

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
APRIL 20, 2021  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

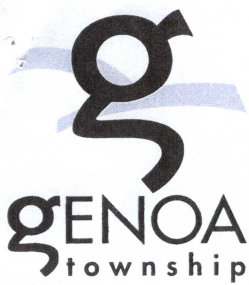
Approval of Agenda:

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

1. 21-04... A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for two front yard setback variances to construct a new home.
2. 21-06...A request by Haran and Kayla Lerma, 3205 Old Carriage Trail, for height variance to install a 6-foot fence.
3. 21-07...A request by Marcel Normand, 4137 Clifford, for a variance to create a lot with a detached accessory structure without a principal structure.

Administrative Business:

1. Approval of minutes for the March 16, 2021 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment



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

Case # 21-04 Meeting Date: 3-16-21 @ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Paulette Skolarus Email: SKOLARUS@ATT.NET

Property Address: A-3 Challis Ct. Phone: 810-227-1232

Present Zoning: LDR Tax Code: 11-26-200-029

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: This is a 3ACRE  
PARCEL - LOCATED ON A cul-de-sac. It is a  
PRIVATE DRIVE WITH 5 HOMES that access  
their PROPERTY.

The following is per Article 23.05.03:

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

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

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

This is the only buildable site on this property. There's a 35' drop off on the northern of the lot. A variance was granted 20 years ago to allow construction of a previous home that was NOT built.

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.

There is only one PLACE on this lot that a home could be built. This is a 1500 SQ FT. home and is smaller than every other HOME.

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.

NO

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 ONLY IMPACT would be additional vehicles using the driveway

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: 2/8/21 Signature: Pauline O. Schlar



## REVISED MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** April 15, 2021  
**RE:** ZBA 21-04

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

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### STAFF REPORT

**File Number:** ZBA#21-04  
**Site Address:** Parcel A-3, Challis Ct.  
**Parcel Number:** 4711-26-200-029  
**Parcel Size:** 3.020 Acres  
**Applicant:** Paulette Skolarus, 6520 Challis Ct., Brighton, MI  
**Property Owner:** Same as applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting two front yard variances to construct a new single family home.

**Zoning and Existing Use:** LDR (Low Density Residential), the property is vacant.

#### **Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday February 28, 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:

- The property is vacant.
- Applicant was tabled at the March ZBA meeting. (See attached minutes)
- In 1997, the applicant split the property to create parcel A-E.
- In 1998, a private road site plan approval was granted for the pavement and installation of a cul-de-sac on Challis Ct. (See attached minutes and site plan)
- In 1998, a variance was approved for a road width reduction for Challis Ct. (See attached minutes)
- In 2001, the applicant was approved for a side yard setback variance to construct a new home. (See attached minutes)
- The property will be served by a well and private septic.

#### **SUPERVISOR**

Bill Rogers

#### **CLERK**

Paulette A. Skolarus

#### **TREASURER**

Robin L. Hunt

#### **TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

#### **MANAGER**

Michael C. Archinal

**Summary**

The applicant is proposing to construct a new single family home. In order to construct the proposed home, the applicant is requesting to obtain two front yard setback variances due to the parcel being a corner lot. After reviewing the approved private road site plan, there appears to be a discrepancy in the easement area on the road site plan compared to the site plan that the applicant submitted. The location of the cul-de-sac does not match the road right of way line. The private road site plan demonstrates that the drainage from the road is directed towards this lot.

UPDATE: Applicant supplied a corrected site plan to demonstrate the previously approved cul-de-sac. A copy of a letter from the Livingston County Environmental Health Department was provided in regards to the septic fields.

**Variance Requests**

The following is the section of the zoning ordinance that the variance is being requested from as well the criteria applicable to your review of variances in this regard.

**Table 3.04.01 (LDR District):**

SINGLE FAMILY SETBACK STANDARDS	East Front Yard Setback	South Front Yard Setback
Required	50'	50'
Setback Amount Requested	26.1'	13.1'
Variance Amount	23.9'	36.9'

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance would prevent the applicant from constructing the proposed new home. Without the variance, the topography of this lot would unreasonable prevent use of the property for residential development. Granting the variance would provide substantial justice in that it would allow for a home to be constructed however the greatly reduced front yard setbacks do not support substantial justice to the other property owners in the district and is not similar to the same district and vicinity of the subject property.
  
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the topography of the lot and the wetland. The construction of a home would be consistent with properties in the vicinity however the proposed location of the home is not similar or consistent with the majority of other properties in the vicinity. Even though the applicant did not create the topography of the lot, the applicant did split the lot without securing a feasible building envelope thus making the need for the variance self-created.

**(c) Public Safety and Welfare** – The granting of the variances would not impair an adequate supply of light and air to adjacent property. Granting of the variances could unreasonably increase the congestion on the private road and increase the danger of fire or endanger the public safety due to possible sight distance issues from the proposed location of the driveway for emergency vehicles and neighbors that access the road.

**(d) Impact on Surrounding Neighborhood** – The proposed variances could have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The approved private road site plan was designed for the road runoff to flow to the vacant lot.

#### **Recommended Conditions**

If the Zoning Board of Appeals **GRANTS** the variance request staff recommends the following conditions be placed on the approval.

1. Any retaining walls will require a land use permit.
2. Applicant must demonstrate that drainage from the home will not be directed towards the road.

If the Zoning Board of Appeals **DENIES** the variance request staff recommends the following conditions be placed:

1. If the variance is denied, applicant should consider combining the property that abuts the subject parcel which is under common ownership to eliminate an unbuildable lot.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 16, 2021 - 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, Jean Ledford, Marianne McCreary, Bill Rockwell, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Michele Kreutzberg.

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

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

**Approval of the Agenda:**

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

**Call to the Public:**

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

1. 21-04...A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for two front yard setback variances to construct a new home.

Ms. Paulette Skolarus was present. She currently lives across the road from this property. Her husband recently passed and she now lives alone. She would like to stay close to her daughter. She asked that Board Member Ledford excuse herself from this item as she voiced ill will toward her, and she does not believe that she should vote on this case.

Ms. Ruthig reviewed the ordinance detailing what can be considered a conflict of interest, which are family members of the applicant, if a board member has business or financial interest in the property involved or if a family member of the board member has business or financial interest in the property involved. Board Member Ledford volunteered to excuse herself from this item, noting that she will not participate in the discussion nor she will vote on the item.

Ms. Skolarus stated this property is zoned for one acre parcels and this parcel is a three-acre parcel that was split 23 years ago. She has paid taxes on this property. The drainage will not affect the neighboring properties. She has spoken to three neighbors and they have no objection to the variance requests. The home will sit 50 feet from Challis Court. This is the only location where the home can be built. The northeast side drops between 35 and 45 feet straight

down and the vacant site to the east will be used for the septic field. The hardship is the topography of the site. It is a two-bedroom, 1,500 square-foot, home and is the smallest in the neighborhood. Preservation of the prairie on this property was one stipulation of another variance she was granted.

Board Member McCreary questioned the applicant regarding the property splits that were done in the past. Ms. Skolarus advised that she used to own all of this property, eleven acres, but she split it into four parcels 23 years ago. Board Member McCreary questioned if soil evaluations for a septic field were done on the properties and Ms. Skolarus stated yes.

Board Member McCreary asked if the setback requirements have changed since the property was split. Ms. Ruthig stated they have not changed. Board Member McCreary noted there is a discrepancy in the original site plan from 1998 versus the engineering plans that were submitted with Ms. Skolarus' application. She does not feel comfortable reviewing this request without the complete information. The part of the cul-de-sac that is on Ms. Skolarus' property does not show on the engineering plans that were submitted. Ms. Skolarus stated she has put the home as far back as she can because of the extreme drop off at the rear of the property. Board Member McCreary is concerned because the septic field is being proposed to be in the location where the cul-de-sac is shown on the approved plans when the property splits were done. Ms. Skolarus stated she owns the property next to this, so she can put the septic field there.

Ms. Skolarus stated the cul-de-sac is sufficient for garbage trucks and emergency vehicles to turn around.

Board Member Rockwell suggested the engineer provide updated plans that match the original plan and location for the private road. Ms. Skolarus agreed she would provide this information.

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

Mr. Alex Reuter from Myers and Myers was present representing Marilyn and Wade Bray. They are opposed to the request. One of their concerns is safety and the narrowness of the private access drive. The Fire Marshal has expressed concerns with the number of homes and the amount of traffic on this private road. Adding another access drive will only aggravate the safety hazard. There are restrictive covenants that specifically state all homes must comply with all setbacks of the Township ordinance when being constructed on this private road. The request is completely contrary to the restrictive covenants. Neighbors purchased their homes based on these covenants. This is a self-created need for a variance. The applicant previously owned the property that was split and she did perk tests, which would have shown her the only buildable area on this site. The gas main serving the properties in the neighborhood runs directly through this property and within a few feet of where the foundation is being proposed.



Mr. Wade Bray of 6600 Challis Court pointed that there is a 66 foot wide ROW easement off of Challis Road, which is Challis Court, and that the perk locations are within this 66 foot easement. He showed on the plan that the driveway to Ms. Skolarus' home would be at the 90-degree turn in Challis Court, which is a safety issue. There are also requirements for the size of homes that can be built on this private road, and the proposed home does not meet these requirements and is very different from the other homes in the area.

Ms. Skolarus stated the gas line that is on the property will be moved closer to the road so it will not be next to the home. She could turn the home so that the driveway would be further from the 90-degree turn. The home is very attractive and will not detract from the neighborhood. She stated the Brays have been in conflict with their neighbors to whom they sold their property. Ms. Skolarus stated that the water drainage will not be affected with the location of the home.

Mr. Bray stated that the issue has been resolved with the neighbor. They have had safety concerns with this area and they have spoken to the Fire Marshal. He was concerned with the turning radius of the roadway and then the hill; however, he was comfortable with what is there, but would be concerned if additional homes are built in this area. Board Member Rockwell asked to see documentation from the Fire Marshal outlining his concerns.

The call to the public was closed at 7:19 pm.

Ms. Skolarus requested to have her request tabled this evening so she can meet with her engineer and builder to update the site plan to include where the cul-de-sac right of way is located in accordance to the approved private road site plan dated 1998, placement of septic field, gas line and any other easements to ensure public safety and that the setbacks are the least amount necessary.

**Moved** by Board Member McCreary, seconded by Board Member Rockwell, to table Case #21-04 at the applicant's request until the April 20, 2021 ZBA meeting. **The motion carried unanimously with Board Member Ledford abstaining.**

2. 21-05...A request by Ron and Sara Bomberger, 4182 Highcrest, for front and side yard setback variances to construct a new single family home.

Ms. Dennis Dinser of Arcadia Design, representing Mr. and Mrs. Bomberger, stated they are asking for two variances. One is a front yard variance. This is reflective of the eight homes on either side of theirs. They took an average of their setbacks, which equals seven feet. The second one is a one-foot side yard variance on the south side, for a four-foot setback. This setback would center this home between the two homes on either side. This will also allow them to move materials and machinery on the north side of the property during construction and there will not be a need to move equipment or materials on the south side.

Board Member McCreary asked if a new well has been installed on this property. Mr. Dinser stated they have not made any improvements on this site; they have only removed the existing home. She stated she saw a new well on the property. Mr. Bomberger stated there were two wells on the property when they purchased it; this is not a new well. She asked if there will be enough room to maintain the sides of the properties for either the applicant or their neighbors. Mr. Dinser stated yes.

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

Board Member McCreary questioned if there are any plans for retaining walls that will be required on the lake front side of the lot. Mr. Dinser stated they will be addressing this with the building department. Ms. Ruth stated they do not allow retaining walls in the waterfront yard; only a natural boulder-type retaining wall is permitted.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #21-05 for 4182 Highcrest for Ron and Sara Bomberger for a front-yard variance of 7 feet from the required 35 feet for a setback of 28 feet and a side-yard setback variance of 1 foot from the required 5 feet for a setback of 4 feet in order to demolish the existing home and construct a new single-family home, based on the following findings of fact:

- There are other homes in the vicinity with reduced front and side yard setbacks and granting these variances would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the narrowness of the lot. The need for the front and side yard setback variances is not self-created and seems to be the least amount necessary.
- The granting of these two 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, public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- 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. The structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department in regards to the sewer disconnect, and if relocating the grinder, it must receive MHOG Utility Department approval for the new location prior to land use permit issuance.
3. The applicant will work with staff with regard to retaining wall and landscaping materials and locations.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the February 16, 2021 Zoning Board of Appeals meetings.

Needed corrections were noted.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the February 16, 2021 ZBA meeting as amended. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be an April ZBA meeting. Due to the number of cases on the agenda, it may be necessary to have two separate meetings that evening due to the limited number of people allowed inside buildings.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Rockwell, to adjourn the meeting at 7:47 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary



**Livingston County Health Department**

Environmental Health Division  
2300 E. Grand River - Suite 200 - Howell, MI 48843

Fax (517) 546-9853 - Phone (517) 546-9858

www.lchd.org

**Soils Evaluation For Sub-Surface Sewage Disposal System**

**PSEV2020-00356**  
Case No.

**11-26-200-029**  
Current Desc. #

**Genoa Township**  
Township

**Location:** CHALLIS CT      **Lot:**      **Subdivision:**      **Acreage:** 3      **Parcel:** A-3

**Applicant**

RON GODAIR  
8602 HYNE RD  
BRIGHTON MI 48114  
(810) 227 6060

**Owner**

SKOLARUS, PAULETTE &  
6520 CHALLIS CT  
BRIGHTON MI 48116  
(810) 227 1232

**Soil Description**

<u>Date</u>	<u>Boring #</u>	<u>Soil Type</u>	<u>Soil Desc</u>	<u>Beg Depth</u>	<u>End Depth</u>	<u>SWT Depth</u>	<u>WT Depth</u>
11/12/2020	01	Loamy Sand	Topsoil	0.00	1.00	None	None
11/12/2020	01	Coarse Sand	Dry	1.00	9.00	None	None
11/12/2020	02	Clay Loam	Topsoil	0.00	1.00	None	None
11/12/2020	02	Clay Loam		1.00	6.00	None	None
11/12/2020	02	Loamy Sand	Dry	6.00	10.00	None	None

**Further Info Needed (Refer to Comments)**

Within 800 of a potential or known source of contamination: No  
Alternative Review: No

**Conditions:**

Oversize: No

The review of this site by the Livingston County Health Dept. by no means guarantees that a permit will be issued. However, soil conditions indicate that soils are suitable for the disposal of onsite waste water in the area of borings # 1 & # 2. Each development is site specific and it must be shown that all applicable setback requirements can be met. A detailed engineered site plan with existing and proposed grades shall be submitted. If site can adhere to all rules and regulations setforth then the following will be required:

Locate the system in the exact area of the approved soil borings # 1 & # 2.  
100% cutdown to sand at +/- 6 ft., then backfill with a clean sharp sand then lay stone and tile. Max. cover 24", Min. cover 12".

Note: Maintain enough area for a future replacement septic area.  
Install tank filter.

Aaron Aumock  
Environmental Health Representative

11/17/2020  
Date

**Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.**

**This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in a permit denial are explained in more detail on the reverse side.**



**Livingston County Health Department**  
**Environmental Health Division**  
**2300 E. Grand River - Suite 200 - Howell, MI 48843**  
**Fax (517) 546-9853 - Phone (517) 546-9858**

**PSEV2020-00356**  
Case No.

**11-26-200-029**  
Current Desc. #

**Genoa Township**  
Township

**www.lchd.org**  
**Soils Evaluation For Sub-Surface Sewage Disposal System**

**Location: CHALLIS CT**

**Lot:**

**Subdivision:**

**Acreage: 3**

**Parcel: A-3**

A soil evaluation is conducted by the Environmental Health Division of the Livingston County Health Department to determine the suitability of utilizing onsite subsurface sewage treatment for a particular parcel of property. Comments might be made regarding the utilization of an onsite water well supply based on historical information in the general area, but in no instance can the information on this evaluation be specific for any particular parcel. We advise any prospective buyer to contact a licensed well driller, familiar with the area, for more specific information on water quality, yield, depth of wells, etc. The following discussion describes those factors which are evaluated during a soil evaluation and their effect on the operation of subsurface sewage treatment systems.

1. Soil type and permeability is a quality of a soil that enables it to transmit water or air. Slow permeable soils, such as clays and silts, are not suitable for utilizing onsite subsurface sewage treatment. Wetland soils such as muck and marl are poorly drained and therefore unsuitable for subsurface sewage treatment.
2. Highest known groundwater evaluation is an important consideration in determining if a site is suitable for the utilization of subsurface sewage treatment. In addition to the problems associated with saturated conditions, bacteria and viruses can survive if allowed to move in a water medium. Groundwater is our drinking water and must be protected from contamination by maintaining adequate isolation distances. Where the highest zone of groundwater saturation is less than 24 inches below the original ground surface the site will be considered unsuitable.
3. Deep excavations or cut-down systems can only be accepted under the following conditions:
  - a. Adequate and suitable material is within 20 ft. of the original grade.
  - b. The soils encountered shall not be saturated.
  - c. The drinking water aquifer will not become contaminated as a result of the wastewater discharge.
4. Other considerations evaluated during a soils evaluation include but are not limited to:
  - a. Adequate suitable area for a replacement system.
  - b. Isolation distances to water well supplies, surface waters, severe slopes, and property lines.
  - c. If the site is subject to flooding.

A determination of "suitable" soils does not guarantee that this property will be approved for development. It is the responsibility of the owner/purchaser to perform their due diligence with respect to other local, county, state, or federal requirements and/or restrictions that may impact the development potential of this property. These requirements and/or restrictions may void or restrict this soil evaluation.

This soil evaluation is valid for a specific building site. Any change in the legal description or a division of the original parcel into smaller parcels may void the original soils evaluation. A suitable soils evaluation does not necessarily mean that a permit to construct a subsurface sewage treatment system will automatically be issued. Some factors that might change the rating for permit approval include:

- a. Revisions to the current Sanitary Code Requirements for Permit Approval. This soils evaluation was conducted under the criteria for Permit Approval stated in the Livingston County Sanitary Code effective April 1, 2009.
- b. Grading, filling or excavation on the parcel.
- c. Construction on neighboring properties where location of water wells and/or sewage treatment systems encroach on required isolation distances.
- d. A soils evaluation for commercial property is only valid if specific wastewater flow is stated.
- e. Should some other condition of the property become known after the date of this soil evaluation that could impact the feasibility of development, or impact the quality of drinking water due to the discovery of a previously unknown source of contamination, the potential development of the property could be impacted. These discoveries may void or restrict this soil evaluation.

**SWT - Seasonal Water Table**  
**GW - Ground Water**  
**WT - Water Table**

**LEGEND - Soil Description**

MOT	Mottled	SAT	Saturated
GRE	Grey	LIG	Light
HEA	Heavy	DRY	Dry
WET	Wet		

Aaron Aumock  
 Environmental Health Representative

11/17/2020  
 Date

**Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.**

**This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in a permit denial are explained in more detail on the reverse side.**



Livingston County Health Department

Environmental Health Division  
2300 E. Grand River - Suite 200 - Howell, MI 48843

Fax (517) 546-9853 - Phone (517) 546-9858

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Soils Evaluation For Sub-Surface Sewage Disposal System

PSEV2020-00356

Case No.

11-26-200-029

Current Desc. #

Genoa Township

Township

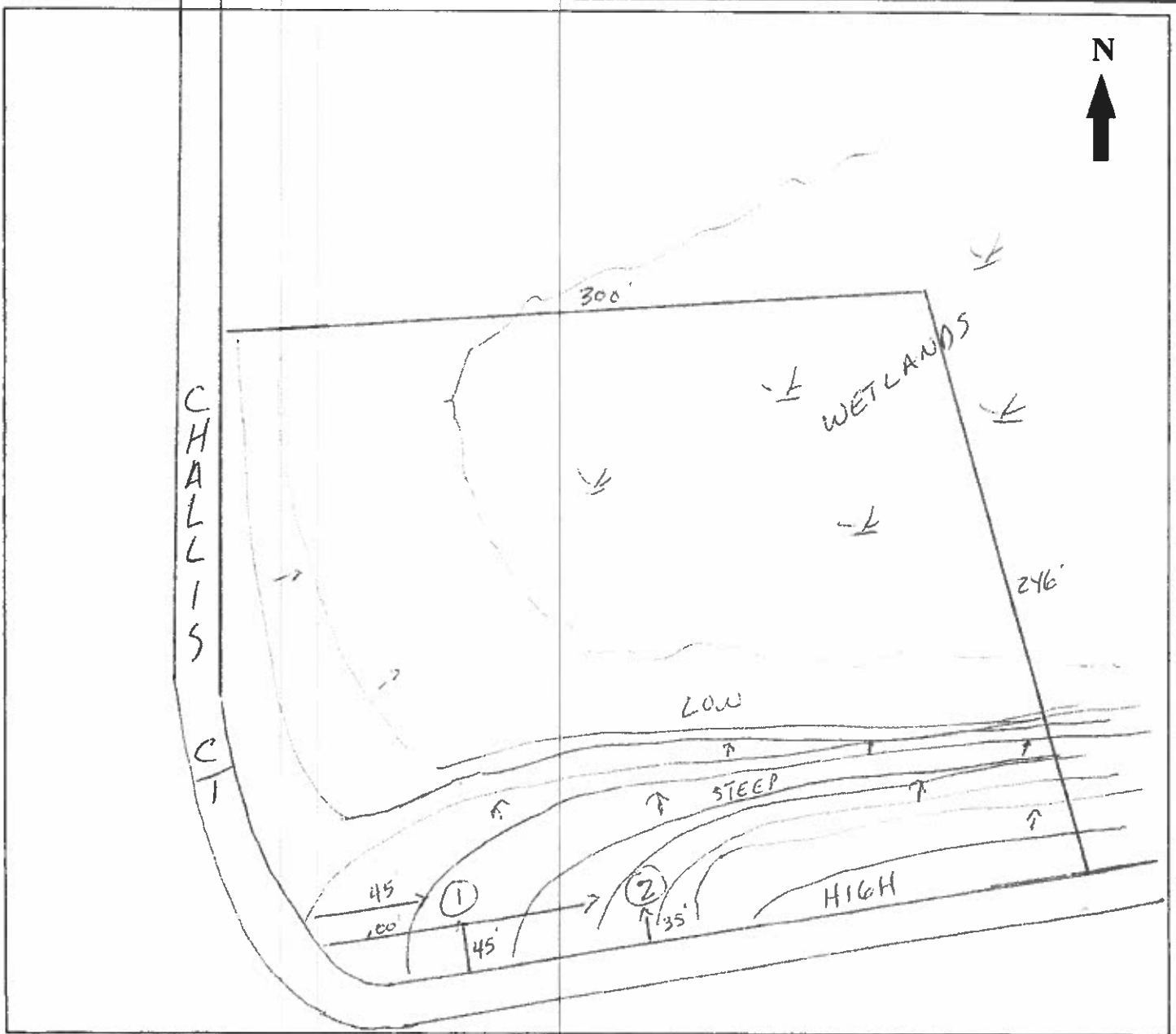
Location: CHALLIS CT

Lot:

Subdivision:

Acreage: 3

Parcel: A-3



Aaron Aumock  
Environmental Health Representative

11/17/2020  
Date

Soils Evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4th, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in a permit denial are explained in more detail on the reverse side.

## GENOA TOWNSHIP BOARD

Regular Meeting  
March 16, 1998

### MINUTES

The regular meeting of the Genoa Township Board was called to order by Supervisor Murray at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Robert Murray, Paulette Skolarus, Robin Hunt, Gary McCririe, Kathy Robertson, and Craig Jarvis. Also present were Mike Archinal, Township Manager; Rick Heikkinen, Township Attorney; and approximately eight persons in the audience.

Moved by McCririe, supported by Jarvis, to approve the Agenda as presented. The motion carried unanimously.

A call to the public was made with the following response: Bill and Nancy Litogot – A proposal for aquatic weed control was presented along with the language for a petition. Heikkinen will review the petition and respond as to the language.

1. **Presentation** and update on the Greenways Project by Coy Vaughn, Livingston County Planning.

The Greenways concept plan was presented to the board. Grant funding is expected to be obtained this fall. The project involving Genoa Township will run from the City of Brighton to Bauer Road and then south of Bauer to Hamburg Township.

2. **Request for approval** of a private road, Challis Court, located off Challis Road between Dorr and Bauer Roads.

Moved by McCririe, supported by Hunt, to approve the private road with the conditions as listed in the Planning Commission Minutes of 02-23-98 and reflecting the variances granted by the Zoning Board of Appeals on March 10, 1998. The motion carried with Skolarus abstaining.

3. **Request for approval** of resolutions for the Baetcke Lake Road Improvement Project.

A. Resolution No. 3 (Reimbursement Resolution).

Moved by Skolarus, supported by Jarvis, to approve resolution No. 3. The motion carried by roll call vote as follows: Ayes – Ledford, McCririe, Hunt, Robertson, Jarvis, Skolarus and Murray. Nays – None.

B. Resolution No. 4 (Approving the project details and directing the preparation of the special assessment roll).

Moved by McCririe, supported by Ledford, to approve resolution No. 4. The motion carried by roll call vote as follows: Ayes – Ledford, McCririe, Hunt, Robertson, Jarvis, Skolarus and Murray. Nays – None.

**GENOA TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 10<sup>TH</sup>, 1998**

Minutes

*A regular meeting of the Zoning Board of Appeals was called to order by Chairman Staley at 7:00 p.m. at the Genoa Township Hall. The following board members were present constituting a quorum for the transaction of business: Rick Staley, Barbara Figurski, Robert Murray, Paulette Skolarus and Nancy Litogot. Also present were Mike Archinal, Township Manager and approximately ten persons in the audience.*

*Moved by Figurski, supported by Litogot, to approve the Agenda with the tabling of Case 98.03 at the petitioner's request. The motion carried unanimously.*

*A call to the public was made with no response.*

- 1.) *97-41...A request by Wade Bray, 6600 Challis, Brighton, Section 26, for a variance to the 22' wide requirement for a private road to 20' to preserve the land including trees and wetlands. (Tabled from February 10, 1998 meeting)*

*A call to the public was made with no response. Moved by Murray, supported by Figurski, to approve a private road with a 20' width as depicted in the plans submitted by Munzel engineering, and to allow six parcels to be served by the private road identified as Challis Court. The hardship is determined to be the preservation of the natural features and trees on the site. The motion carried with Skolarus abstaining.*

- 2.) *97-45...A request by Dan and Sheryl Spagnoletti, Chilson Meadows, Howell, Section 07, to move a mobile home onto property during construction of their home. (Tabled from February 10, 1998 meeting)*

*Moved by Murray, supported by Figurski, to dismiss this case since the petitioner was not present when it was called. The motion carried unanimously.*

- 3.) *98-03...A request by CEI Engineering, 2649 Grand River, Brighton, Section 06, for a 22' variance to the rear yard setbacks to construct a retail only auto parts store with parking.*

*Tabled at the petitioner's request.*

- 4.) *98-04...A request by Holland, 1205 Chemung, Howell, Section 10, to give lots #40 & 41 unique tax I.D.'s to sell as "buildable" lots.*



**Moved** by Mortensen, supported by Figurski, to recommend to the Township Board the approval of the Impact Assessment for Lakeshore Village dated December 5, 1997, revised January 20, 1998. **Motion unanimously carried.**

**Moved** by McCririe, supported by Pobuda, site plan approval for Lakeshore Village, subject to the following:

- Township Board approval of Impact Assessment as presented.
- Township engineering review and approval of all plans and specifications.
- Petitioner shall provide shared access easements to the entrance for adjacent properties, in recordable form to the satisfaction of the Township Board and township attorney.
- Petitioner shall provide for an emergency access easement on the south side of the site, in recordable form to the satisfaction of the township attorney and township engineers.
- The 26' road width, as proposed, is acceptable with the conditions that the petitioner not allow parking on streets and petitioner shall post "no parking" signs, day and night, within the development.
- Any and all detention ponds will not be fenced and outlet easements shall be provided to the satisfaction of the township engineers and attorney.
- Any requirement by the Drain Commissioner for fencing any detention ponds shall be considered a significant change to the site plan and require new site plan approval by the Planning Commission.
- Fire marshall and township engineers shall review the construction plans and placement of the community center.
- It is the finding of this board that section 15.1004, subsection (d), has been met pertaining to secondary access.
- Petitioner shall provide approvals from the following governmental agencies:
  - Michigan Department of Transportation
  - Michigan Department of Environmental Quality
  - Livingston County Drain Commission
  - Livingston County Health Department, if necessary
- Petitioner is aware of, and accepts, the Township's rates and calculations pertaining to residential equivalent users fees for sewer and water for the site.
- Any signage shall conform to Township ordinances.
- The materials board, as provided, is acceptable.

**Motion unanimously carried.**

- 2) OPEN PUBLIC HEARING #2...REQUEST FOR APPROVAL OF A PRIVATE ROAD, CHALLIS CT., LOCATED OFF CHALLIS BETWEEN DORR AND BAUER ROADS. SECTION 26: WADE BRAY/POLLY SKOLARUS.

## A. RECOMMENDATION REGARDING IMPACT ASSESSMENT

## B. RECOMMENDATION REGARDING SITE PLAN

Mr. Wade Bray, 6600 Challis Ct., stated they wish to upgrade a 950 foot gravel cul-de-sac. The present drive accesses four building sites - two existing sites and two homes under construction. In order to preserve some trees and natural features, the proposed road improvements have a width which is narrower than the ordinance requires (i.e., 22 feet). The plan shows the road narrowing to 16-18 feet in the center (area BB). A variance from the ZBA is required for the narrower road width. The City of Brighton Fire Department has recommended the road be widened to at least 20 feet for emergency vehicles. They are willing to meet this requirement.

Chairman Colley asked why the road width needed to be reduced. He felt the road could be moved to the west in that area, maintaining a 22' width, and then when you get past the wetlands drop off, you could move east again. In his opinion, a 22' width could be maintained.

