Base New : 212,683 Total Depr Cost: 159,510 Estimated T.C.V: 154,725		E.C.F. X 0.970		Bsmnt Garage: Carport Area: Roof:		
Condition: Good		Lg	X	Ord		Small	Doors: Solid X H.C.		Total Base New : 212,683 Total Depr Cost: 159,510 Estimated T.C.V: 154,725		E.C.F. X 0.970				
Room List		(5) Floors		Central Air Wood Furnace											
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		(12) Electric 0 Amps Service											
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures											
X	Wood/Shingle Aluminum/Vinyl Brick	Ex.	X	Ord.		Min	No. of Elec. Outlets		Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Heat & Cool Ground Area = 1074 SF Floor Area = 1074 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=75/100/100/100/75 Building Areas		Cls C		Blt 1966		
	Insulation	(7) Excavation		Many X Ave. Few			(13) Plumbing		Stories Exterior Foundation 1 Story Brick Basement		Size 1,074	Cost New	Depr. Cost		
(2) Windows		Basement: 1074 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s) 2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan					Other Additions/Adjustments Basement Living Area Basement, Outside Entrance, Below Grade Plumbing 3 Fixture Bath Water/Sewer 1000 Gal Septic Water Well, 200 Feet Garages		Total: 805	144,019	108,012		
X	Many Avg. Few	X	Large Avg. Small	(8) Basement				Class: C Exterior: Brick Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall Built-Ins Appliance Allow. Fireplaces Prefab 1 Story Porches CPP		1	23,949	17,962			
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(9) Basement Finish					Plumbing 1000 Gal Septic Water Well, 200 Feet Garages		1	3,855	2,891		
(3) Roof		Recreation SF Living SF 1 Walkout Doors No Floor SF		(14) Water/Sewer					Class: C Exterior: Brick Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall Built-Ins Appliance Allow. Fireplaces Prefab 1 Story Porches CPP		1	20,129	15,097		
X	Gable Hip Flat	Gambrel Mansard Shed	(10) Floor Support		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic					Class: C Exterior: Brick Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1/2 Wall Built-Ins Appliance Allow. Fireplaces Prefab 1 Story Porches CPP		1	-1,495	-1,121	
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:					Notes: ECF (4501 (47010) BRIGHTON M & B) 0.970 => TCV:		2	2,295	1,721		
Chimney: Brick											24	556	417		
											Totals:	212,683	159,510		
													154,725		

*** 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 # 20-18 Meeting Date: Sept. 15th

PAID Variance Application Fee

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

Applicant/Owner: Ventures Design Email: Lubig@Ventures-design.com
Property Address: 3470 Pineridge Ln Phone: (734) 395-4375
Present Zoning: LRR Tax Code: 11-22-202-014

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: Requesting a variance to build into the waterfront setback to construct retaining walls and a pool. We are requesting a 21 foot variance.

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

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

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

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

There is a very significant grade drop approx 60ft from the water. The wall will cut into the area of the grade drop to create more functional/practical space. The current lakefront set back is in line with the back of the house leaving no room for the pool or walls.

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.

Similar properties have drops in grade between the home and the water but not as drastic compared to the property in question. Neighboring properties also have retaining walls in similar locations near the water front.

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

The proposed pool and walls will not be visible from the street. The pool will be elevated and protected with an auto cover.

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 walls will be retaining the current grade before the significant drop off. So there will be no added height interfering with the current sight line.

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

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

Date: 8/20/2020 Signature: 



REVISED MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: **November 13, 2020**

RE: ZBA 20-18

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

STAFF REPORT

File Number: ZBA#20-18
Site Address: 3470 Pineridge Lane
Parcel Number: 4711-22-202-014
Parcel Size: .449 Acres
Applicant: Ventures Design
Property Owner: Ralph and Mary Slider, 9903 Doornoch, Brighton
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a variance to install an in ground pool in the required waterfront yard and a variance to allow retaining walls in the required waterfront yard.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday August 30, 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 current home is under construction.
- In 2019, a waterfront setback variance to construct a new home was denied. (See attached minutes)
- Applicant was tabled at the September 15, 2020 and October 20, 2020 Zoning Board of Appeals meeting. (See Attached Minutes)
- In 2019, a permit was issued to construct a new home.
- 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

Summary

The proposed project is to install an in ground swimming pool and retaining walls in the waterfront yard. The applicant is required to obtain a waterfront variance to install the in ground swimming pool and a variance to allow retaining walls in the required waterfront yard.

The following information has been submitted for November 17, 2020 ZBA Meeting:

1. New drawings from the applicant demonstrating a terrace.

Variance Requests

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

As a result from inquiries from the applicant, Township staff identified a correction to the ordinance section from which the applicant is seeking a variance. Separately, the Township Manager is also seeking an interpretation of the ordinance language as requested in Item #1 on the agenda.

The necessity for these variance requests will be dependent on the outcome of Item #1 on the agenda.

11.04.05 Waterfront Accessory Structures: Waterfront structures and appurtenances are permitted structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e. the minimum required setback from the ordinary high water mark.) in all zoning districts.

(a) Only the following structures and appurtenances shall be permitted within the required waterfront yard:

(1) docks and mooring apparatus;

Pool located in the Required Waterfront Yard:

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 variance to be approved it has to meet all of the standards in 23.05.03.

(a) Practical Difficulty/Substantial Justice – In regards to the in ground swimming pool request, strict compliance with the ordinance would prevent the installation of the in ground swimming pool. Although the applicant has found one other example of a swimming pool located within the waterfront yard on a different nearby lake, this single example is not sufficient to provide substantial justice and is not 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 – In regards to the in ground swimming pool request, there are no exceptional or extraordinary conditions of the property due to the large building envelope and the fact that the home was newly constructed in such a way that left no non-required waterfront yard. As a result of these facts, the need for the variance is self-created.

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

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

Recommended Conditions

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

1. Applicant should ensure that grading on site will not affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements.
3. No fence or above ground enclosure will be installed.
4. The pool must be secured by a locking retractable flush mounted cover as approved by the Livingston County Building Official.

Retaining Walls located in the Required Waterfront Yard:

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 required waterfront yard setback would prevent the installation of the retaining walls. The granting of the retaining walls in the required waterfront yard could provide substantial justice and maybe 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. This property has historically had retaining walls and there are multiple properties in the area and around the subject lake with retaining walls in the required waterfront yard.

(b) Extraordinary Circumstances – In regards to the retaining wall request, the exceptional or extraordinary condition of the property is the topography of the lot however it appears that the property has had substantial grading since construction of the home which included removal of an existing retaining wall. Applicant needs to confirm that the need for the retaining walls was not self-created and is the least amount necessary.

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

Impact on Surrounding Neighborhood – The proposed variance could have an impact to the adjacent neighbors in regards to the grading that has taken place on the parcel.

Recommended Conditions

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

1. Applicant should ensure that grading on site will not affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements and that no railing shall be installed on the wall.

The consensus of the Board was that retaining walls are only allowed within the shoreline building setbacks. A variance would need to be requested and decided on a case-by-case basis. (non-required waterfront yard)

Board Member McCreary requested that the Township Manager respond to their interpretations that he requested.

2. 20-18 ... A request by Ventures Design, 3470 Pineridge Lane, for a variance to allow a swimming pool in the required waterfront yard and a variance to construct retaining walls in the required waterfront yard.

Mr. Loch Durrant and Mr. Brandon Bertrang from Ventures Designs were present. They believe that they no longer require a variance for their proposed pool and its location based on the interpretation of the Board and the ordinance requirements for a pool.

The Board stated that the interpretation was for the "required shoreline setbacks" and since this is more restrictive than the section regarding pools, a variance would be needed because the requested pool is within the required shoreline setbacks.

Mr. Bertrang questioned why the neighbors and Township are opposed to the pool. It doesn't block anyone's view. What would be the difference if there was a concrete patio or a pool in this location? He showed a photograph of a home on Highcrest Drive that was built with the same features and setbacks as what they are requesting. He showed additional photos of homes on the lake that have terraces, retaining walls, pools, swim spas, fire pits, etc.

They requested to have their item tabled until the December meeting to review the determinations that were made by the Board this evening.

The call to the public was made at 9:53 pm.

Mr. Doug Brown of 3420 Pineridge Lane stated that he was a member of the Planning Commission when the ordinance was written. The intent was not to have pools lakeside.

Chairman Rassel stated that letters of opposition were received from Robert Musch of 3500 Pineridge Lane and Dr. Donnie Bettes of 3430 Pineridge Lane.

The call to the public was closed at 9:54 pm.

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Case #20-18 from Ventures Design at 3470 Pineridge Lane, for a variance to allow a swimming pool in the required waterfront yard and a variance to construct retaining walls in the required waterfront

yard, until the December 15, 2020 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

Administrative Business:

1. Member Discussion - There were no items to discuss this evening.

2. Adjournment

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 9:56 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT

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

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.

