

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
ELECTRONIC MEETING NOTICE  
JANUARY 19, 2021  
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](http://www.genoa.org) the day of the meeting. Please email [info@genoa.org](mailto:info@genoa.org) or call (810) 227-5225 if you have questions.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 19, 2021  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Election of Officers:

Introductions:

Approval of Agenda:

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

1. 21-01... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a rear yard setback variance to add an addition to an existing single family home.

Administrative Business:

1. Approval of minutes for the December 15, 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 # 21-01

Meeting Date: 1/19/2021  
@ 6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: Yvette Whiteside Email: yvette@AppraisalConnectionLLC.com

Property Address: 5780 Glen Echo Dr. Phone: (810) 599-1681

Present Zoning: LRR-Lakeshore Resort Res Tax Code: 4711-10-301-098

**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: Building a 10'  
Rear Accessory Building Lean-to along rear of  
dwelling to move utilities out of garage/house to clear  
space in garage for parking & store items instead of  
piling up outside around house. To clean things up.

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.

Main dwelling is already non-conforming and compliance would make lot unusable. The lean-to would benefit the neighborhood making it more similar to other properties and cleaning things up + storing things inside + clearing up garage space to use for vehicles as intended.

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

The existing lot is unbuildable due to its small and shallow lot. The variance would make things consistent with the majority of other properties. The need is not self-created but to bring to standards.

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 lean-to would not impair supply of light or air to the surrounding properties. It would not increase congestion or danger anyone but would improve by ~~removing~~ clearing up lot. Rear lot is wooded & not feasible to build due to lack of access to lot.

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 lean-to would ~~not~~ have little or no impact on adjacent properties + neighborhood and would improve due to storing things indoors rather than around dwelling. Rear lot is open work

**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: 11/24/2020 Signature: Yvette Whitford



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

#### SUPERVISOR

Bill Rogers

#### CLERK

Paulette A. Skolarus

#### TREASURER

Robin L. Hunt

#### TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

#### MANAGER

Michael C. Archinal

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** January 13, 2021  
**RE:** ZBA 21-01

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### STAFF REPORT

**File Number:** ZBA#21-01  
**Site Address:** 5780 Glen Echo Drive, Howell  
**Parcel Number:** 4711-10-301-098  
**Parcel Size:** 0.158 Acres  
**Applicant:** Yvette Whiteside  
**Property Owner:** Same as applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a rear yard setback variance to construct an addition to an existing single family home.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.

#### **Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday January 3, 2021 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, year built is 1977.
- The parcel is serviced by well and public sewer.
- In 2019, a front and rear yard variance was approved for addition to home. The addition was never constructed. ( See attached minutes)
- See Assessing Record Card.

#### **Summary**

The proposed project is to construct a 10 X 64 addition to the rear of the existing single family structure. In order to construct the addition, the applicant is in need of a rear yard setback variance. The rear lot line of the property is bordered by a 6 foot platted walkway for the subdivision.

**Variance Requests**

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

**Sec. 3.04 DIMENSIONAL STANDARDS**

<b>Table 3.04.01 - LRR District</b>	<b>Rear Setback</b>
Requirement	40'
Request	4'
Variance Amount	36'

**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 setback would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted site plan. Granting of the variance could offer substantial justice since there are other homes in the vicinity with reduced rear yard setbacks.
  
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance could make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created however applicant should address if it is the least 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.
  
- (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. An easement shall be recorded for the use of the well on a separate lot.
2. Structure shall be guttered with downspouts.
3. Parking must be maintained on the lot and shall not impede the access to the sewer pump station.
4. Applicant should verify that if the current well fails, there is room on the lot to install a new well meeting the required setbacks from the sewer required by the Livingston County Environmental Health Dept.

Zoning Board of Appeals  
July 16, 2019 Approved Minutes

1. 19-25... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a variance to construct a deck in the front yard and front and rear yard variances to construct a second-story addition.

Ms. Whiteside and Mr. John Liogas were present. Ms. Whiteside stated that the existing structure is already non-conforming. They are wishing to add a second story, a deck under the second story and a porch on the front of the home. There is currently a 4x4 stoop on the front of the home and that will be expanded to a larger porch. The second story will not be larger than the first story, except for the deck. The deck will also be used as a carport. She believes remodeling this home would be a benefit to the neighborhood and the community. Most of the homes in the area are two stories and have decks. It is not beyond what is already existing in the neighborhood.

It was noted that the applicant is not the owner of the property. Staff did receive an email authorizing the applicants to apply for the variance; however, it was not sent by the property owner. Staff will verify that the sender of the email has the right to grant the applicant permission to apply for the variances.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the property to the rear of hers. There is a legal easement on file for this.

Board Member Ledford questioned if the shed will be removed. Ms. Whiteside stated the shed will remain.