Mr. Dan Munzel, Munzel Engineering, stated they looked at the trees, elevations, etc. when widening the road. The goal was to keep the existing drive in a "lane fashion" and maintain trees and the wetlands. If he gets too close to some of the larger oak trees, root damage may occur and impact the health of the trees. If shifted to the west, it would impact many more trees. As proposed, about 460 feet of the road would have a 20' width.

Chairman Colley made a call to the public at 8:10 p.m., with no response.

Commissioner McCririe stated the road currently serves five residential lots and, thus, may be constructed of gravel. He asked if the applicant was aware that the zoning ordinance requires that for six or more units, the road needs to be paved. In other words, if parcels are split in the future for development, the road would need to be paved.

Mr. Bray stated it was his understanding that the unit limit for pavement was eight, not six.

Mr. Purdy stated that the country estates district is eight; in the LDR district, which this is in, the limit for no pavement is five.

Commissioner McCririe asked if the neighbor would be willing to grant a conservation easement so that the trees could be preserved.

Ms. Paulette Skolarus, 6550 Challis Ct., stated a grove of mature blue spruce and white pine trees has already been preserved as a nature habitat and she would be happy to provide a conservation easement for the road.

Commissioner Litogot asked about access through parcel A-3 for parcels A-4 and E-2.

Mr. Bray answered a private driveway, which exists now, would serve E-2 and A-4.

**Moved** by Mortensen, supported by Figurski, to recommend to the Township Board approval of the Impact Assessment for Challis Court as presented to the Planning Commission on February 23, 1998. **Motion unanimously carried.**

**Moved** by McCririe, supported by Pobuda, to approve the site plan for Challis Court with the following conditions:

- Township Board approval of the Impact Assessment as presented.
- Petitioner will modify the plan to widen the middle section of the road bed to a minimum of 20' wide in the area that is currently depicted as 16-18'.
- Petitioner shall cause a conservation easement for the preservation of existing trees in the road bed, to be recorded in a form approved by and acceptable to the township planners and attorney.
- Township engineering review and approval of plans and specifications.
- Access permits shall be obtained from the Livingston County Road Commission.
- Petitioner is aware that they shall abide by the provisions for paving this road contained in the ordinance at the time any future splits are made to parcels served by the road.

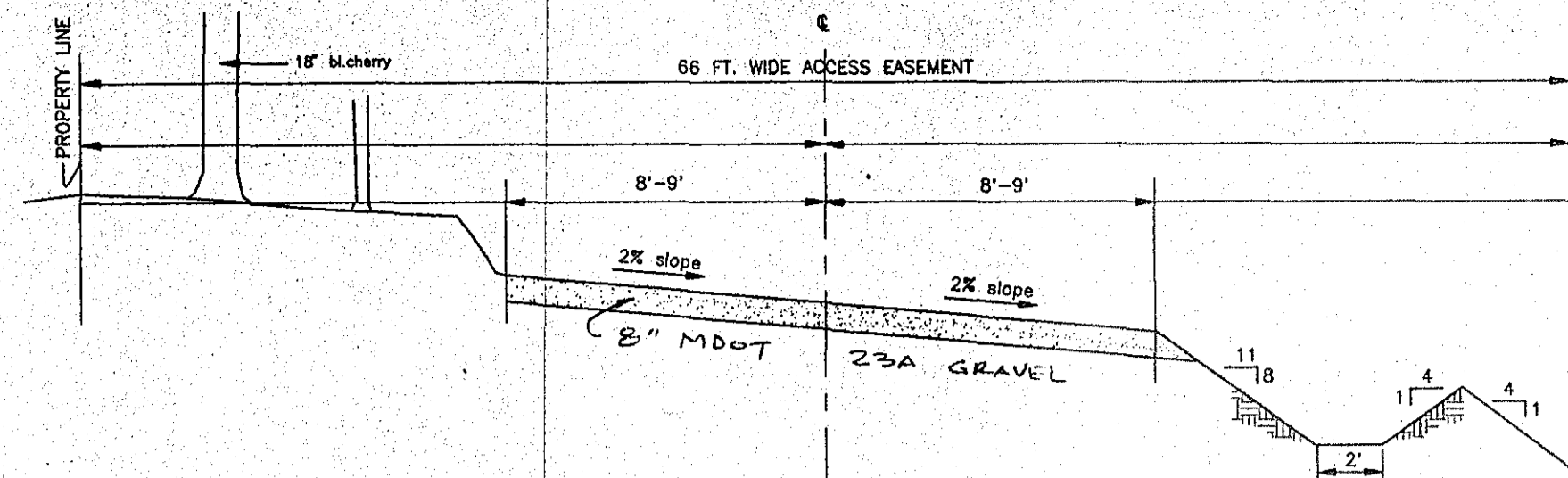
**Motion carried (5 yes, 1 no - Colley dissenting).**

**Moved** by Mortensen, supported by Litogot, to recommend to the Zoning Board of Appeals that a variance be approved as to the road width in order to preserve natural features and trees as conditioned in the Planning Commission motion. **Motion unanimously carried.**

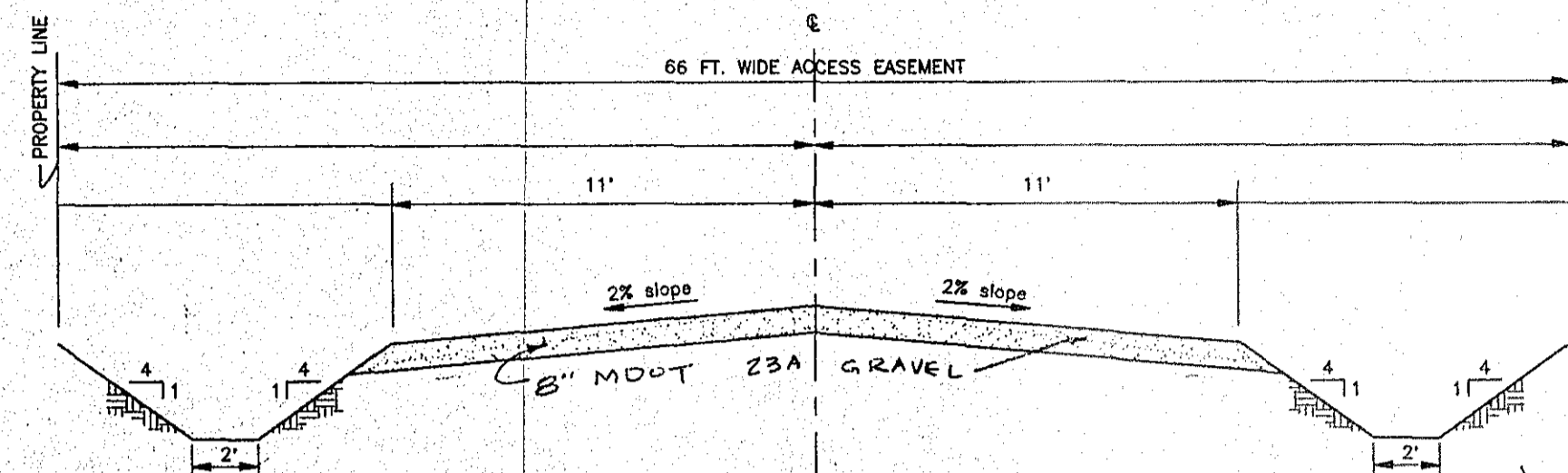
3) OPEN PUBLIC HEARING #3...REQUEST FOR RENEWAL OF SPECIAL LAND USE FOR THE TEMPORARY SITTING OF MANUFACTURED HOUSING. SECTION 11: DIANA GENTRY.

A. RECOMMENDATION REGARDING RENEWAL OF SPECIAL LAND USE

Ms. Diana Gentry Wyman, 187 S. Hughes Road, stated she owns, with her husband and business partner, approximately five acres of commercially zoned property on Grand River. She is a manufactured home dealer whose primary business is the sales, service and set up of manufactured and BOCCA homes in manufactured home communities and on private property. She is asking for an extension of a special use permit granted 11/22/93 which allowed her to set up a temporary model home on her property. The modification to the permit that she is requesting now is to allow parking of up to seven (7) manufactured and/or BOCCA homes on the property during the period of delivery to dealer and relocation to customer sites. All units will be available for inspection by



DETAIL B-B PROPOSED CHALLIS COURT CROSS SECTION  
NO SCALE



DETAIL A-A PROPOSED CHALLIS COURT CROSS SECTION  
NO SCALE

**STORM CALCULATIONS**

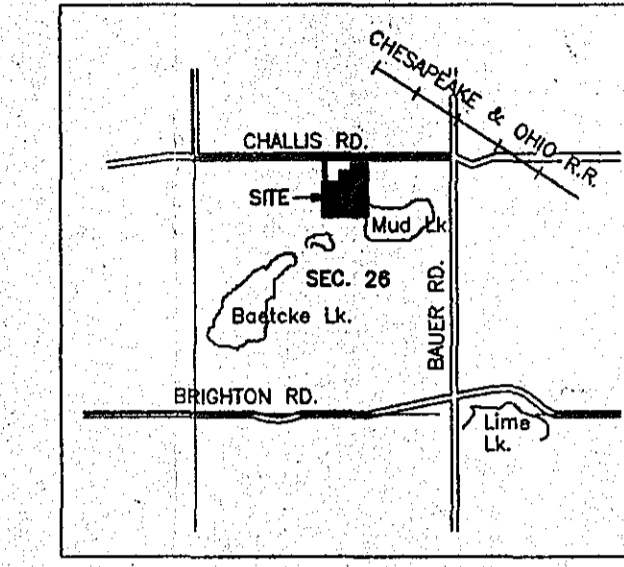
VOLUME REQUIRED:  
3.114 c.f. (See L.C.D.C. TABLE B APPENDIX B)  
VOLUME PROVIDED:  
Area top of pond (E. 954) = 2,399 s.f.  
Area bot. of pond (E. 952) = 224 s.f.  
TOTAL AREA = 2613 s.f.  
Average area = 1306.5 s.f.  
Depth of pond = 4 ft.  
Volume provided = 1306.5 x 4 = 5,226 s.f.

**SOIL EROSION & SEDIMENT CONTROL**

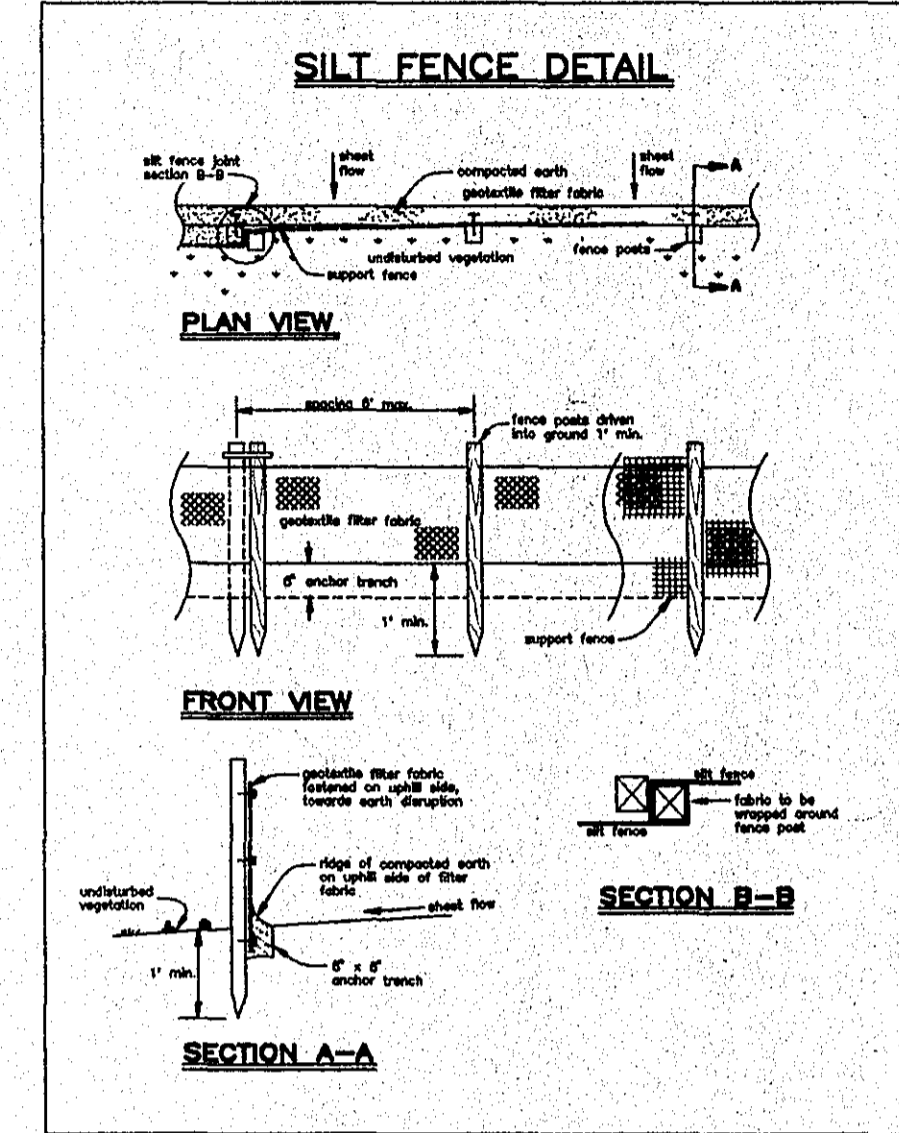
- 1) Total area proposed to be disturbed is 2.10 ac. including driveway, roadway and drainage requirements.
- 2) All disturbed areas will be stabilized with mulch immediately after disturbing.
- 3) Maintenance of all soil erosion provisions shall be the responsibility of the general contractor.
- 4) Place silt fence around site as indicated on drawing prior to construction.
- 5) Sequence of Construction:  
Erosion controls installed & maintained  
Site grading  
Road construction  
Landscape & cleanup  
Soil erosion controls to be maintained throughout entire construction period.

**REVISIONS**

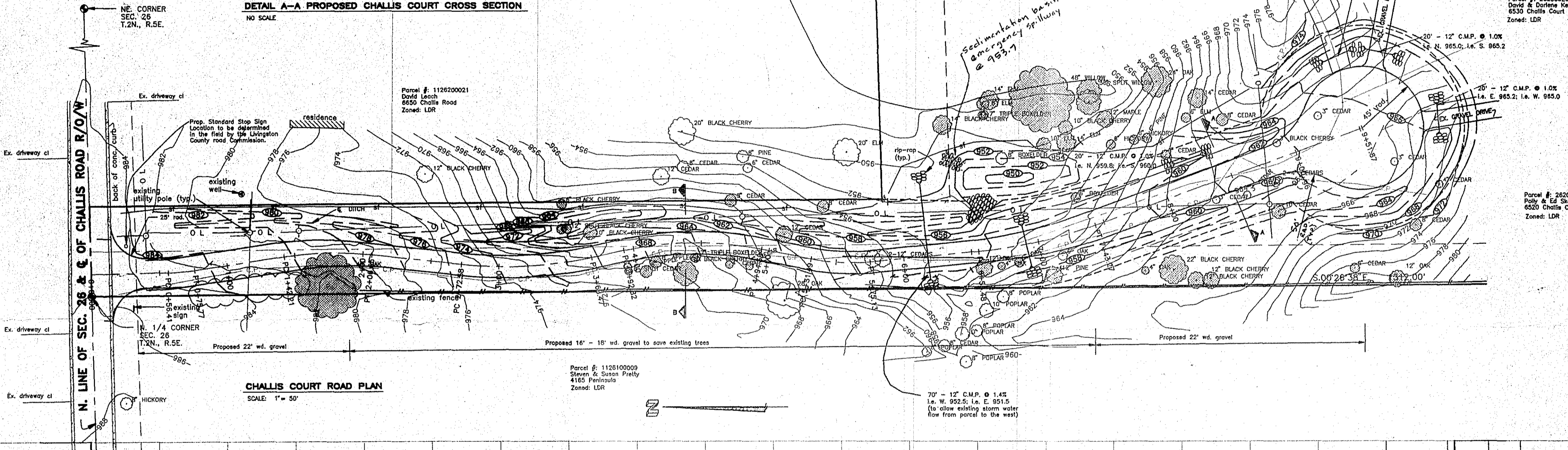
1/19/98 Add "8" MDOT 23A GRAVEL" to cross sections  
Add prop. topo lines at Wly end of 70' culvert  
Sedimentation basin emergency spillway @ 953.7



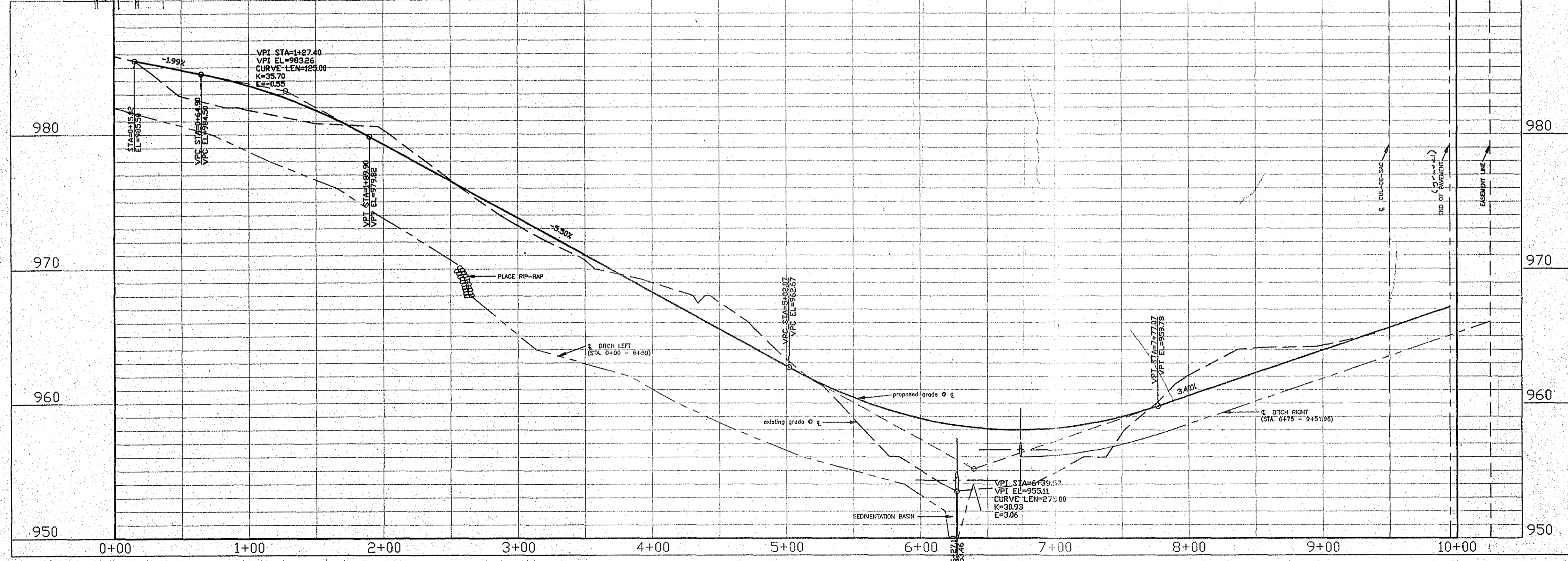
LOCATION MAP  
NO SCALE



- LEGEND**
- ACCESS EASEMENT LINE
  - 920 EXISTING CONTOUR LINE
  - 918 PROPOSED CONTOUR LINE
  - - - EXISTING FENCE
  - O L OVERHEAD UTILITY LINE
  - - - SILT FENCE
  - - - PROPERTY LINE
  - DITCH
  - C.P. CONSUMERS POWER LINE
  - EXISTING UTILITY POLE
  - RIIP-RAP
  - EXISTING WELL
  - EXISTING TREE
  - CEDAR
  - CEDAR
  - PROPOSED CULVERT



CHALLIS COURT ROAD PLAN  
SCALE: 1" = 50'

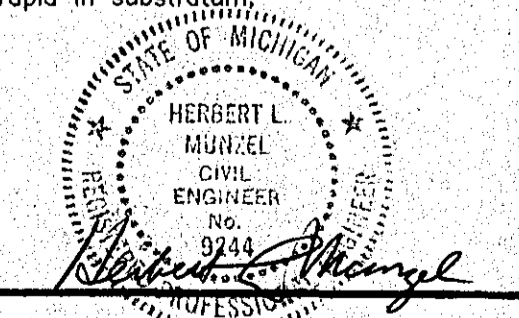


ROAD PROFILE  
HORIZONTAL SCALE: 1" = 50' VERTICAL SCALE: 1" = 5'

**CENTERLINE DESCRIPTION OF A 66' WD. PRIVATE ROAD EASEMENT (CHALLIS COURT)**  
Part of the West 29 acres of the North 1/2 of the NE 1/4 of Sec. 26, T.2N., R.5E., Genoa Township, Livingston County, described as:  
Beginning at a point on the centerline of a private 66 ft. wide easement, distant N.88°32'30"E., along the north line of Sec. 26, which is also the centerline of Challis Rd. R/O/W, 33.00 ft.; thence S.00°26'38"E., 660.00 ft.; thence S.19°01'10"E., 132.76 ft.; thence S.11°11'50"E., 43.78 ft.; thence S.15°43'23"E., 23.65 ft.; thence S.25°12'57"E., 27.96 ft.; thence S.21°08'12"E., 39.18 ft. to the center of a 75 ft. radius cul-de-sac and point of ending.

- NOTES:**
- 1) Design of the road is based on utilizing the centerline of the existing gravel driveway in effort to save as many trees as possible.
  - 2) Proposed private road will serve three homesites with three additional homesites served from the continuation of the existing private drive which will enter the cul-de-sac from the NE.
  - 3) Utilities shown on the drawing are from field location and/or by direction from owners. Call MISS DIG 3 DAYS PRIOR TO ANY CONSTRUCTION 1-800-482-7171
  - 4) Fox-Boyer complex soils are found on this site according to the soil survey of Livingston County, Michigan as produced by the U.S. Dept. of Agriculture, Soil Conservation Service.
  - 5) Fox-Boyer soils are well drained; seepage rate medium in subsoil and rapid in substratum; permeability moderate in subsoil and rapid in substratum.

- LIST OF VARIANCES REQUESTED:**
- 1) Proposed road width for a portion of the road from 22' to 18' and 16'
  - 2) Ditch design to be on only the east side of the road, except for the 5'ly 260'



**PROPOSED PRIVATE ROAD - CHALLIS COURT**  
Improvement to 951 ft. of existing Challis Ct. - private drive  
SECTION 26, GENOA TWP., LIVINGSTON CO., MICH.

For: WADE BRAY, 6600 Challis Ct., and Polly & Ed Skolarus, 6550 Challis Ct.

<b>MUNZEL ENGINEERING</b>		drawn: Lou	date: 1/16/98	SH.
HERBERT L. MUNZEL REG. PROF. ENGINEER & LAND SURVEYOR		chkd:	job no.	OF
222 WEST GRAND RIVER AVENUE		scale: unless 1" = 50'	91531	
BRIGHTON, MICHIGAN 48116 229-8688		rev. 1/19/98		

CALL MISS-DIG 3 DAYS PRIOR TO ANY CONSTRUCTION 1-800-482-7171

the lot that is at the rear of the property, making it difficult to site a barn behind the home. The motion carried unanimously.

**01-18... A request by Clyde Strayer, Section 19, 2100 Crooked Lake Road, is for a 4-foot height variance to construct a pole barn**

A Call to the Public was made with no response. Letters in favor of the petition were received from Annette Kidder and Mark Shultz, Gary and Ruth Bedard, Bill and Mickey Maniaci, Mr. and Mrs. Glenn Hanson, and Jeanne Myers. Moved by Figurski, supported by Stornant, to deny the request since no practical difficulty or hardship associated with the property was presented by the petitioner. Further, it was determined that no extraordinary circumstance was demonstrated to allow approval of this request. The motion carried unanimously.

**01-19...A request by Stefan Kril, Section 32, 5125 Richardson Road, is for a 30 foot variance from wetlands to construct a new home.**

A Call to the Public was made with no response. Moved by Figurski, supported by Skolarus, to grant a 30' variance to the wetland as depicted on the site plan. The practical difficulty is the unusual topography and the preservation of existing trees. The motion carried unanimously.

**01-10... A request by Edward Skolarus, Section 26, Vacant off Challis Road, is for a front and side yard variance to construct a new home.**

Skolarus advised the board that the minutes of this petition would be taken by VanTassell and that she would not vote on this personal request. A Call to the Public was made with no response. Moved by Figurski, supported by Stornant, to approve a 6' side yard variance for construction of a new home. The practical difficulty is the unusual topography of the site. The motion carried unanimously.

Moved by Figurski, supported by Staley, to approve the Minutes of the 04-10-01 regular meeting of the board as presented. The motion carried unanimously.



Paulette A. Skolarus  
Genoa Township Clerk

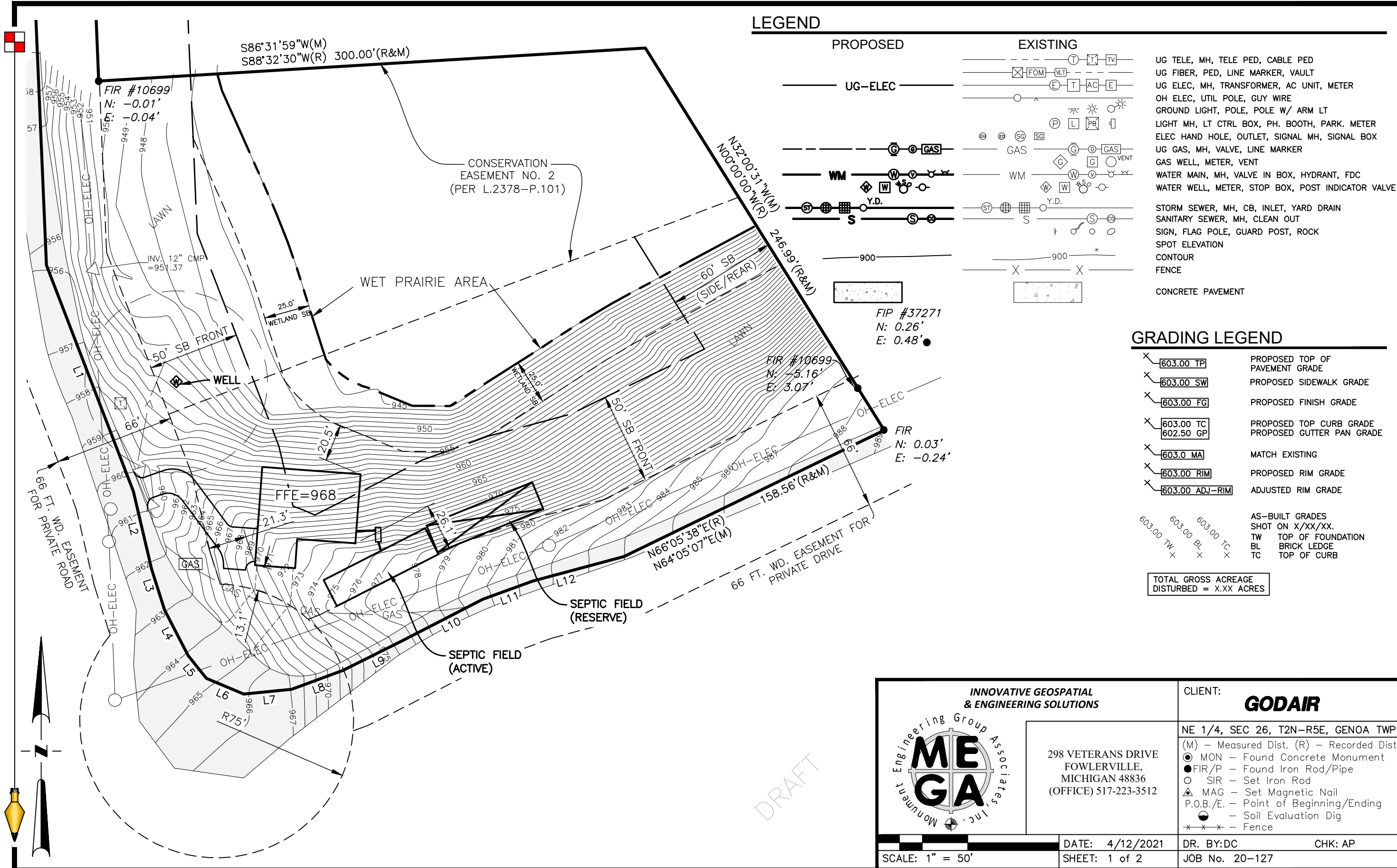


Adam VanTassell  
Ordinance Enforcement Officer

# GENOA TOWNSHIP

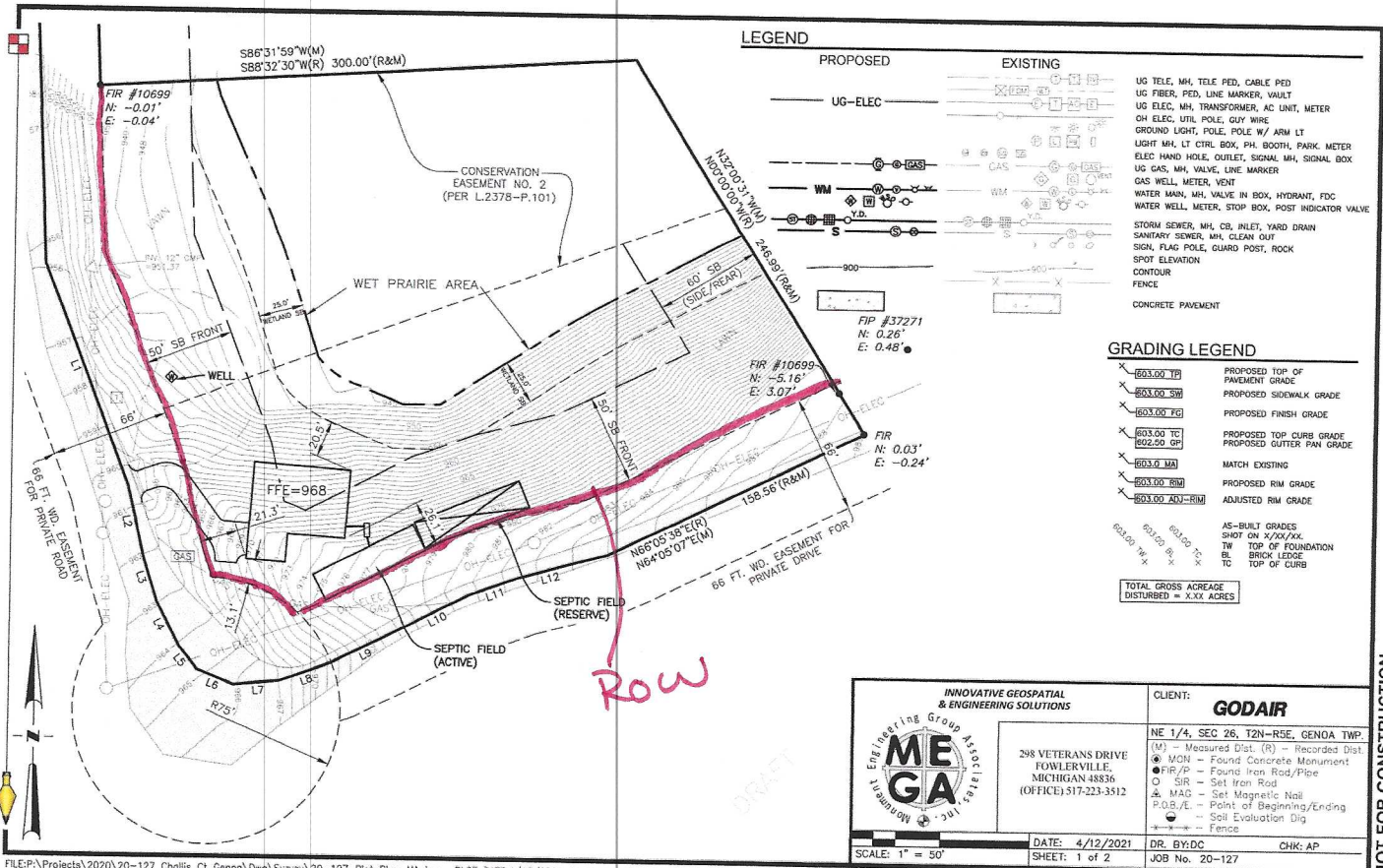


# REVISED SITE PLAN



	<b>INNOVATIVE GEOSPATIAL &amp; ENGINEERING SOLUTIONS</b>	CLIENT: <b>GODAIR</b>
	298 VETERANS DRIVE FOWLerville, MICHIGAN 48836 (OFFICE) 517-223-3512	NE 1/4, SEC 26, T2N-R5E, GENOA TWP. (M) - Measured Dist. (R) - Recorded Dist. ● MON - Found Concrete Monument ● FIR/P - Found Iron Rod/Pipe ○ SIR - Set Iron Rod ▲ MAG - Set Magnetic Nail P.O.B./E. - Point of Beginning/Ending ● - Soil Evaluation Dig *-*-* - Fence
SCALE: 1" = 50'	DATE: 4/12/2021 SHEET: 1 of 2	DR. BY: DC CHK: AP JOB No. 20-127