Zoning Board of Appeals
October 20, 2020
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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.

foot, 8.5 inches from the required 5 foot setback to 1 foot, 3.5 inches to construct a cantilever chimney into the side yard setback of a proposed addition to a newly-constructed home, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent the applicant from constructing the addition. The variance requested appears to be the least necessary to provide substantial justice. Granting of the requested variance is necessary for the preservation and enjoyment of the property due to other properties in the vicinity with reduced side yard setbacks.
- The exceptional or extraordinary condition of the property is the triangular shape of the lot, location of the cul-de-sac at the front of the property, with irregular shoreline which creates a difficult building envelope. Due to the difficult building envelope, the need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Genoa Township
- The proposed variance would not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

2. 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. Skye Durrant and Mr. Brandon Bertrang of Ventures Design were present to represent the applicant. Mr. Durrant stated they are asking for two variances to construct a retaining wall and an infinity pool. The current retaining wall structure is 80 feet from the waterfront and the proposed setback would be 60 feet, which is further from the waterfront than other homes in the neighborhood. Other homes have been granted variances. He cited other lots in the neighborhood that have homes, decks, etc. closer to the water's edge than they are requesting. Allowing this variance would provide substantial justice. The variance is not for a structure, it is for a retaining wall and a pool. They will not be setting a precedent for reducing the waterfront setback for homes if this variance is granted. The hardship is the severe topographic drop of the property toward the lake. They will need to install the retaining wall for the stability of the home that is currently being constructed. The new retaining wall will be built higher than the existing slope so it will not interfere with the lake views of the neighbors. There is no other location on the property for the pool. He noted that the homeowner could build a deck 15 feet beyond the house on the second story and this would have a greater impact on the line of sight for the neighbors. The pool is being placed in the same location where the previous home's ground floor deck was placed. He noted that the Ordinance for retaining walls is outdated and does not address the need for retaining walls. He does not believe an underground pool should be required to meet the same setbacks as structures.

He presented a slideshow with details of the previous home and retaining walls, the steep slope of the property, the proposed home, pool, and retaining wall. The wall is in the lower portion of the property and does not extend any higher than the pool and the higher grade of the slope. He showed an overlay of how the proposed pool will be in the same location as the previous deck. He presented examples of other pools and retaining walls in the neighborhood around Crooked Lake.

Board Member Rockwell asked for the dimensions of the pool. Mr. Durrant stated the width is 30 feet, 18 feet, 4 inches long with a spa on the back side of the pool that is 12 feet wide and 7 feet deep. Board Member Rockwell stated this is further than a deck would be able to extend. Mr. Durrant stated one wall of the pool would be used as part of the retaining wall. He confirmed that it will be 7 feet further from the home than a deck would be allowed, but that is due to the location of where the retaining wall needs to be because of the natural slope of the property.

Board Member Rockwell asked if the applicant could have moved the home further to the road. Mr. Durrant stated that if they did that, they would then have to install retaining walls on the side of the home to accommodate the walk-out basement, which would require side-yard setback variance requests. Board Member Rockwell noted that the home could have been made smaller. Mr. Durrant reiterated that the setback requirements for pools are the same as for structures and in ground pools should not have to abide by the same setback requirements as floors and walls. The request for this variance is not self-created due to the topographic change of the property.

An engineering plant was presented by the applicant showing the location of the previous home and the slope of the property prior to it being removed and earth being moved. They have not changed the slope of the land with the building of this new home.

Board Member Fons advised the applicant that they must ensure that they will be able to maintain all of the storm water on this lot and not have it encroach onto the neighbors' properties.

The call to the public was made at 8:17 pm.

Mr. Tom Sivak of 3480 Pineridge Lane stated he is in support of the variance.

Mr. Michael Balagna 3450 Pineridge Lane is concerned with the slope of the property. He stated that storm water is now ponding on his property and leaching into the lake. There has been approximately four to five feet of dirt added to the site and it is higher and deeper toward the lake that it was previously and it has changed his view. He asked if there will be stairs from the second level that will bring the property owners down to the pool. He wants to know how the side of the property where there is currently a six-foot drop will be restored. A lot of trees

have been removed from the property. He feels the owners should have made this request when they first designed the house.

Mr. Bob Musch owns 3500 and 3510 Pineridge Lane. He and his wife are not supporting the variance request. It is a platted subdivision and has setback requirements. All property owners, except for one, have met the setbacks. When someone is on the lake, it is obvious which home has received the variance as it sits further toward the lake than the others. He is also interested in the water management on this property.

Ms. Donnie Bettles of 3430 Pineridge read the letter that she submitted to the Township. They are requesting to put the pool and retaining wall 20.5 feet closer to the lake than what is required by the Township. It is inconsistent with the surrounding homes. She also noted there is one home on the lake that impedes the views and enjoyment of the lake for almost every other home on the lake. This will decrease the value of their homes.

Mr. John Bender of 3370 Pineridge agrees with Mr. Musch that the variance that was approved for the one property negatively affected the views of 15 homeowners. He is not opposed to this request because it is not bothering any of the neighbors.

Mr. Douglas Brown of 3420 Pineridge stated that the applicant has created the need for this variance and should not be allowed to have the variance approved.

Mr. Slider, the property owner, stated that because the property is so steep, there will be a retaining wall needed, so they are requesting to put the pool in as part of the retaining wall.

Mr. Durrant stated that they are not discussing the construction of the home this evening. The items mentioned this evening are not relevant to the discussion tonight and the request being made. He reiterated that they are seeking a 60 foot waterfront setback and the property to the north is 40 feet from the lake. The issue with this grade was not self-created. There was already a severe slope on this property. The walkout level is at the same elevation as the previous home.

Mr. Bertrang reiterated that if they moved the house back further from the lake, then they would have to put retaining walls on the side of the home, which would require a variance also. Additionally, with regard to any of the storm water runoff, the builder needs to obtain approval from the Livingston County Building Department to ensure that what is being built on this property does not go onto the neighboring properties.

Mr. Brown questioned why the other home was given a variance. Mr. Lock read the report that was submitted by that applicant at that time outlining the reasons given for why the variance was needed.

Zoning Board of Appeals
September 15, 2020 - 7:30 pm
Approved Minutes

Mr. Balagna stated that the builder raised the land and are moving the retaining wall further toward that lake and that is why they need a variance.

Mr. Durrant disagreed with Mr. Balagna. They have the survey from an engineer that shows that the grades before and after are the same.

Board Member Fons confirmed from the engineering plans that the slope and grade of the property is the same as before. He agrees with the applicant that the Livingston County Building Department will have to approve the storm water plan.

Mr. Durrant stated there have been 40 variances granted on Crooked Lake for structures to be built closer to the lake than the Ordinance allows. It is very unusual that a pool follows the same setbacks as accessory structures.

Mr. Musch is unsure where the 40 variances were from, perhaps they are from the other side of Crooked Lake; however, they try to keep the natural features of the lake and properties in their subdivision.

The call to the public was closed at 8:47 p.m.

Board Member Ledford stated the homeowner was previously denied a request for a 12-foot waterfront setback variance and now they are asking for a 20 foot variance. Ms. Ruthig stated that variance request was for the house and this request is for the pool and the retaining walls.

Board Member Rockwell likes the design of the house and the pool, but the request does not meet two of the four criteria needed to grant a variance.

Board Member Kreutzberg questioned if the applicant needs a variance for the retaining wall or just the pool. Ms. Ruthig stated that the Ordinance is silent to waterfront setbacks for pools so they refer to the accessory structure section of the Ordinance. She noted that they could put a patio or a deck 15 feet out from the house toward the water.

Mr. Durrant noted they are required to obtain a variance for the retaining wall. They need a wall in that location due to the topography of the lot, and their position is they could put the pool there or they could put grass. He added that there is another infinity edge pool on this same lake beyond the variance so it would be unjust to not allow the Sliders this same opportunity. He stated again that other owners were allowed to put their homes closer to the water with the same types of lots, which are triangle shaped and sloped.

Mr. Lock noted that they must install retaining walls on this site and there is no language in the Ordinance regarding retaining walls. Chairman Rassel stated the walls could be put within the building envelope or prove that the variance being requested is the least necessary. Mr. Slider stated they are following the natural slope of the land and they are proposing to put the new

retaining walls in the same location as the previous ones. Mr. Lock agrees that this is the ideal location for the retaining wall.

Ms. Ruthig suggested having the Township Engineer review the plans. Mr. Balagna would welcome the engineer to review the plans to determine that this is the appropriate location for the retaining wall

Moved by Board Member Fons, seconded by Board Member Ledford, to table Case #20-18 until the October 20, 2020 Zoning Board of Appeals meeting to allow the Township Engineer to review the proposed plans. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the August 18, 2020 Zoning Board of Appeals meeting.