Vice- Chairman McCreary is concerned with the proposed deck on the second story and that it would be used for a carport. The cars will be very close to the road. There is a curve in Glen Echo right at this property. Ms. Whiteside stated the existing two-car garage will remain and that will be used for parking also. She added that they will be expanding the driveway so they can use that area for extra parking.

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

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg to approve Case #19--25 for 5780 Glen Echo Drive by applicant Yvette Whiteside and property owner A.V. Doris Life Estate for a front yard variance of 16 feet from the required 35 feet to 19 feet and a rear yard variance of 26 feet from the required 40 feet to 14 feet to construct a second story addition with two covered porches and a 12 x 22 carport with a deck above, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted

Zoning Board of Appeals

July 16, 2019 Approved Minutes

site plan. Granting of the variance would offer substantial justice and is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties in the same zoning and vicinity.

- The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is least necessary.
- Granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and public safety.
- 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 based on the following condition:

1. An easement shall be recorded for the use of the well on a separate lot.
2. The applicant shall confirm authorization from the property owner that the applicant can apply for the variances.
3. Additional parking shall be installed east of the existing driveway.
4. The proposed carport shall remain open with no sides

**The motion carried unanimously.**

2. 19-26... A request by Jon and Danielle Wloderczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.

Mr. Wloderczak was present. He stated that due to the location of the existing home and the fact that the lot is only 45 feet wide, there is no other location on his property to build a three-season porch. The previous owner obtained a variance for the existing deck, which is included as part of the main structure. He is proposing to enclose the area under the existing deck. He will not be going out any further. The construction is already underway. He hired a contractor who pulled a deck permit and not a permit to build the enclosure. When the Township went out to do an inspection, they noticed what was being done. This will not restrict the views of the homes on either side of his property. He submitted letters from his two next door neighbors at 4177 Homestead and 4195 Homestead, who are both in favor of granting this request. Both of these homes are further back from the lake than his. There is a similar structure at 4165 Homestead that has an enclosed deck and there is no variance for this on file. This will not impair the light or the views of the lake for any properties in the area.

Vice-Chairperson McCreary noted that enclosing this area will bring the home closer to the water and could impede the views of his neighbors. Mr. Wloderczak reviewed