NOT FOR CONSTRUCTION



Row

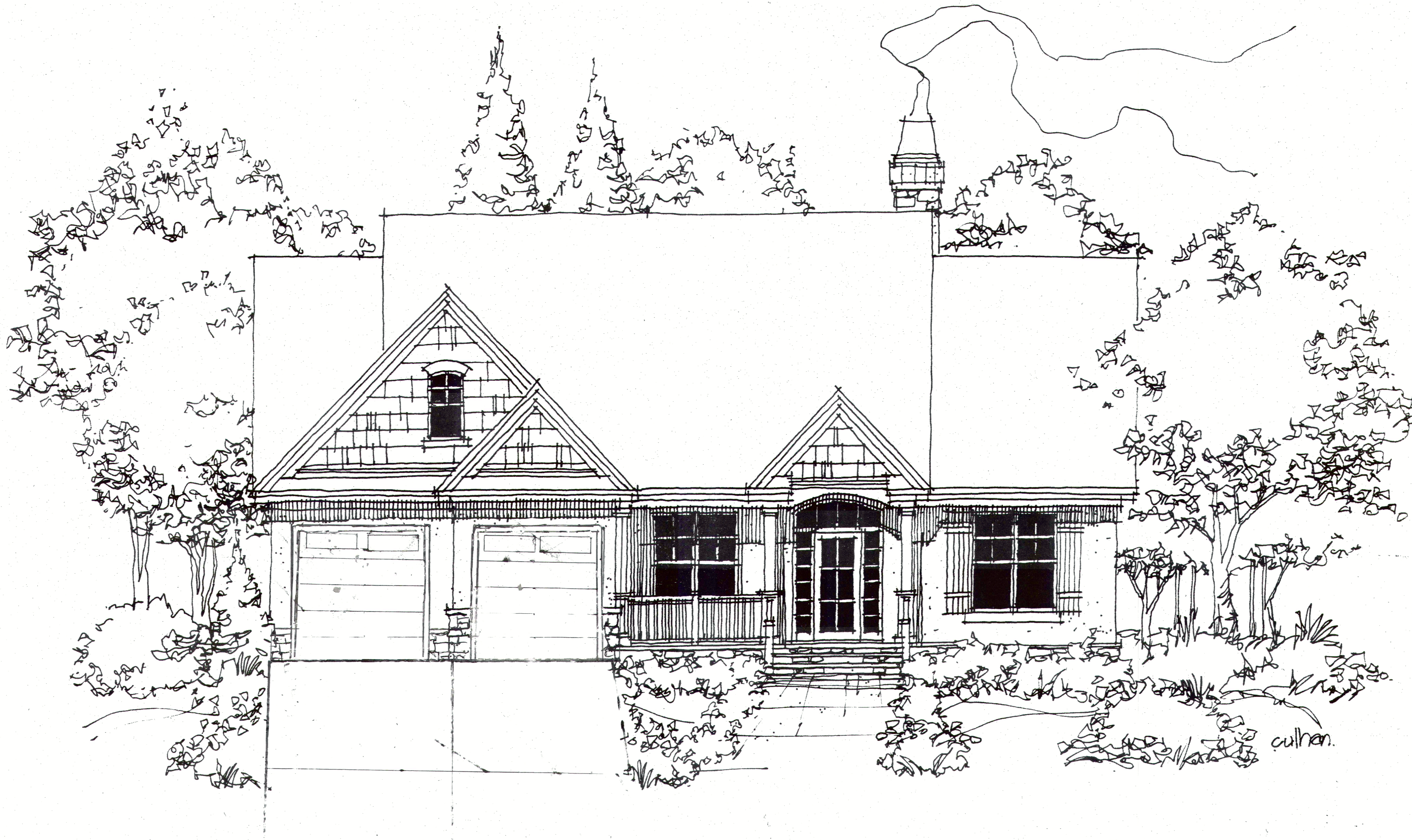
DRAFT

	<b>INNOVATIVE GEOSPATIAL &amp; ENGINEERING SOLUTIONS</b> 298 VETERANS DRIVE FOWLERVILLE, MICHIGAN 48836 (OFFICE) 517-223-3512	<b>CLIENT: GODAIR</b> NE 1/4, SEC 26, T2N-R5E, GENOA TWP. (M) - Measured Dist. (R) - Recorded Dist. (MCN) - Found Concrete Monument (FIR)/P - Found Iron Rod/Pipe (SIR) - Set Iron Rod (MAG) - Set Magnetic Nail P.O.B./E. - Point of Beginning/Ending (S.E.) - Soil Evaluation Dig (F) - Fence
	DATE: 4/12/2021 SHEET: 1 of 2 SCALE: 1" = 50'	DR. BY: DC JOB No. 20-127 CHK: AP

NOT FOR CONSTRUCTION







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REG # 330802

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Blank lines for notes or specifications.

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864 • 288 • 7580  
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DESIGN NO. 151-A T  
SHEET OF 5 LUS  
COVERSHEET

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DOOR SCHEDULE				SYMBOL
MARK	SIZE	QUAN.	DESCRIPTION	
1	3'-0" x 6'-8"	1	EXT. FULL GLASS W/ ARCHED TRANSOM, 12" SIDELITES	
2	(2) 2'-6" x 6'-8"	1	EXT. FULL GLASS W/ 12" TRANSOM #	
3	2'-8" x 6'-8"	1	EXT. 1 HOUR FIRE-RATED	
4	2'-8" x 6'-8"	6	INT.	
5	2'-4" x 6'-8"	2	INT.	
6	2'-0" x 6'-8"	4	INT.	
7	1'-6" x 6'-8"	2	INT.	
8	(2) 2'-0" x 6'-8"	2	INT.	
9	16'-0" x 7'-0"	1	GARAGE	

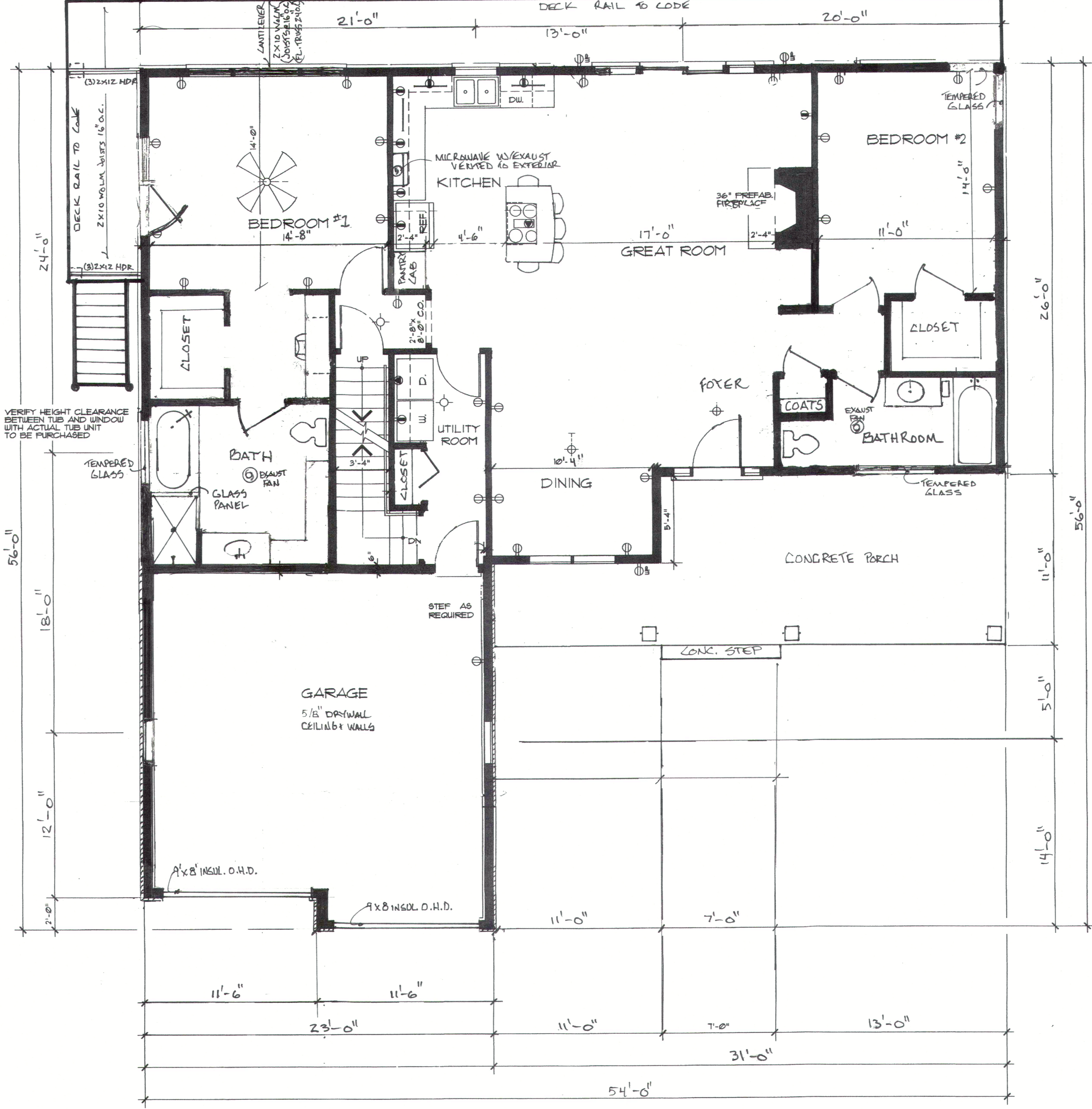
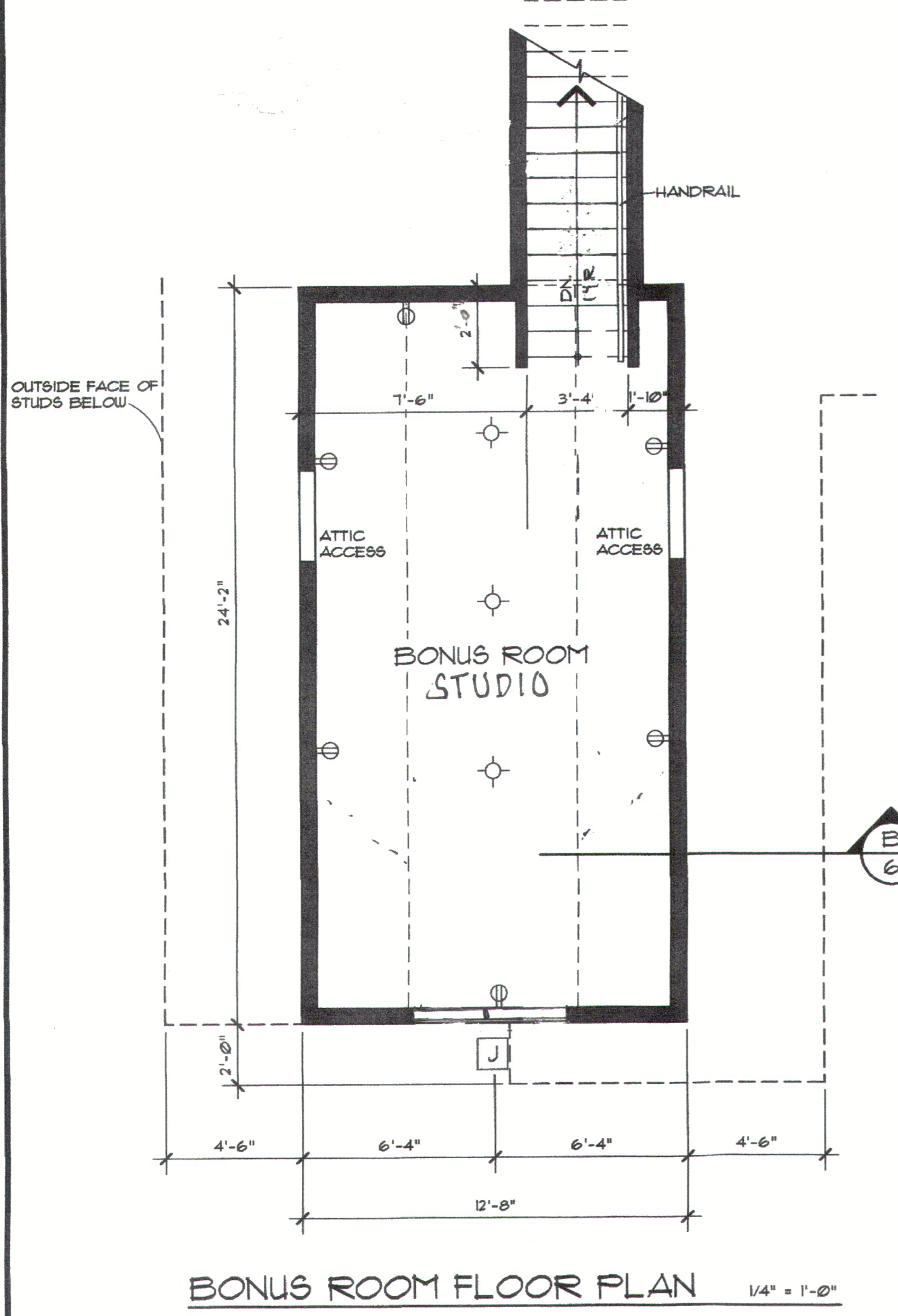
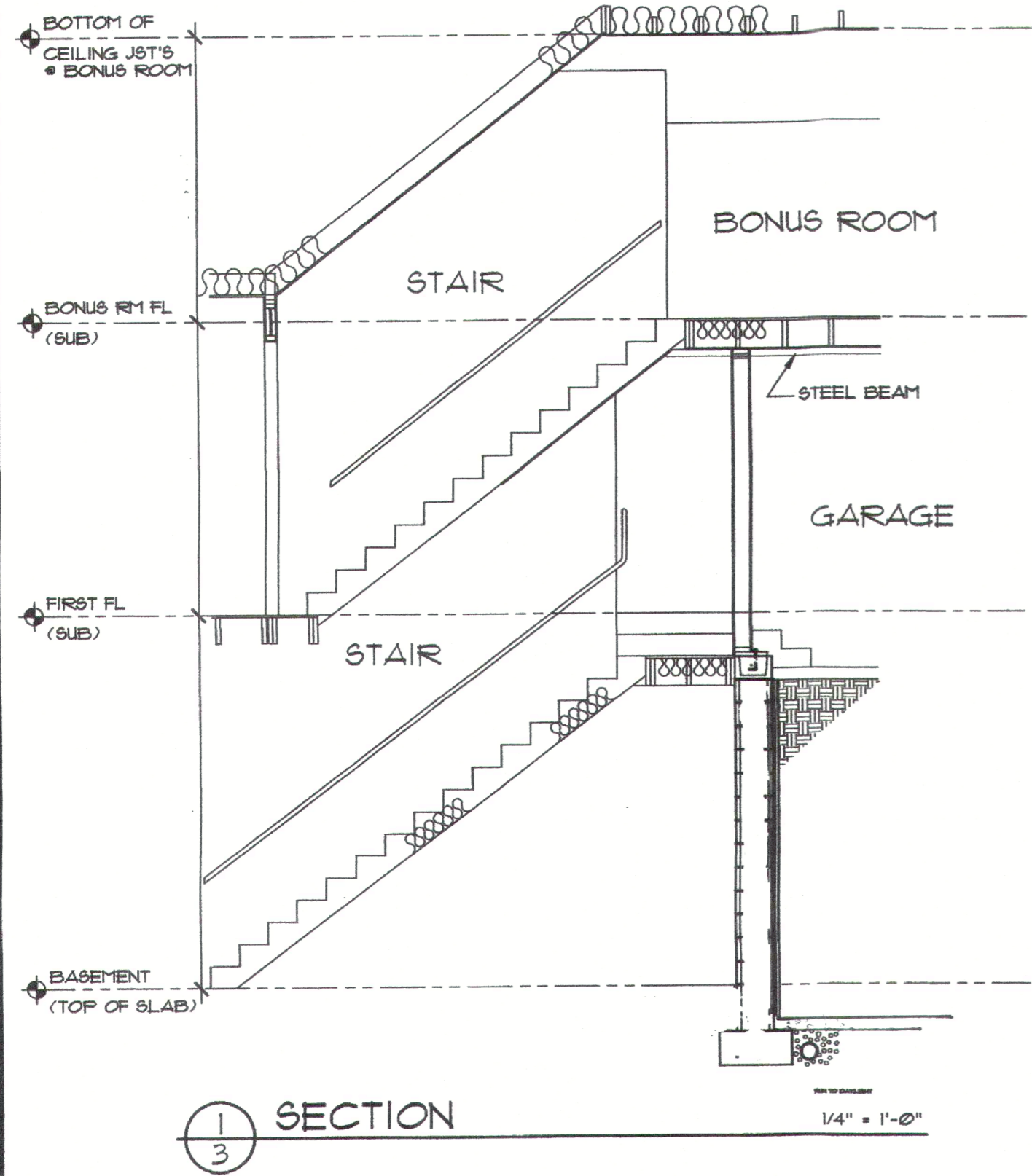
# SEE ELEVATION FOR TRANSOM.

WINDOW SCHEDULE				SYMBOL
MARK	SIZE	QUAN.	DESCRIPTION	
A	(2) 2'-4" x 5'-2"	2	DH	
B	3'-0" x 4'-6"	1	DH, ARCH TOP	
C	(2) 2'-8" x 6'-2"	3	DH	
D	2'-8" x 4'-6"	1	DH	
E	2'-8" x 6'-2"	4	DH	
F	2'-8" x 4'-2"	1	DH	
G	4'-0" x 6'-2"	1	FIXED	
H	6'-0" x 2'-6"	1	FIXED, ARCH TOP	
J	2'-4" x 4'-2"	1	DH, ARCH TOP	

ALL WINDOWS ARE INSULATED AND WEATHERSTRIPPED.  
 VERIFY LOCAL CODE EGRESS WINDOW REQUIREMENTS PRIOR TO CONSTRUCTION WINDOW MANUFACTURER TO PROVIDE TEMPERED GLASS WHERE REQUIRED BY CODE.

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	DUPLEX OUTLET (GROUNDED TYPE)
	WEATHER PROOF DUPLEX OUTLET
	ABOVE COUNTER LOCATION
	FLUSH FLOOR DUPLEX OUTLET, OWNER VERIFY LOCATION
	220 VOLT OUTLET OR CONNECTION
	CEILING MOUNTED LIGHT FIXTURE
	WALL BRACKET MOUNTED LIGHT FIXTURE
	SUSPENDED CEILING MOUNTED LIGHT FIXTURE
	RECESSED DIRECTIONAL CEILING LIGHT FIXTURE
	RECESSED CEILING LIGHT FIXTURE
	RECESSED LIGHT FOR WET AREA
	UNDER COUNTER FLUORESCENT LIGHT
	EXTERIOR CAST ALUMINUM FLOOD LIGHTS
	CEILING MOUNTED PADDLE FAN w/ LIGHT
	CEILING MOUNTED FAN - EXHAUST
	CEILING MOUNTED FAN AND HEATER
	CEILING MOUNTED FAN, LIGHT, AND HEATER

- PLAN NOTES:**
- VERIFY ALL LOCAL CODES, ENERGY TYPES, AND SITE CONDITIONS PRIOR TO CONSTRUCTION. THE OWNER AND BUILDER SHALL BE SOLELY RESPONSIBLE FOR CODE COMPLIANCE.
  - REVIEW SELECTED MECHANICAL SYSTEMS WITH OWNER PRIOR TO CONSTRUCTION.  
 REVIEW SUB-CONTRACTORS LOCATIONS OF THE WATER HEATER AND HVAC UNITS WITH THE OWNER PRIOR TO CONSTRUCTION. ENSURE COMPLIANCE WITH LOCAL BUILDING CODE REQUIREMENTS AND MANUFACTURER REQUIREMENTS.
  - SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
  - INSULATE AROUND ALL BATHS AND UTILITY ROOM.
  - TYPICAL INTERIOR WALL, 2x4'S @ 16" O.C., UNLESS OTHERWISE DIMENSIONED.
  - TYPICAL EXTERIOR WALL, 2x6'S @ 16" O.C., UNLESS OTHERWISE DIMENSIONED.
  - PROVIDE SMOKE DETECTORS AS REQUIRED BY CODE.
  - PROVIDE DOORBELLS, TRANSFORMER, AND CHIME.



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

TOTAL LIVING	sq. ft.
GARAGE	sq. ft.
BONUS ROOM	sq. ft.
BASEMENT	sq. ft.

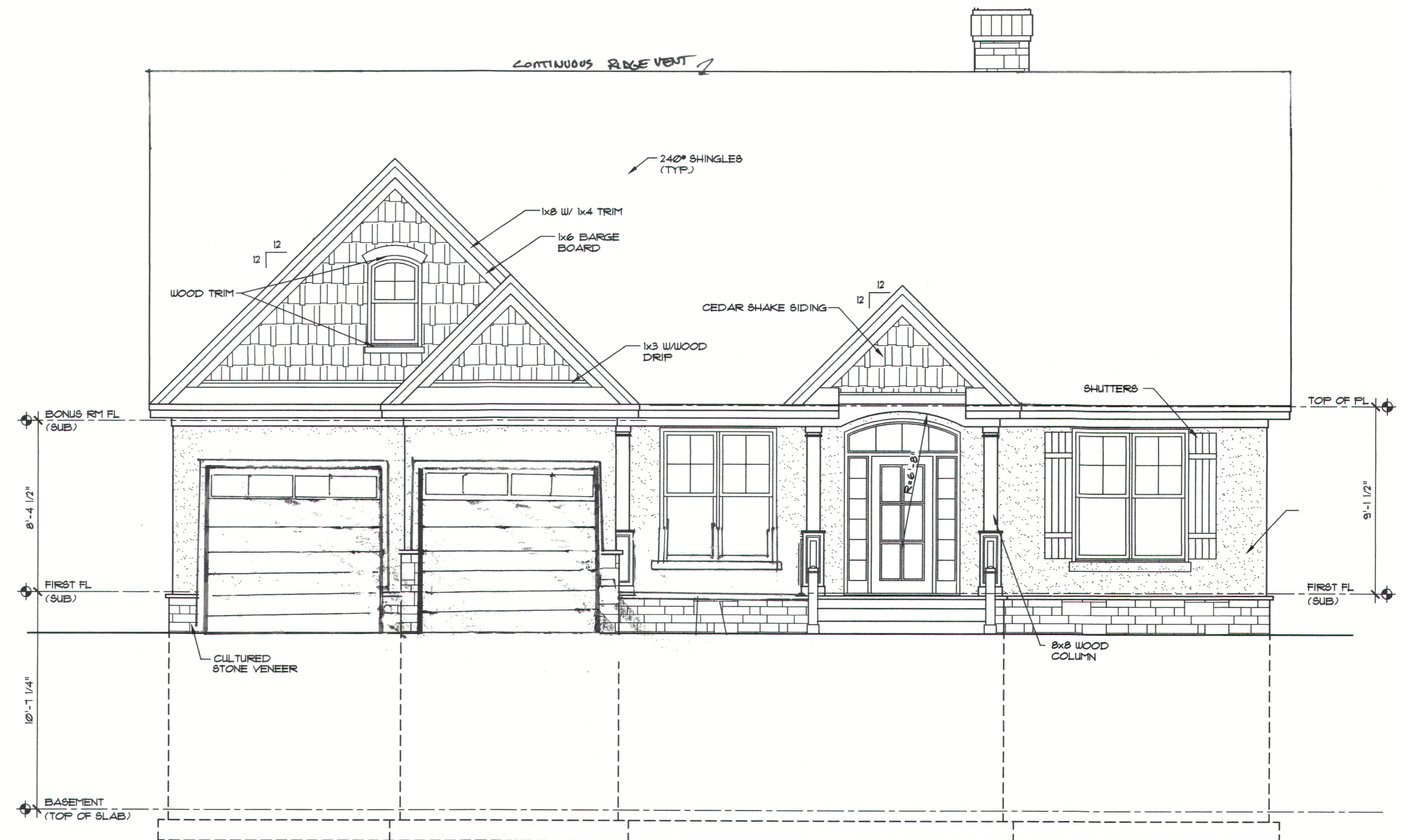
ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS AND MANUFACTURER'S INSTRUCTIONS ETC. SHALL BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED WHERE SAME ARE AT VARIANCE. THESE PLANS ARE NOT DRAWN FOR ANY PARTICULAR LOCAL. YOU ARE RESPONSIBLE FOR DETERMINING AND ENSURING COMPLIANCE WITH ALL APPLICABLE CODES AND MANUFACTURER'S REQUIREMENTS.