Needed changes were noted. **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the August 18, 2020 ZBA meeting as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig had no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford stated a Board Meeting was not held since August 17.
4. Planning Commission Representative Report - Board Member McCreary was not present.
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 Fons, to adjourn the meeting at 9:19 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

GENOA TOWNSHIP



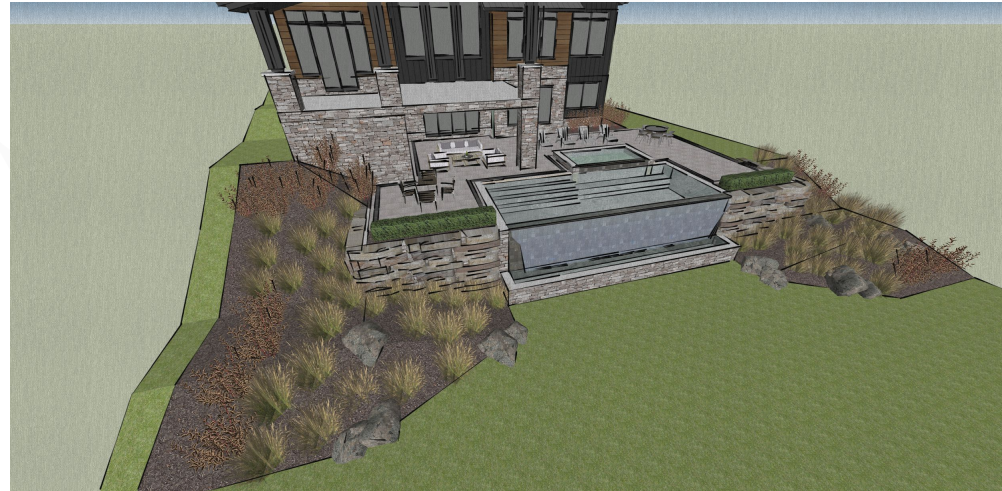
Design Proposal

**3740 Pineridge Ln
Brighton, MI 48116**

Prepared By:

Ventures Design

29454 Haas Rd
Wixom, MI 48393



Proposed Projection: Terrace, Retaining Walls, Pool, Landscaping



Original Variance - 3.04.02

Table 3.04.02 Shoreline Setback	
Condition	Required Setback from Shoreline or Ordinary High Water Mark of a Lake*
	Principal Building
Sites lacking public sanitary sewer	Minimum 100 feet
Sites connected to public sewer	Minimum 70 feet
Sites connected to public sewer in Lakeshore Resort Residential Dist.	Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.
Paved parking areas	All paved parking areas shall be setback a minimum 25 feet from any shoreline.

* This setback shall be measured on a horizontal plane from the nearest point of the water's edge to the nearest point of the building or structure.

- (h) **Landscaping Buffers:** Landscaped greenbelts along the right-of-way and a landscaped buffer zone based on adjacent zoning shall be provided as required in Section 12.02.
- (i) **Projections into Yards:** Projections into required yards shall be allowed only as provided for in Section 11.01.04.

3.04.02 - Continued

(i) **Projections into Yards:** Projections into required yards shall be allowed only as provided for in Section 11.01.04.

3.05.02 - Continued

facilities approved and accepted by Genoa Township, which shall not include private community wastewater treatment systems. (as amended 12/31/06)

3.05.02 **Other Requirements:** All permitted and special land uses shall comply with all applicable provisions of this Zoning Ordinance including those listed below.

- (a) Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure, or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings, and structures, open storage, parking, and repair of vehicles, essential public services, wireless communication facilities, single family dwelling design standards, regulations on accessory dwellings, accessory buildings, and structures, decks, swimming pools, fences, walls, and screens, private boat docks, wind energy conversion systems and reception antennas, and towers. (as amended 3/5/10)

Section 11.01.04

GENOA TOWNSHIP ZONING ORDINANCE

11.01.04 **Projections into Yards:** Certain architectural features may project into the required yards as follows:

PERMITTED PROJECTIONS INTO REQUIRED YARDS

Projection	Front Yard	Rear/ Waterfront Yard	Interior Side Yard	Corner Side Yard
Air conditioning equipment shelters	--	5 ft.	3 ft.	3 ft.
Arbors and trellises	Permitted up to 4 feet from any lot line			
Awnings and canopies	3 ft.	5 ft.	3 ft.	3 ft.
Bay windows	3 ft.	5 ft.	3 ft.	3 ft.
Decks, open or enclosed*	See Section 11.04.02			
Eaves, overhanging	3 ft.	5 ft.	3 ft.	3 ft.
Fences and walls*	See Section 11.04.04			
Flagpoles	Permitted up to 4 feet from any lot line			
Gardens and landscaping	Permitted in all yards			
Gutters	3 ft.	5 ft.	3 ft.	3 ft.
Laundry drying equipment	--	5 ft.	3 ft.	--
Light standard, ornamental	Permitted in any yard			
Mechanical equipment such as HVAC	--	5 ft.	3 ft.	--
Paved terraces	Permitted up to 4 feet from any lot line			
Unroofed porches and stoops*	3 ft.	5 ft.	3 ft.	3 ft.
Approved signs*	See Article 16			
Stairways, open unroofed	3 ft.	5 ft.	3 ft.	3 ft.
Steps	3 ft.	5 ft.	3 ft.	3 ft.
Television or radio towers or antennas*	--	5 ft.	3 ft.	3 ft.
Window air conditioning units	3 ft.	5 ft.	3 ft.	3 ft.

* See additional regulations in this ordinance.

Definitions - Landscaping

GENOA TOWNSHIP ZONING ORDINANCE

blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category. (as amended 09/04/18)

Land Use Permit: An authorization issued by the Township Zoning Administrator to erect, move or alter a structure within the Township or to approve a change in use of land or structure. For certain uses, the land use permit is issued following site plan approval by the Planning Commission or special land use approval by the Township Board.

Lake. A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is ten (10) acres or more in size.

Landscaping: The treatment of the ground surface with live plant materials normally grown in Livingston County such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. Various landscaping related terms are defined below.

Definitions - Terrace



The screenshot shows the Merriam-Webster website interface. At the top, there are navigation links: GAMES, BROWSE THESAURUS, WORD OF THE DAY, and WORDS AT PLAY. The Merriam-Webster logo is on the left, with the text 'SINCE 1828' next to it. A search bar contains the word 'terrace'. Below the search bar, there are two tabs: 'Dictionary' (which is selected) and 'Thesaurus'. Below the tabs, the word 'ter·race' is displayed with a pronunciation guide: \ 'ter-əs , 'te-rəs \.

Definition of *terrace* (Entry 1 of 2)

- 1 **a** : a relatively level paved or planted area adjoining a building
- b** : a colonnaded porch or promenade
- c** : a flat roof or open platform

Section 11.04.03

a maximum size of one hundred fifty (150) square feet and a maximum height of fourteen (14) feet (see Article 25 for calculation of building height). (as amended 5/13/05 and 3/5/10)

11.04.03 **Swimming Pools**

- (a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Official surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children. A hot tub with a locking cover shall not require a fence.
- (b) Relationship of Height to Setback: Swimming pools, spas, hot tubs, similar facilities and surrounding decks with an elevation measured from the mean grade at any point adjacent to such facility of three (3) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than three (3) feet above grade at any point, the setback shall be at least fifteen (15) feet from any lot line.
- (c) Restriction from Front Yard: Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

*****This section provides no basis for denial.**

Section in question: 11.04.05

11.04.05 **Waterfront Accessory Structures:** Waterfront structures and appurtenances are permitted structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e. the minimum required setback from the ordinary high water mark.) in all zoning districts.

- (a) Only the following structures and appurtenances shall be permitted within the required waterfront yard:
- (1) docks and mooring apparatus;

General Provisions

11-19

GENOA TOWNSHIP ZONING ORDINANCE

- (2) decks, subject to the requirements of Section 11.04.02(c);
- (3) no more than one gazebo, subject to the requirements of Section 11.04.02(d).

Per this section, all of the following common features are prohibited

- **Grass and landscaping**
- **Paver patios/ terraces**
- **Trellis, pergola, flag poles**
- **Literally, anything other than what is stated here**

Section 11.02.02

11.02.02 **Determination of "Similar Uses":** Since every type of potential use cannot be addressed in the zoning ordinance, each district provides for "similar uses", referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review at a public hearing, based on the following standards.

- (a) A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.

General Provisions

11-3

GENOA TOWNSHIP ZONING ORDINANCE

- (b) If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare in the Township.

Practical Difficulty/ Substantial Justice

Compliance with section 11.04.03 and 11.01.04 would provide substantial justice

Section 11.04.05 would create the need for ZBA approval to install many of the common things seen around the lake.

- **“Retaining Walls, Landscaping, gardens etc. are common in waterfront yards” - Michael Archinal**
- **“Trees, fire rings, grills, gardents, etc - are all prohibited” - Michael Archinal**

Other things not named:

Flag poles, terraces, patios, steps,

Extraordinary Circumstances

Compliance with section 11.04.03 and 11.01.04 would make the property consistent with the majority of other properties in the vicinity.

This need is not self created.