# GENOA TOWNSHIP

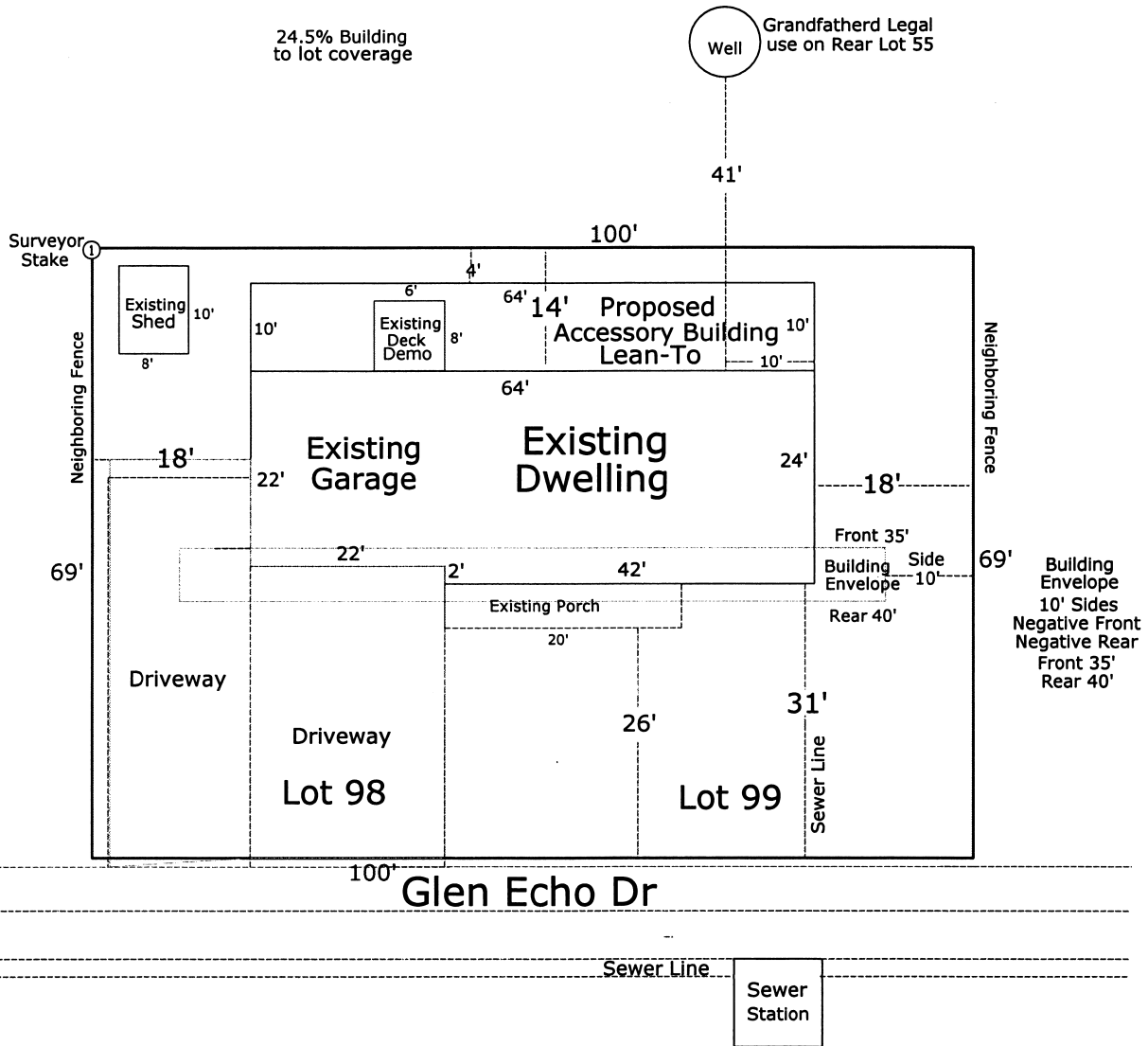




# SKETCH/AREA TABLE ADDENDUM

SUBJECT	Property Address	5780 Glen Echo Dr				
	City	Howell	State	MI	Zip	48843
	Borrower					
	Lender/Client					
	Appraiser Name					

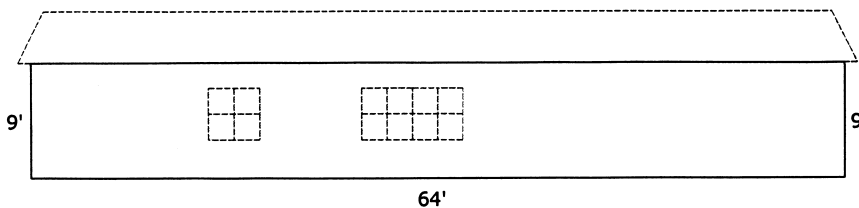
IMPROVEMENTS SKETCH



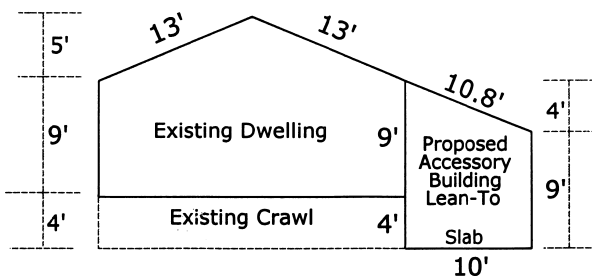
# SKETCH/AREA TABLE ADDENDUM

SUBJECT	Property Address <b>5780 Glen Echo</b>		
	City	State	Zip
	Borrower		
	Lender/Client		
	Appraiser Name		

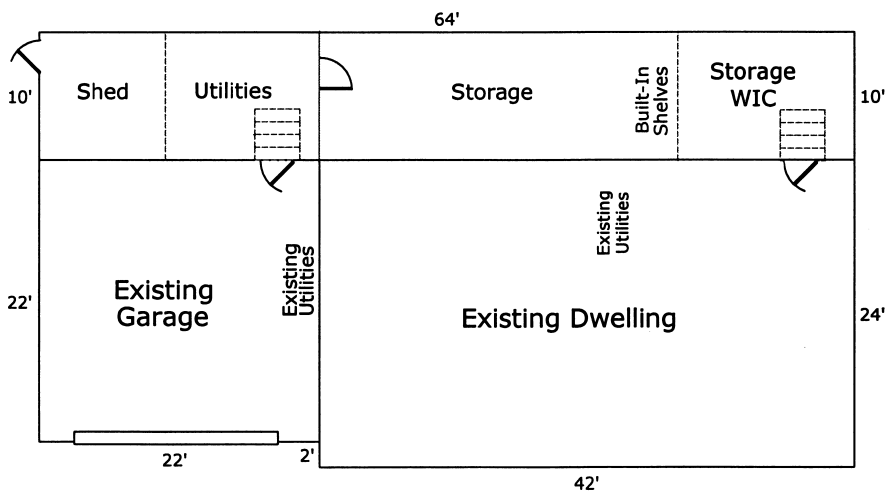
## Rear Elevation



## Side Elevation



## Accessory Building Lean-To Drawing



IMPROVEMENTS SKETCH

**From:** [Allen Walblay](#)  
**To:** [Amy Ruthig](#)  
**Cc:** [Allen Walblay](#)  
**Subject:** RE: Amy, Set back variance. (Response)  
**Date:** Tuesday, January 12, 2021 2:21:00 PM

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Hi, Amy

In reference to the setback variance request: In the letter sent to me on December 30<sup>th</sup> 2020. Pertaining to 5780 Glen Echo Drive Howell.