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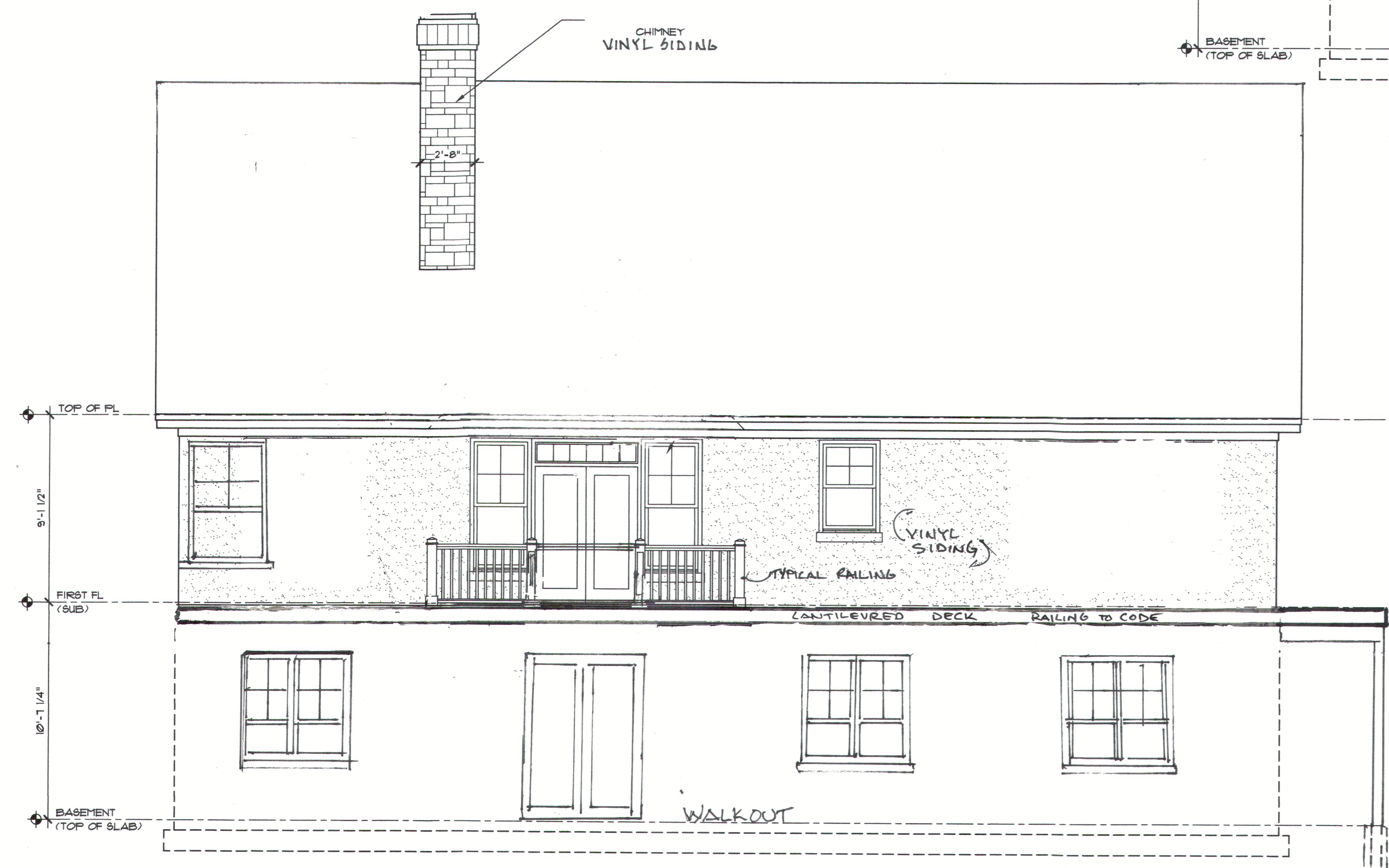
DESIGN NO. 151-A1  
 SHEET OF 5 LUS  
 FLOOR PLAN

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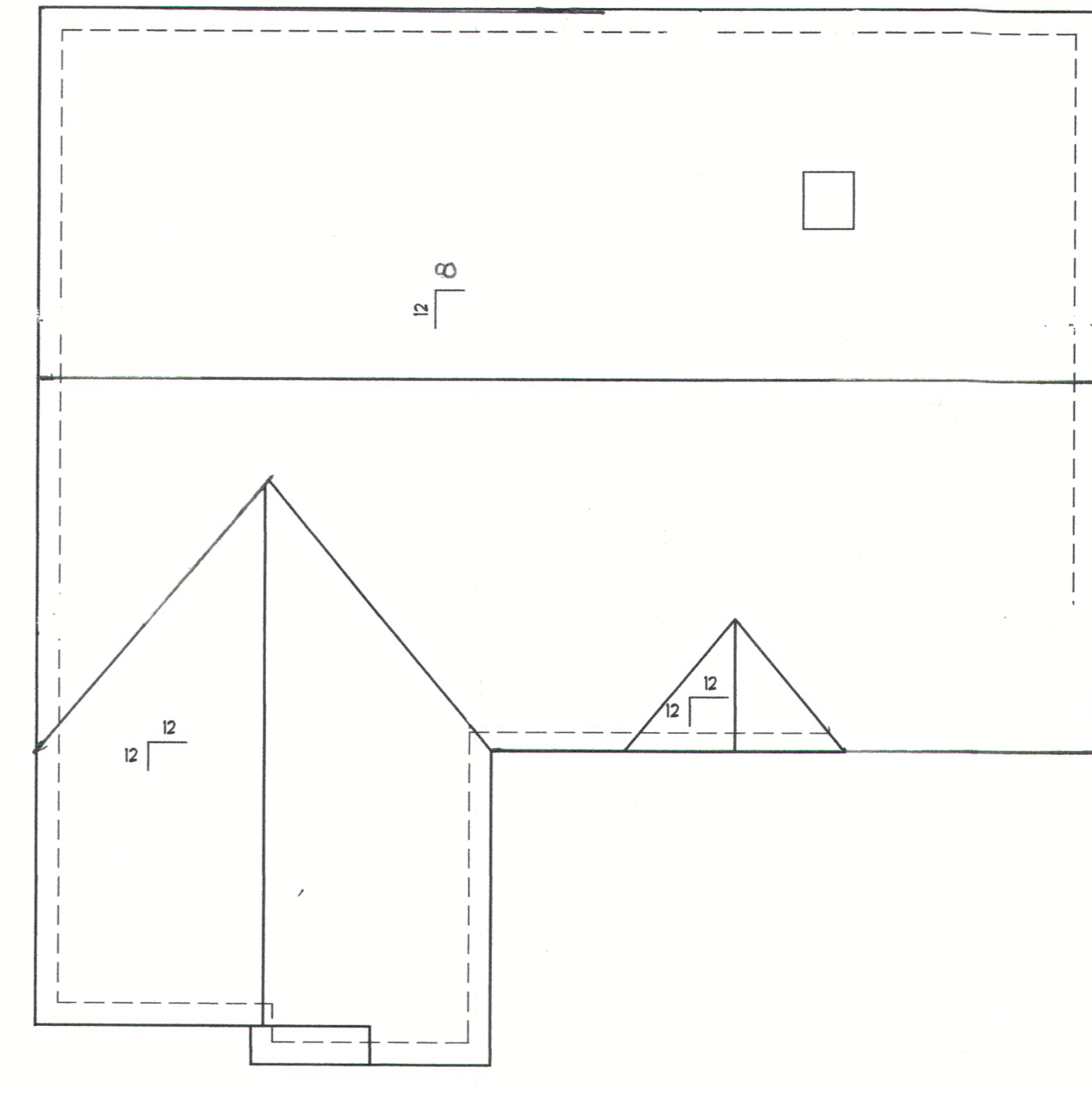
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FRONT ELEVATION 1/4" = 1'-0"



REAR ELEVATION 1/4" = 1'-0"



ROOF PLAN 1/8" = 1'-0"

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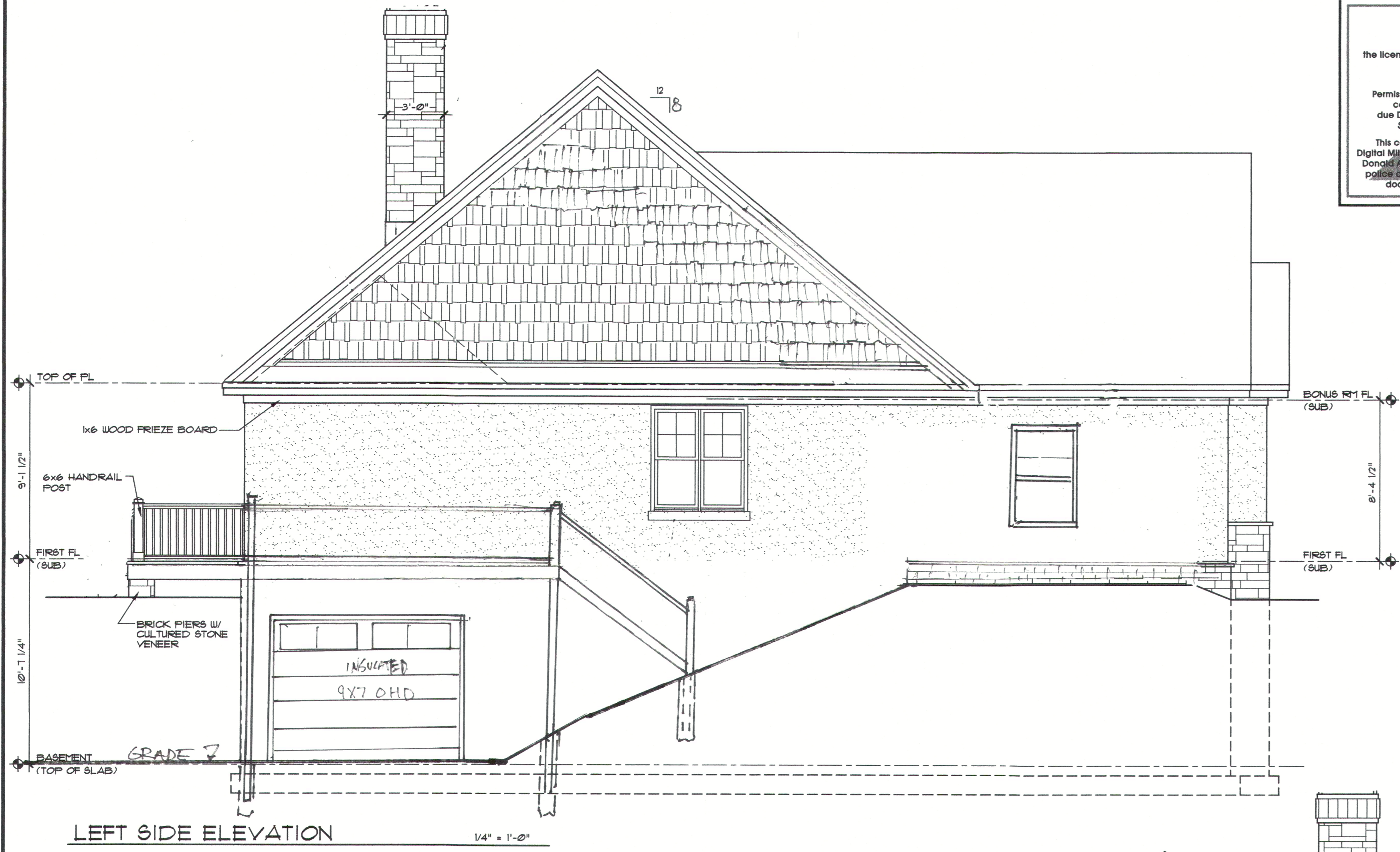
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DESIGN NO. 151-A T  
 SHEET OF 4 5 LUS  
 ELEVATIONS

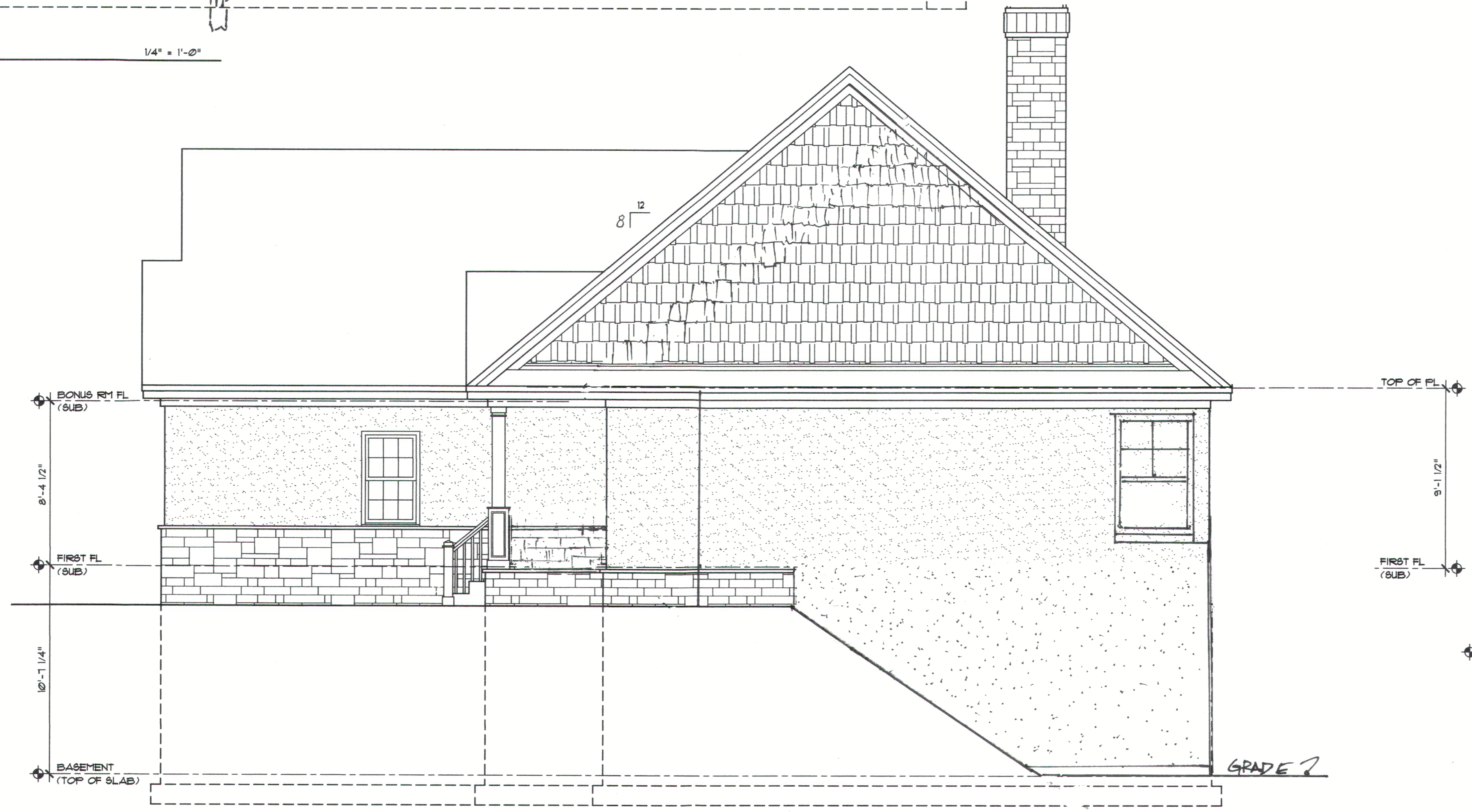
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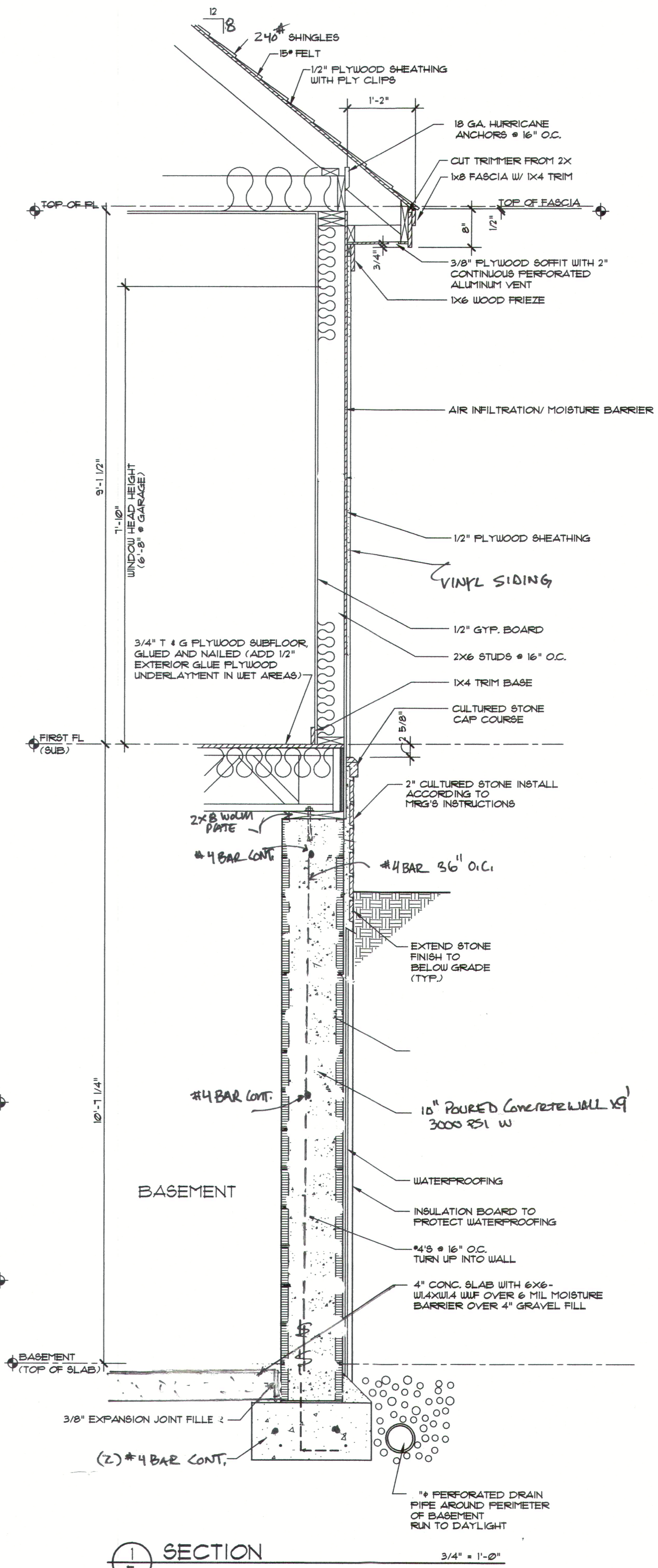
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 For questions call 1-800-388-7580



LEFT SIDE ELEVATION 1/4" = 1'-0"



RIGHT SIDE ELEVATION 1/4" = 1'-0"



SECTION 1/4" = 1'-0"

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DESIGN NO. 157-A1  
 SHEET OF 5 LWS  
 ELEVATIONS  
 1 SECTION



March 15, 2021

Amy Ruthig  
Zoning Official  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

*Via electronic mail only to:*  
[amy@genoa.org](mailto:amy@genoa.org)

RE: Wade and Marilyn Bray;  
Opposition to Variance Application submitted by Paulette Skolarus  
ZBA # 21-04

Dear Ms. Ruthig:

I represent Wade and Marilyn Bray, who reside at 6600 Challis Road. I am writing to convey the Brays' opposition to the above-referenced variance application for the reasons set forth below.

As you know, the private road from which the variances are sought is the means of ingress and egress to the Brays' home and several adjacent vacant lots owned by them, as well as other homes in the neighborhood. The cul-de-sac and drive extending east toward my clients' properties from the cul-de-sac is located within a 66-foot wide ingress/egress easement for access to the Brays' parcels, and the existing drive itself consists of a 13-foot wide asphalt drive. The variance application seeks to reduce the setback from 50 feet to 25 feet from the west side (a 50% reduction from the ordinance requirement) and reduce the setback to 16 feet from the south side (a 68% reduction from the ordinance requirement). The Brays object to these significant variances for several reasons.

First, the location of the house if constructed with the variances will create a potential fire and public safety hazard. Although the approved road width was 20 feet, the road as constructed is approximately 13 feet, so the road may need to be expanded at some point which would place the road 7 feet closer to the proposed home than the existing road. Even without the expansion of the road, the distance between the garage as proposed and the boundary of the access easement would be 16 feet, enough to fit one vehicle length and likely creating congestion from vehicles being frequently parked in the cul-de-sac. Brighton Area Fire Authority Fire Marshal Richard Boisvert has conducted inspections of the existing road and has conveyed significant concerns that the elevated pitch of the road adjacent to the cul-de-sac prevents normal ingress and egress for emergency vehicles, which would obligate emergency responders to maneuver broader angled turns to access all of the homes east of the cul-de-sac. If the variances were granted, another driveway would be added to that same area and a house would exist in very close proximity to the cul-de-sac and road, thereby compromising the ability of emergency responders to conduct such maneuvers or possibly even preventing them from doing so entirely to the peril of the neighbors. The bottom line is that the granting of the variances would make an existing safety hazard even worse.

Second, the variances and the proposed home to be constructed on the property violate the terms of Covenants and Restrictions, attached, regulating the use of the properties in the neighborhood, which Ms. Skolarus herself drafted and recorded with the Township to be binding on all properties. The Covenants and Restrictions mandate that all homes must meet the setbacks requirements in the Township's zoning ordinance, and there is no provision for exceptions or variances. (See Section 16 – Setbacks) In addition, the Covenants and Restrictions impose minimum floor space requirements for each home to be constructed – 1700 square feet of floor area for a one-story dwelling as proposed – to preserve the value of all homes in the neighborhood, and the drawings reflect a proposed floor space of approximately 1,600 square feet due to the severely limited space in which Ms. Skolarus is seeking to build a home with the variances. (See Section 3 – Minimum Floor Space and Size). The variance requests should be denied based on the failure to comply with these requirements in the Covenants and Restrictions that are applicable to the property to ensure the safety and value of all homes in the neighborhood.

In addition, the gas main serving the properties in the neighborhood runs through the subject property and, based on the drawing submitted with the application, appears to be within a few feet of the location where the foundation for the house would be constructed if the variances are granted. The feasibility and safety of constructing a house immediately adjacent to the gas main is highly questionable, and the application does not address how the gas main would be relocated if the variances are granted.

Finally, as indicated in your report to the ZBA dated March 11, 2021, the approved site plan for this private road contemplated drainage from the road directed toward the subject property. If the variances are granted, this will alter the topography of the designed and existing drainage patterns on and adjacent to the private road, which could create future drainage problems.

The Brays agree with all other issues (e.g., self-created hardship) raised in your March 11, 2021 report, and for all of the forgoing additional reasons, respectfully request that the ZBA deny the variance requests. Thank you for your consideration.

Respectfully submitted,

MYERS & MYERS, PLLC



Roger L. Myers

RLM/cs

cc: Mr. Michael Archinal, Township Manager (via electronic mail to [mike@genoa.org](mailto:mike@genoa.org))



**ATTACHMENT**

Affidavit of Declaration of True and Exact Copy

I, Paulette A. Skolarus hereby certify that the attached document, entitled *DECLARATION OF COVENANTS AND RESTRICTIONS FOR PEROPERTY IDENTIFIED AS PARCELS "A" & "E" LOCATED OFF CHALLIS ROAD IN GENOA TOWNSHIP*, is a true and exact copy of an agreement signed by Edward J. Skolarus (deceased), Paulette A. Skolarus (his wife) and Wade R. Bray, with witnesses and a notary public signature, dated the 10<sup>th</sup> day of November, 1997.

Paulette A. Skolarus      01/10/2012

Paulette A. Skolarus

Date

Drafter by and return to:

Paulette A. Skolarus  
6520 Challis Ct.  
Brighton, MI 48116

DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR PROPERTY IDENTIFIED AS PARCELS "A" & "E"  
LOCATED OFF CHALLIS ROAD IN GENOA TOWNSHIP

THIS DECLARATION is made this 10th day of November, 1997, by Edward J. Skolarus and Paulette A. Skolarus of 6550 Challis Court, Brighton, MI 48116 and Wade R. Bray (a single man) of 6600 Challis Court, Brighton, MI 48116 and governs property identified as Parcel A & E (copy of certificate of survey) attached. The owners of certain real property located in Genoa Township, County of Livingston, State of Michigan and further identified as Parcel A & E, and further divided into 4 (four) separate parcels with separate legal descriptions and tax identification numbers (copy of survey and legal descriptions) attached.

WHEREAS, the undersigned parties are owners of all parcels and other land contained in Parcel A & E, and

WHEREAS, the owners are developers of the land, and

WHEREAS, it is the intention of the undersigned to provide restrictive and protective covenant, conditions, obligations, reservations, rights, and powers in order to assure the most beneficial development of said area into a residential community and to prevent any such use as might tend to diminish the pleasurable enjoyment thereof, and

WHEREAS, the protective restrictions herein shall be in addition to the restrictions imposed by the terms of the Genoa Township Zoning Ordinance as presently adopted, and hereafter amended, and any other restrictions imposed by a governmental body having jurisdiction over the use and development of said property, and

WHEREAS, the land known as parcel "A" and "E", is composed of 4 (four) separate building sites or parcels as of this date and as included in the Certificate of Survey previously described.

NOW THEREFORE, the undersigned parties hereby declare that the land as shown and recorded shall be held, sold, conveyed, and occupied subject to the following covenants, restrictions, charges and assessment liens, which shall run with the land and each part thereof, including all parcels, and which shall be binding on all parties having any right, title or interest in the land and their respective heirs, successors and assignees

and shall inure to the benefit and be enforceable by both the homeowners association and the owners of the parcels of said residential development. The protective restrictions are as follows:

## USES OF PROPERTY

### 1. Single Residence Use.

Each parcel in the development shall be used and occupied for single family residence purposes only. No building or other structure shall be permitted on any parcel other than one single family dwelling with an attached garage of not less than two car capacity. Driveways must be paved with a hard fixed surface, such as concrete or asphalt, within two years of the granting of the certificate of occupancy. Driveways may be temporarily constructed of gravel or dirt. Fences are expressly prohibited except as approved in the same manner as set forth in Paragraph Six (6). Out buildings are strictly prohibited, except as currently in existence.

### 2. Easements.

Easements for installation and maintenance of utilities, entrances, and or storm drains or any other purpose are shown on the survey of Parcel "A" & "E" and after such utilities, entrances, and/or storm drains or other utilities have been installed, planting or other parcel line improvements shall be allowed within the easement as long as access without charges or liability for damages be granted for utilities, entrances and/or other improvements installed or for the installation of additional utilities, entrances and/or storm drains.

### 3. Minimum Floor Space and Size.

No dwelling shall be built on any parcel which has living area floor space of less than the following:

- a. One story dwelling - 1700 square feet.
- b. One and one-half story dwelling 1200 square feet on first floor and not less than a total of 2000 square feet.
- c. Two story dwelling - 1200 square feet on the first floor and not less than 2200 square feet.
- d. No tri-level dwellings will be allowed.
- e. "Living Area" includes the actual area within the outer surfaces of the outside walls, including any finished living area which is above an enclosed porch or garage but excluding a garage, basement or unheated porch.
- f. No building shall exceed 35 (thirty five) feet in height and in agreement with the Genoa Township Zoning Ordinance.

### 4. Exterior Construction.

Exterior walls of all residential structures and garages shall be constructed of brick or stone veneer, wood siding, wooden tongue and groove siding, exterior plywood or other standard

siding material. No exterior finishes shall be built of asbestos or asphalt siding or shingles, cement block, or sand line brick. No residential building shall be constructed with a flat roof.

a. No old or used structure shall be moved upon said land and premises.

5. Trees and Soil.

No trees which exceed six (6) inches in diameter shall be removed or cut, nor shall surface soil be dug or removed from any parcel for purposes other than building and landscaping of the parcel, without prior consent of the Association.

6. Building Approval

No dwelling, structure, swimming pool, fence, TV disc, permanent sports type outdoor court or facility, out building, or other development shall be permitted upon any parcel, nor shall any grade in the parcel be changed or other construction work done, unless the Association's written approval is obtained in advance as follows: The proposed plot plans shall show the finished grade, the plot, the location of the dwelling and all other structures. The construction plan and specifications shall show the size, type and materials of exterior construction together with the grade and elevation of all building and structures and shall provide other pertinent construction details. One copy of these plans and specifications shall be kept by the Association. The Association shall not give its approval to the proposal unless in its sole and absolute opinion such construction and development will comply in all respects with the building and use restrictions set forth in this document; nor shall the Association give its approval unless the external design, material and location of the construction proposal shall be in harmony with the character of the subdivision as it develops and with the topography and grade elevation both of the parcel upon which the proposed construction is to take place, and the neighboring parcels within the parcel.

7. Excavation.

No excavation or fill shall be made which shall be considered detrimental to the property or adjacent properties in the opinion of the Association. No building site owner shall alter his building site to interfere with or obstruct existing and/or planned drainage conditions of the existing parcel and other adjacent parcels.

8. Other Vehicles.

No garage trailer, mobile home, recreational vehicle, boat basement, tent, shack or other outbuildings shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence without permission of the Association.

9. Construction Progress.

The building alteration or repair of any dwelling or structure in the parcel shall, once commenced, shall be completed as soon as reasonably possible; and in the event construction progress ceases for a period of more than one hundred twenty (120) days except due to strikes, acts of God, or other conditions beyond the control of the builder, the Association is authorized to demolish it and clear the property, or to complete it; and in either event the expense involved shall be charged against and be a lien upon the subject parcel. All unused building materials and temporary construction shall be removed from the parcel within thirty (30) days after substantial completion of construction. The portion of the ground surfaces which is disturbed by excavation and other construction work, shall be final graded and seeded or covered with other landscaping as soon as the construction work and weather permits, but not more than nine (9) months after a Certificate of Occupancy is issued by the Livingston County Building Department.

10. Unfinished and Temporary Structures.

No unfinished or temporary structures may be occupied as a residence at any time prior to completion and in accordance with approved plans and/or issuance of a certificate of occupancy.

11. Vehicle Storages.

No commercial vehicles or trailer of any nature other than those temporarily present on current business may be parked on the parcel. Boats, motor homes, recreational vehicles, trailers and similar vehicles must be kept in the garage.

12. Animals.

The raising or keeping of animals, livestock, poultry and the like is prohibited, except that dogs, cats, and pets of like character may be permitted as long as long as they do not constitute a neighborhood nuisance and as long as they meet the restrictions of the Genoa Township Zoning Ordinance.

13. Antennae.

No radio or television antennae or aerials shall be permitted other than the type commonly used for domestic T.V. residential use, and shall be installed on the house and not on a separate pole or tower.

14. Swimming Pools.

Only entirely below ground swimming pools shall be permitted in the rear of the property and in accordance with the Genoa Township Ordinance.

15. Parcels Owners Association.

A homeowners association shall be incorporated. The association shall be called the Challis Court Association. All parcel owners of parcels located on the four parcel development, which may be expanded in the future should the zoning ordinance permit, shall become members of the Association. The purpose of the association shall be the enforcement of the covenants and

restrictions, as well as the maintenance of the private driveway. All parcels will pay an annual fee to be determined by the association to cover the costs of snow removal, gravel and maintenance of the private driveway. In the event that fees exceed costs, the fees for any year may be lowered by a majority vote of members. Said annual charges may be adjusted from year to year, after all sites are developed. A separate private road maintenance agreement will be signed by all owners of property within the development.

16. Setbacks.

Setbacks shall be in accordance with the Genoa Township Zoning Ordinance for one acre parcels.

17. Landscaping.

Generally, the natural features of the land should be retained, including terrain, trees, wetlands, etc. The front portion of the site should be sod or grass with retention of the natural beauty of the land a top priority.

18. Enforcement

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any restriction either to restrain violation, remedy the violation or to recover damages. Failure to immediately enforce any of the restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto.

19. Well and Septic Systems.

All of the well and septic systems of all parcels shall be installed according to plans and specifications approved by the Livingston County Health Department.

In witness whereof the parties have set their names and seals on the dates hereafter indicated.

Witnesseth:

Mary Krencicki

Mary Krencicki

Judith Smith  
JUDITH SMITH

Signed:

Edward J. Skolarus

Edward J. Skolarus

Paulette A. Skolarus

Paulette A. Skolarus

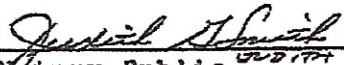
Wade R. Bray

Wade R. Bray

Date: 11.10.97

STATE OF MICHIGAN  
COUNTY OF LIVINGSTON SS.