4190 Highcrest Drive



- Retaining wall
- Terrace
- Landscaping
- Steps

4330 Highcrest Drive



- Retaining wall
- Terrace
- Landscaping
- Steps
- Firepit

RE/MAX Platinum

4174 Highcrest Drive



- Retaining wall
- Terrace
- Landscaping
- Steps
- Firepit

ZBA Approved walls for 3940 Hichrest Drive - August 20, 2019



- Retaining wall
- Terrace
- Landscaping
- Steps

4300 Skusa Drive



- Retaining wall
- Terrace
- Landscaping
- Spool
- Firepit
- Pillars

4390, 4326, 4314 Skusa Drive



- Terrace
- Fire pits

3450 Pine Ridge Lane



- Retaining Walls
- Steps
- Landscaping

5400 Sharp Drive



- **Retaining Walls**
- **Steps**
- **Landscaping**
- **Pathways**
- **Swimming Pool (front yard)**

4252 Highcrest Drive - Most Similar Case



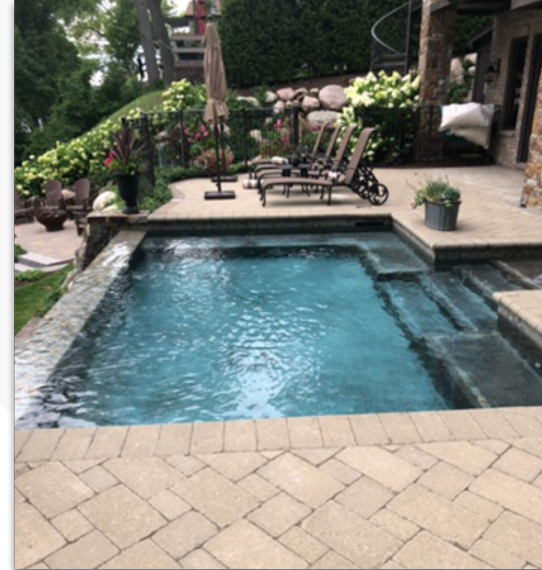
- Retaining Walls
- Terrace
- Pool

REVISION #	DATE	REVISION DESCRIPTION	REVISION #	DATE	REVISION DESCRIPTION

1LOT PLAN **LOTS 102 AND 103**
CROOKED LAKE HIGHLANDS SUBDIVISION

CLIENT: SCALE: 1"=10'
 BLAIR SCHWAB PROJECT NO.: 190208
 4252 HIGHCREST DR DWG. NAME: 2300.P01

4252 Highcrest Drive - Most Similar Example



Proposed Projection: Terrace, Retaining Walls, Pool, Landscaping



- Retaining Walls
- Terrace
- Pool

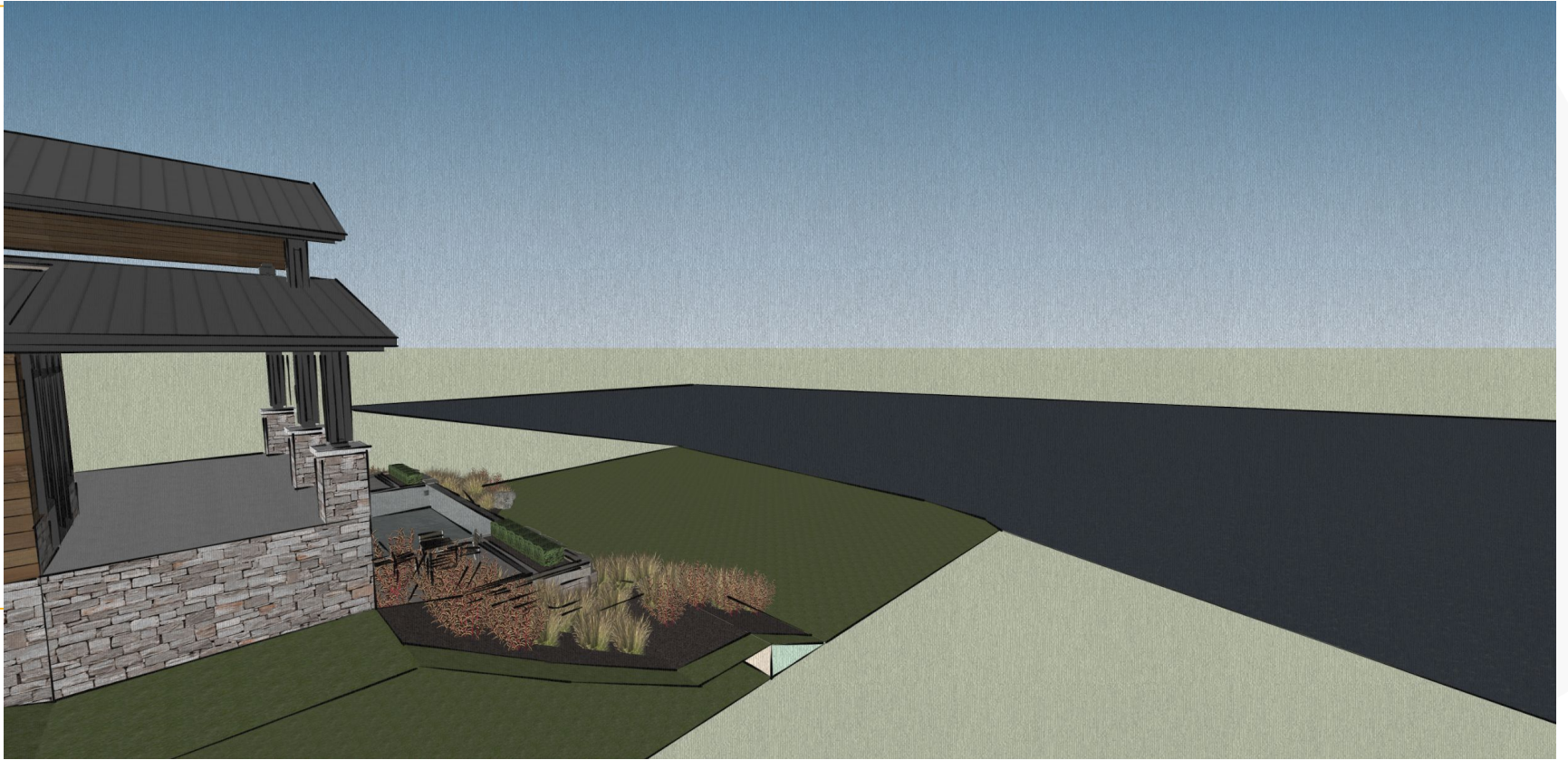
Proposed Projection: Terrace, Retaining Walls, Pool, Landscaping



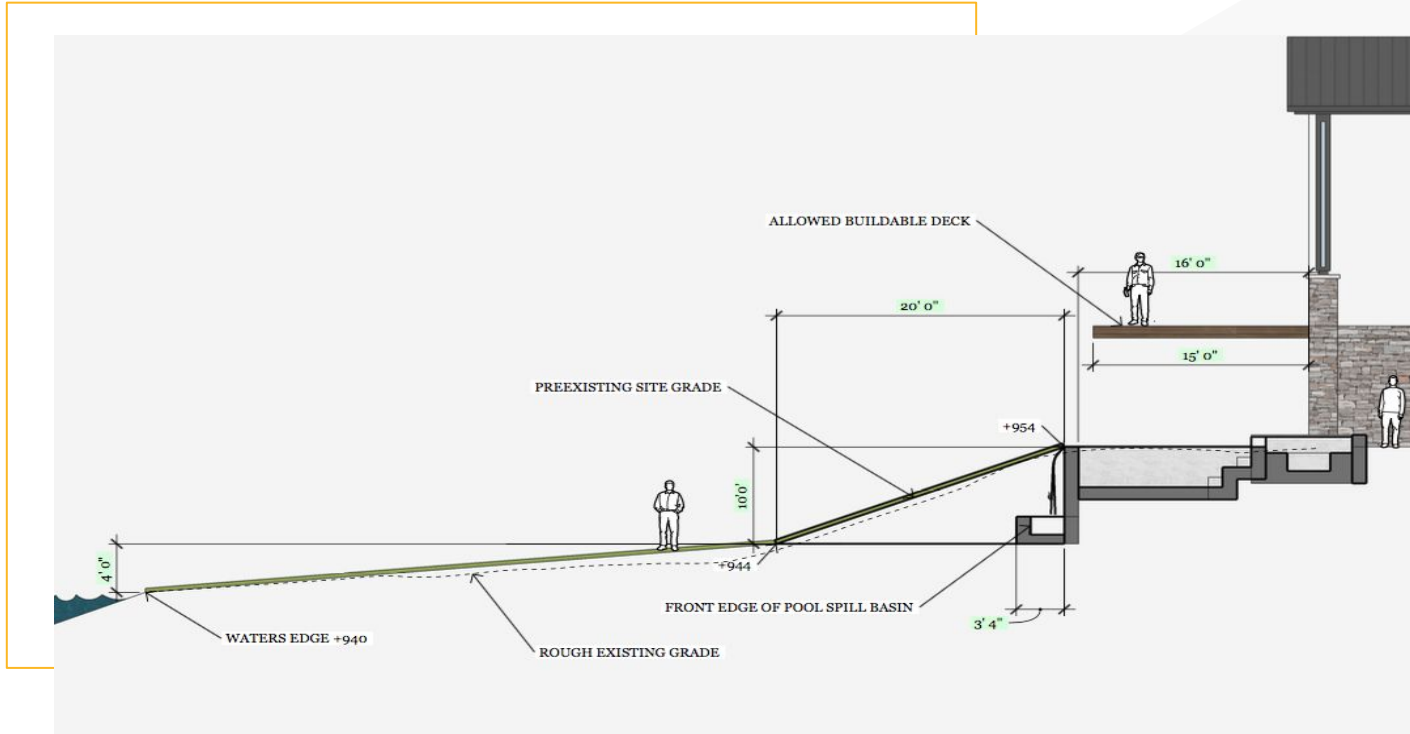
Proposed Projection: Terrace, Retaining Walls, Pool, Landscaping



Proposed Projection: Terrace, Retaining Walls, Pool, Landscaping



Existing Grade Cross Section



Public Safety and Welfare, Impact on Surrounding Neighborhood

Summary of Findings

- (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.