Amy, I am not interested in allowing this request on or to my property. I have future plans for my property. Thank you

Allen Walblay  
5741 East Grand River Avenue Howell Michigan 48843

1-810-625-1170

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WHITESIDE YVETTE & LIOGAS	WHITESIDE YVETTE	0	08/08/2019	QC	QUIT CLAIM	2019R-020822	BUYER	0.0
AVEY DORIS LIFE ESTATE	WHITESIDE YVETTE & LIOGAS	232,800	07/31/2019	WD	ESTATE	2019R-019861	BUYER	100.0
AVEY DORIS M.	AVEY DORIS LIFE ESTATE	0	03/26/2018	WD	LIFE ESTATE	2018R-009690	BUYER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status			
5780 GLEN ECHO	School: HOWELL PUBLIC SCHOOLS		Residential Addition	08/28/2019	P19-133				
	P.R.E. 100% 11/15/2019								
Owner's Name/Address	MAP #: V21-01								
WHITESIDE YVETTE 5780 GLEN ECHO HOWELL MI 48843	2021 Est TCV Tentative								
Tax Description	X Improved	Vacant	Land Value Estimates for Land Table 4301.WEST LAKE CHEMUNG						
SEC 10 T2N R5E GLEN ECHO, LOTS 98 & 99	Public Improvements		* Factors *						
Comments/Influences	X Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
	X Gravel Road		A LV WEST	100.00	69.00	1.0000	1.0000	2000 70	SOIL ISN'T GOOD FOR ADDITIO
	Paved Road		100 Actual Front Feet, 0.16 Total Acres Total Est. Land Value = 140,000						
	Storm Sewer								
	Sidewalk								
	Water								
	Sewer								
	Electric								
	Gas								
	Curb								
	Street Lights								
	Standard Utilities								
	Underground Utils.								
	Topography of Site								
	Level								
	Rolling								
	Low								
	High								
	Landscaped								
	Swamp								
	Wooded								
	Pond								
	Waterfront								
	Ravine								
	Wetland								
	Flood Plain								
	X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Who	When	What	2021	Tentative	Tentative	Tentative		Tentative
	JB	10/02/2020	INSPECTED	2020	70,000	79,300	149,300	119,200M	119,200S
	JB	11/05/2019	INSPECTED	2019	100,000	55,400	155,400		84,932C
	JB	08/27/2019	SALES REVI	2018	100,000	49,200	149,200		82,942C