On this 10<sup>th</sup> day of November, 1997, before me personally appeared Edward J. Skolarus and Paulette A. Skolarus and Wade Bray, to me personally known, who being by me sworn, did say that they are the owners of property described as Parcel A & E off Challis Road and on Challis Court in Genoa Township, and that said instrument was signed and acknowledged as their free act and deed.

  
\_\_\_\_\_  
Notary Public 5251774 G.S.M. 74  
Livingston County, Michigan  
Commission Expires:  
7-30-2001

Drafted by: Paulette A. Skolarus  
deedrest/policy



**From:** [David Leach](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Skolarus variance request  
**Date:** Tuesday, March 9, 2021 8:29:02 AM

---

Regarding the Skolarus zoning variance request, there have been some substantial concerns in that part of the neighborhood for several years regarding the narrow driveway which creates an inability for trucks, and of more concern, emergency vehicles to turn around once they are in the neighborhood and the piece of property she is proposing to build on is the only place left for these vehicles to use as a turn around without having to back down the very steep hill that leads to the back portion of the neighborhood.

In addition, the developer that bought, split and sold the lots from the original 29 acre parcel that comprises this neighborhood wanted to create additional lots and was denied the opportunity to do so and then magically, as soon as Skolarus, the Township Clerk bought property here she was approved for the splits the developer was denied.

Is that really the reputation you want among the township's constituency??

While this situation doesn't directly affect us, I would be vociferously against it if I lived back there.

This request should be denied for multiple reasons.

David Leach

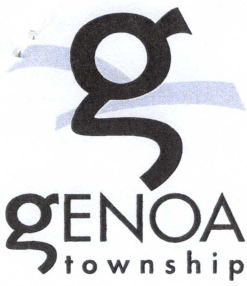
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David Leach  
248-760-0015  
[daleach236@gmail.com](mailto:daleach236@gmail.com)

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
Property Address		Class: RESIDENTIAL-VACANT		Zoning: LDR	Building Permit(s)	Date	Number	Status				
CHALLIS CT		School: BRIGHTON AREA SCHOOLS										
Owner's Name/Address		P.R.E. 100% 04/24/1995										
SKOLARUS, PAULETTE & LOLLIO, KELLY LYNN 6520 CHALLIS RD BRIGHTON MI 48116		MAP #: V21-04										
Tax Description		2021 Est TCV 51,260		Land Value Estimates for Land Table 4501.BRIGHTON M & B								
SEC 26 T2N R5E COMM N 1/4 COR TH N88*E 33 FT TO POB TH N88*E 33 FT TH SOUTH 581 FT TH N88*E 300 FT TH S35*E 246.99 FT TO CENTERLINE OF A PRIVATE ROAD EASEMENT TH ALONG SAID CENTERLINE SW'LY 382.01 FT AND NW'LY 305.66 FT AND NORTH 680 FT TO THE N'LY END OF SAID EASEMENT AND THE POB CONT. 3.02 AC M/L CORR 6/99 OF SPLIT 020 (025) 10/97 TVF A-3		Improved	X	Vacant	* Factors *							
Comments/Influences		Public Improvements		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		Dirt Road		WETLANDS			3.020	Acres	16,974	100		51,260
		Gravel Road		3.02 Total Acres Total Est. Land Value =					51,260			
		Paved Road										
		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										
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value				
Who	When	What	2021	25,600	0	25,600		18,354C				
			2020	25,600	0	25,600		18,101C				
			2019	25,600	0	25,600		17,764C				
			2018	25,600	0	25,600		17,348C				

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\*\*\* 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 # 21-06

Meeting Date: April 20, 2021  
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Haran + Kayla Lerma Email: haran.lerma@gmail.com

Property Address: 3205 Old Carriage Trl Phone: 517-219-3093

Present Zoning: Suburban residential Tax Code: 11-22-203-011

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: We are requesting a 6 foot tall white vinyl fence along the back and up the sides of the property line

The following is per Article 23.05.03:

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

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

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

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.

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.

The fence will not block any road intersections or visibility.

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.

We've been given permission by several of the neighbors after asking and we have their written approval as shown in the included documents

**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: March 8, 2021 Signature: Kolima

## Practical Difficulty

Our house is the furthest set back in the lot in the whole side of the neighborhood so that leaves very little room in our back yard. It is a difficult property with roads in both the front and back of the property. We are unable to plant much vegetation as most of the back yard is part of our septic field. With Dorr Rd being so close to our house (roughly 100 ft) when people pull over to talk on the phones or do whatever they are right behind our property. There isn't a bit of brush between all of these parked cars, walkers and bikers so we are unable to take advantage of all of our property. There are days I fear for my 3 young kids safety as so many people pass by. A 6 foot verses a 4 foot fence would allow for less people looking into the yard and more noise reduction.

## Extraordinary Circumstances

We are requesting a 6 foot privacy fence over a 4 foot fence along the back of our property as our house is set in the back of our property further than any house in the neighborhood. We checked the plot and Dorr Rd is the back of our property and old Carriage trail is the front. We have a lot of noise pollution from the cars and this makes our back yard difficult to use because we can not easily talk to each other and if we needed to warn our 3 little kids about a danger - the noise makes it extremely hard for them to hear us. There is not alot of brush along the back of our property due to most of it being a septic field and there is an ease of entering our property from Dorr Rd and a lot of walkers and bikers. We have a lack of privacy because of this and a 6 foot vinyl privacy fence would change all of this. Attached we have signed documents from several neighbors and they all told us there is no problem from them and they hope we are able to get permission for this 6 foot privacy fence.



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** April 13, 2021  
**RE:** ZBA 21-06

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

---

### STAFF REPORT

**File Number:** ZBA#21-06  
**Site Address:** 3205 Old Carriage Trail, Brighton  
**Parcel Number:** 4711-22-203-011  
**Parcel Size:** .898 Acres  
**Applicant:** Haran and Kayla Lerma, 3205 Old Carriage Trail, Brighton  
**Property Owner:** Same as applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a fence height variance to install a 6-foot fence at the rear of the property.

**Zoning and Existing Use:** SR (Suburban Residential), the property is occupied by a single-family residence.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday April 4, 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, the single-family home was constructed in 1986.
- The property is serviced by a private well and septic.
- See Record Card.

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

The proposed variance is to install a 6-foot at the rear of the home. This would require a 2-foot height variance.

Staff has been drafting an ordinance update to allow a 6-foot fence in the rear of the home however it has to receive Planning Commission and Township Board approval.

**Variance Requests**

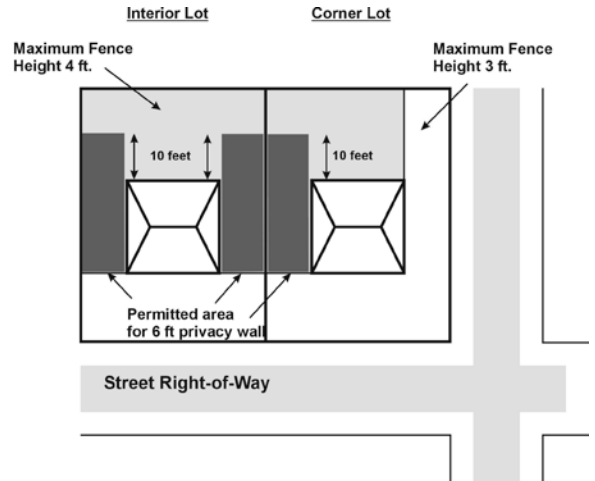
The following is the section of the Zoning Ordinance that the variances are being requested from:

**11.04.04 Fences, Walls and Screens**

(c) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the required side yard or required rear yard in any zoning district shall not exceed a height of four (4) feet, except the Zoning Administrator may approve the following:

(1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;

- Required Height: 4 Feet
- Proposed Height: 6 Feet
- Proposed Variance Amount: 2 Feet



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

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

The following are findings based upon the presented materials.

- (a) **Practical Difficulty/Substantial Justice** –Strict compliance with the Zoning Ordinance in regards to the fence ordinance would prevent the applicant from installing a 6-foot fence at the rear of the property, but would not unreasonably prevent use of the property and is not necessary for the preservation of the property. A 6-foot fence in the rear yard is not a property right possessed by other properties in the zoning district or vicinity.
- (b) **Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the property is setback further from Old Carriage Trail which places it closer to Dorr Road than the other neighbors in the area. On a typical lot, a 6 foot fence in allowed on the side and 10 feet past the rear of the home only. Granting of the variance will not make the property more consistent with surrounding properties. The need for the variance is self-created.



**(c) Public Safety and Welfare** – 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 Township of Genoa.

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

**Recommended Conditions**

1. Fence is required to be vinyl and must be maintained in good condition.

# GENOA TOWNSHIP



Dorr Rd

44 ft  
from center  
line

148 ft

21 ft

8 ft

10'

Existing shed

10'

30 ft

95 ft

20'

85'

Current Residence

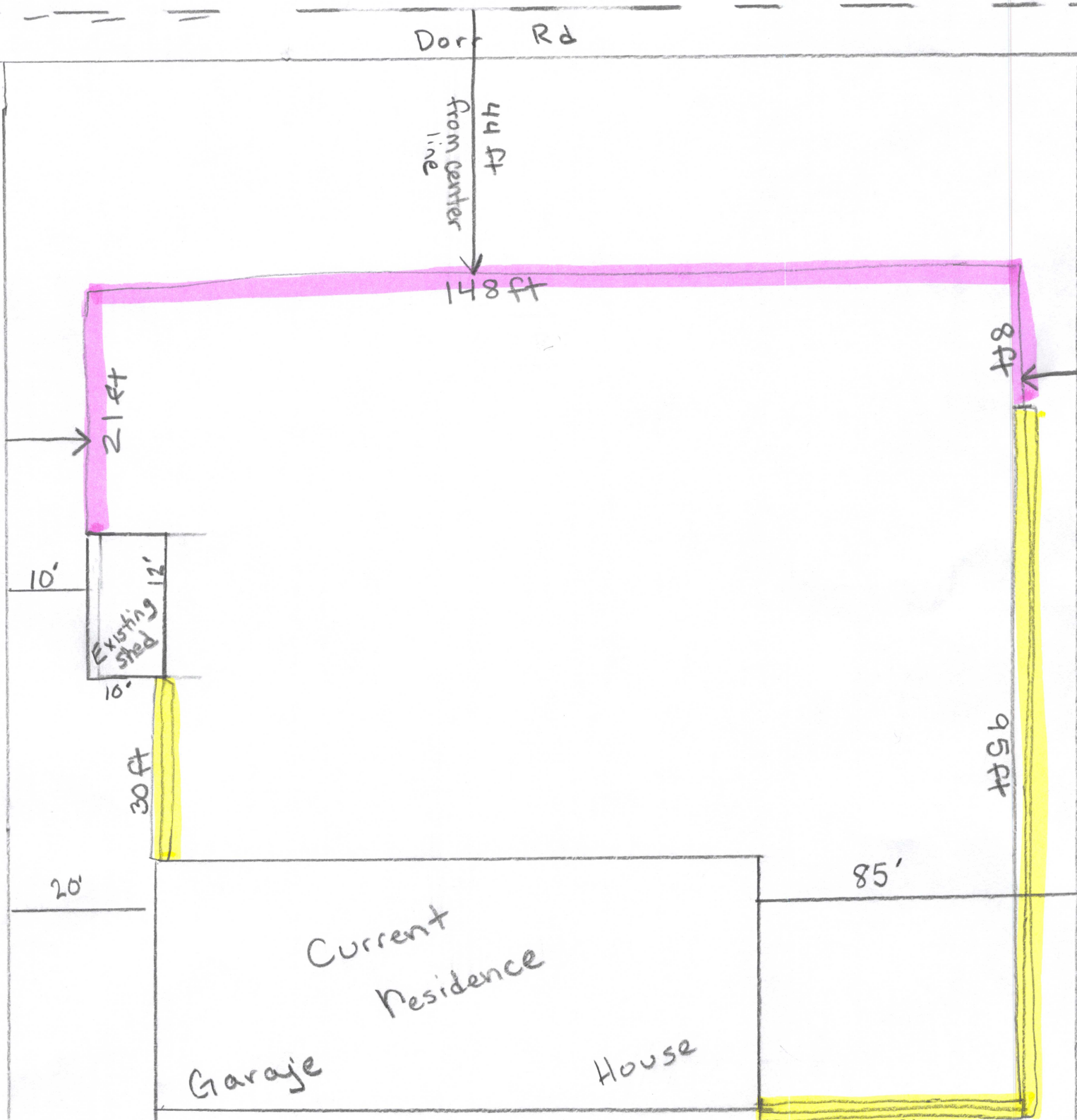
Garage

House

65 ft

4' chain fence

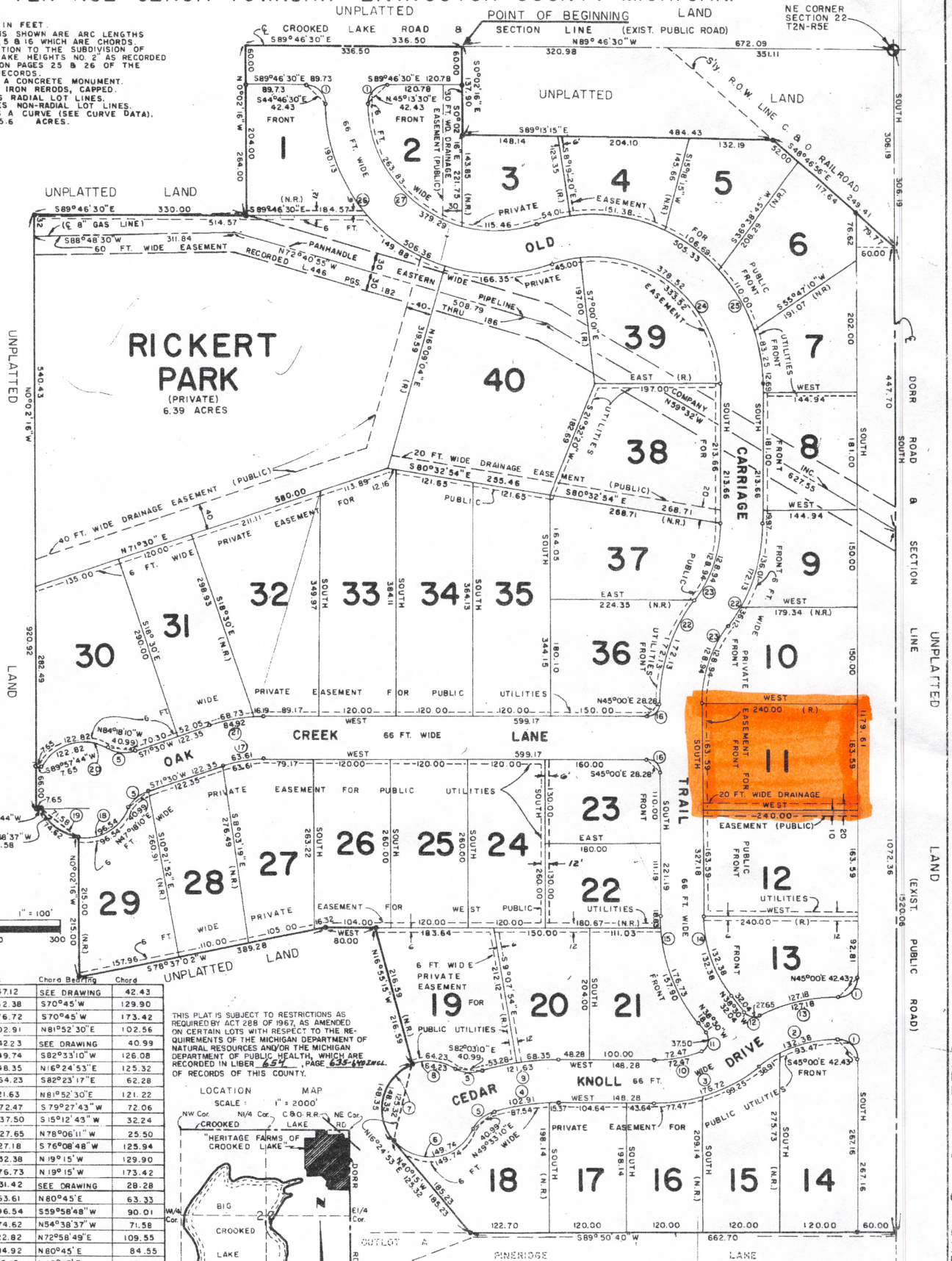
6' vinyl privacy fence



# "HERITAGE FARMS OF CROOKED LAKE"

A SUBDIVISION OF PART OF THE NE 1/4 SECTION 22  
T2N-R5E GENOA TOWNSHIP LIVINGSTON COUNTY MICHIGAN.

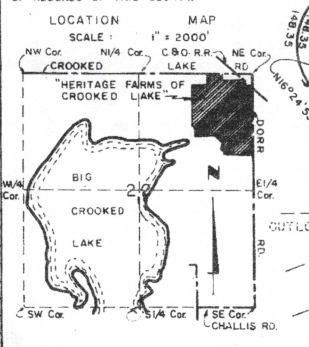
**PLAT LEGEND:**  
ALL DIMENSIONS ARE SHOWN IN FEET.  
ALL CURVILINEAR DIMENSIONS SHOWN ARE ARC LENGTHS EXCEPT FOR CURVES 1, 5 & 16 WHICH ARE CHORDS.  
ALL BEARINGS ARE IN RELATION TO THE SUBDIVISION OF CRANDALL'S CROOKED LAKE HEIGHTS NO. 2 AS RECORDED IN LIBER 6 OF PLATS ON PAGES 25 & 26 OF THE LIVINGSTON COUNTY RECORDS.  
THE SYMBOL 'O' INDICATES A CONCRETE MONUMENT.  
LOT MARKERS ARE 1/2" X 1/8" IRON RODS, CAPPED.  
THE SYMBOL (R) INDICATES RADIAL LOT LINES.  
THE SYMBOL (N.R.) INDICATES NON-RADIAL LOT LINES.  
THE NUMBER (1) INDICATES A CURVE (SEE CURVE DATA).  
SUBDIVISION CONTAINS 45.6 ACRES.



**CURVE DATA**

No.	Radius	Delta	Arc	Chord Bearing	Chord
1	30.00	90°00'	47.12	SEE DRAWING	42.43
2	197.00	38°30'	132.38	S70°45'W	129.90
3	263.00	38°30'	176.72	S70°45'W	173.42
4	362.84	16°15'	102.91	N81°52'30"E	102.56
5	50.00	48°23'40"	42.23	SEE DRAWING	40.99
6	75.00	114°23'40"	149.74	S82°33'10"W	126.08
7	75.00	113°19'46"	148.35	N16°24'53"E	125.32
8	75.00	49°03'55"	64.23	S82°23'17"E	62.28
9	428.84	16°15'	121.65	N81°52'30"E	121.22
10	197.00	21°04'35"	72.47	S79°27'43"W	72.06
11	20.00	107°25'25"	37.50	S15°12'43"W	32.24
12	20.00	79°12'21"	27.65	N78°06'11"W	25.50
13	263.00	27°42'24"	127.18	S76°08'48"W	125.94
14	197.00	38°30'	132.38	N19°15'W	129.90
15	263.00	38°30'	176.73	N19°15'W	173.42
16	20.00	90°00'	31.42	SEE DRAWING	28.28
17	197.00	18°30'	63.61	N80°45'E	63.33
18	75.00	73°44'55"	96.54	S59°58'48"W	90.01
19	75.00	57°00'14"	74.62	N54°38'37"W	71.58
20	75.00	93°49'42"	122.82	N72°58'49"E	109.75
21	263.00	18°30'	84.92	N80°45'E	84.55
22	263.00	37°30'	172.13	N18°45'E	169.08
23	197.00	37°30'	128.94	N18°45'E	126.65
24	197.00	110°05'18"	378.52	S55°02'39"E	322.92
25	263.00	110°05'18"	505.33	S55°02'39"E	431.11
26	263.00	110°18'47"	506.36	N54°55'34"W	431.69
27	197.00	110°18'47"	379.29	N54°55'34"W	323.56

THIS PLAT IS SUBJECT TO RESTRICTIONS AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND/OR THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, WHICH ARE RECORDED IN LIBER 657, PAGE 635-102222 OF RECORDS OF THIS COUNTY.

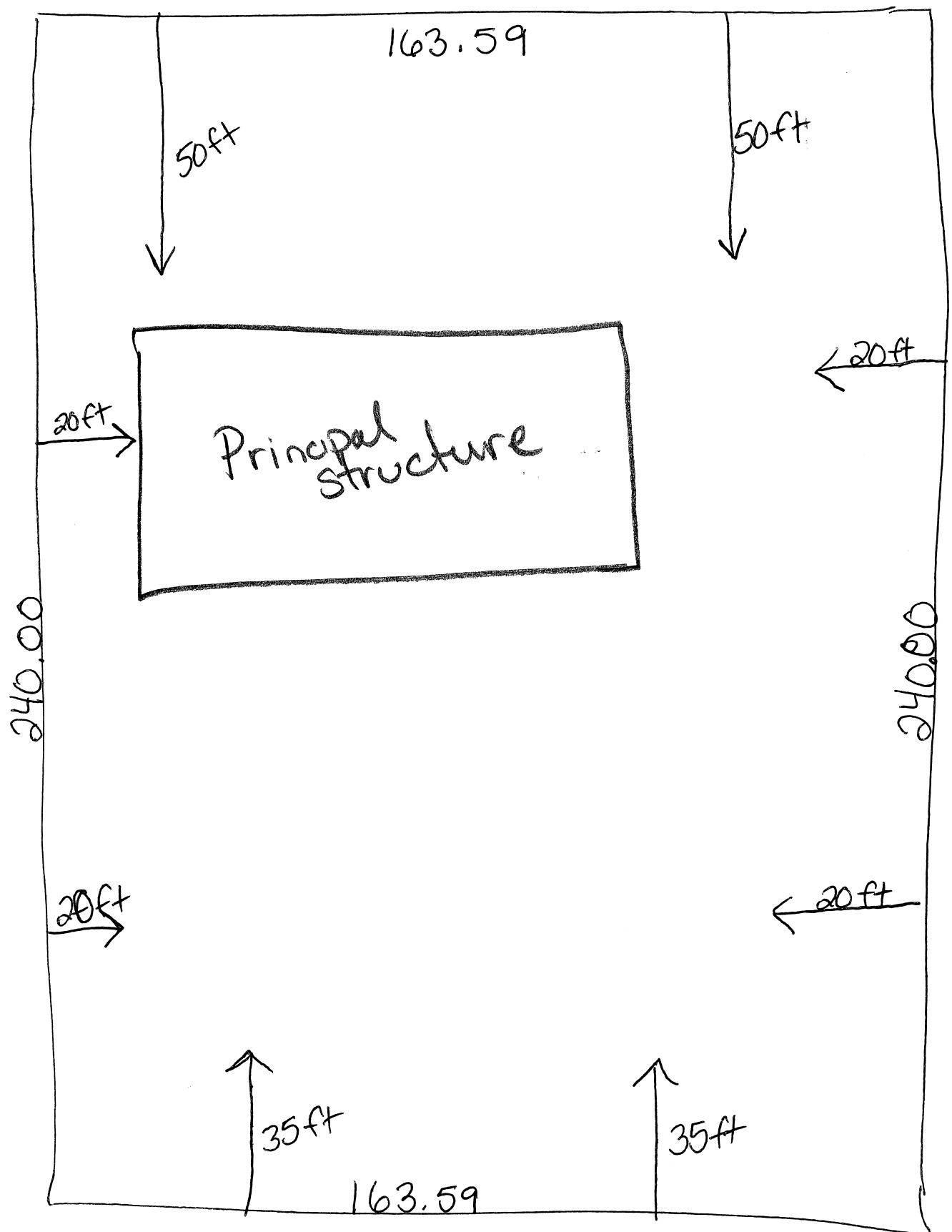


MUNSELL AND GARLOCK INC.  
REGISTERED LAND SURVEYORS  
307 EAST GRAND RIVER AVENUE  
NOWELL, MICHIGAN 48843

SHEET 1 OF 3 SHEETS

Building Envelope

# Suburban Residential Dorr Rd



Old Carriage trl

# Septic field

Livingston County Health Department—Environmental Health Division  
204 S. Highlander Way, Howell, Michigan 48843  
(517) 546-9850

## HOMEOWNER INFORMATION SHEET FOR WATER SUPPLY AND/OR SEWAGE DISPOSAL FACILITIES

The following sketch represents the location of the on-site sewage disposal system and/or water well supply for the dwelling located at 3205 Old Carriage Trail (Lot 11)

Septic Tank Size <u>1500 gal</u>	Dimensions of System <u>52' x 27'</u>
Absorption Bed/Trench <u>1404 Sqft.</u>	No. of Lines <u>6</u>

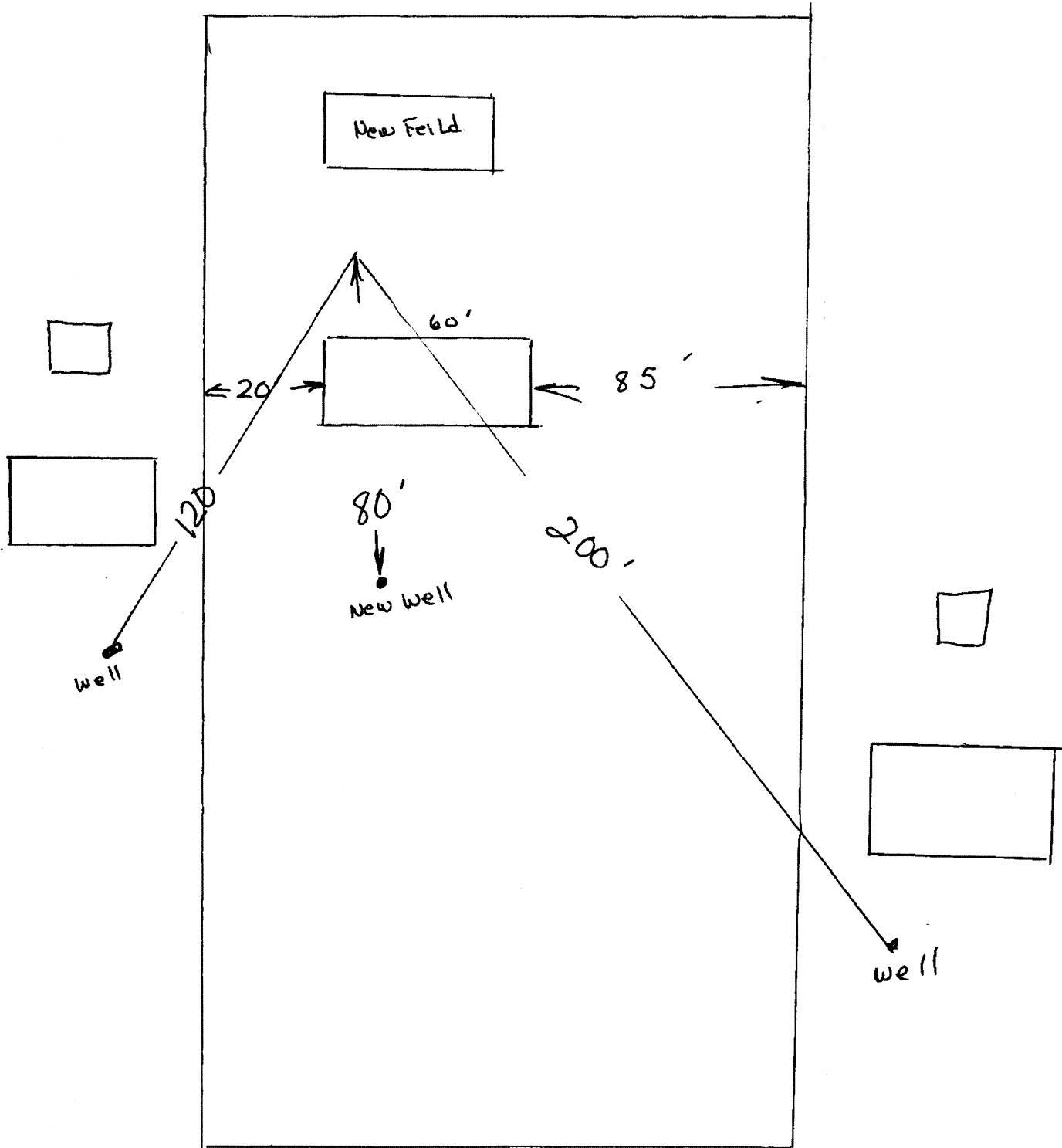
Old Carriage Trail (Lot 11)

Well Driller <u>Kleinschmidt</u>	Sewage Disposal Contractor <u>Lowe</u>
Water Supply Approved <u>10-21-86</u> Date	Sewage Disposal Facilities Approved <u>10-20-86</u> Date

Please read the attached information regarding maintenance and care of the on-site sewage disposal facilities. The on-site sewage disposal system was inspected and approved in accordance with the Livingston County Sanitary Code. The water supply system was approved after reviewing the well log submitted by the well driller and receiving acceptable water quality analysis. If you did not receive a copy of your well log from the driller, please contact the Environmental Health Division of the Livingston County Health Department.