Terrace

All "Landscaping"

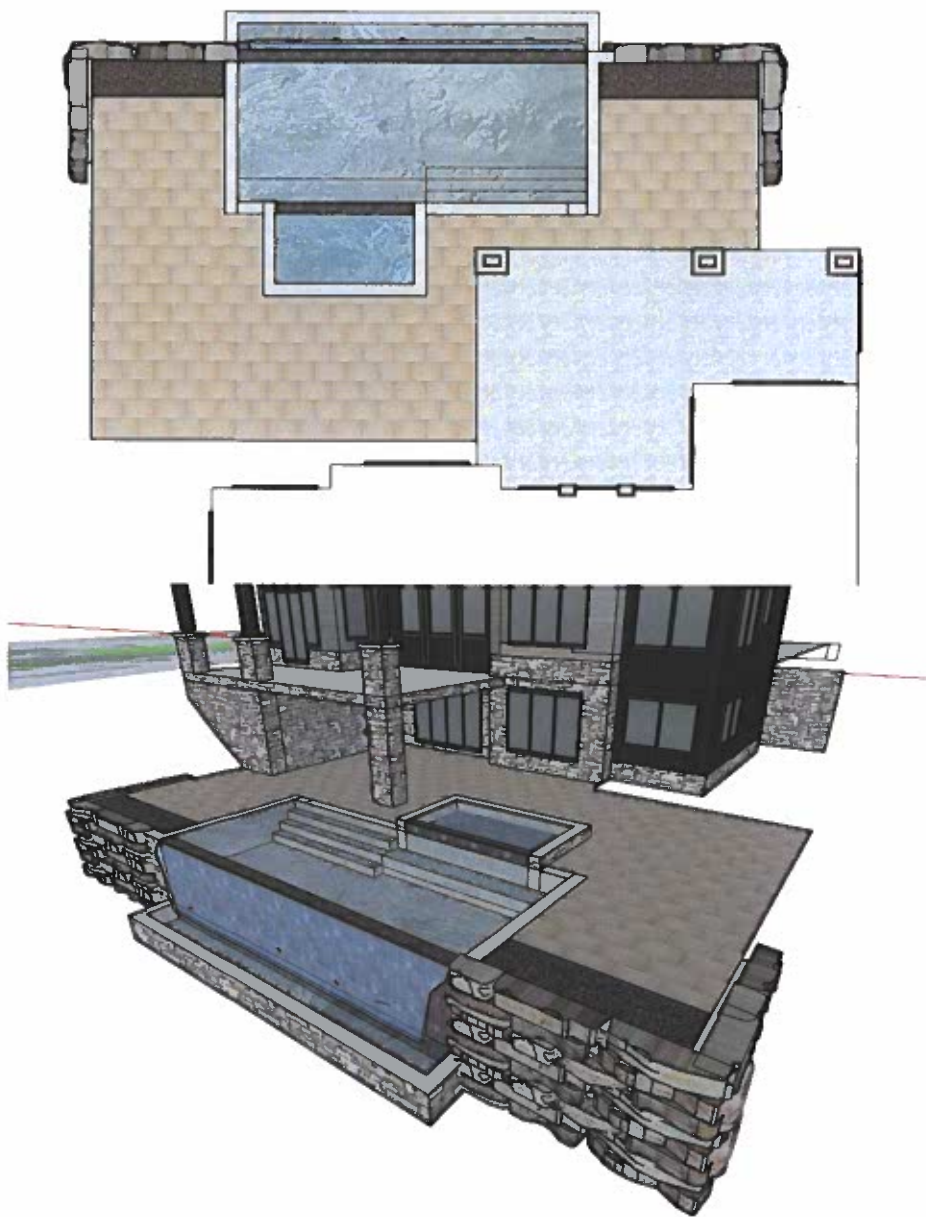
Revised

Amy Ruthig

From: Brandon Bertrang <brandon@ventures-design.com>
Sent: Friday, October 23, 2020 10:20 AM
To: Amy Ruthig
Subject: Updated Terrace Images

Hey Amy,

I had Jake do a quick update to the terrace. See attached



Link to November 17th, 2020 Packet

<https://www.genoa.org/dbfiles/download/boardmeetings/packet1/2293>

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.													
RINGHOLZ, DAVID	SLIDER RALPH & MARY	417,500	02/12/2016	WD	ARMS-LENGTH	2016R-006071	BUYER	100.0													
MCMACHEN		0	12/26/1995	WD	L.C.P.O.	2000-0730	BUYER	0.0													
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status											
3470 PINERIDGE LANE		School: BRIGHTON AREA SCHOOLS		Residential New Constructi		05/26/2020		P20-050													
Owner's Name/Address		P.R.E. 0% Cond. 1st		MAP #: V20-18		2021 Est TCV Tentative															
SLIDER RALPH & MARY 9903 DOORNOCH BRIGHTON MI 48114		X Improved		Vacant		Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT															
Tax Description		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason Value															
SEC. 22 T2N, R5E CRANDALL'S CROOKED LAKE HEIGHTS NO. 1 LOT 14 & S 1/2 OF LOT 15		Dirt Road		A LAKE FRONT		91.00 215.00 1.0000 1.0000		4000 100		364,000											
Comments/Influences		Gravel Road		91 Actual Front Feet, 0.45 Total Acres		Total Est. Land Value =		364,000													
		Paved Road		Land Improvement Cost Estimates		Description		Rate		Size % Good	Cash Value										
		Storm Sewer		D/W/P: Patio Blocks		12.95		340		65	2,862										
		Sidewalk		Total Estimated Land Improvements True Cash Value =		2,862															
		Water																			
		Sewer																			
		Electric																			
		Gas																			
		Curb																			
		Street Lights																			
		Standard Utilities																			
		Underground Utils.																			
		Topography of Site																			
		Level																			
		Rolling																			
		Low																			
		High																			
		Landscaped																			
		Swamp																			
		Wooded																			
		Pond																			
		Waterfront																			
		Ravine																			
		Wetland																			
		Flood Plain																			
		X REFUSE																			
		Who		When		What		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/ Other		Taxable Value	
		LM		08/23/2013		DATA ENTER		2021		Tentative		Tentative		Tentative						Tentative	
								2020		182,000		90,100		272,100						199,223C	
								2019		125,800		87,300		213,100						195,509C	
								2018		105,800		89,200		195,000						190,927C	

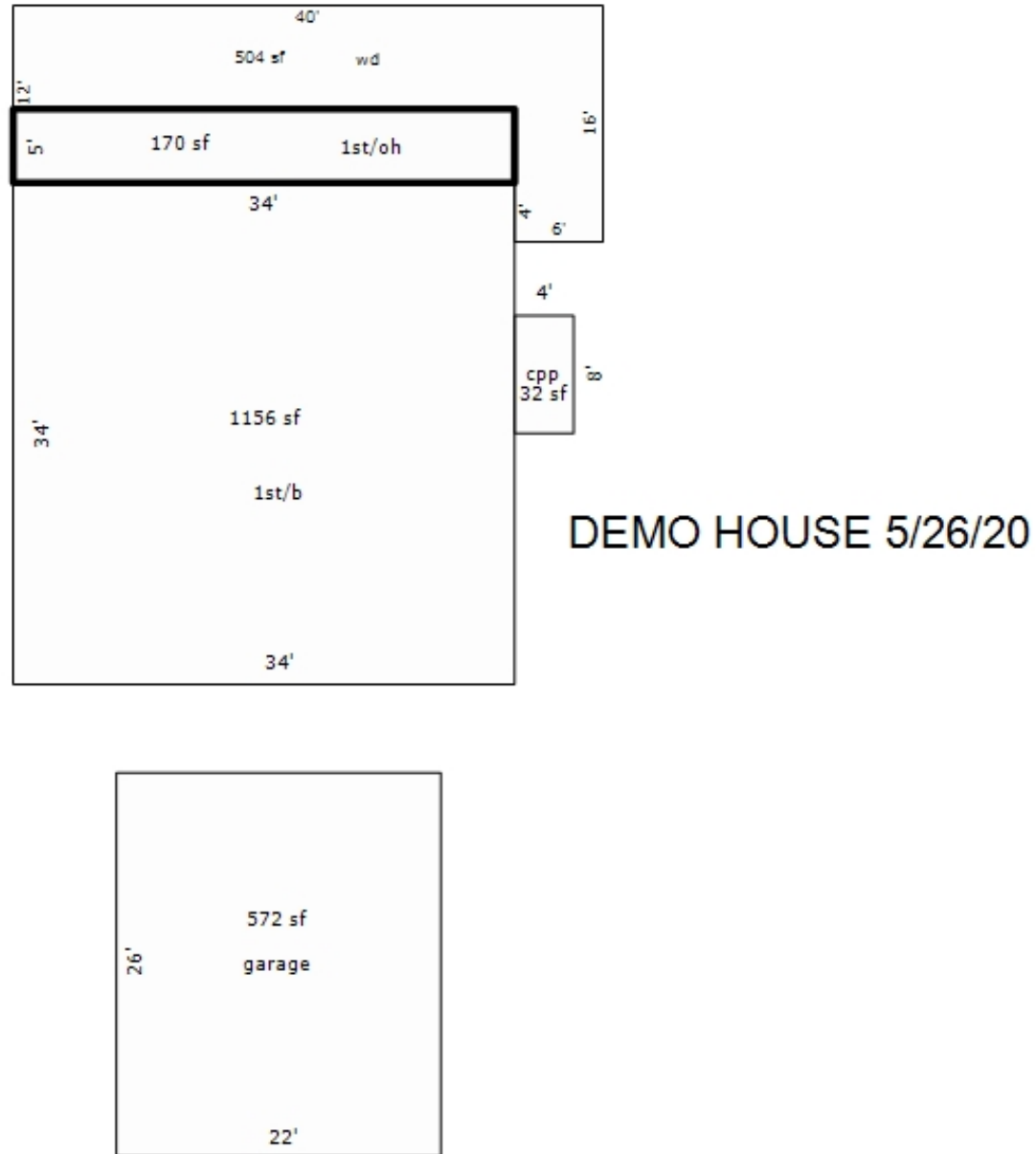


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*** Information herein deemed reliable but not guaranteed***