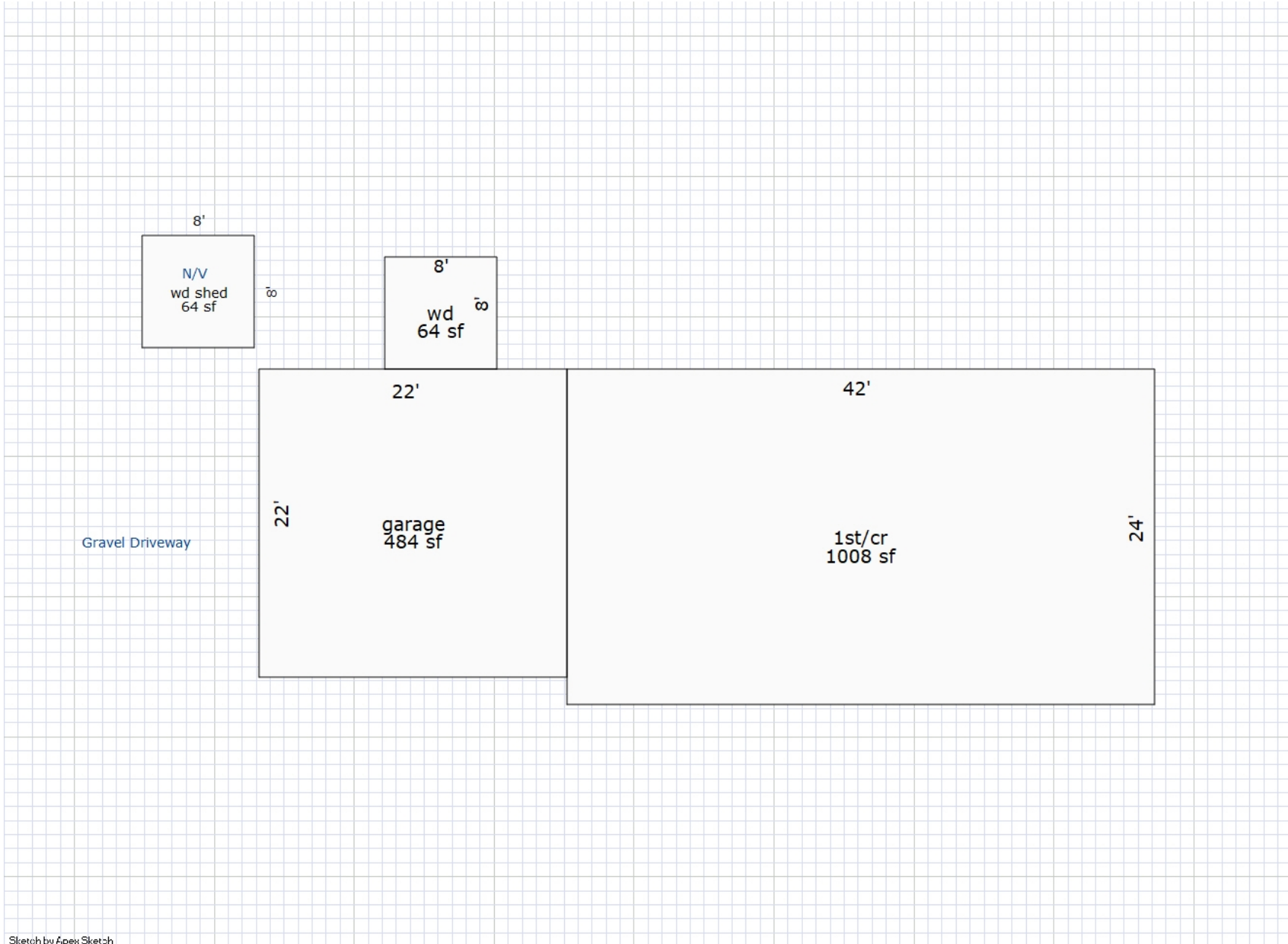
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage				
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 64	Type Pine	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 484 % 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: 30 Floor Area: 1,008 Total Base New : 139,176 Total Depr Cost: 97,424 Estimated T.C.V: 120,319			E.C.F. X 1.235		Bsmnt Garage: Carport Area: Roof:				
Yr Built 1977	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Air w/ Ducts Ground Area = 1008 SF Floor Area = 1008 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/100/70 Building Areas			Cls C		Blt 1977				
Condition: Good		Lg	X	Ord		Small	No. of Elec. Outlets			Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/100/70 Building Areas									
Room List		(5) Floors		Kitchen: Other: Other:			(13) Plumbing			Stories Exterior Foundation 1 Story Siding Crawl Space			Size 1,008		Cost New 111,596		Depr. Cost 78,118		
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments			Deck Pine Garages			64		1,344		941		
(1) Exterior		(6) Ceilings		Basement: 0 S.F. Crawl: 1008 S.F. Slab: 0 S.F. Height to Joists: 0.0			(14) Water/Sewer			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1 Wall Water/Sewer Public Sewer Water Well, 200 Feet			484 1 1 1		18,310 -2,228 1,240 8,914		12,817 -1,560 868 6,240		
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		Recreation SF Living SF Walkout Doors No Floor SF			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Notes: ECF (4301 W. LK CHEMUNG NON LK FRONT) 1.235 => TCv:							120,319		
	Insulation	(8) Basement		Lump Sum Items:															
(2) Windows		(9) Basement Finish																	
Many Avg. Few	X	Large Avg. Small	(10) Floor Support																
X	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		Gable Hip Flat		Gambrel Mansard Shed															
X	Asphalt Shingle																		
Chimney: Brick																			

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





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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DECEMBER 15, 2020 - 6:30 PM  
Via ZOOM**

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:36 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Marianne McCreary, Bill Rockwell, and Amy Ruthig, Zoning Official.

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

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

**Approval of the Agenda:**

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

**Call to the Public:**

The call to the public was made at 6:39 pm with no response.

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.

Mr. Todd Krebs stated they have owned this property for six years and would like to add a detached garage. The lot is narrow and the existing home and outbuilding are non-conforming. He is proposing to remove the square footage variance request so they are only seeking the rear setback and building height variances. The building will be 900 square feet or less.

The property has a large slope toward the back so the building will be placed at a lower grade than the home and the road. He feels that allowing him to have a two-car garage would be substantial justice. He stated that they will comply with the two conditions suggested by staff in their report.

Board Members and Mr. Krebs discussed the slope of the property and any grading that will be done.

Board Member McCreary questioned the hardship for the height variance. Mr. Krebs stated that if he built an attached garage, it would be allowed to be 35 feet tall and they are not able to

install a detached garage due to the narrowness of the lot. Because of the 11 foot difference in the slope of his property, it would not be an eyesore to the neighbors.