Since many interrelating factors contribute to the failure of a sewage disposal system and/or changes in water quality, approval cannot be considered as a guarantee by the Environmental Health Division that successful operation or quality of drinking water is assured. On-site sewage disposal systems under the best of installation conditions and practices are in no way the equivalent of municipal sewer collection and treatment facilities.

well location

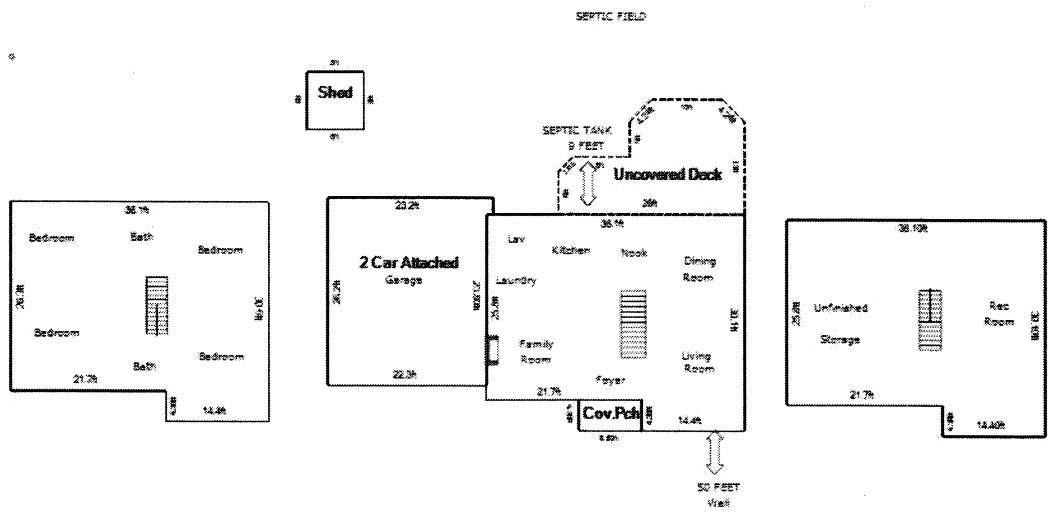


165'  
OLD CARRIAGE TRAIL LOT 11

# FLOORPLAN SKETCH

<b>BOFFOWER:</b> HARA LERMA SANTIAGO <b>Property Address:</b> 3205 Old Carriage Trl <b>City:</b> Brighton <b>Lender:</b> MARKETPLACE HOME MORTGAGE, LLC	<b>File No.:</b> 7583-17 <b>Case No.:</b> 570170181550 <b>State:</b> MI <b>Zip:</b> 48116-9432
--	---

Sketch





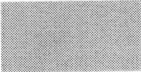

















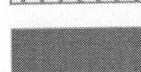

18 ft

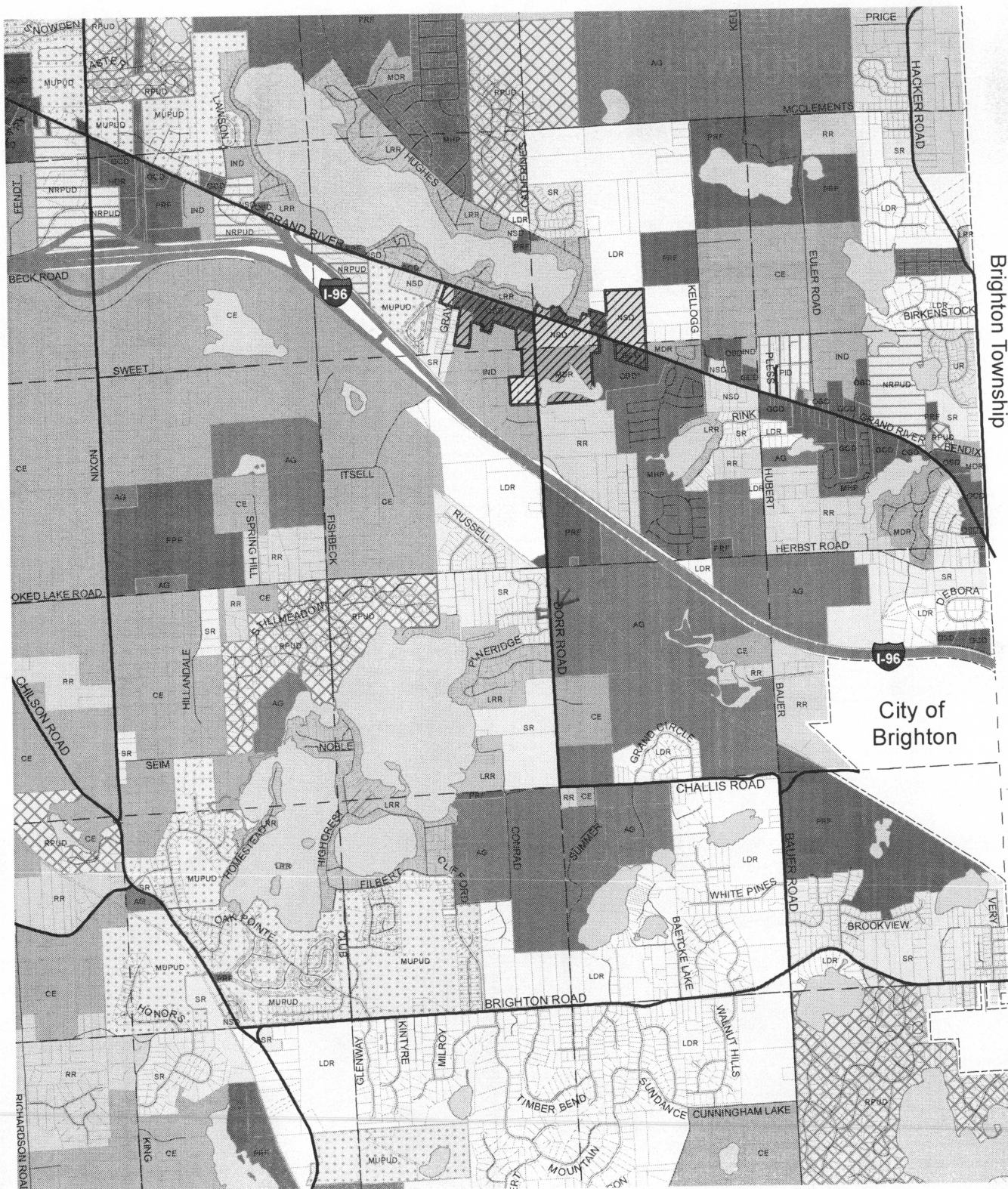
Living Area		Area Calculation		
First Floor	993.3 ft <sup>2</sup>	<b>First Floor</b>		x 1.00 = 993.3 ft <sup>2</sup>
Second Floor	1011.36 ft <sup>2</sup>	4.30ft x	14.4ft x	1.00 = 61.92 ft <sup>2</sup>
Nonliving Area	931.38 ft <sup>2</sup>	25.8ft x	36.1ft x	1.00 = 931.38 ft <sup>2</sup>
2 Car Attached	536.42 ft <sup>2</sup>	<b>Second Floor</b>		x 1.00 = 1011.36 ft <sup>2</sup>
Basement	993.30 ft <sup>2</sup>	4.30ft x	14.4ft x	1.00 = 61.92 ft <sup>2</sup>
Uncovered Deck	325.00 ft <sup>2</sup>	26.3ft x	36.1ft x	1.00 = 949.43 ft <sup>2</sup>
Cov. Pch	37.84 ft <sup>2</sup>			
Shed	54 ft <sup>2</sup>			
<b>Total Living Area (rounded):</b>	<b>2004.7 ft<sup>2</sup></b>			



# General Ordinance Livingston County

## Legend

	AG	
	CE	
	RR	
	LDR	
	SR	
	LRR	
	UR	
	MDR	
	HDR	
	RPUD	
	MHP	



- Updates:
- 04/11/08 - Multiple Revisions (42 parcels)
  - 09/12/08 - 4489 & 4495 Oak Pointe Drive (LRR)
  - 02/25/11 - United Way Conditional Rezoning (OSD)
  - 10/2/12 - Corrected Map re. court stipulation for Pet Ritz from 05/18/2006
  - 11/29/12 - Corrected Map re. Zeeb property approved 3/15/04 (MUPUD)
  - 01/07/13 - Dakkota (14-100-014) Conditional Rezoning (OSD)
  - 10/10/13 - Corrected Map re. (29-200-036) - was rezoned 8/18/2003 (RPUD)
  - 11/13/14 - Removed Lucy Rd 425 Area, Rezone Latson Elementary (09-1)



You're shopping

Brighton

OPEN until 8 pm

Delivering to 48116

Search



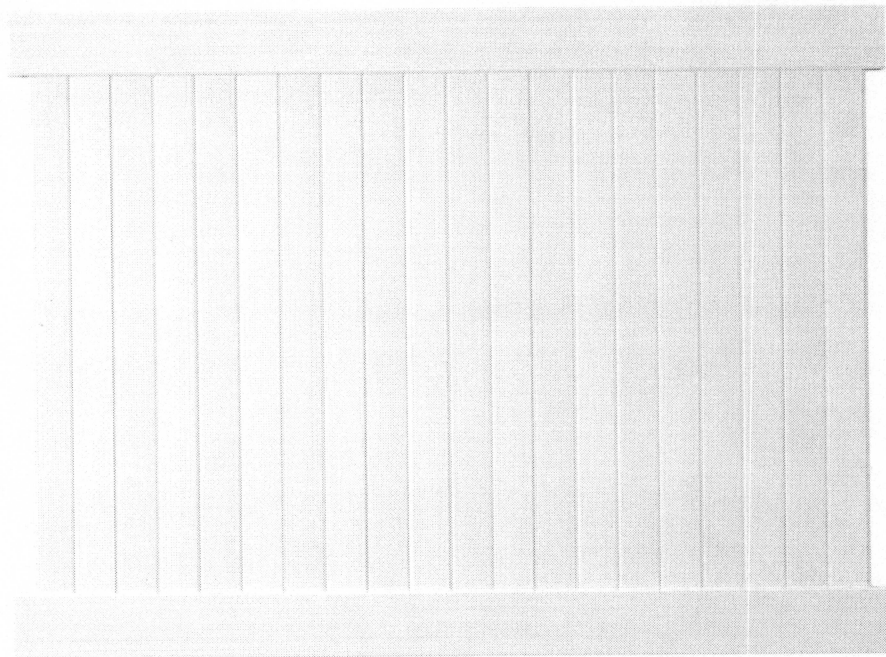
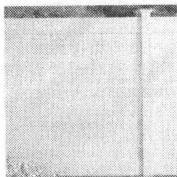
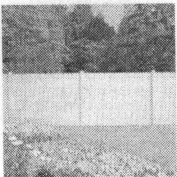
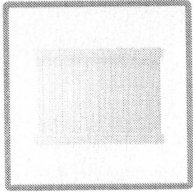
Cart | 0 items



Home / Lumber & Composites / Fencing / Vinyl Fencing / Vinyl Fence Panels

Internet #203179274 Model #141568 Store SKU #249148

6 foot high white vinyl privacy fence



Hover Image to Zoom

### Dover 6 ft. H x 8 ft. W White Vinyl Privacy Fence Panel

861

by Veranda > Shop the Collection >

★★★★★ (44) Write A Review Questions & Answers (82)

Brighton Store

✓ 24 in stock Aisle 26, Bay 007 Text to Me



Feedback Live Chat

Greg Russel, Chair  
Zoning Board of Appeals  
Genoa Township

I understand that the home located at 3205 Old Carriage is requesting a variance to put up a privacy fence. As a resident in this neighborhood for the last 30 + Years my family and I have enjoyed the open feel of the neighborhood. I fear that allowing this variance may result in others seeking to put up privacy fences, which will destroy the natural beauty of this small and quaint neighborhood. We love that the neighborhood is open and friendly. To put up fences would make the atmosphere seem more closed off.

I ask you to please share this letter with other members of the Zoning Board of Appeals before a decision is made on this request

Thank You



Ron Gomolka

5867 Oak Creek Lane

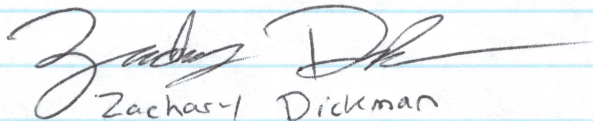
1-20-22

My neighbor at 3205 Old Carriage Trl has expressed their wish to put up a 6 foot privacy fence along the sides and back of their property line to protect their kids and reduce sound and I have no problem with this.

~~Christa Dewey~~

Christa Dewey

My neighbors at 3205 Old Carriage trail have asked for my acceptance. I am aware they wish to put a 6 ft privacy fence at back of their property line and up the side of the property instead of the zoned 4 ft fence. We are ok with this change.



Zachary Dickman

1-13-2021

Jim and  
BES old carriage

we have a low ~~height~~ door away  
and are not opposed to a 6' pathway  
force.

My neighbor at 3205 Old Carriage Trail has expressed their wish to put up a 6 foot privacy fence along the sides and back of their property line to protect their kids and reduce sound and I have no problems with this.

Signed: Gabriel Garcia + Maddie Garcia

Date: 1/18/21

Address: 3235 Old Carriage Trail

To whom it may concern,

We are the neighbors of the Lerma family at 3205 Old Carriage trail. We are aware that they wish to put in a 6 foot vinyl privacy fence at the back of their property line as well as 30 foot up the sides from the back instead of the zoned 4 foot fence. We have no objections to this.

Signed:

A handwritten signature in black ink, appearing to read "Wanda Bobb". The signature is fluid and cursive, with a large loop at the end.

Date:

1-16-21

Address:

3185 Old Carriage Trail  
Briston, MI 48116



We would be in agreement with a privacy fence to protect neighborhood kids and reduce sound.

-Karen Stewart 1/13/2021

3105 Old Carriage Trl  
Brighton, MI 48116

Neighbor of Lerma Family  
My name is Fran Sulskie  
I have no issue with the  
Lerma Family putting up a  
6 ft - Privacy fence.

Fran Sulskie 1-20-2021  
5890 Oak Creek

To whom it may concern,

My neighbors at 3205 Old Carriage trail have asked for my acceptance. I am aware they wish to put a 6 foot privacy fence at the back of their property line and up the side of the property instead of the zoned 4 foot fence. We are ok with this change.

Signed:

*Anna D. M. Guffi*

Date: 1-20-'21

Address:

*3165 Old Carriage*

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
MARCOZZI, CHRISTOPHER M. &	LERMA-SANTIAGO HARAN &	247,500	07/28/2017	WD	ARMS-LENGTH	2017R-023006	BUYER	100.0					
ENGLISH, REBECCA S. TRUST	MARCOZZI, CHRISTOPHER M. &	241,000	06/27/2003	WD	ARMS-LENGTH	4191-0538	BUYER	100.0					
ENGLISH, REBECCA S.	ENGLISH, REBECCA - TRUSTEE	0	11/20/2001	TA	PTA		BUYER	0.0					
ENGLISH, DALLAS & REBECCA	ENGLISH, REBECCA	0	07/27/1998	QC	QUIT CLAIM	2398-0906	BUYER	0.0					
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: SR	Building Permit(s)		Date	Number	Status				
3205 OLD CARRIAGE TRAIL		School: BRIGHTON AREA SCHOOLS											
Owner's Name/Address		P.R.E. 100% 08/02/2017											
LERMA-SANTIAGO HARAN & LERMA-KISSINGER KAYLA 3205 OLD CARRIAGE TRAIL BRIGHTON MI 48116		MAP #: V21-06											
Tax Description		2022 Est TCV Tentative		Land Value Estimates for Land Table 4030.HERITAGE FARMS									
SEC 22 T2N R5E HERITAGE FARMS OF CROOKED LAKE SUB LOT 11		X	Improved	Vacant	* Factors *				Value				
Comments/Influences		X	Public Improvements		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		X	Dirt Road		<Site Value A>	STANDARD				50000	100		50,000
		X	Gravel Road		163 Actual Front Feet, 0.90 Total Acres Total Est. Land Value = 50,000								
		X	Paved Road										
		X	Storm Sewer										
		X	Sidewalk										
		X	Water										
		X	Sewer										
		X	Electric										
		X	Gas										
		X	Curb										
		X	Street Lights										
		X	Standard Utilities										
		X	Underground Utils.										
		X	Topography of Site										
		X	Level										
		X	Rolling										
		X	Low										
		X	High										
		X	Landscaped										
		X	Swamp										
		X	Wooded										
		X	Pond										
		X	Waterfront										
		X	Ravine										
		X	Wetland										
		X	Flood Plain										
		X	REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		X	Who	When	What	2022	Tentative	Tentative	Tentative		Tentative		
		X	CG	07/18/2016	REVIEWED R	2021	25,000	96,000	121,000		113,348C		
		X				2020	25,000	90,500	115,500		111,784C		
		X				2019	25,000	84,700	109,700		109,700S		

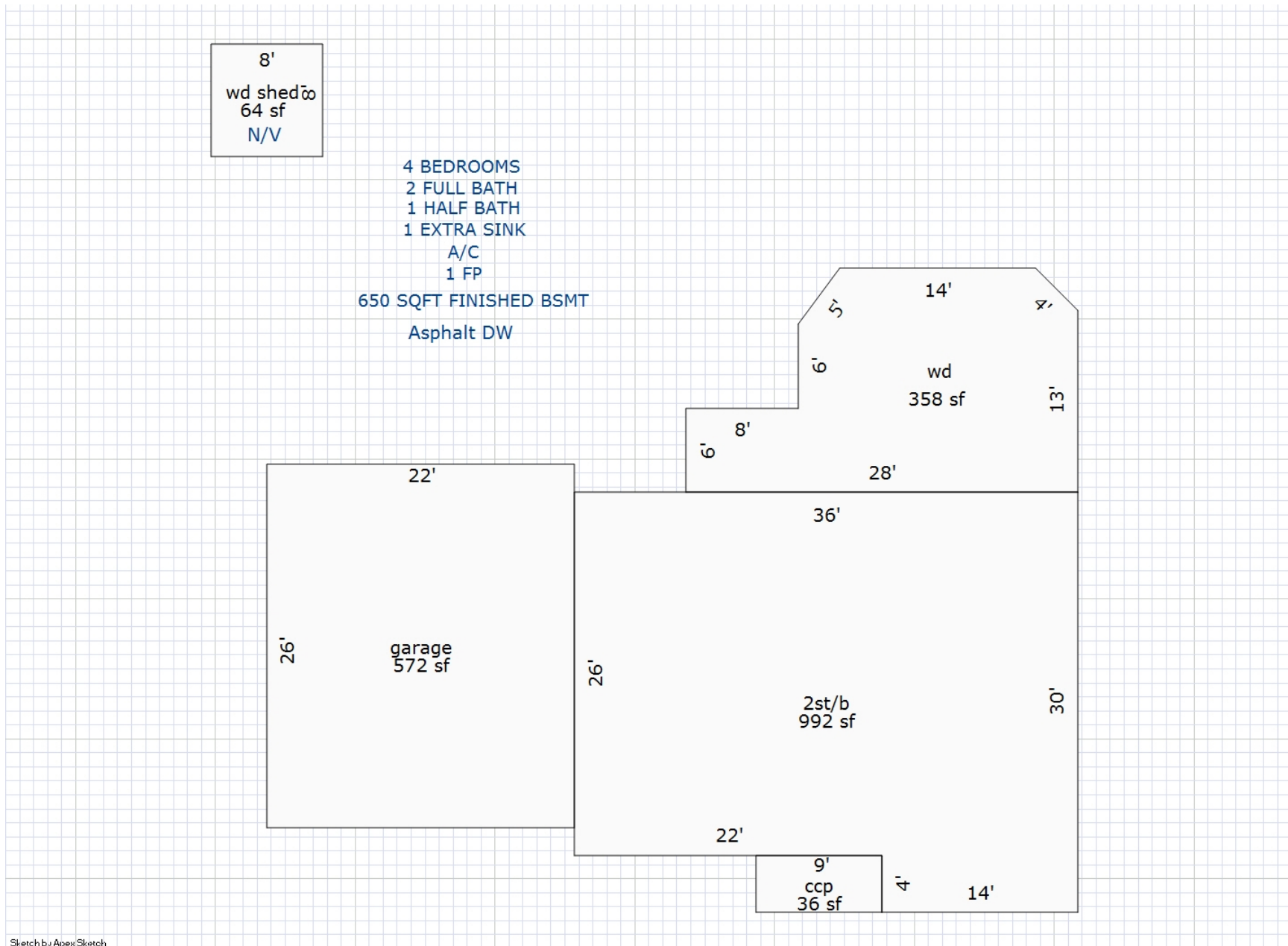


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

\*\*\* 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 1 Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 36 358	Type CCP (1 Story) Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 572 % Good: 0 Storage Area: 0 No Conc. Floor: 0				
X	Wood Frame		(4) Interior Drywall Paneled				Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		1							
Building Style: C		Trim & Decoration Ex X Ord Min																
Yr Built 1986	Remodeled 0	Size of Closets Lg X Ord Small																
Condition: Good		Doors: Solid X H.C.																
Room List		(5) Floors Basement 1st Floor 2nd Floor 4 Bedrooms		Kitchen: Other: Other:			(12) Electric 0 Amps Service											
		(6) Ceilings		No./Qual. of Fixtures Ex. X Ord. Min														
(1) Exterior				No. of Elec. Outlets Many X Ave. Few														
X	Wood/Shingle Aluminum/Vinyl Brick Insulation			(13) Plumbing Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan														
(2) Windows		Basement: 992 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0																
X	Many Avg. Few	X	Large Avg. Small	(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor														
				(9) Basement Finish 650 Recreation SF Living SF Walkout Doors No Floor SF														
(3) Roof				(14) Water/Sewer Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic Lump Sum Items:														
X	Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support Joists: Unsupported Len: Cntr.Sup:														
X	Asphalt Shingle																	
Chimney: Brick																		
<p>Cost Est. for Res. Bldg: 1 Single Family C Cls C Blt 1986                  (11) Heating System: Forced Heat &amp; Cool                  Ground Area = 992 SF Floor Area = 1984 SF.                  Phy/Ab.Phy/Func/Econ/Comb. % Good=77/100/100/100/77                  Building Areas                  Stories Exterior Foundation Size Cost New Depr. Cost                  2 Story Siding Basement 992                  Total: 203,386 156,607                  Other Additions/Adjustments                  Basement Living Area 650 19,338 14,890                  Exterior                  Brick Veneer 288 4,107 3,162                  Plumbing                  3 Fixture Bath 1 3,855 2,968                  2 Fixture Bath 1 2,579 1,986                  Extra Sink 1 788 607                  Water/Sewer                  1000 Gal Septic 1 4,036 3,108                  Water Well, 200 Feet 1 8,914 6,864                  Porches                  CCP (1 Story) 36 960 739                  Deck                  Treated Wood 358 5,033 3,875                  Garages                  Class: C Exterior: Siding Foundation: 42 Inch (Finished)                  Base Cost 572 24,659 18,987                  Common Wall: 1 Wall 1 -2,228 -1,716                  Fireplaces                  Prefab 2 Story 1 2,630 2,025                  Totals: 278,057 214,102</p>															<p>&lt;&lt;&lt;&lt;&lt; Calculations too long. See Valuation printout for complete pricing. &gt;&gt;&gt;&gt;&gt;</p>			

\*\*\* 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 # 21-07

Meeting Date: April 20, 2021  
@ 6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: MARCEL NORMAND Email: didonato1@sbcglobal.net

Property Address: 4137 Clifford Dr., Brighton, MI 48116 Phone: (810) 225-4288

Present Zoning: LRR - Lakeshore Residential Tax Code: 4711-27-100-015

**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: Proposed land division will create two parcels, Parcel B

will contain an existing accessory structure without a principal structure as required by Section 11.04.01(a).

A temporary, limited duration variance is requested until purchaser can purchase the property, design, permit and

construct a new, single family residential structure on the property.

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

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

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

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

The existing accessory building was constructed in 1994 as a conforming structure. The adjacent properties to the East and West both contain accessory structures that do not conform to the current lake and wetland setback requirements for the LRR district. Relocation of the existing pole barn type structure is not feasible. Removal of the existing structure will deprive the owner of a benefit provided the neighboring property owners.

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 variance to section 11.04.01(a) is a temporary condition that will be eliminated upon approval of a land division and construction of a house on Parcel B. The existing accessory building was permitted by Genoa Township in 1993 and constructed in 1994 as a conforming, accessory structure and no variances were required. Changes to site conditions and/or changes in regulations related to accessory buildings has caused the need for setback variances.

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 existing accessory structure was permitted in 1993 & constructed in 1994. The structure has not negatively impacted the public safety or welfare of the residents in the area. The continued presence of the existing structure does not alter, change, impact or interfere with the neighbors public safety, comfort, morals or welfare.

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 adjacent properties are fully developed and the continued use and value of the neighboring properties has not been negatively impacted by the presence of the structure since 1994 and it's continued presence and use, following construction of a principal structure on parcel B, will not negatively impact the surrounding neighborhood.

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

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

Date: MARCH 17, 2021 Signature: 





March 17, 2021

Genoa Township Zoning Board of Appeals  
2911 Dorr Road  
Brighton, Michigan 48116

RE: Marcel Normand - 4237 Clifford Road

Dear Ms. Ruthig:

On behalf of Marcel Normand we are requesting approval of the variance to allow the existing accessory structure on proposed Parcel B without a principal structure with the following conditions as imposed on the previous variance approval granted in 2018:

- The Seller prepared and signed a vacant land disclosure specifying the conditions and obligations related to the variance to allow the accessory structure to remain. Minutes of the ZBA meeting of August 21, 2018 approving the variance were attached to the disclosure. The vacant land disclosure will be included with all sales documents for Parcel B and a copy will be provided to the Township.
- The Seller will prepare an affidavit agreeing to the conditions and obligations of the variance approval. The affidavit will be provided to the Township for review by their attorney. Following a review by the Township attorney and approval of the land division, the Seller shall execute and record the affidavit.
- The Owner shall be required to completely remove the detached accessory structure under the following conditions:
  - a) If a permit to construct a new principal residence is not issued within 6 months of the split being approved by the Township Assessor; and/or
  - b) If the Owner fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use Permit issuance.
  - c) Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for item (a) or 12 months for item (b).
- Any future expansion of the accessory structure will need to conform to the Township Zoning Ordinance pertaining to expansion of accessory structures.

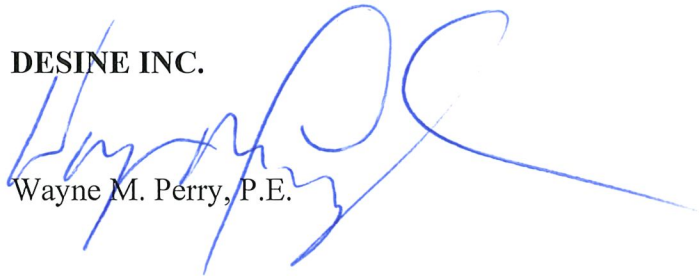
Genoa Township Zoning Board of Appeals  
March 17, 2021  
Page 2

Should you have questions pertaining to this request, please contact me at your convenience.

Respectfully

**DESINE INC.**

Wayne M. Perry, P.E.

A handwritten signature in blue ink, appearing to read 'Wayne M. Perry', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

cc: Marcel Normand

183380\Normand – Variance request conditions



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** April 12, 2021  
**RE:** ZBA 21-07

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

## STAFF REPORT

**File Number:** ZBA#21-07  
**Site Address:** 4137 Clifford Road  
**Parcel Number:** 4711-27-100-015  
**Parcel Size:** 2.410 Acres  
**Applicant:** Marcel Normand, 4137 Clifford Drive, Brighton 48116  
**Property Owner:** Same as Applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a variance to split property that will create a parcel consisting of an existing detached accessory with a principal structure.

**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 April 4, 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 the existing home on the parcel was constructed in 1946.
- In 1991, a land use permit was issued for an addition to the existing home.
- In 1994, a land use permit was issued for a detached accessory structure.
- In 2018, a variance was approved to split the property that created a lot with an existing detached accessory structure. The variance was not acted upon with the 12 months of approval.
- The parcel is serviced by 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 split an existing parcel into 2 parcels. In order to complete the proposed split, a variance would be required to allow the existing detached accessory structure on the new parcel without a principal building. The application references the non-conforming setbacks of the detached accessory structure however a variance is not needed for an existing condition. These setbacks do however make the structure illegal non-conforming since it was not accurately depicted on the site plan associated with the approved permit in 1994. The barn was labeled as 338 feet from the waterfront and no wetlands were indicated. (See attached permit) Section 24.01.01 provided that the purpose of the Zoning Ordinance is to terminate or remove structures in violation of the Zoning Ordinance.

This application is the same request for a variance in 2018. (See attached minutes)

## Variance Requests

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

**11.04.01 (a) Relation to Principal Building: Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, that is occupied by a use permitted in the particular zoning district. In the Agricultural District an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use on another lot under same ownership. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.**

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the ordinance requirement would not unreasonably prevent the use of the property. The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other LRR zoned parcels.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances or conditions applicable to the property. The variance would not make the property consistent with other properties in the vicinity. 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. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
  - a. If a permit to construct a new principle residence is not issued within 6 months of the split being approved by Township Assessor; and/or
  - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
  - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
  - d. No expansion of the detached accessory structure will be allowed.

# GENOA TOWNSHIP



**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
August 21, 2018 - 6:30 PM**

**MINUTES**

**Call to Order:** Vice-Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Dean Tengal, Jean Ledford, Maryanne McCreary, Bill Rockwell, Greg Rassel, and Amy Ruthig, Zoning Official.

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

**Election of Officer:**

**Moved** by Board Member Ledford, Seconded by Board Member Rassel, to elect Board Member Dean Tengal as Chairman. **The motion carried unanimously.**

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

**Approval of the Agenda:**

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

**Call to the Public:**

The call to the public was made at 6:33 pm with no response.

1. 18-19... A request by Marcel Normand, 4137 Clifford Drive, for a variance to create a lot with a detached accessory structure without a principal structure to be able to split the property. (Tabled from previous meeting)

Mr. Wayne Perry from Desine, Inc. was present to represent the applicant. He stated this variance will be temporary. The applicant is in the process of applying to have the property split. The property currently contains the Normand's residence as well as a large pole barn. If the property is split, the residence will be on a separate piece of property from the structure. There is someone interested in purchasing the property; however, they are waiting for the Zoning Board of Appeals decision. After the property

is sold, there will be a primary residence built on the property where the pole barn will located. When the home is built, the variance will no longer be needed.

There was a discussion regarding the time limit that should be placed on the completion of a home being built on the property. If the time limits are not met, then the accessory structure will need to be removed. The discussion continued to include the ZBA requiring that the buyer is aware of the conditions placed on the variance and how that would be communicated to them. There should be a buyer's disclosure prepared and presented to the Township as well as notes being placed in the Township's assessing records.

Ms. Ruthig noted that one of the conditions of approval should be that the existing structure cannot be expanded to cause it to become more non-conforming.