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 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 32 504	Type CPP Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 572 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 47 Floor Area: 1,326 Total Base New : 236,235 Total Depr Cost: 125,204 Estimated T.C.V: 186,930			E.C.F. X 1.493		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1965	Remodeled 0	Size of Closets		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C Blt 1965						
Condition: Good		Doors: Lg X Ord Small		0 Amps Service			Ground Area = 1156 SF Floor Area = 1326 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=53/100/100/100/53			Building Areas						
Room List		(5) Floors		Average Fixture(s)			Other Additions/Adjustments			Plumbing						
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		3 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			Basement Living Area Basement, Outside Entrance, Below Grade Plumbing 3 Fixture Bath Porches CPP Deck Treated Wood Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost			1,156 170 Total: 155,381			Cost New		Depr. Cost	
(1) Exterior		(6) Ceilings		(13) Plumbing			Water/Sewer			Fireplaces						
X	Wood/Shingle Aluminum/Vinyl Brick			Public Water Public Sewer Water Well			1000 Gal Septic 2000 Gal Septic			Exterior 1 Story Prefab 1 Story						
	Insulation			Lump Sum Items:			Notes:									
(2) Windows		(8) Basement					ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TCV:								186,930	
X	Many Avg. Few	X	Large Avg. Small													
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor														
(3) Roof		(9) Basement Finish														
X	Gable Hip Flat		Recreation SF Living SF 1 Walkout Doors No Floor SF													
	Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:														
X	Asphalt Shingle															
Chimney: Brick																

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



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins		(15) Fireplaces		(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame	X	Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:		
X	Wood Frame	X	Drywall Paneled			Plaster Wood T&G								
Building Style: B		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling										
Yr Built 2020	Remodeled 0	Ex	X	Ord		Min								
Condition: Good		Size of Closets		Central Air Wood Furnace										
		Lg	X	Ord		Small								
Room List		Doors:		X										
Basement 1st Floor 2nd Floor 3 Bedrooms		Solid		X			H.C.							
(1) Exterior		(5) Floors		(12) Electric										
Wood/Shingle Aluminum/Vinyl Brick X Brick/Siding X Insulation		Kitchen: Other: Other:		0			Amps Service							
(2) Windows		(6) Ceilings		No./Qual. of Fixtures										
Many Avg. Few		X		Ex.			X							
Large Avg. Small		X		Ord.			Min							
(3) Roof		(7) Excavation		No. of Elec. Outlets										
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Basement: 0 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Many			X		Ave.		Few			
(10) Floor Support		(8) Basement		(13) Plumbing										
Gable Hip Flat		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		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										
Asphalt Shingle		(9) Basement Finish		(14) Water/Sewer										
Chimney:		Recreation SF Living SF Walkout Doors No Floor SF		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic										
		(10) Floor Support		Lump Sum Items:										
		Joists: Unsupported Len: Cntr.Sup:												
				Notes:										
				Cost Est. for Res. Bldg: 2 Single Family B										
				(11) Heating System: Forced Heat & Cool										
				Ground Area = 0 SF Floor Area = 0 SF.										
				Phy/Ab.Phy/Func/Econ/Comb. % Good=100/100/100/100/100										
				Building Areas										
				Stories Exterior Foundation										
				Other Additions/Adjustments										
				Totals:										
				ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC										
				V: 0										

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 17, 2020 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Marianne McCreary, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the agenda with the withdrawal 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. **The motion carried unanimously.**

Call to the Public:

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

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).

Moved by Board Member Ledford, seconded by Board Member McCreary, to table Case #20-22 for Catherine Richmond and Frederick Ort, 2742 Scottwood Place until the next scheduled ZBA meeting of December 17, 2020 per the petitioner's request. **The motion carried unanimously.**

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.

Mr. Steffan Ramage was present. He stated the property is five acres; however it is only 166 feet wide. They are planning on reusing the existing foundation and adding on to the rear of the home. The current garage is 28 feet from the side setback, so he is requesting to keep it in that location. They will be adding onto the home on each side of the existing porch on the rear of the home to expand the size of the master bedroom and bathroom; which is why they are

requesting a wetland setback on the side of the home. It will be in line with the existing home on the side and rear. They will be putting in a silt fence to protect the wetland during construction. Board Member McCreary questioned how the wetlands will be preserved after construction. What will be done to ensure more water does not flow into the wetland? Mr. Ramage stated there will be gutters on the home and there will be hedges planted on the north side of the home. His property is very flat so there is not a lot of runoff from that area. Ms. Ruthig stated that an inspection is done prior to the C of O being issued and at that time, they will determine that the wetlands were not disturbed and could require additional landscaping, etc. to be installed.

Board Member Fons asked the applicant if there were other options to gain the square footage desired. Mr. Ramage stated that they could not move the home further toward the front because of the septic field and moving it to the south would encroach on the location of the well. They do not want to add a second story to the home.

The call to the public was made at 6:51 pm with no response.

Board Member McCreary believes the variance request is the least necessary and noted that the wetland line varies along the property line. Board Member Fons stated that the home is currently non-conforming and knows that wetland borders vary; however, he is concerned that there would be more additions made to the home in the future that could continue to be further toward the wetland. It was noted that a condition could be placed on the variance approvals that no further additions or outbuildings are allowed on the property.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approved Case #20-23 for Steffan Rampage at 3771 Dorr Road for a side yard setback variance of 12 feet from the required 40 feet for a setback of 28 feet to allow for an addition to an existing home, based on the following findings of fact:

- The current home will be reconstructed on the current perimeter foundation and will not change other than the 12 foot addition to the back portion of the home.
- The hardship is that the current home sits in the location and this would appear to be the least invasive way to add on to the home while keeping in mind a minimum disturbance.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
- The natural drainage should be noted is currently a lawn and has been maintained as a lawn historically.

This approval is conditioned upon the following:

1. No further wetland variances will be granted for this property.

2. The applicant must obtain all required permits necessary for the addition and all interior work
3. The property will be guttered with downspouts directed into dry wells or rain gardens containing native plants to help slow the flow of water to the wetlands.
4. No work can be done on the home without proper permits.
5. The applicant shall permanently demarcate and install educational signage to indicate the edge of the undisturbed natural area. This shall remain in perpetuity to ensure future owners do not further encroach.
6. The entire remaining 20' setback buffer area shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.
7. If used, the applicant shall utilize slow release and low phosphorus fertilizers.
8. Silt fencing must be utilized during the construction phase, and the applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
9. No other encroachments on the entire property are allowed.

The motion carried unanimously.

Moved by Board Member McCreary, **seconded** by Board Member Kreutzberg, to approved Case #20-23 for Steffan Rampage at 3771 Dorr Road for a wetland setback variance of five feet from the required 25 feet for a 20 foot wetland setback to allow for an addition to an existing home, based on the following findings of fact::

- Applicant is going to be using the same footprint that is in existence
- The width of the property is narrower than most properties in the surrounding area and the variance is considered the least amount necessary.
- The need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. No further wetland variances will be granted for this property.
2. The applicant must obtain all required permits necessary for the addition and all interior work
3. The property will be guttered with downspouts directed into dry wells or rain gardens containing native plants to help slow the flow of water to the wetlands.
4. No work can be done on the home without proper permits.
5. The applicant shall permanently demarcate and install educational signage to indicate the edge of the undisturbed natural area. This shall remain in perpetuity to ensure future owners do not further encroach.
6. The entire remaining 20' setback buffer area shall remain in a natural and undisturbed state and is not eligible for trail or recreational area exemptions.

7. If used, the applicant shall utilize slow release and low phosphorus fertilizers.
8. Silt fencing must be utilized during the construction phase, and the applicant must obtain all necessary approvals from the Livingston County Drain Commissioner.
9. No other encroachments on the entire property are allowed.

The motion carried unanimously.

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.

Mr. Dennis Disner of Arcadian Design was present to represent the applicant. They are planning to demolish the existing cottage and build a new single-family home. The existing cottage is currently out of compliance on the waterfront and side yard setbacks. The side yard setbacks will be brought closer to compliance. The new structure will be further from the water than the existing cottage; however, the neighbor to the north built very close to the lake so that affects the applicant's waterfront setback. They are requesting a 10-foot variance from the formula that determined their waterfront setback. They are attempting to stagger the three homes along the diagonal lakefront. He understands the formula that establishes the lakefront setback, but it is harming his client. If the neighbor to the north had built to the formula, they would not need a waterfront variance. This home will be in between the setbacks of the two homes on either side of them. The average setback in the area is 18.6 feet and they are asking for a variance of 3 feet less than that average. They do not want to be harmed by the position of the neighbor's home.

The call to the public was made at 7:16 pm with no response.

4. Brian and Lynn Shelters, 3829 Highcrest, for front, side, rear and waterfront yard setback variances to construct a new single family home.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #20-24 for Brian and Lynn Shelters at 3829 Highcrest for a front yard variance of 13 feet, 6 inches; a rear yard setback variance of 9.5 inches; a side yard variance of 1 foot; and a waterfront setback variance of 10 feet for the construction of a new single family home, based on the following findings of fact:

- Strict compliance with setbacks would unreasonably prevent the use of the property (or cause it to be unbuildable)
- The variances will provide substantial justice in granting the applicant the same right as similar properties in the neighborhood.
- 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.

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

This approval is conditioned upon the following:

1. 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.

The motion carried unanimously.

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

Board Member Fons stated that he has known Mr. Towles and has done business with him for many years and is requesting to be excused from the discussion and decision on this case.

Moved by Board Member Ledford, seconded by Board Member McCreary to excuse Board Member Fons from Case #20-26. **The motion carried unanimously.**

Mr. Towles stated they would like to build an outbuilding. The pole barn was built within the required setbacks; however, they are requesting a 15-foot variance for this building. It will be 25 feet from the property line. It cannot be placed further toward the front without having to take out a lot of trees. Also, they have a septic field on the right side of the home and there is geothermal heat in the other portion of the property.

Board Member McCreary noted that there is a thick natural buffer between the proposed building and the neighbor's property.

Chairman Rassel stated that a petition in favor of the variance being granted was signed by nine neighbors was submitted to the Township.

The call to the public was made at 7:29 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #20-26 for Chester and Debra Towles of 3210 Pineview Trail for side yard variance of 15 feet from the required 40 feet, for a setback of 25 feet, in order to construct a detached accessory building, based on the following findings of fact:

- Strict compliance with the side yard setback would restrict use of the property
- This variance will provide substantial justice in granting applicant the same right as similar properties in the neighborhood and is not self-created.

- The extraordinary circumstances are the location of the home and existing accessory structure and the established grade of the property.
- This variance is the least necessary and would make the property consistent with outer properties and homes in the area.
- The granting of the variance will not impair adequate light and air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon:

1. The applicant shall comply with the accessory structure requirements.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the October 20, 2020 Zoning Board of Appeals meetings.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the minutes of the October 20, 2020 ZBA meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig provided the Board with a letter from a neighbor regarding his disapproval with a variance that was granted and a letter from Mr. Newton, who was denied a variance at the October ZBA meeting.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:37 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 17, 2020 - 8:00 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 8:00 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Marianne McCreary, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Call to the Public:

The call to the public was made at 8:01 pm with no response.

1. Request by Township Manager for interpretation of sections 11.04.03, 11.01.04, and 11.04.05 of the Township Zoning Ordinance as it applies to waterfront yards in accordance with Section 23.02.03 of the Township Zoning Ordinance.
 - A. Interpretations of Section 11.04.03 and 11.04.05 as it relates to swimming pools in the required waterfront yard.
 - B. Interpretation of Section 11.01.04 and 11.04.05 as it relates to retaining walls and terraces in the required waterfront yard.

Chairman Rassel advised that the Township Manager asked the Zoning Board of Appeals to make two determinations. One is with regard to swimming pools in the front yard and the second is regarding retaining walls and terraces in the required waterfront yard.

The call to the public was made at 8:03 pm.

Mr. Brandon Bertrang of Ventures Design stated that Ordinance Sections 11.04.03 and 11.04.05 state that only one gazebo, dock, or deck are allowed in a waterfront yard. This would mean that that all of the other items would not be allowed, such as landscaping would not be allowed, which would be grass, sod, plants, trees, patios, shrubs, fire pits, flag poles; literally

anything other than a gazebo, dock, and a deck. It is Venture Design's opinion that it was never intended to trump any of the other Sections of the ordinance. It has never been used to allow only a deck, dock or gazebo. He read the definition of landscaping in Section 25 of the Ordinance. Section 11.04.03 has a section regarding setbacks for pools, which is 10 feet from any property line when it's three feet or less from grade (deep) and they are not allowed in the front yard. If Section 11.04.05 supersedes all other projections, then everything would be eliminated except the three items listed.

Mr. Bob Pettengill of 3540 Pineridge Lane stated that Section 11.04.039(c) - swimming pools says "construction shall not be located in any front yard. He does not agree with Mr. Archinal's letter regarding Section 11.04.05(a) - waterfront structures, which states that only the following structures and appurtenances, docks, mooring apparatus and decks shall be allowed, but it does not include pools. In reading the zoning ordinance, he does not believe that a pool would be allowed so there would be no basis for approving the variance request.

Mr. Doug Brown of 3420 Pineridge Lane suggested that Ordinance Section 11.04.04(c) be referenced in this interpretation, which states "...fences, walls, or screens located in the rear yard should not exceed a height of four feet". He disagrees with having the call to the public before the Board discussed this item this evening.

Mr. Bertrang stated that Section 11.04.04(c) pertains to fences and walls, which are considered above-grade features and they are proposing a below grade wall, which is made with landscaping and boulders. When a term is specifically defined, such as front yard, waterfront, they cannot be combined. Front yard is its own definition and separate from waterfront.

The call to the public was closed at 8:16 pm.

Board Member McCreary read Section 11.04.03, items (a), (b) and (c), specifically in regards to swimming pools, fences and heights and setbacks and restrictions from the front yard. Her understanding of the front yard as it applies to a waterfront property is the front that faces the road. This only applies to pools not being allowed roadside. Section 11.04.05 as it relates to swimming pools is under the accessory buildings and structures portion of the description and says "waterfront structures and appurtenances are permitted structures on waterfront property subject to the requirements of this section". The only structures that can be permitted in the waterfront yard are gazebo, dock, or deck, but if you define an accessory building, the definition of a structure or a building is a detached structure on the same lot and subordination to a principal structure....." In Section 11.04.01(g) - setbacks from the shoreline- detached accessory buildings shall be set back at least 50 feet from....., except in the lakeshore resort zoning district where they shall meet the shoreline setback requirements. Her interpretation is that pools are allowed on the waterfront, but must comply with the shoreline setback requirement.

Chairman Rassel does not believe that anyone who wrote this ordinance intended to deny anyone to put a pool on their property on the waterfront. He agrees that they must be within the non-required lakeshore setback requirement.

Ms. Ruthig advised that Section 11.04.01(g) could not be applied to the request from Ventures Design because it speaks to buildings, and buildings have a roof. That section was not used when determining if a pool was allowed and requiring the applicant to seek a variance. Section 11.04.05 was used.

She agrees with Board Member McCreary as the ordinance states that a front yard is a yard that abuts a public or private road right of way.

Board Member Fons believes that Section 11.04.03 should be referenced for swimming pools and not Section 11.04.05, so a pool would be allowed in the lakefront as long as it meets the setback requirements.

Board Member McCreary stated that Ordinance Section 105 - Conflicting Regulations - if there are conflicting regulations "the provision or standard which is more restrictive shall prevail".

All commissioners agree that a swimming pool can be put in a waterfront yard and not in the front yard, and if it is the waterfront, it has to be within the shoreline building setbacks (non-required waterfront yard).

The Board then discussed determining which of Sections 11.01.04 and 11.04.05 should be used when determining retaining walls.

Ms. Ruthig advised there is no definition for retaining walls in the ordinance so staff uses the requirements for fences and walls. She noted that retaining walls will be addressed in the next ordinance update.

The Board discussed how retaining walls are often needed when homes are being built.

Chairman Rassel has toured the properties around this lake and allowing a retaining wall for the applicant would provide them substantial justice. The Board must decide if the Township will allow retaining walls and have them addressed at a staff level. Ms. Ruthig stated that parameters would have to be put in place for retaining walls if it is determined that they are allowed. Board Member Fons believes that Section 11.04.05 would be used for retaining walls, where it speaks to fences and walls. Ms. Ruthig stated that fences are not allowed in the required waterfront. The Board interpreted that fences and walls are different from each other.

The consensus of the Board was that retaining walls are only allowed within the shoreline building setbacks. A variance would need to be requested and decided on a case-by-case basis. (non-required waterfront yard)

Board Member McCreary requested that the Township Manager respond to their interpretations that he requested.

2. 20-18 ... A request by Ventures Design, 3470 Pineridge Lane, for a variance to allow a swimming pool in the required waterfront yard and a variance to construct retaining walls in the required waterfront yard.

Mr. Loch Durrant and Mr. Brandon Bertrang from Ventures Designs were present. They believe that they no longer require a variance for their proposed pool and its location based on the interpretation of the Board and the ordinance requirements for a pool.

The Board stated that the interpretation was for the "required shoreline setbacks" and since this is more restrictive than the section regarding pools, a variance would be needed because the requested pool is within the required shoreline setbacks.

Mr. Bertrang questioned why the neighbors and Township are opposed to the pool. It doesn't block anyone's view. What would be the difference if there was a concrete patio or a pool in this location? He showed a photograph of a home on Highcrest Drive that was built with the same features and setbacks as what they are requesting. He showed additional photos of homes on the lake that have terraces, retaining walls, pools, swim spas, fire pits, etc.

They requested to have their item tabled until the December meeting to review the determinations that were made by the Board this evening.

The call to the public was made at 9:53 pm.

Mr. Doug Brown of 3420 Pineridge Lane stated that he was a member of the Planning Commission when the ordinance was written. The intent was not to have pools lakeside.

Chairman Rassel stated that letters of opposition were received from Robert Musch of 3500 Pineridge Lane and Dr. Donnie Bettes of 3430 Pineridge Lane.

The call to the public was closed at 9:54 pm.

Moved by Board Member McCreary, seconded by Board Member Ledford, to table Case #20-18 from Ventures Design at 3470 Pineridge Lane, for a variance to allow a swimming pool in the required waterfront yard and a variance to construct retaining walls in the required waterfront

yard, until the December 15, 2020 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

Administrative Business:

1. Member Discussion - There were no items to discuss this evening.

2. Adjournment

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 9:56 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
November 16, 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, and Terry Croft, Jim Mortensen and Diana Lowe and three persons in the audience.

A Call to the Public was made with no response.

Consent Agenda:

Moved by Lowe and supported by Mortensen to approve the Consent Agenda and move the Payment of Bills to the Regular Agenda for discussion. The motion carried unanimously.

2. Request to Approve Minutes: November 2, 2020

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.

1. Payment of Bills.

Moved by Mortensen and supported by Ledford to approve the payment of bills and request additional information on a check made payable to Pivot Point Partners. The motion carried unanimously.

3. Issuance of the Oath of Office to the newly-elected Genoa Township Board.

Skolarus delivered the Oath of Office to Supervisor Bill Rogers, Treasurer Robin Hunt, Trustee Diana Lowe, Trustee Jim Mortensen, Trustee Jean Ledford, and Trustee Terry Croft; Skolarus congratulated them on their re-election to the Genoa Charter Township Board.

4. Receive budget presentation and Genoa Township participation rates from Tim Church, Director Howell Area Parks and Recreation Authority.

Mr. Church provided a proposed budget for the 2021 season with revenues totaling \$1,238,693.00 and a Township Participation fee of \$110,000.00 (an increase of \$5,000.00 from the previous year) with demographics of participation. Moved by Lowe and supported by Hunt to receive the budget as presented. The motion carried unanimously.

5. Request for approval of the Emergency Management Resolution 201116 as requested by the Assessor.

Moved by Ledford and supported by Lowe to approve the Emergency Management Resolution with the following changes:

- Genoa Township should be changed to Genoa Charter Township
- The roll call vote should include Jean Ledford
- Page 11 – the spelling of Jim Mortensen’s name should be corrected
- Page 3 - Article 1: add resolution # after - this Resolution, No. 201116,
- Page 8 - fix typo #6 last sentence should read shall no longer be in effect

The motion carried by carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers Nays – None.

6. Request to approve the Inter-Governmental Agreement for the Designated Assessor.

Moved by Lowe and supported by Hunt to designate Debra Rojewski as the Assessor in Genoa Charter Township and approve the Inter-Governmental Agreement as requested. The motion carried unanimously.

Correspondence

- Hunt supplied a graph that will be included in the next tax mailing showing where your tax dollars go after they are paid to Genoa Township
- Skolarus provided the board with correspondence related to Dominion Voting Systems that stated that there were no deleted or changed votes in that voting software.
- Archinal provided a notice that Waste Management has now acquired Advanced Disposal, thus are hauler will be changing back to Waste Management, although the company name is not proposed to change. Advanced Disposal will now be a subsidiary of Waste Management. Hunt raised the issue that all of the carts have been paid for by the Township and should remain in service.

Member Discussion:

Rogers – This building was sanitized this morning; we will be back to 50/50 staffing for the next four weeks; the December meeting is expected to be virtual (electronic).

Moved by Mortensen and supported by Croft to adjourn the Regular Meeting of the Board at 7:15 p.m.

Paulette A. Skolarus, Clerk
Geno Charter Township

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing Emergency Management Resolution No. 201116 constitutes a true and complete copy of a resolution adopted by the Township Board of Genoa Charter Township, County of Livingston, State of Michigan, at a regular meeting held on Nov. 16, 2020.

Paulette A. Skolarus, Clerk
Genoa Charter Township

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
December 7, 2020

MINUTES

Rogers commemorated the 79th anniversary of Pearl Harbor Day with a moment of silence to honor those who fought and lost their lives on this day. The Virtual Meeting of the Genoa Charter Township Board was then called to order at 6:35 p.m. with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Terry Croft, Jim Mortensen and Diana Lowe. Also present were Township Manager Michael Archinal and Jill Bahm of Giffels Webster.

A Call to the Public was made with no response.

Consent Agenda

Moved by Lowe and supported by Mortensen to approve all items listed under the Consent Agenda as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: November 16, 2020

Regular Agenda:

Moved by Lowe and supported by Hunt to approve for action all items listed under the Regular Agenda as requested. The motion carried unanimously.

3. Consideration of a recommendation for approval of a final PUD site plan and environmental impact assessment for the “Premier Genoa Planned Unit Development” phase 1 involving a 37,275 sq. ft. climate controlled indoor storage building and related site improvements. The site is located at 4525 and 4433 E. Grand River at the northwest corner of Grand River Ave. and Lawson Drive. The request is petitioned by BMH Realty, LLC.

A. Disposition of Impact Assessment (dated 8-5-20 received 9-28-20)

Moved by Lowe and supported by Croft to approve the Environmental Impact as requested. The motion carried unanimously.

B. Disposition of Final PUD Site Plan (11-19-20)

Moved by Hunt and Supported by Lowe, to approve the Final PUD Site Plan printed on November 19, 2020, as represented in Kelly VanMarter's memorandum of Dec. 1, 2020 and subject to the following:

1. The lot combination of the parcels as depicted on the site plan shall be completed prior to issuance of a land use permit for the project.
2. Construction plan review and EGLE Permits will be required by the MHOG and GO Water and Sewer Authorities for the water and sanitary sewer.
3. Utility Easements for the water and sanitary sewer shall be provided prior to issuance of the land use permit for the building.
4. A performance guarantee as provided by section 21.03 of the Zoning Ordinance shall be provided for the required sidewalk on the north side of Whitehorse Drive prior to issuance of a land use permit for the building.

The motion carried unanimously.

4. Consideration of a request to change authorization for Genoa 2019-2020 Grand River Sidewalk, Construction Phase Engineering as submitted by TetraTech in the amount of \$46,660.

Moved by Lowe and supported by Mortensen to authorize an additional \$46,660.00 for the Grand River Sidewalk construction plan and to amend the Parks and Recreation Budget accordingly. The motion carried unanimously.

5. Discussion of 2021-2025 Working Draft of the Recreation Plan for Genoa Charter Township.

Jill Bahm of Giffels Webster addressed the board concerning the draft Recreation Plan that needs to be submitted to the DNR by February 1, 2021. A public hearing has tentatively been set for Wednesday, Jan. 13, 2021 at 6:30 in the evening. Public Comment will be accepted from Dec. 13, 2020 until Jan. 13, 2021. The full plan will be available on the township website on Dec. 13th. No formal action was taken by the board.

Correspondence:

- Waste Management acquired Advanced Disposal on Oct. 30th. Waste Management has assured us that service will remain the same with no effect on our residents.
- Bonds related to Oak Pointe Sewer System Project have been refinanced with a savings of approximately \$601,718.00 in interest.
- A grant in the amount of \$6,276 was received and distributed to election officials.

- Comcast and Charter rates are increasing.
- Cromaine Library minutes were received.
- Resident Summer Cleveland asked for better internet for her area of the township.
- The Township set a meeting and holiday schedule for 2021.
- Genoa Township is compliant on all levels of the AMAR audit and scored 100% according to Township Assessor Debra Rojewski.
- E-mails from Rita Croft and Dan Wholihan were received after business hours and not included in the packet but were forwarded to board members regarding the processing of absent voter ballots during the recent election.

Member Discussion:

- Hunt – Tax bills were mailed on Nov. 30th. We have received comments that some residents were receiving them late.
- Archinal – Construction of the bike path along Grand River should be complete this week. Our recycling of cardboard has become a concern with garbage blowing everywhere. The administrative Committee will review this problem after the holiday season.
- Rogers – Covid-19 restriction have been extended for 12 more days. The township is making every effort to comply with the States mandate.

Moved by Lowe and supported by Hunt to adjourn the virtual meeting of the Genoa Charter Township Board at 7:20 p.m.



Paulette A. Skolarus, Clerk
Genoa Charter Township Board

GENOA CHARTER TOWNSHIP

The December 14, 2020 Planning Commission meeting is canceled due to lack of agenda items.