Board Member Rockwell asked for the specific reasons why the building is being requested to be so tall. Mr. Krebs stated he does cabinetry work and would like to have his workshop in the building.

Chairman Rassel asked what the height of the accessory structure will be in relation to the height of the rear of the home. Will the building be higher than the home? Mr. Krebs stated it will not be higher than the home; however, he does not have that exact information. He would be agreeable to that being a condition of approval.

The call to the public was made at 7:08 pm.

Mr. John Moretti of 4242 Bauer Road asked Mr. Krebs if he plans on filling in the grade with dirt or will there be a retaining wall, which would increase the height of the building. Mr. Krebs stated he will be using dirt.

The call to the public was closed at 7:12 pm.

Board Member McCreary is not convinced there is a hardship for the applicant to be granted a height variance. The slope of the property is not a hardship. Mr. Krebs stated the hardship is the narrowness of the lot, which is not allowing him to build an attached two-car attached garage.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to deny the height variance and approve the rear yard setback variance of six feet from the required ten feet for a four-foot rear yard setback for Case #20-07 located at 4222 Bauer Road, to construct an accessory structure and remove and existing detached accessories, due to the following findings of fact:

- Strict compliance would not prevent use of the property. Granting a size and height variance would not be necessary for preservation and enjoyment of substantial rights possessed by others.
- Granting the rear variance would give substantial justice as is afforded to others with similar zoned properties in the areas. Due to the setbacks and lot configuration total compliance with regulations would prevent the use of a detached structure.
- The extraordinary circumstances are the location of the home on the lot and the topography. The need for size and height variance would be self-created.
- There is no supporting hardship with the property to justify height and size. The rear setback variance would be the least amount necessary.

- 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 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.

This approval is conditioned upon the following:

1. The 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.

**The motion carried with a roll call vote (Ledford - yes; McCreary - Yes; no Michelle; Rockwell - yes; Rassel - yes)**

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. Andrew Babnik, the attorney for the property owner, Mr. Slider, the property owner, and Brandon Bertrang of Venture Designs were present.

Chairman Rassel noted that no new information has been provided by the applicant.

Mr. Babnik stated they have two points to make this evening. Their first point is the variance is actually being requested under Ordinance Section 23.05.02. There was an erroneous and capricious interpretation of the ordinance. He has provided a letter to the Township Attorney. Article 23.05.02 defines the required yard as the open space between the lot line and the minimum setback. The required yard corresponds to the minimum setback for the district. The required yard corresponds to the minimum setback line and the main building. This is a very important distinction; minimum vs. required. The commission agrees that the swimming pool can be put in a waterfront yard and it has to be within the shoreline building setbacks. The Board's current interpretation of the ordinance creates ambiguity, but the proper interpretation is that the minimum setback is the 40 feet outlined within the ordinance. The setbacks are determined based on the other homes in the area.

He read the definition section of the ordinance for required setback. There is a distinction between minimum and required setbacks. In November the Board determined that a swimming pool could be placed in the waterfront yard but needs to be within the shoreline building setback. There is a clear distinction in the ordinance regarding accessory structures. This can

be seen throughout the lake. There are people who have accessory structures, fire pits, grills, fire rings, flag poles, gardens, etc. that are all within what the Board would describe as the required yard. The required setback is 40 feet in the ordinance.

If the Board does not want to change its position on the required yard, his client would be seeking a variance from Section 11.04.05 of the ordinance, which speaks to only docks, moorings, docks, apparatus, could be built within the required waterfront yard. which would be to allow an open space terrace and decorative boulder wall and swimming pool that are shown in the plans. He reiterated that there are other items within the waterfront yard on other properties and his client should be allowed the same.

He noted that 11.04.05 does not prohibit pools in the waterfront yard, which was affirmed by the Board at their November meeting. The practical difficulty is the pie shaped lot and the location of the home. The home could not be moved without requiring side yard setback variances as well as additional retaining walls for the walkout basement or eliminating the walkout basement. This was not self-created because of the severe topography of the property, which was already agreed upon by the Board at their September meeting.

Based on the interpretation by the Board, his client would not be able to have anything in his waterfront yard. This does not allow his client to have the same property rights and enjoyment of his property as others in the area.

He is requesting that the Board grant the variance to Article 11.04.05 or to adopt the proper interpretation of the required and non-required yard and find that the pool and retaining wall would be in the non-required yard.

Ms. Ruthig stated Mr. Babnik requested to have the Board interpretation of required vs non-required yard for a principal structure. That has not been published so the Board will need to determine if they want to discuss and vote on that this evening. Mr. Bertram stated that he spoke to Mr. Archinal and he was told he was able to ask the Board this evening and it does not have to be noticed or published. There is no application to ask the Board for an interpretation on an erroneous ruling as long as it does not change the requested variance.