The call to the public was made at 6:45 pm with no response.

**Moved** by McCreary, seconded by Ledford, to approve Case #18-19 for Marcel Normand of 4137 Clifford Drive, Brighton for an applicant to split a property that will create a parcel consisting of an existing detached accessory with a principal structure, based on the following findings of fact:

- The current parcel was approved with the current out building on it. The structure was approved for a permit in 1993 and built in 1994 and at that time was permitted for its current zoning and in compliance.
- The availability of the property to be divided is unique with this parcel and granting this variance will give substantial justice to the current owner or potential new owner with the compliance figures we are placing regarding the variance and the strict compliances for allowing the outbuilding on the property or denying it after a time as such as a permit would have been expired.
- The property as it sits originaly is nonconforming and 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.

The granting of this variance is conditioned upon the following::

1. The seller will provide to the realtor and to the Township and his engineer the vacant land disclosure that will disclosure the terms of how the variance will be complied with.



2. That document will be provided to all parties upon the listing and the sale of the purchase of this property.
3. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
  - a. If a permit to construct a new principal residence is not issued within 6 months of the split being approved by Township Assessor; and/or
  - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
  - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
4. The seller will be willing to sign an affidavit and the deed shall be recorded noting the variance and the terms of the variance for the split.
5. If improvements are requested for the expansion of the current accessory building, they shall comply with with Section 24.04.06 of the zoning ordinance.
6. The affidavit shall required township attorney approval and shall be recorded immediately after the split.
7. The accessory structure cannot be expanded.

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

2. 18-24 ... A request by Rachele Evers, 3120 E. Coon Lake Road, for a variance to construct a detached accessory structure in the front yard.

Ms. Rachel Evers was present. She stated that she is not able to place the structure in the rear of her property because the elevation is much higher and heavily wooded. There is also a drain field between the house and the rear of the property. If she was to place the building on the side of the home, it would require a setback variance. Additionally, the front door of her home faces the easement / driveway on the east side of her property and the home is ½ mile from Coon Lake Road.

Board Member McCreary disclosed that she knows the applicant; however, she does not feel she needs to excuse herself from this request as she can be fair when discussion and voting.

The call to the public was made at 7:28 pm with no response.

- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

1. Drainage from the detached structure must be maintained on the lot.
2. The structure must be guttered with downspouts.
3. The petitioner shall comply with the accessory structure requirements.

**The motion carried unanimously.**

2. 18-19 ... A request by Marcel Normand, 4137 Clifford Drive, for a variance to create a lot with a detached accessory structure without a principal structure to be able to split the property (Tabled from previous meeting).

Wayne Perry of Desine Engineering was present. He noted this request will only be temporary because when the land division is complete and the property is sold, the new owners will build a home on the lot. Once the principal structure is erected, the variance will no longer be needed.

There was a discussion regarding the time frame for a home to be built. Mr. Perry stated that the property owner, who will be splitting the property, will comply with the any time period deemed by the Board for when the new home shall be built. It was also questioned as to how this will be enforced. Ms. VanMarter stated that the seller and/or the buyer can sign an affidavit agreeing to this. If the home is not built, then the accessory structure will need to be removed.

Board Member Ledford is not comfortable approving a temporary variance. She suggested the applicant table his request until there is a full Board present.

Mr. Perry requested to have his request tabled.

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

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to table Case #18-19 per the petitioner's request to the August 21, 2018 Zoning Board of Appeals meeting. **The motion carried unanimously.**

3. 18-20 ... A request by James Soloman, 7000 Brighton Road, for a waterfront variance to allow for an addition to an existing single-family home.

Mr. Soloman was present. He stated that he believed he didn't need a permit to enclose a portion of his deck because it was less than 200 square feet. The Livingston County Building Department advised the Township that this work was done. Enclosing the deck requires a variance because it is within the 100 foot waterfront setback. He

# APPLICATION & LAND USE PERMIT

GENOA TOWNSHIP

2980 Dorr Road • Brighton, MI 48116  
(313) 227-5225

Permit No. 94-050 Date 11/8/93  
Owner MARCEL R. NORMAND Telephone 2274240 - 2277377  
Address 4137 CLIFFORD City BRIGHTON MI Zip 48116  
Contractor FITTING OUT CO. Telephone 517 548 4875  
Address \_\_\_\_\_ City HOWELL MI Zip 48843  
On the \_\_\_\_\_ side of \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_ roads.  
Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_  
Size of Lot: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
Acreage \_\_\_\_\_ Zoning District Classification LRR  
Tax Code No. 11-27-100-015  
Application is made to Pole Barn

- |                                   |   |                                      |  |
|-----------------------------------|---|--------------------------------------|--|
| <input type="checkbox"/> Dwelling | <input checked="" type="checkbox"/> Pole Barn | <input type="checkbox"/> Sign        | <input type="checkbox"/> Industrial        |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Swimming Pool        | <input type="checkbox"/> Commercial  | <input type="checkbox"/> Sewer & Water Fee |
| <input type="checkbox"/> Garage   | <input type="checkbox"/> Accessory Bldg.      | <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Other             |

Type of Construction:  Brick  Stone  Frame  Cinder Block  Steel  Other

Foundation:  Basement  Full  Part  Poured  Block  Walkout  Conventional  Crawspace  Slab

Size of Building: Front 24 Rear \_\_\_\_\_ Deep 32 Height 9 ft  
Estimate Value \$ \_\_\_\_\_ Total Square Feet 708 sf.

Building Setback: \_\_\_\_\_ feet from front property line. 388' feet from rear line. \_\_\_\_\_ waterfront.  
63' feet least side. \_\_\_\_\_ feet side line.

- Attach drawing showing the following: dimensions of property; all roads adjacent to property, indicate private or county; easements; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building.
- Attach proof of ownership of property.

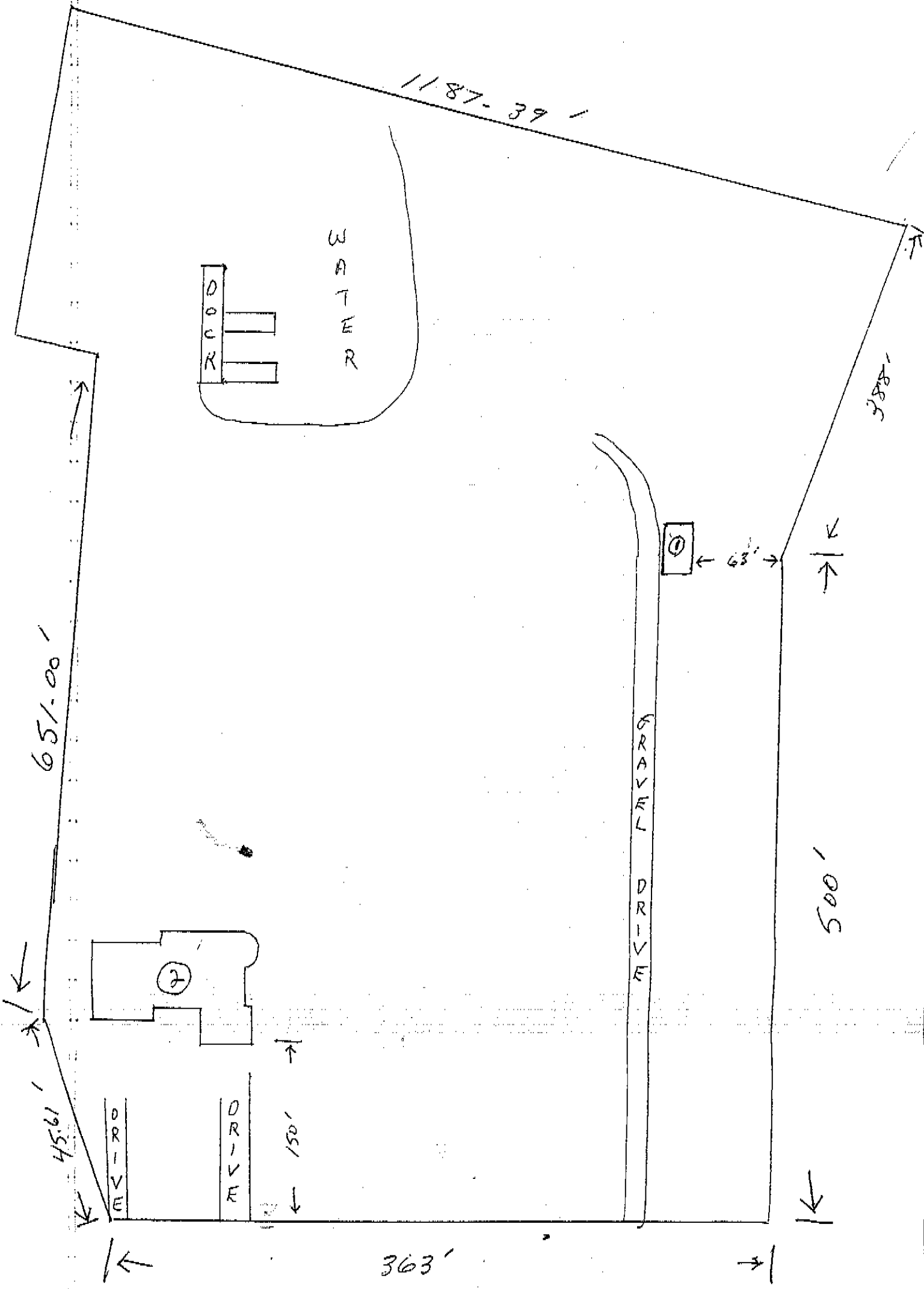
I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I understand that there may be deed restrictions that may apply to this project.

Applicant Signature Marcel R. Normand Date 11/8/93

Approved  Disapproved Date \_\_\_\_\_  
Conditional \_\_\_\_\_

Inspection:  Satisfactory  Unsatisfactory  
Fee 50.00 Paid 3/22/94 Date 3-22-94  
Zoning Inspector \_\_\_\_\_  
Copies: White-Township Canary-Assessor Pink-Applicant

- ① SITE FOR BUILDING
- ② EXISTING HOUSE

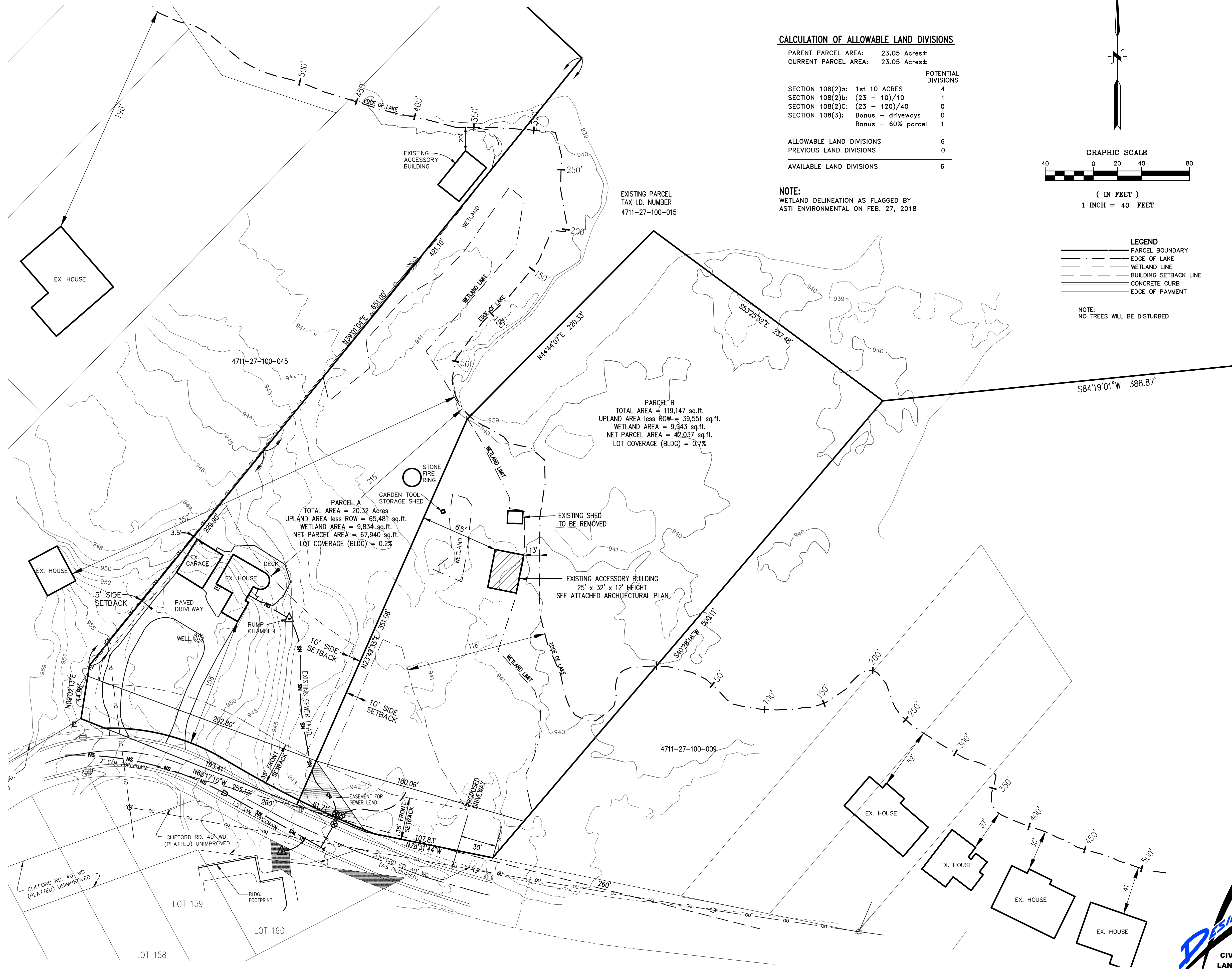


**PARCEL "A" 20.32 Acres**

Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan; thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records); thence continuing N87°10'37"E 1.29 feet along said South line of Section 22 to the **PLACE OF BEGINNING**; thence N39°01'04"E (record N43°24'E) 421.10 feet; thence N47°00'12"W 693.23 feet (record N43°17'09"W 704.54 feet); thence N65°48'01"E 1126.88 feet (record N70°40'30"E 1139.32 feet); thence S05°37'56"E (record S01°15'00"E) 1187.39 feet; thence S84°19'01"W 388.87 feet; thence N53°25'32"W 237.48 feet; thence S44°44'07"W 220.33 feet; thence S23°49'33"W 351.08 feet; thence N68°17'10"W (record N63°48'45"W) 193.41 feet; thence N09°02'13"E 44.86 feet (record N11°50'08"E 45.61 feet); thence N39°01'04"E (record N43°24'E) 229.90 feet to the Place of Beginning. Being a part of the Southwest 1/4 of Section 22 and the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 20.32 acres of land, more or less and includes land submerged by the waters of East Crooked Lake. Subject to the rights of the public over that portion thereof occupied by Clifford Road, also subject to the correlative rights of the other riparian owners and the public trust in the waters of East Crooked Lake and also the rights of all governmental agencies having jurisdiction over this lake, also subject to an easement for Sanitary Sewer as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

**PARCEL "B" 2.74± Acres**

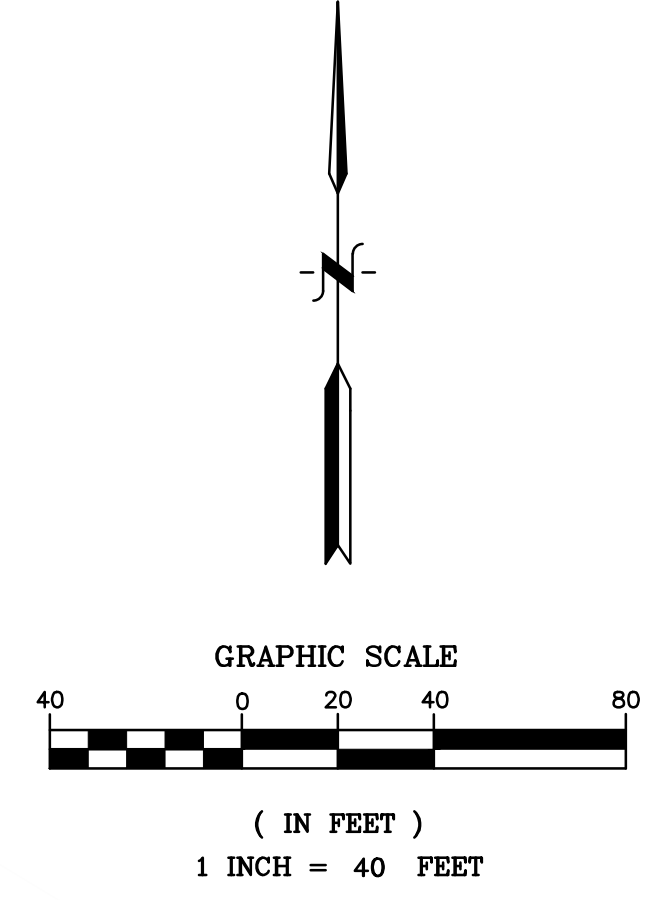
Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan; thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records); thence continuing N87°10'37"E 1.29 feet along said South line of Section 22; thence S39°01'04"W (record S43°24'W) 229.90 feet; thence S09°02'13"W 44.86 feet (record S11°50'08"W 45.61 feet); thence S68°17'10"E (record S63°48'45"E) 193.41 feet to the **PLACE OF BEGINNING**; thence N23°49'33"E 351.08 feet; thence N44°44'07"E 220.33 feet; thence S53°25'32"E 237.48 feet; thence S40°28'18"W 500.11 feet (record S44°54'15"W 500.00 feet); thence N78°31'44"W 107.83 feet (record N74°05'45"W 108.10 feet) along the North line of Clifford Road (variable width Right-of-Way); thence N68°17'10"W (record N63°48'45"W) 61.71 feet to the Place of Beginning. Being a part of the Southwest 1/4 of Section 22 and the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 2.74 acres of land, more or less and includes land submerged by the waters of East Crooked Lake. Subject to the correlative rights of the other riparian owners and the public trust in the waters of East Crooked Lake and also the rights of all governmental agencies having jurisdiction over this lake, also subject to and together with all easements and restrictions affecting title to the above described premises.



**CALCULATION OF ALLOWABLE LAND DIVISIONS**

PARENT PARCEL AREA:	23.05 Acres±	POTENTIAL DIVISIONS
CURRENT PARCEL AREA:	23.05 Acres±	
SECTION 108(2):	1st 10 ACRES	4
SECTION 108(2):	(23 - 10)/10	1
SECTION 108(2):	(23 - 120)/40	0
SECTION 108(3):	Bonus - driveways	0
	Bonus - 60% parcel	1
ALLOWABLE LAND DIVISIONS		6
PREVIOUS LAND DIVISIONS		0
AVAILABLE LAND DIVISIONS		6

**NOTE:**  
WETLAND DELINEATION AS FLAGGED BY  
ASTI ENVIRONMENTAL ON FEB. 27, 2018



- LEGEND**
- PARCEL BOUNDARY
  - - - EDGE OF LAKE
  - - - WETLAND LINE
  - - - BUILDING SETBACK LINE
  - CONCRETE CURB
  - EDGE OF PAVEMENT

**NOTE:**  
NO TREES WILL BE DISTURBED

DESIGN:WMP	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG	1	02-25-19	REVISED LAND DIVISION PER OWNER			
CHECK: WMP						

**PARCEL #**  
**4711-27-100-015**

**LAND DIVISION**  
**PLAN**

**CLIENT:**  
MARCEL & MARY NORMAD  
4137 CLIFFORD RD.  
BRIGHTON, MICHIGAN 48116  
810-225-4288

**SCALE:** 1in. = 40 ft.  
**PROJECT No.:** 183380  
**DWG NAME:** LD PLAN REV.  
**ISSUED:** FEB. 8, 2021

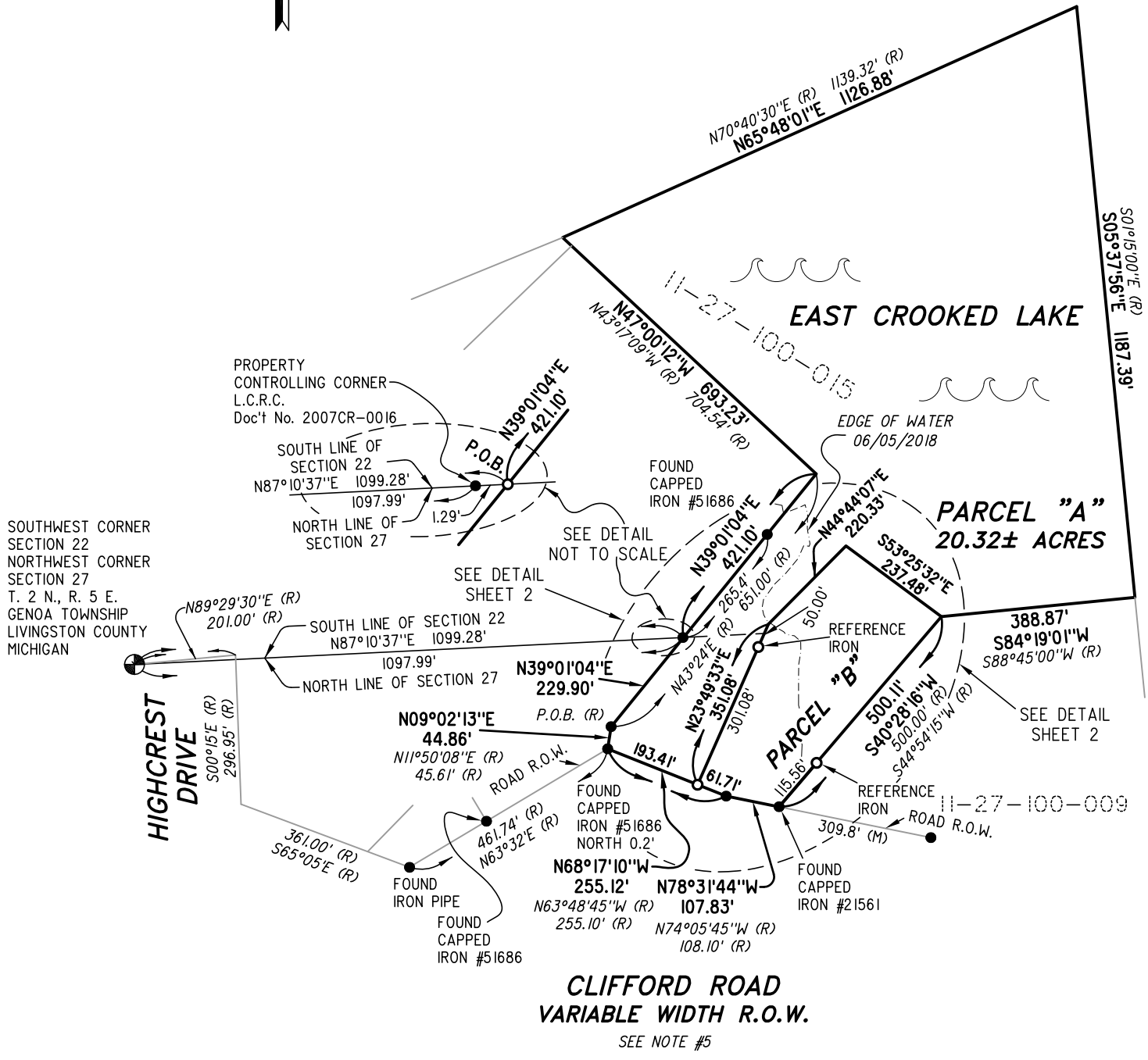
**(810) 227-9533**  
**CIVIL ENGINEERS**  
**LAND SURVEYORS**  
**2183 PLESS DRIVE**  
**BRIGHTON, MICHIGAN 48114**

1

# CERTIFIED LAND SURVEY



REGISTER OF DEEDS RECORDING INFORMATION  
AFTER RECORDING RETURN TO DESINE INC.



L.C.R.C. = LAND CORNER RECORDATION CERTIFICATE

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>○ = SET 1/2" x 18" IRON ROD WITH CAP STAMPED "MLL 38119"</li> <li>● = FOUND IRON ROD (UNLESS OTHERWISE SPECIFIED)</li> </ul> | <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>■ = FOUND MONUMENT</li> <li>—x—x— = FENCE LINE</li> </ul> | <ul style="list-style-type: none"> <li>L = LIBER PG = PAGE</li> <li>C = CALCULATED M = MEASURED</li> <li>R = MEASUREMENT OF RECORD</li> <li>ARC = ARC LENGTH RAD = RADIUS</li> </ul> |
|---|---|--|

SCALE: 1" = 300'      ALL DISTANCES SHOWN ARE IN FEET OR DECIMALS THEREOF.

CIVIL ENGINEERS  
LAND SURVEYORS

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FAX (810) 227-9460  
EMAIL: [desine@desineinc.com](mailto:desine@desineinc.com)  
2183 PLESS DRIVE  
BRIGHTON, MICHIGAN 48114

PREPARED FOR		
<b>MARCEL NORMAND</b>		
SECTION 22/27, TOWN 2 NORTH, RANGE 5 EAST GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN		
JOB No. 1-10-22/27-183380	DATE 01/15/21	
DWG 183380-132	DRAWN LMC	SHEET 1 OF 6
<p>MARIUSZ L. LUKOWICZ PROFESSIONAL SURVEYOR No. 38119</p>		



**LEGAL DESCRIPTION OF RECORD**

**Reference: Warranty Deed as recorded in Liber 4869, Page 171, Livingston County Records**

Situated in the Township of Genoa, County of Livingston and State of Michigan, and described as follows:

Part of Sections 22 and 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as:

Commencing at the Southwest Corner of said Section 22; thence N89°29'30"E 201.00 feet; thence S00°15'E 296.95 feet; thence S65°05'E 361 feet; thence N63°32'E 461.74 feet to the POINT OF BEGINNING; thence N11°50'08"E 45.61 feet; thence N43°24'E 651.00 feet; thence N43°17'09"W 704.54 feet; thence N70°40'30"E 1139.32 feet; thence S01°15'00"E 1187.39 feet; thence S88°45'00"W 388.87 feet; thence S44°54'15"W 500.00 feet; thence N74°05'45"W 108.10 feet; thence N63°48'45"W 255.10 feet to the Point of Beginning.

**LEGAL DESCRIPTION SUBSEQUENT TO SURVEY**

**Also described with bearings related to the Grid North of State Plane Coordinated System as defined in Michigan Coordinate System Act 9 of 1964, Section 5a(c) as follows:**

Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan; thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records); thence continuing N87°10'37"E 1.29 feet along said South line of Section 22 to the **PLACE OF BEGINNING**, said Place of Beginning being distant from said Southwest Section Corner the following six courses:

- (1) (recorded as 201.00 feet N89°29'30"E),
- (2) (recorded as 296.95 feet S00°15'E),
- (3) (recorded as 361.00 feet S65°05'E),
- (4) (recorded as 461.74 feet N63°32"E),
- (5) 44.86 feet N09°02'13"E (recorded as 45.61 feet N11°50'08"E) and
- (6) 229.90 feet N39°01'04"E (recorded as N43°24'E);

thence N39°01'04"E (recorded as N43°24'E) 421.10 feet; thence N47°00'12"W 693.23 feet (recorded as N43°17'09"W 704.54 feet); thence N65°48'01"E 1126.88 feet (recorded as N70°40'30"E 1139.32 feet); thence S05°37'56"E (recorded as S01°15'00"E) 1187.39 feet; thence S84°19'01"W (recorded as S88°45'00"W) 388.87 feet; thence S40°28'16"W 500.11 feet (recorded as S44°54'15"W 500.00 feet); thence N78°31'44"W 107.83 feet (recorded as N74°05'45"W 108.10 feet); thence N68°17'10"W 255.12 feet (recorded as N63°48'45"W 255.10 feet); thence N09°02'13"E 44.86 feet (recorded as N11°50'08"E 45.61 feet); thence N39°01'04"E (recorded as N43°24'E) 229.90 feet to the Place of Beginning.

Being a part of the Southwest 1/4 of Section 22 and the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 23.06 acres of land, more or less and includes land submerged by waters of East Crooked Lake. Subject to the rights of the public over that portion thereof occupied by Clifford Road, also subject to the correlative rights of the other riparian owners and the public trust in the waters of East Crooked Lake and also the rights of all governmental agencies having jurisdiction over this lake, also subject to and together with all easements and restrictions affecting title to the above described premises.

Tax ID No.: 4711-27-100-015

Also known as: 4137 Clifford Road, Brighton, Michigan 48116

**NOTES:**

- (recorded as) denotes line bearing value as recorded.
- (L.C.R.C.) denotes Land Corner Recordation Certificate

CIVIL ENGINEERS  
LAND SURVEYORS



(810) 227-9533  
FAX (810) 227-9460  
EMAIL: desine@desineinc.com  
2183 PLESS DRIVE  
BRIGHTON, MICHIGAN 48114

PREPARED FOR

**MARCEL NORMAND**

SECTION 22/27, TOWN 2 NORTH, RANGE 5 EAST  
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-10-22/27-183380	DATE 01/15/21
DWG 183380-132	DRAWN LMC SHEET 3 OF 6

MARIUSZ L. LUKOWICZ  
PROFESSIONAL SURVEYOR No. 38119



**PARCEL "A" 20.32 Acres**

Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan;

thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records);

thence continuing N87°10'37"E 1.29 feet along said South line of Section 22 to the **PLACE OF BEGINNING**;

thence N39°01'04"E (recorded as N43°24'E) 421.10 feet;

thence N47°00'12"W 693.23 feet (recorded as N43°17'09"W 704.54 feet);

thence N65°48'01"E 1126.88 feet (recorded as N70°40'30"E 1139.32 feet);

thence S05°37'56"E (recorded as S01°15'00"E) 1187.39 feet;

thence S84°19'01"W (recorded as S88°45'00"W) 388.87 feet;

thence N53°25'32"W 237.48 feet;

thence S44°44'07"W 220.33 feet;

thence S23°49'33"W 351.08 feet;

thence N68°17'10"W (recorded as N63°48'45"W) 193.41 feet along the North line of Clifford Road, variable width Right-of-way;

thence N09°02'13"E 44.86 feet (recorded as N11°50'08"E 45.61 feet);

thence N39°01'04"E (recorded as N43°24'E) 229.90 feet to the Place of Beginning.