Ms. Ruthig stated that she spoke to Mr. Archinal today and in order to appeal the decision of the zoning administrator and in order to do that, she would have to supply the Board with that information and the Board does not have that information this evening. Mr. Bertram asked what should be done at this time as he was given different information. Ms. Ruthig reviewed the ordinance and concluded that the Board can discuss and make a decision on the dimensional variances this evening, but nothing for the appeal of an administrative decision. Mr. Bertram stated they are not seeking a dimensional variance; they are requesting relief from Section 11.04.05.



Ms. VanMarter, the Community Development Director/Asst. Township Manager, entered the meeting. She was asked what the next steps are if the Board denies the variance request today. Can the applicant still submit an appeal to an administrative decision? She said it can still be heard as it would be a different request. The Appeal of an Administrative Decision is different than the dimensional variance request.

Mr. Babnik stated that they would like to proceed tonight. He reiterated the grounds for the variance. Due to the unique shape and severe topography of the lot, and giving them the required or non-required yard space that others have in the surrounding area would be grounds to grant this variance and to have to go further and appeal on the erroneous interpretation of the required and non-required yard.

The call to the public was made at 7:42 pm.

Chairman Rassel noted that two neighbors submitted letters in opposition to the requests. One was from Robert Musch of 3500 Pineridge Lane and the other was from Donnie Bettes of 3430 Pineridge Lane.

Stewart of 3545 Pineridge Lane stated the applicant is building too much on a lot that is too small and to compare fire pits and flagpoles to a pool is a stretch.

Ms. Donnie Bettes of 3430 Pineridge read the letter that she submitted to the Township. I have been a resident of Genoa Township for 33 years. I recently ran for State Representative of District 42, which includes Genoa Township. Having just finished this campaign, I know how hard you all have worked to be here on this Zoning Board of Appeals tonight. I commend the board for meeting for the 4th time to deal with the Slider's petition. This petition asks to build structures closer to the lake than currently allowed, including a retaining wall and a swimming pool. The Slider's claim they have a hardship. This hardship, however, is self-imposed; due to where they chose to build on the lot, and the extensive excavation of the soil near the hillside. This excavation raised the height of the hillside, and now they want to construct a wall to contain the soil that they chose to move to begin with. While I was campaigning for State Representative in District 42, I observed numerous lakefront communities in Putnam, Green Oak, Hamburg, Brighton, and Genoa townships. Many of these lakefront areas are overcrowded, overbuilt, and unsightly, due to a lack of guidelines and planning. Genoa Township, however, is known for its natural beauty and open spaces. This is mainly due to our township's good stewardship and actively managing and enforcing zoning requirements. From all the meetings we have had on the Slider's petition, it seems the only ones to benefit from allowing it, is for the pool company to make a profit, then they will be gone, and the Slider's to build an obstructive wall closer to the lake than guidelines allow. All against the expressed desire of a majority of the neighbors who live within 300 feet. I ask the Zoning Board of Appeals to continue their good stewardship of our community and refuse the Slider's petition for once and for all.

Mr. Michael Balagna of 3450 Pineridge Lane stated the Sliders house is 20 feet in front of his house and already blocks his view and adding a wall and swimming pool where they added dirt and made higher will further block his view. It is a hardship to him and he does not want them to have a pool and would like them to move the excess dirt that is on the property and blocking his view. They already cut down the trees and cut down the natural wall that the neighbors had for 40 years. They created this hardship themselves. They could have built the home further from the lake if they wanted to put in a pool. They already have room in their existing courtyard for the pool.

The call to the public was closed at 7:46 pm

Mr. Bertram stated they are not seeking to change the existing grade. The grade was changed during construction and will be restored to the approved grade based on the plan once the construction is complete. There is a setback requirement for retaining walls, which is 10 feet from any lot line. They are not seeking a dimensional variance; they are seeking relief from 11.04.05, which prevents anything other than a dock, mooring apparatus and deck to be in the required yard, which have been approved in other cases throughout the neighborhood with and without ZBA approval. Most homes on the lake have things that are built outside of the principal structure setback.

Board Member McCreary stated there have been many hours and much thought put into this request. The number items that come up when a variance is being requested is what is the hardship with the property and was self-created. What did the property owner do to create the reason for asking for the variance? They asked to reconstruct a brand new house on a piece of property and were denied a variance two years ago because it did not show substantial justice; it was self-created, and was too close to the water. What is being requested today is not different than when the original request was made. She is not in favor of granting the variance.

Board Member Ledford agrees with Board Member McCreary and her judgement and will also be voting against this.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to deny the request for the property at 3470 Pineridge Lane, item # 20-18 for a front yard variance to install an inground swimming pool in the waterfront yard, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from building an inground pool in the waterfront yard. This variance request is not necessary for the enjoyment of the rights possessed by other properties in the same zoning district and vicinity of the subject parcel.
- Ordinance Section 11.04.05 regarding waterfront accessory structures states only the following structures and appurtenances shall be permitted within the required waterfront yard are docks and mooring apparatus,. It does not say pools.

- A review as requested by the township manager to interpret Sections 11.04.03 and 11.04.05 of the ordinance as relates to swimming pools was discussed at the last ZBA meeting. The consensus was that pools are not allowed in the required shoreline setback. Section 11:04:03 states pools shall not be in the front or street yard
- It was further noted and agreed upon that in the absence of any conflicting regulations Section 1.05 states that the provision or standard which is more restrictive or limiting shall govern.
- The applicant was denied in 2019 by the Township Zoning board of Appeals for waterfront setback variance to construct a new home based on the findings of fact there was no hardship and there were NO extraordinary circumstances and need was self-created. A clearly established review and explanation at that time was given regarding waterfront variance.
- Although the applicant has provided examples of properties in the nearby area with same zoning noting inground pools the one property that is provided is not significant enough to note substantial justice when all other examples comply with the ordinance
- It is noted that the need for the variance is self-created and the applicant took action on this property to create a need for this variance by constructing a new home and creating the need for this variance request.

**The motion carried unanimously with a roll call vote.**

**Administrative Business:**

1. Approval of minutes for the November 17, 2020 Zoning Board of Appeals meetings.

Needed changes were noted.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the November 17, 2020 - 6:30 pm ZBA meetings as corrected. **The motion carried unanimously.**

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve the minutes of the November 17, 2020 - 8:00 pm ZBA meetings as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated the 2021 meeting schedule will be sent to the Board tomorrow. There is one case scheduled for the January 19 meeting.
3. Member Discussion

Board Member McCreary noted that a motion was not made for the retaining wall request. Ms. VanMarter suggested that the Board reopen Case #20-18 and vote on the retaining wall request. All Board Members agreed.

Chairman Rassel reopened case #20-18 at 8:07 pm.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve the retaining wall located in the required waterfront yard, due to the following findings of fact:

- 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 may be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity. 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.
- 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.
- 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 residents of Genoa Township.
- The proposed variance could have an impact on the adjacent neighbors in regards to the grading that has taken place on the parcel thus far.

This approval is conditioned upon the following:

- The applicant shall ensure that grading on site will not affect neighboring properties.
- The applicant must comply with Livingston County Drain Commissioner and the Livingston County Building Department regarding the final grading requirements.
- No railing shall be installed on the wall.
- The retaining wall shall not exceed the height shown in the submittal and shall be reviewed and approved by Township staff.

**The motion carried with a roll call vote (Ledford - yes; McCreary - yes; Kreutzberg - yes; Rockwell - yes; Rassel - no)**

4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 8:20 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**January 4, 2021**

**MINUTES**

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

Residents were advised that they could call the township office if they wished to make a comment at the call to the public. A Call to the Public was made with no response.

**Consent Agenda:**

Request for approval of the Consent Agenda

Moved by Mortensen and supported by Lowe to approve all items under the Consent Agenda correcting bike path to walking path under discussion by Archinal. The motion carried unanimously.

**1. Payment of Bills.**

**2. Request to Approve Minutes: December 7, 2020**

**Regular Agenda:**

Request for approval of the Regular Agenda

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

**3. First review of the 2021/2022 Fiscal Year Budget for the General Fund 101.**

The board discussed the budget with no formal action taken after a call to the public was made. Paper copies of the budget will be available to the public and on the township website on January 15, 2021 for public comment.

**4. Request for approval of a Defined Contribution Addendum as mandated by the Municipal Employees Retirement System (MERS).**



Moved by Hunt and supported by Croft to approve the Addendum for MERS as requested. The motion carried unanimously.

**5. Consider approval of a contract extension between Economic Development Council of Livingston County and Genoa Charter Township.**

Moved by Skolarus and supported by Lowe to approve the contract extension of the EDC with an investment of \$23,632.33. The motion carried unanimously.

**Correspondence**

A letter was received from Abigail Keiser asking for pavement of her road so that she could ride a bike on her street and so that her parents wouldn't get their car dirty all the time. Township Manager Michael Archinal responded.

**Member Discussion**

Archinal advised the board that the sled hill was open and the lights had been turned on.

Moved by Hunt and supported by Mortensen to adjourn the regular virtual meeting of the board at 6:55 p.m.

Paulette A. Skolarus, Clerk  
Genoa Charter Township Board