Being a part of the Southwest 1/4 of Section 22 and the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 20.32 acres of land, more or less and includes land submerged by the waters of East Crooked Lake. Subject to the correlative rights of the other riparian owners and the public trust in the waters of East Crooked Lake and also the rights of all governmental agencies having jurisdiction over this lake, also subject to and together with all easements and restrictions affecting title to the above described premises.

**PARCEL "B" 2.74± Acres**

Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan;

thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records);

thence continuing N87°10'37"E 1.29 feet along said South line of Section 22;

thence S39°01'04"W (recorded as S43°24'W) 229.90 feet;

thence S09°02'13"W 44.86 feet (recorded as S11°50'08"W 45.61 feet);

thence S68°17'10"E (recorded as S63°48'45"E) 193.41 feet to the **PLACE OF BEGINNING**;

thence N23°49'33"E 351.08 feet;

thence N44°44'07"E 220.33 feet;

thence S53°25'32"E 237.48 feet;

thence S40°28'16"W 500.11 feet (recorded as S44°54'15"W 500.00 feet);

thence along the North line of Clifford Road (variable width Right-of-Way) the following two courses:

- 1) N78°31'44"W 107.83 feet (recorded as N74°05'45"W 108.10 feet) and
- 2) N68°17'10"W (recorded as N63°48'45"W) 61.71 feet to the Place of Beginning.

Being a part of the Southwest 1/4 of Section 22 and the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 2.74 acres of land, more or less and includes land submerged by the waters of East Crooked Lake. Subject to the correlative rights of the other riparian owners and the public trust in the waters of East Crooked Lake and also the rights of all governmental agencies having jurisdiction over this lake, also subject to a Sanitary Sewer Easement as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

CIVIL ENGINEERS  
LAND SURVEYORS



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 EMAIL: [desine@desineinc.com](mailto:desine@desineinc.com)  
 2183 PLESS DRIVE  
 BRIGHTON, MICHIGAN 48114

PREPARED FOR

**MARCEL NORMAND**

SECTION 22/27, TOWN 2 NORTH, RANGE 5 EAST  
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-10-22/27-183380

DATE 01/15/21

DWG 183380-132

DRAWN LMC

SHEET 4 OF 6

\_\_\_\_\_  
 MARIUSZ L. LUKOWICZ  
 PROFESSIONAL SURVEYOR No. 38119

**SANITARY SEWER EASEMENT**

A Sanitary Sewer Easement, being a part of the Northwest 1/4 of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, and more particularly described as follows:

Commencing at the Southwest Corner of Section 22, also being the Northwest Corner of Section 27, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan;  
 thence N87°10'37"E 1097.99 feet along the South line of said Section 22 to a found Property Controlling Corner (Reference: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records);  
 thence continuing N87°10'37"E 1.29 feet along said South line of Section 22;  
 thence S39°01'04"W (recorded as S43°24'W) 229.90 feet;  
 thence S09°02'13"W 44.86 feet (recorded as S11°50'08"W 45.61 feet);  
 thence S68°17'10"E (recorded as S63°48'45"E) 193.41 feet to the **PLACE OF BEGINNING**;  
 thence N23°49'33"E 39.79 feet;  
 thence S34°51'27"E 72.19 feet;  
 thence N68°17'10"W 61.71 feet along the North line of Clifford Road (variable width Right-of-Way) to the Place of Beginning.

**NOTES:**

- 1) Bearings are related to grid North, Michigan coordinate system of 1983, South Zone (as defined in MCL 54.235a(c)) and have been obtained by GPS RTK observations of site control points. The NOAA/NGS published point (designated as AJ5553 (Brighton CORS ARP)) has been used for locations determination.
- 2) Legal description of record provided by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.
- 3) Overhead utility lines are crossing Surveyed Parcel without the benefit of an easement. Location is shown on survey.
- 4) Lines of occupation (3-foot height barbed wire fencing) do not follow title (deed) lines. They are meandering 0.5± feet Easterly and Westerly of Westerly Parcel line. Location is shown on survey.
- 5) Clifford Road Right-of-Way (40 foot wide) has been dedicated for public use on the plat of "Crooked Lake Highlands," as recorded in Liber 1 of Plats, Pages 40 and 41, Livingston County Records. The road improvements (pavement) as currently constructed, do not follow the platted location of this road right-of-way.

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PREPARED FOR

**MARCEL NORMAND**

SECTION 22/27, TOWN 2 NORTH, RANGE 5 EAST  
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-10-22/27-183380	DATE 01/15/21
DWG 183380-132	DRAWN LMC SHEET 5 OF 6

MARIUSZ L. LUKOWICZ  
 PROFESSIONAL SURVEYOR No. 38119

**REFERENCES:**

L.C.R. = Livingston County Records

- 1) Warranty Deed as recorded in Liber 1445, Page 669, L.C.R.  
(Parcel No. 4711-27-100-015)
- 2) Warranty Deed as recorded in Liber 260, Page 520, L.C.R.
- 3) Quit Claim Deed as recorded in Document No. 2017R-020315, L.C.R.  
(Parcel No. 4711-27-100-015)
- 4) Quit Claim Deed as recorded in Document No. 2012R-042087, L.C.R.  
(Parcel No. 4711-27-100-045)
- 5) Quit Claim Deed as recorded in Document No. 2012R-041620, L.C.R.  
(Parcel No. 4711-27-100-009)
- 6) Sketch of Survey prepared by Finney & Associates, Inc.,  
Job No. 83-4519, Dated: September 23, 1982 (Unrecorded)
- 7) Sketch of Survey for Edward Carney, prepared by David F. Jarrett (Unrecorded)
- 8) Sketch of Survey for Silas Burgett Farm, prepared by David F. Jarrett (Unrecorded)
- 9) Certified Land Survey #5566 as recorded in Liber 1901, Page 531, L.C.R.
- 10) Certified Land Survey prepared by Livingston Engineering,  
Job No. 09133, Dated: March 20, 2009 (Unrecorded)
- 11) Certified Land Survey prepared by Livingston Engineering,  
Job No. 13164, Revise Dated: June 25, 2013 (Unrecorded)
- 12) Certified Land Survey prepared by Desine Inc.,  
Job No. 183380, Dated: June 8, 2018 (Unrecorded)
- 13) "Chataqua Colony," according to the plat thereof, as recorded in  
Liber 10 of Plats, Page 8, Livingston County Records.
- 14) "Crooked Lake Highlands," according to the plat thereof, as recorded in Liber 1 of Plats,  
Pages 40 through 41, inclusive, Livingston County Records.

**WITNESSES FOR CORNERS OF SECTIONS 22 & 27**

Town 2 North, Range 5 East  
Genoa Township, Livingston County, Michigan

**Southwest Corner Section 22 & Northwest Corner Section 27 (G-09) –**

Found relocated (now used for boat mooring) Remon Pipe and Brass Disk Stamped  
"Livingston Co. Monumentation Corner."

Utilizing existing witnesses and previous surveys set 1/2"x18" rebar and cap "MLL 18119" at  
Section Corner location.

Ref: L.C.R.C., L.S.C. #1104M

- |       |        |  |
|-------|--------|--|
| N15°E | 55.91' | Nail & Tag* in the East Side of a Stump        |
| S40°E | 74.32' | Nail & Tag* in the Southwest Side of a 24" Oak |
| S03°W | 54.00' | West Face of an 18" Oak                        |
| N65°E | 15.40' | Northwest Corner of a Shed                     |
| N15°E | 55.91' | Nail & Tag* in the East Side of a Stump        |
| S40°E | 74.32' | Nail & Tag* in the Southwest Side of a 24" Oak |
| S03°W | 54.00' | West Face of an 18" Oak                        |
| N65°E | 15.40' | Northwest Corner of a Shed                     |

**Property Controlling Corner (PCC 015):**

Found Brass Disk Stamped "Livingston Co. Monumentation Corner"

Ref: L.C.R.C. as recorded in Document No. 2007CR-0016, Livingston County Records

- |       |        |  |
|-------|--------|--|
| N17°W | 83.55' | Nail & Tag* in the West Side of a 55" Hickory    |
| N28°E | 8.98'  | Nail & Tag* in the Southeast Side of an 8" Stump |
| S39°W | 6.90'  | Nail & Tag* in the Northwest Side of a 6" Polar  |
| S39°E | 42.27' | Nail & Tag in the East Side of a 24" White Pine  |

(\*) = Tag Stamped "Liv. Co. Survey Witness"

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL(S) HEREON DESCRIBED AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THAT ALL THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

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PREPARED FOR

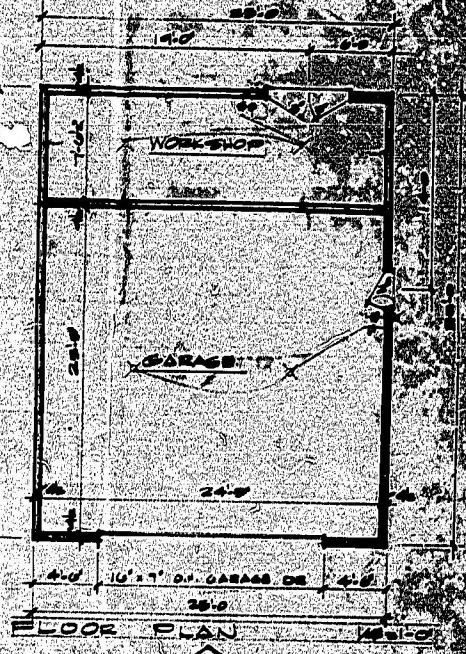
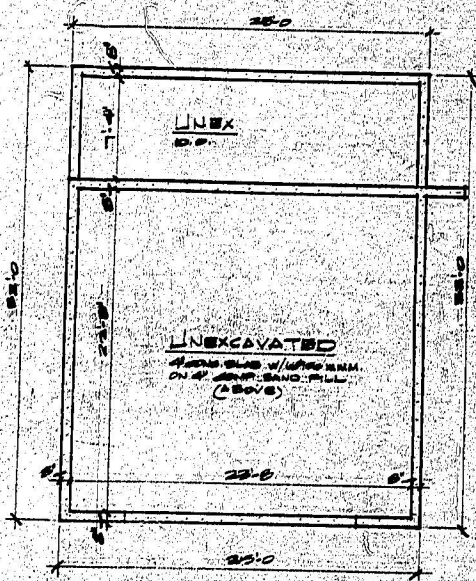
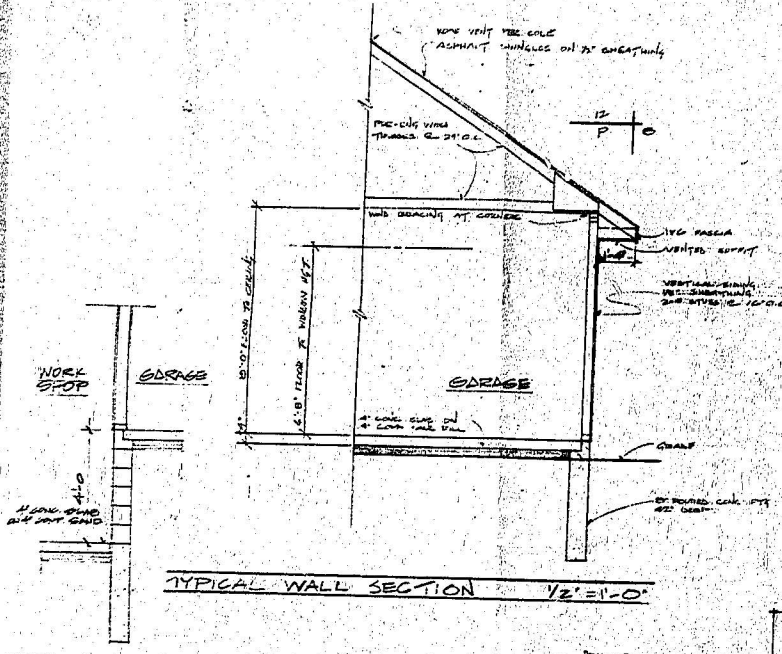
**MARCEL NORMAND**

SECTION 22/27, TOWN 2 NORTH, RANGE 5 EAST  
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-10-22/27-183380	DATE 01/15/21
DWG 183380-132	DRAWN LMC SHEET 6 OF 6

MARIUSZ L. LUKOWICZ  
PROFESSIONAL SURVEYOR No. 38119



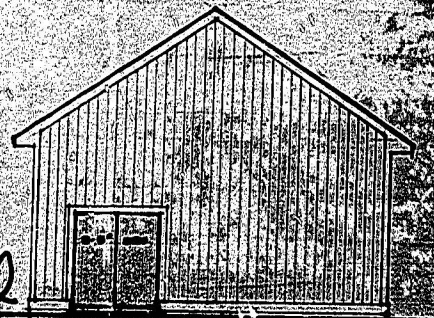
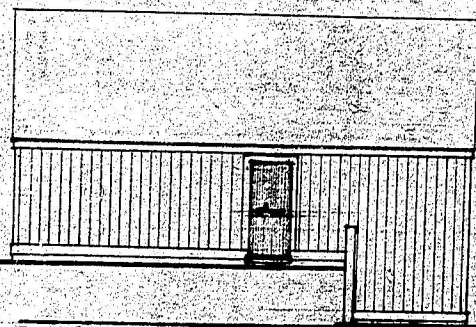
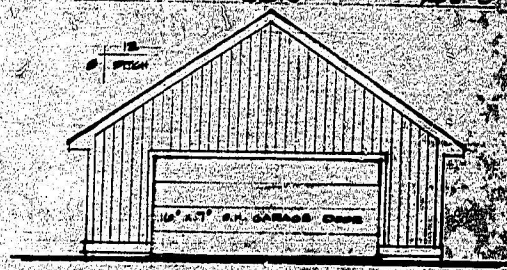
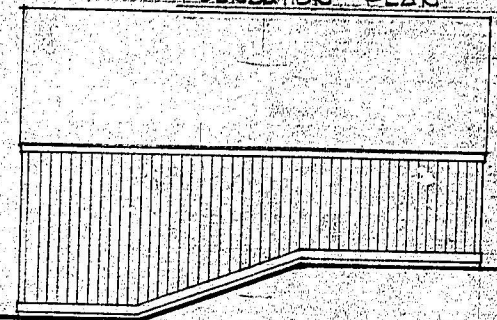


Pressure Treat All Wood in Direct Contact with Concrete or Masonry, and Where in Contact with Soil

FOUNDATION ANCHORAGE  
8 FT. FROM CORNERS - EVERY 10 FT.

SAND INSPECTION BEFORE POURING CEMENT TRAP OR COMPACT

APPROVED PLANS MUST BE ON JOB SITE BEFORE ANY INSPECTION WILL BE MADE UNLESS OTHERWISE ORDERED



4137  
CLIFFORD

NOT TO SCALE

ALL DIMENSIONS IN FEET



**LIVINGSTON COUNTY ROAD COMMISSION  
LAND SPLIT / SIGHT DISTANCE REVIEW**

**\*\*NOTE: THIS IS NOT A  
DRIVEWAY PERMIT.\*\***

**Review Number 2105-002**

**Property Owner and Applicant Information**

Owner: **Marcel Normand**  
 Street Address: **4137 Clifford Road**  
 City, State, ZIP: **Brighton, MI 48116**  
 Day Phone: **(810) 225-4288** Fax:  
 Applicant: **Wayne Perry**  
 Company: **Desine Inc.**  
 Address: **2183 Pless Drive**  
 City, State: **Brighton MI, 48114**  
 Applicant Phone: **(810) 227-9533** Applicant Fax: **(810) 227-9460**

**Location**

Township: **Genoa** Section: **27**  
 Development:  
 Approach Type: **Residential**  
 Speed Limit (if posted): **25**  
 Speed Factors (if any):  
 Roadway On: **Clifford Road** Side of Street: **North**

**Field Measurements**

Location of existing property corners from nearest crossroad: **2110 and 2496 feet West of Filbert**

Parcel	Property/ Easement Corners		Access Point(s)	Sight Distance Req.		Sight Distance Measured		Sight Distance Comply	Clear Vision Comply	Neighbor Consent Required	Approve
	Std	Min		Std	Min						
<b>B</b>	<b>2326</b>	<b>2496</b>	<b>2466</b>	<b>350</b>	<b>260</b>	<b>350 East</b>	<b>260 West</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>

**Comments:**

**Parcel A will use the existing driveways. The proposed Parcel B driveway meets our sight distance requirements. See the LCRC driveway specifications book for more information. A residential driveway approach permit will need to be applied for.**

Inspection Date: **2/10/2021**

Inspector:

\_\_\_\_\_  
Kim Hiller

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
NORMAND, MARCEL R.	NORMAND MARCEL & MARY	1	06/23/2017	QC	ADDING SPOUSE	2017R-020315	BUYER	0.0					
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR	Building Permit(s)		Date	Number	Status				
4137 CLIFFORD RD		School: BRIGHTON AREA SCHOOLS											
Owner's Name/Address		P.R.E. 100% / /											
NORMAND MARCEL & MARY 4137 CLIFFORD RD BRIGHTON MI 48116		MAP #: V21-07		2022 Est TCV Tentative									
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT								
SEC 22 & 27 T2N R5E COM SW COR SEC 22, TH N89*E 201 FT, TH S 296.95 FT, TH S65*E 361 FT, TH N63* E 461.74 FT TO POB, TH N11*E 45.61 FT, TH N43*E 651 FT, TH N43*W 704.54 FT, TH N70*E 1139.32 FT, TH S1*E 1187.39 FT, TH S88*W 388.87 FT TH S44*W 500 FT, TH N74*W 108.1 FT, TH N63*W 255.1 FT TO POB. 23.30 AC M/L CORREC 11-87		X	Public Improvements		* Factors *								
Comments/Influences			Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
			Gravel Road		A LAKE FRONT	50.00	300.00	1.0000	1.0000	4300	100		215,000
			Paved Road		B SURPLUS LF	20.00	300.00	1.0000	1.0000	1600	100		32,000
			Storm Sewer		ACREAGE			5.500	Acres	7,500	100		41,251
			Sidewalk		UNDERWATER			17.000	Acres	0	100		0
			Water		70 Actual Front Feet, 22.98 Total Acres Total Est. Land Value = 288,251								
			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		
					2022	Tentative	Tentative	Tentative			Tentative		
			JB 10/05/2017 INSPECTED		2021	144,100	158,600	302,700			208,104C		
			CG 07/06/2016 REVIEWED R		2020	200,000	129,200	329,200			205,231C		
					2019	195,000	122,400	317,400			201,405C		



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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	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided	Area 160	Type WSEP (1 Story) WCP (1 Story)	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 288 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame	(4) Interior Drywall Paneled		Plaster Wood T&G	Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace	1 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	Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	160 48 160 243 160 718	Treated Wood Treated Wood Treated Wood	Bsmnt Garage: Carpport Area: Roof:
Building Style: C		Trim & Decoration		X Forced Heat & Cool Heat Pump No Heating/Cooling		Class: C Effec. Age: 40 Floor Area: 1,784 Total Base New : 260,776 Total Depr Cost: 156,466 Estimated T.C.V: 233,604		E.C.F. X 1.493		
Yr Built	Remodeled	Size of Closets								
1946	0	Lg	X	Ord						
Condition: Good		Doors:		Solid	X	H.C.				
Room List		(5) Floors		Central Air Wood Furnace						
	Basement	Kitchen:		(12) Electric						
	1st Floor	Other:		0 Amps Service						
	2nd Floor	Other:								
	2 Bedrooms	(6) Ceilings		No./Qual. of Fixtures						
(1) Exterior				Ex.		X	Ord.	Min		
X	Wood/Shingle Aluminum/Vinyl Brick			No. of Elec. Outlets		Many	X	Ave.	Few	
	Insulation			(13) Plumbing						
(2) Windows		Basement: 768 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						
X	Many Avg. Few	X	Large Avg. Small	(8) Basement						
	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						
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(14) Water/Sewer						
X	Gable Hip Flat	Gambrel Mansard Shed		(10) Floor Support						
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		1 Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic						
Chimney: Brick		Lump Sum Items:		Garages						
				Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 288 13,159 7,895 Common Wall: 1 Wall 1 -2,228 -1,337 Water/Sewer Public Sewer 1 1,240 744 Water Well, 200 Feet 1 8,914 5,348 Built-Ins Hot Tub 1 6,134 3,680						
<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>										

\*\*\* 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	Type	Year Built:	Car Capacity:			
X	Wood Frame		(4) Interior		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										Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:			
Building Style: CD		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: CD Effec. Age: 29 Floor Area: 800 Total Base New : 74,502 Total Depr Cost: 52,896 Estimated T.C.V: 78,974			E.C.F. X 1.493		Bsmnt Garage:			
Yr Built 0	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 2 Single Family CD			Cls CD		Blt 0			
Condition: Good		Doors: Lg X Ord Small		No. of Elec. Outlets			(13) Plumbing			Ground Area = 800 SF Floor Area = 800 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=71/100/100/100/71 Building Areas			Size		Cost New		Depr. Cost	
Room List		(5) Floors		Many X Ave. Few			Average Fixture(s)			1 Story			800		74,502		52,896	
	Basement 1st Floor 2nd Floor Bedrooms	Kitchen: Other: Other:		(7) Excavation			3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat			Other Additions/Adjustments			Total:		74,502		52,896	
(1) Exterior		(6) Ceilings		(8) Basement			1 No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Notes:			Totals:		74,502		52,896	
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 0 S.F. Crawl: 0 S.F. Slab: 800 S.F. Height to Joists: 0.0		(9) Basement Finish			(14) Water/Sewer			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TCV:			78,974					
	Insulation	Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
(2) Windows		Many Avg. X Large Avg. Small		Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:											
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens																	
(3) Roof																		
X	Gable Hip Flat	Gambrel Mansard Shed																
X	Asphalt Shingle																	
Chimney: Brick																		

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

Building Type	Farm Utility Buildings				
Year Built					
Class/Construction	D,Pole				
Quality/Exterior	Low Cost				
# of Walls, Perimeter	4 Wall, 112				
Height	10				
Heating System	No Heating/Cooling				
Length/Width/Area	24 x 32 = 768				
Cost New	\$ 6,336				
Phy./Func./Econ. %Good	72/100/100 72.0				
Depreciated Cost	\$ 4,562				
+ Unit-In-Place Items	\$ 0				
Description, Size X Rate X %Good = Cost					
Itemized ->					
Unit-In-Place ->					
Items ->					
E.C.F.	X 1.000				
% Good	72				
Est. True Cash Value	\$ 4,562				
Comments:					
Total Estimated True Cash Value of Agricultural Improvements / This Card: 4562 / All Cards: 4562					

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MARCH 16, 2021 - 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, Jean Ledford, Marianne McCreary, Bill Rockwell, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Michele Kreutzberg.

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

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

**Approval of the Agenda:**

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

**Call to the Public:**

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

1. 21-04...A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for two front yard setback variances to construct a new home.

Ms. Paulette Skolarus was present. She currently lives across the road from this property. Her husband recently passed and she now lives alone. She would like to stay close to her daughter. She asked that Board Member Ledford excuse herself from this item as she voiced ill will toward her, and she does not believe that she should vote on this case.

Ms. Ruthig reviewed the ordinance detailing what can be considered a conflict of interest, which are family members of the applicant, if a board member has business or financial interest in the property involved or if a family member of the board member has business or financial interest in the property involved. Board Member Ledford volunteered to excuse herself from this item, noting that she will not participate in the discussion nor she will vote on the item.

Ms. Skolarus stated this property is zoned for one acre parcels and this parcel is a three-acre parcel that was split 23 years ago. She has paid taxes on this property. The drainage will not affect the neighboring properties. She has spoken to three neighbors and they have no objection to the variance requests. The home will sit 50 feet from Challis Court. This is the only location where the home can be built. The northeast side drops between 35 and 45 feet straight

down and the vacant site to the east will be used for the septic field. The hardship is the topography of the site. It is a two-bedroom, 1,500 square-foot, home and is the smallest in the neighborhood. Preservation of the prairie on this property was one stipulation of another variance she was granted.

Board Member McCreary questioned the applicant regarding the property splits that were done in the past. Ms. Skolarus advised that she used to own all of this property, eleven acres, but she split it into four parcels 23 years ago. Board Member McCreary questioned if soil evaluations for a septic field were done on the properties and Ms. Skolarus stated yes.

Board Member McCreary asked if the setback requirements have changed since the property was split. Ms. Ruthig stated they have not changed. Board Member McCreary noted there is a discrepancy in the original site plan from 1998 versus the engineering plans that were submitted with Ms. Skolarus' application. She does not feel comfortable reviewing this request without the complete information. The part of the cul-de-sac that is on Ms. Skolarus' property does not show on the engineering plans that were submitted. Ms. Skolarus stated she has put the home as far back as she can because of the extreme drop off at the rear of the property. Board Member McCreary is concerned because the septic field is being proposed to be in the location where the cul-de-sac is shown on the approved plans when the property splits were done. Ms. Skolarus stated she owns the property next to this, so she can put the septic field there.

Ms. Skolarus stated the cul-de-sac is sufficient for garbage trucks and emergency vehicles to turn around.

Board Member Rockwell suggested the engineer provide updated plans that match the original plan and location for the private road. Ms. Skolarus agreed she would provide this information.

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

Mr. Alex Reuter from Myers and Myers was present representing Marilyn and Wade Bray. They are opposed to the request. One of their concerns is safety and the narrowness of the private access drive. The Fire Marshal has expressed concerns with the number of homes and the amount of traffic on this private road. Adding another access drive will only aggravate the safety hazard. There are restrictive covenants that specifically state all homes must comply with all setbacks of the Township ordinance when being constructed on this private road. The request is completely contrary to the restrictive covenants. Neighbors purchased their homes based on these covenants. This is a self-created need for a variance. The applicant previously owned the property that was split and she did perk tests, which would have shown her the only buildable area on this site. The gas main serving the properties in the neighborhood runs directly through this property and within a few feet of where the foundation is being proposed.

Mr. Wade Bray of 6600 Challis Court pointed that there is a 66 foot wide ROW easement off of Challis Road, which is Challis Court, and that the perk locations are within this 66 foot easement. He showed on the plan that the driveway to Ms. Skolarus' home would be at the 90-degree turn in Challis Court, which is a safety issue. There are also requirements for the size of homes that can be built on this private road, and the proposed home does not meet these requirements and is very different from the other homes in the area.

Ms. Skolarus stated the gas line that is on the property will be moved closer to the road so it will not be next to the home. She could turn the home so that the driveway would be further from the 90-degree turn. The home is very attractive and will not detract from the neighborhood. She stated the Brays have been in conflict with their neighbors to whom they sold their property. Ms. Skolarus stated that the water drainage will not be affected with the location of the home.

Mr. Bray stated that the issue has been resolved with the neighbor. They have had safety concerns with this area and they have spoken to the Fire Marshal. He was concerned with the turning radius of the roadway and then the hill; however, he was comfortable with what is there, but would be concerned if additional homes are built in this area. Board Member Rockwell asked to see documentation from the Fire Marshal outlining his concerns.

The call to the public was closed at 7:19 pm.

Ms. Skolarus requested to have her request tabled this evening so she can meet with her engineer and builder to update the site plan to include where the cul-de-sac right of way is located in accordance to the approved private road site plan dated 1998, placement of septic field, gas line and any other easements to ensure public safety and that the setbacks are the least amount necessary.

**Moved** by Board Member McCreary, seconded by Board Member Rockwell, to table Case #21-04 at the applicant's request until the April 20, 2021 ZBA meeting. **The motion carried unanimously with Board Member Ledford abstaining.**

2. 21-05...A request by Ron and Sara Bomberger, 4182 Highcrest, for front and side yard setback variances to construct a new single family home.

Ms. Dennis Dinser of Arcadia Design, representing Mr. and Mrs. Bomberger, stated they are asking for two variances. One is a front yard variance. This is reflective of the eight homes on either side of theirs. They took an average of their setbacks, which equals seven feet. The second one is a one-foot side yard variance on the south side, for a four-foot setback. This setback would center this home between the two homes on either side. This will also allow them to move materials and machinery on the north side of the property during construction and there will not be a need to move equipment or materials on the south side.

Board Member McCreary asked if a new well has been installed on this property. Mr. Dinser stated they have not made any improvements on this site; they have only removed the existing home. She stated she saw a new well on the property. Mr. Bomberger stated there were two wells on the property when they purchased it; this is not a new well. She asked if there will be enough room to maintain the sides of the properties for either the applicant or their neighbors. Mr. Dinser stated yes.

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

Board Member McCreary questioned if there are any plans for retaining walls that will be required on the lake front side of the lot. Mr. Dinser stated they will be addressing this with the building department. Ms. Ruth stated they do not allow retaining walls in the waterfront yard; only a natural boulder-type retaining wall is permitted.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #21-05 for 4182 Highcrest for Ron and Sara Bomberger for a front-yard variance of 7 feet from the required 35 feet for a setback of 28 feet and a side-yard setback variance of 1 foot from the required 5 feet for a setback of 4 feet in order to demolish the existing home and construct a new single-family home, based on the following findings of fact:

- There are other homes in the vicinity with reduced front and side yard setbacks and granting these variances would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the narrowness of the lot. The need for the front and side yard setback variances is not self-created and seems to be the least amount necessary.
- The granting of these two 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, public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- 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. The structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department in regards to the sewer disconnect, and if relocating the grinder, it must receive MHOG Utility Department approval for the new location prior to land use permit issuance.
3. The applicant will work with staff with regard to retaining wall and landscaping materials and locations.

**The motion carried unanimously.**

**Administrative Business:**

Zoning Board of Appeals  
March 16, 2021  
Unapproved Minutes

1. Approval of minutes for the February 16, 2021 Zoning Board of Appeals meetings.

Needed corrections were noted.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the February 16, 2021 ZBA meeting as amended. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be an April ZBA meeting. Due to the number of cases on the agenda, it may be necessary to have two separate meetings that evening due to the limited number of people allowed inside buildings.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Rockwell, to adjourn the meeting at 7:47 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary