

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 20, 2021
7:30 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. 21-08...A request by Jeff Tanis, 4195 Homestead, for a front and side yard setback variance to construct a new single-family home.
2. 21-09...A request by Kevin and Julia Poppe, vacant 4711-25-400-057 Shores Pointe Drive, for a variance to allow retaining walls in the front yard for the construction of a new single-family home.
3. 21-10...A request by Ron and Sara Bomberger, 4182 Highcrest, for a variance to allow retaining walls in the waterfront yard to construct a new single-family home.

Administrative Business:

1. Correspondence
2. Member Discussion
3. Adjournment



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

Case # 21-08 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: JEFF TANIS Email: JTANIS@LIVE.COM
Property Address: 4195 HOMESTEAD Phone: (517) 404-2844
Present Zoning: RESIDENTIAL Tax Code: 1128201054

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: _____

REBUILDING NEW DWELLING/HOME ON
CURRENT AND EXISTING FOUNDATIONS.
EXCEPT AT REAR OF GARAGE AS NOTED ON
DRAWINGS

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

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

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

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

UTILIZING THE CURRENT FOUNDATIONS WILL ALLOW THE FINANCIAL VIABILITY OF THE OVERALL BUDGET WHILE NOT EXCEEDING ANY OF THE CURRENT VARIANCES

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 GRANTING OF THIS VARIANCE IS EXACTLY AS THE CURRENT DWELLING AND IS CONSISTENT WITH THE MAJORITY OF OTHER PROPERTIES IN THE VICINITY.

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

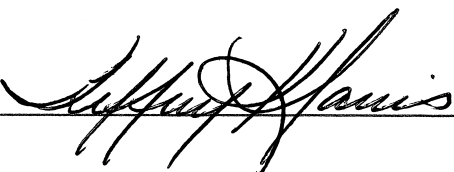
THE GRANTING OF THIS VARIANCE WILL NOT IMPAIR THE SAFETY, COMFORT, MORALS OR WELFARE OF ANY OF THE INHABITANTS OF THE TOWNSHIP OF GENOA.

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

THE GRANTING OF THIS VARIANCE WILL NOT INTERFERE WITH OR DISCOURAGE DEVELOPMENT, USE, OR VALUE OF ADJACENT PROPERTIES. IT WILL ACTUALLY INHANCE THE 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: 3/22/2021 Signature: 



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: April 15, 2021

RE: ZBA 21-08

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

STAFF REPORT

File Number: ZBA#21-08
Site Address: 4195 Homestead Drive, Howell
Parcel Number: 4711-28-201-054
Parcel Size: .273 Acres
Applicant: Jeff Tanis
Property Owner: Jeffrey and Wanda Tanis, 3817 Highcrest Drive, Brighton
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a side and front yard setback variance to demolish and construct a new single-family home.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday 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 was constructed in 1955.
- The parcel is serviced by a well and public sewer.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The proposed project is to demolish the existing home and construct a new single family home. In order to construct the new home as proposed, the applicant is required to obtain a side and front yard setback variance. The proposed single-family home will utilize the existing non-conforming side and front yard setbacks. They are not encroaching any further into the non-conforming setback. The applicant is proposing a cover patio and an addition to the rear of the garage which is located inside the waterfront and side yard setbacks so no variance is required.

Variance Requests

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

Table 3.04.01 (LRR District):

Table 3.04.01 LRR District	Front Yard Setback	Side Yard Setback
Requirement	35'	5
Request	24.8'	2.6'
Variance Amount	10.2'	2.4'

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

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

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

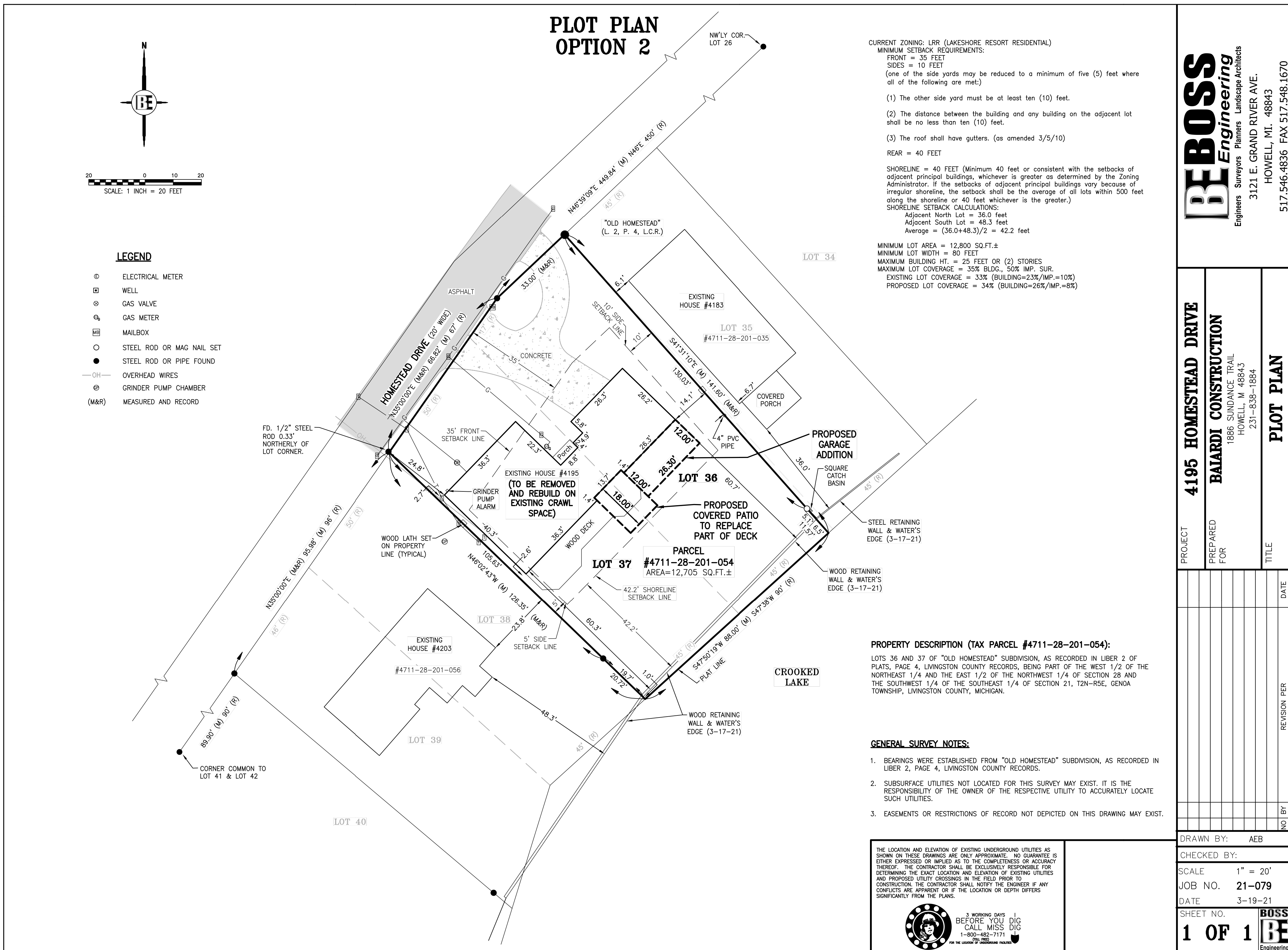
Recommended Conditions

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

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

GENOA TOWNSHIP





EXISTING CRAWL SPACE WITH A SMALL BUMP OUT WITHING BUILDING PLANE

NEW HOUSE RIDGE LOWER THAN THE NEW STRUCTURES PER EACH SIDE



EXISTING HOUSE



NEW HOME ON EXISTING CRAWL

G:\21-079\SURVEY\DWG\21-079_Plot Plan.dwg 3/19/2021 1:35:13 PM, andy

NO.	DESCRIPTION	BY	DATE

SHEET TITLE: Plot Plan

PROJECT DESCRIPTION: 4195 Homestead Tanis Residence

DRAWINGS PROVIDED BY: DESIGNS BY ANTHONY 231-838-1884 tonybalardi@gmail.com

3/22/21

SHEET: A-4

TRUSSES PER ENGINEER 12/12

NO SCALE FOR SECTION VIEW

9' CEILINGS
FLOORING PER PRINT
ALL WALLS PAINTED FLAT ONE COLOR
CEILINGS ONE COLOR FLAT
WALLS ALL ONE COLOR FLAT
ALL WINDOWS ARE CASED AND BASE TO MATCH OR SIMILAR THE BUILDERS HOME
VINYL SIDING HORIZONTAL, SOFFITS SAME BRAND AND FASICA, NO FRIEZE BOARD

EXISTING BLOCK CRAWL

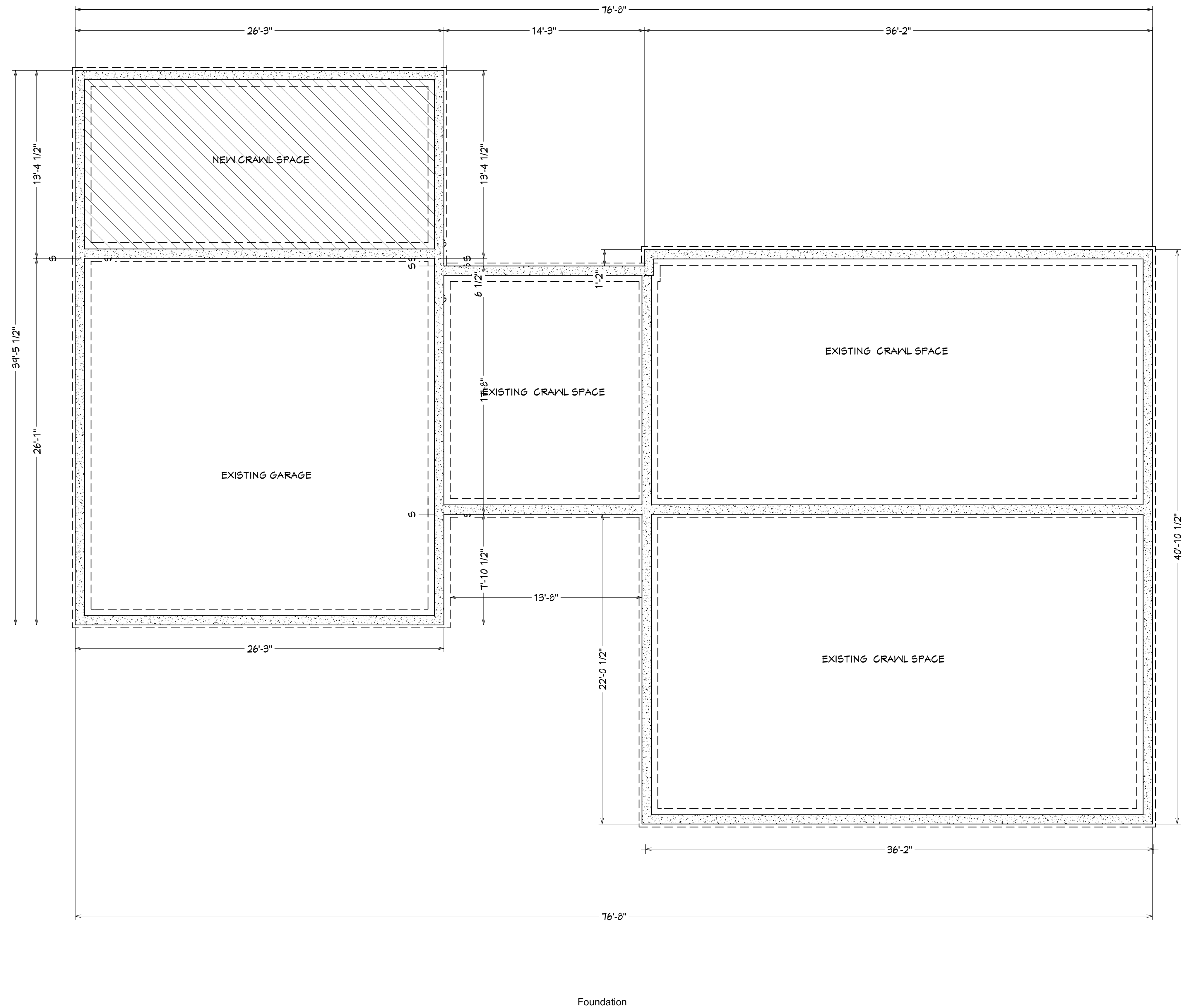
I joist per engineer

SILL SEALER

TREATED MUDSILL

EXISTING CRAWL
2X6 GREEN PLATE
TYVEK
WINDOW TAPE PER CODE

6'- 8" HEADERS HEIGHT
2X6 WALLS 16" O.C EXT
12/12 ROOF PITCH WITH ICE AND WATER PER CODE
FIRE ALARMS PER CODE
RIDGE VENT PER CODE
I JOIST PER TRUSS ENGINEER
WINDOWS INSTALLED AND TAPED
DRYWALL SCREWED AND GLUED
MAIN FLOOR HARDWOOD PER SPEC SHEET
3/4" T&G FLOOR GLUED AND SCREWED
INSULATION TO MEET ALL CODES FOR MICHIGAN
16" OVERHANGS COMPLETE, LP WITH CONTINOUS VENTING
VINYL EXTERIOR
2X6 FASCIA
1/2 OSB ROOFING WITH CLIPS
240LB-30 YEAR WARRANTY SHINGLES
ICE AND WATER SHIELD PER CODE
ROOF VENTING PER CODE
SOFFIT RETURNS



EXISTING CRAWL SPACE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Foundation/section

PROJECT DESCRIPTION:
**4195 Homestead
Tanis Residence**

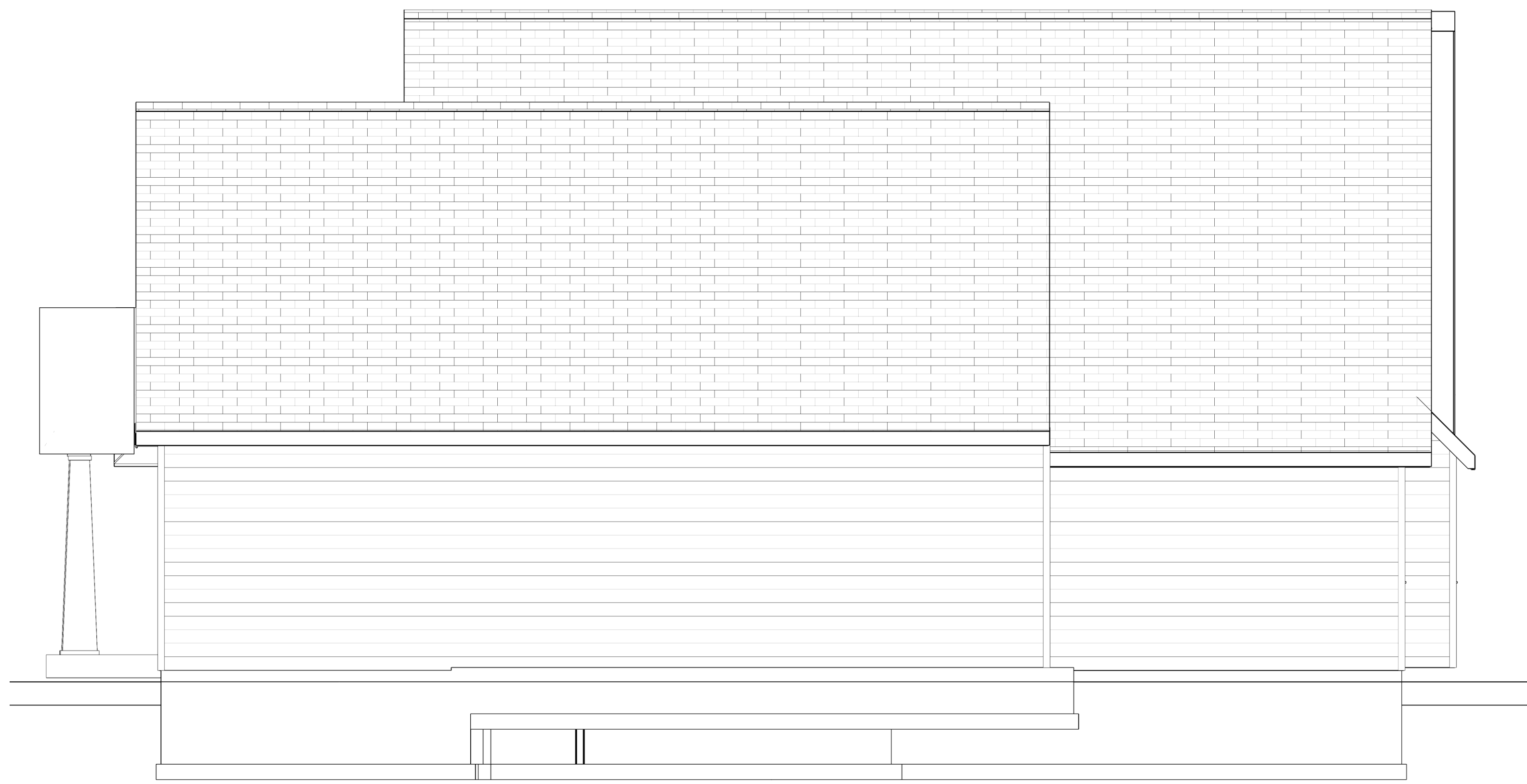
DRAWINGS PROVIDED BY:
**DESIGNS BY ANTHONY
231-838-1884
tonybaiardi@gmail.com**

3/22/21

1/4=1'

SHEET:

A-1

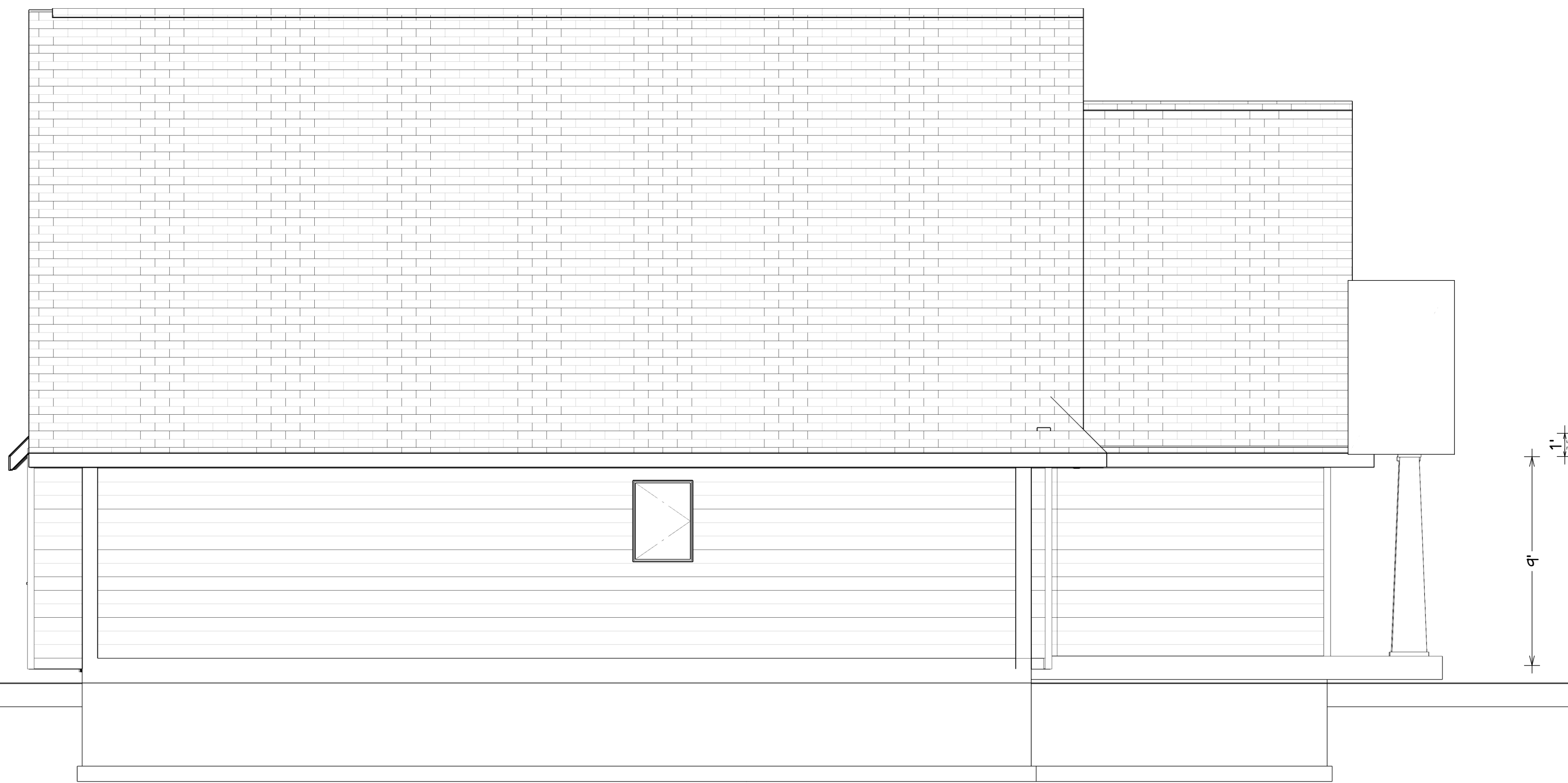


LEFT SIDE

Elevation 3



Elevation 1



Elevation 4



Elevation 2

EXISTING CRAWL SPACE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Elevations

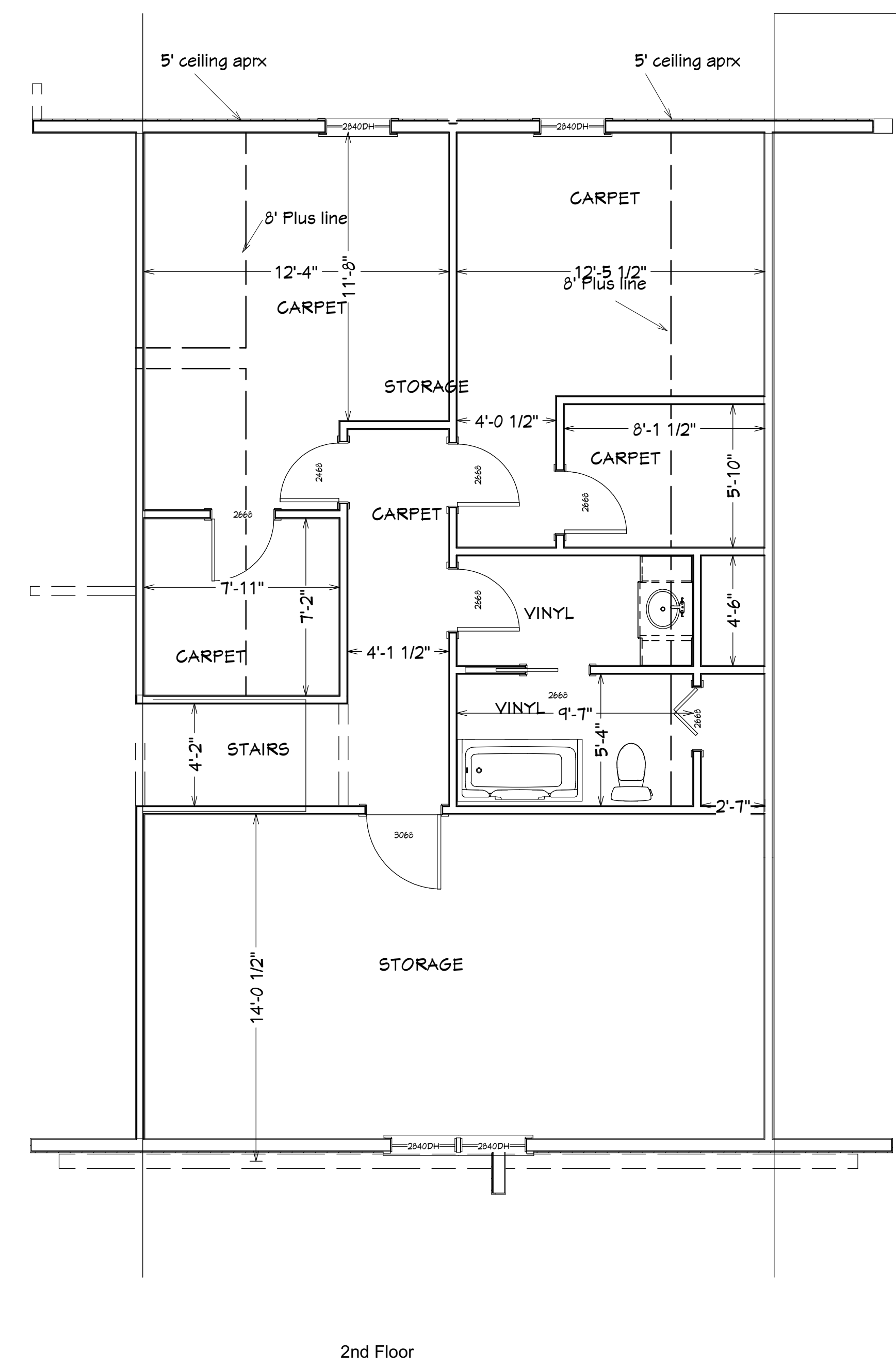
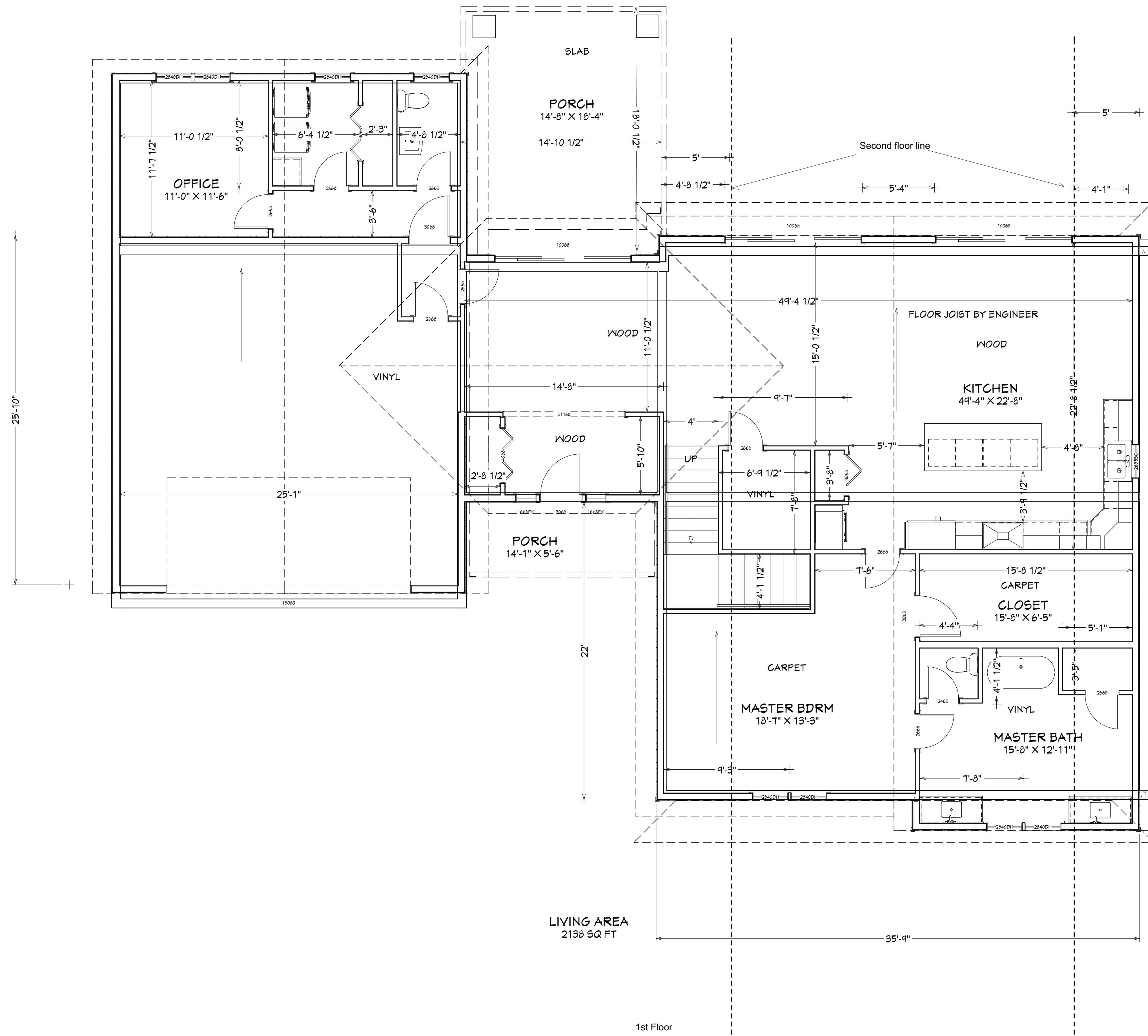
PROJECT DESCRIPTION:
**4195 Homestead
Tanis Residence**

DRAWINGS PROVIDED BY:
**DESIGNS BY ANTHONY
231-838-1884
tonybaiardi@gmail.com**

3/22/21

1/4=1'

SHEET:
A-3



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Attic Truss Option

PROJECT DESCRIPTION:
**4195 Homestead
Tanis Residence**

DRAWINGS PROVIDED BY:
**DESIGNS BY ANTHONY
231-838-1884
tonybaiardi@gmail.com**

3/22/21

SHEET:

A-5

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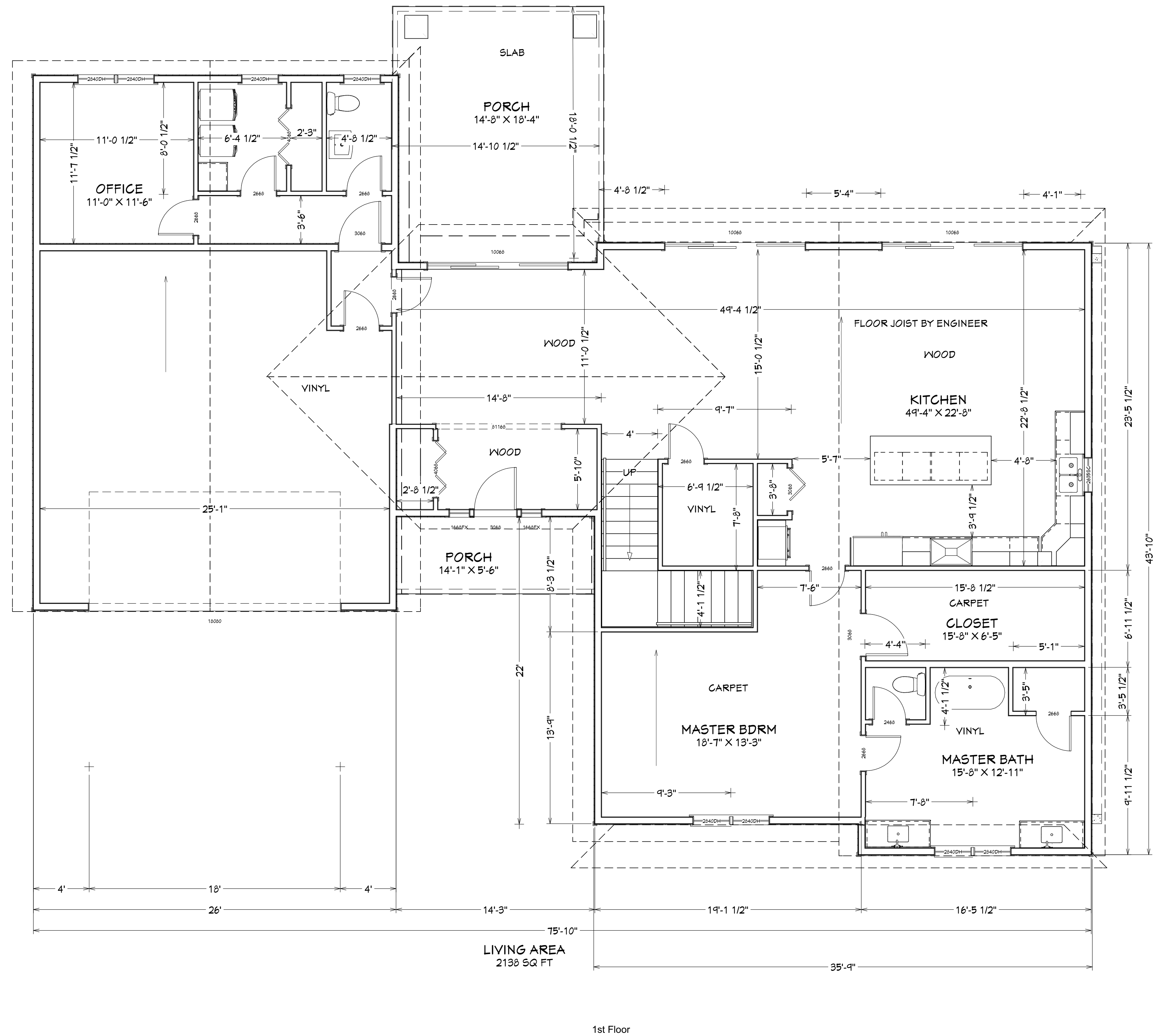
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1/2 OSB ROOFING WITH CLIPS
240LB-30 YEAR WARRANTY SHINGLES
ICE AND WATER SHIELD PER CODE
ROOF VENTING PER CODE
SOFFIT RETURNS



EXISTING CRAWL SPACE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Main floor

PROJECT DESCRIPTION:
**4195 Homestead
Tanis Residence**

DRAWINGS PROVIDED BY:
**DESIGNS BY ANTHONY
231-838-1884
tonybaiardi@gmail.com**

3/22/21

1/4=1'

SHEET:

A-2

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WEATHERLY RICHARD TRUST	TANIS JEFFREY & WANDA	700,000	04/05/2021	WD	ARMS-LENGTH	2021R-016088	BUYER	100.0
WEATHERLY RICHARD C	WEATHERLY RICHARD TRUST	0	06/10/1999	QC	QUIT CLAIM	28210699	BUYER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status
4195 HOMESTEAD	School: BRIGHTON AREA SCHOOLS					
Owner's Name/Address	P.R.E. 0%					
TANIS JEFFREY & WANDA 3817 HIGHCREST BRIGHTON MI 48116	MAP #: V21-08					
	2022 Est TCV Tentative					

Tax Description	X	Improved	Vacant	Land Value Estimates for Land Table 4304.OLD HOMESTEAD								
				Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value	
SEC 28 T2N R5E OLD HOMESTEAD LOTS 36 & 37 COMB 201-036 & 037 10/85				A LAKE FRONT	90.00	132.00	1.0000	1.0000	4300	100		387,000
Comments/Influences				90 Actual Front Feet, 0.27 Total Acres Total Est. Land Value = 387,000								

Comments/Influences



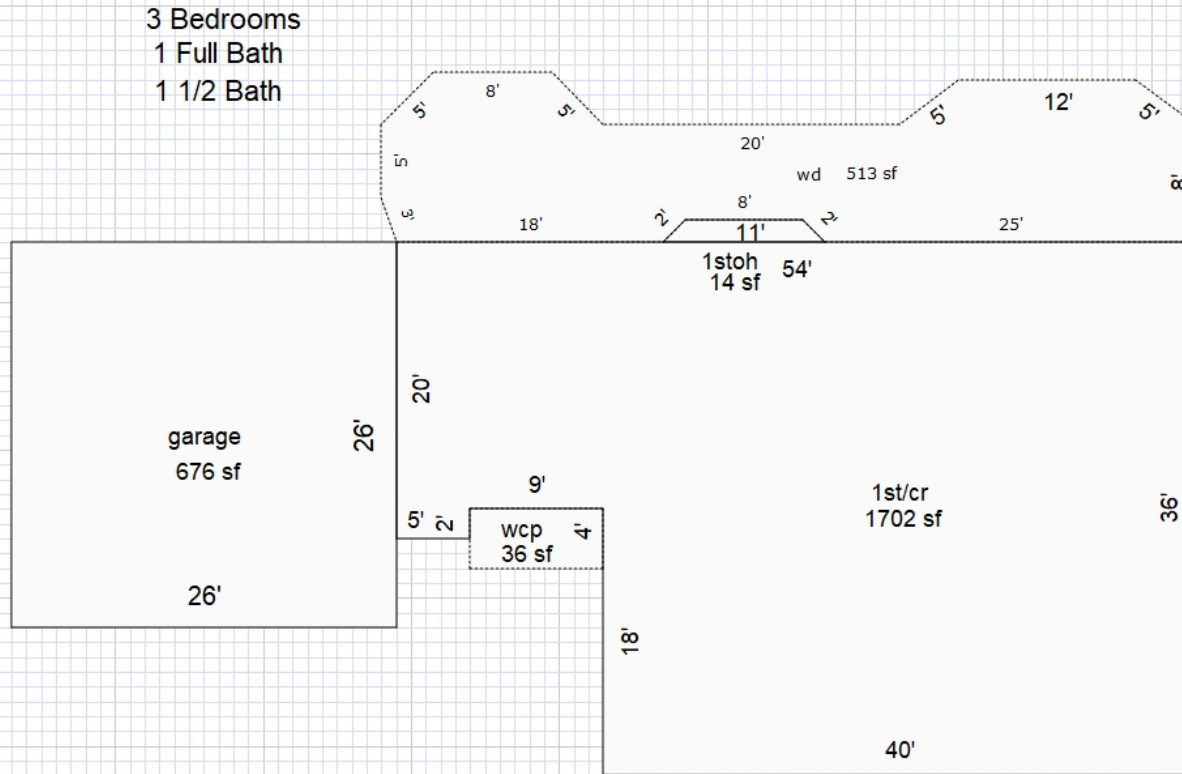
4711-28-201-054 06/30/2020
The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

Public Improvements				* Factors *						
Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value				
Dirt Road										
Gravel Road										
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										
X REFUSE										
Who	When	What	2022	Tentative	Tentative	Tentative			Tentative	
JB	06/30/2020	INSPECTED	2021	193,500	76,000	269,500			105,872C	
			2020	180,000	70,300	250,300			104,411C	
			2019	171,000	68,600	239,600			102,465C	

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

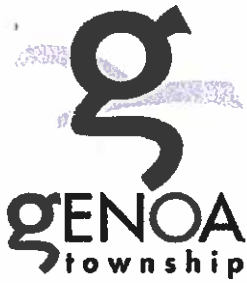
Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher 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 36 513	Type WCP (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 ?: Auto. Doors: 0 Mech. Doors: 0 Area: 676 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		(4) Interior Drywall Paneled	X	Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling											
Building Style: C		Trim & Decoration Ex X Ord Min		Central Air Wood Furnace			(12) Electric 0 Amps Service			Class: C Effec. Age: 56 Floor Area: 1,716 Total Base New : 225,322 Total Depr Cost: 101,395 Estimated T.C.V: 152,093			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1955	Remodeled 0	Size of Closets Lg X Ord Small		No./Qual. of Fixtures Ex. X Ord. Min			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Air w/ Ducts Ground Area = 1702 SF Floor Area = 1716 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=45/100/100/100/45			Cls C Blt 1955						
Condition: Good		Doors: Solid X H.C.		No. of Elec. Outlets Many X Ave. Few			Building Areas Stories Exterior Foundation 1 Story Block Crawl Space 1 Story Siding Overhang			Size 1,702 14 Total: 180,763			Cost New		Depr. Cost	
Room List		(5) Floors Basement 1st Floor 2nd Floor 3 Bedrooms		(13) Plumbing Average Fixture(s) 1 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments Plumbing 2 Fixture Bath Water/Sewer 1000 Gal Septic Water Well, 200 Feet Porches WCP (1 Story) Deck Treated Wood Garages			1,147 1,795 4,080 938 2,835						
(1) Exterior		(7) Excavation Basement: 0 S.F. Crawl: 1702 S.F. Slab: 0 S.F. Height to Joists: 0.0		(14) Water/Sewer Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Notes: ECF (4304 OLD HOMESTEAD) 1.500 => TCv: 152,093									
X	Wood/Shingle Aluminum/Vinyl Brick	(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		Lump Sum Items:												
(2) Windows		(9) Basement Finish Recreation SF Living SF Walkout Doors No Floor SF														
X	Many Avg. Few	X	Large Avg. Small													
(3) Roof		(10) Floor Support Joists: Unsupported Len: Cntr.Sup:														
X	Gable Hip Flat	Gambrel Mansard Shed														
X	Asphalt Shingle															
Chimney: Brick																

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



Sketch by Apex Sketch

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



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

Case # 21-09

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: KEVIN & JULIA POPPE Email: KRPOPPE1@GMAIL.COM

Property Address: SHORES PRINCE DR. BRIGHTON, MI 48116 Phone: 616-490-3099

Present Zoning: Residential - Vacant Tax Code: 4711-25-400-057

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.

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: _____

See attached document - Genoa Charter Township Variance Application Parcel 4711-25-400-57

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.

See attached document - Genoa Charter Township Variance Application-Parcel 4711-25-400-57,

Section 1 - Practical Difficulty / Substantial Justice.

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 document - Genoa Charter Township Variance Application-Parcel 4711-25-400-57,

Section 2 - Extraordinary Circumstances

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.

See attached document - Genoa Charter Township Variance Application-Parcel 4711-25-400-57,

Section 3 - Public Safety & 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.

See attached document - Genoa Charter Township Variance Application Parcel 4711-25-400-57,

Section 4 - Impact on 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.23.2021

Signature: _____

Kevin R Poppe

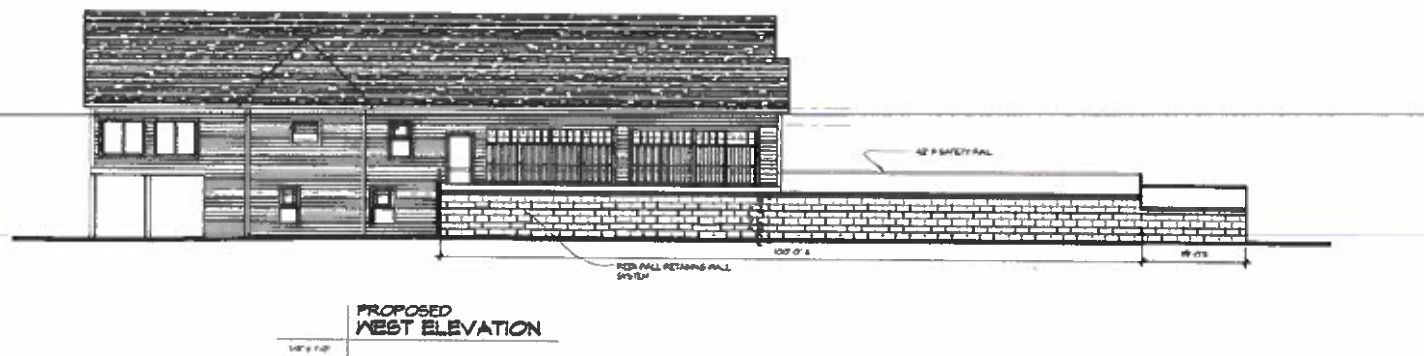
Genoa Charter Township Variance Application – Parcel 4711-25-400-057

Variance Requested/Intended Property Modifications:

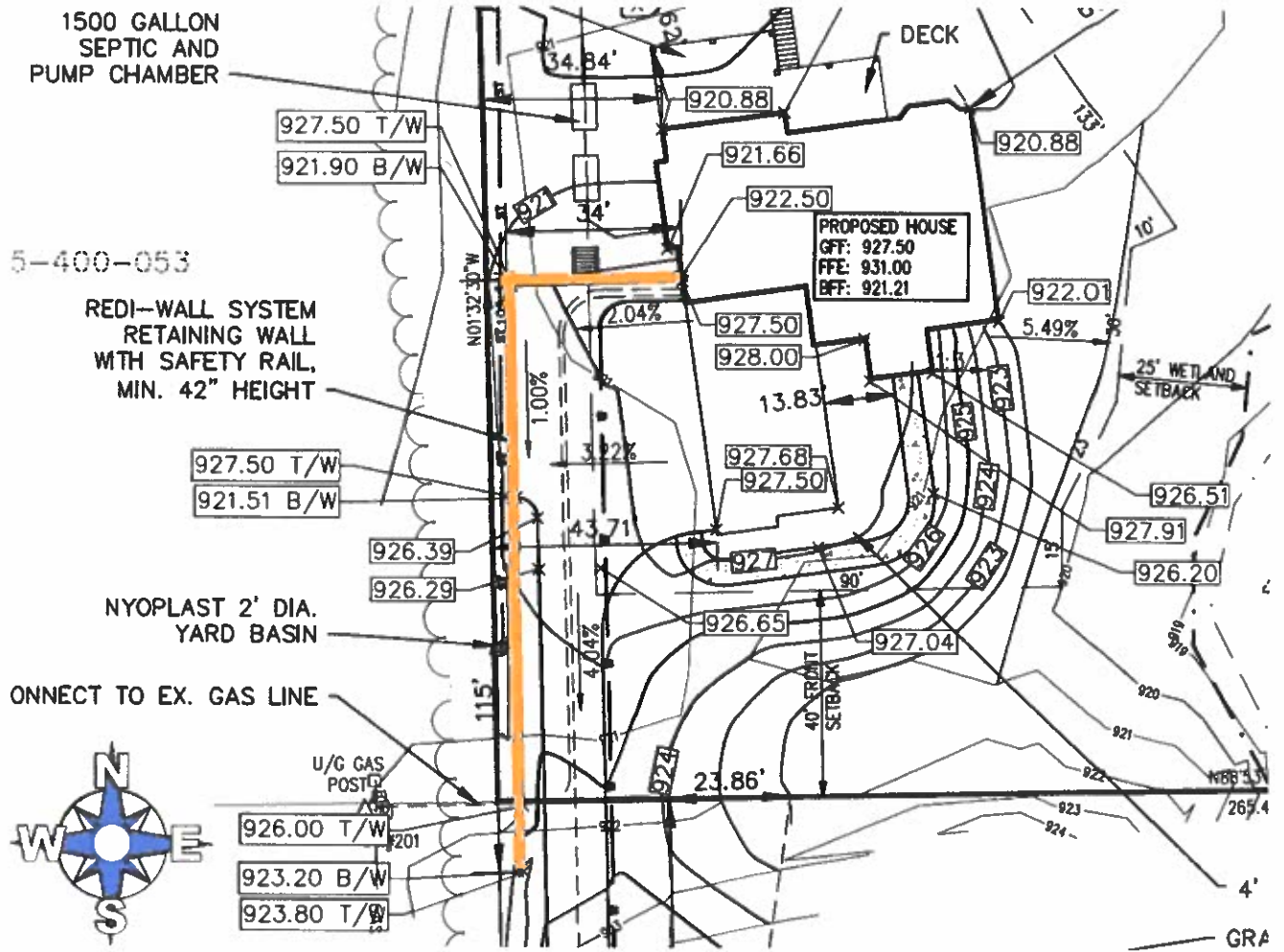
It is requested to build a structural retaining wall to allow for safe development, access, and use of parcel 4711-25-400-057. This retaining wall will have a safety fence affixed to the top, where the wall is above 3 feet in height, to provide a safe environment for residents and visitors. The retaining wall will be L-shaped and have overall dimensions of 115 feet by 34 feet. The wall will also have a set of stairs, made from the same material as the wall, off the North elevation to provide access to grade and the rear yard of the house.

The purpose of the retaining wall is to structurally support backfill dirt on which the driveway approach and apron of the garage will be constructed. This wall is needed to build a home properly and safely on the property while simultaneously adhering to the setback ordinances, including those driven by two wetlands on the property. This property is off a private drive and the retaining wall will be set back from the private road by roughly 242 feet.

See the images below for the wall and fence specifications as well as their location on the parcel.



See above for the West elevation of the proposed retaining wall and safety fence. The overall length, including its extension beyond the front building line of the house, and different height sections are detailed. This West elevation view can also show that the wall is for structural purposes and is not utilized to cover or shield the house from the neighbor's view.

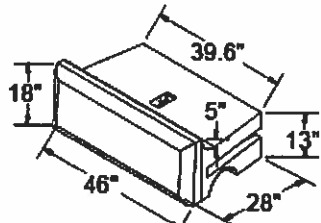


See above for a zoomed-in detailed view of the plot plan; the full plan is also attached to this application. The above view details the Length, Height T/W (top of wall) – B/W (bottom of wall), and Location of the retaining wall (L-shaped bold yellow line) on the parcel and within its access easement. The Southeastern location of the wetland setback restricts the building envelope.

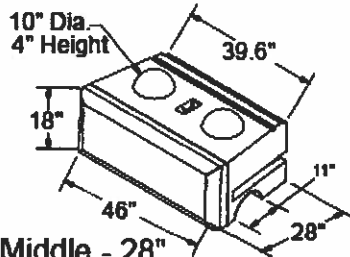


See above for an aerial view of the property (4711-25-400-057), with a rendering of the location and size of the proposed retaining wall outlined in white. The retaining wall extends beyond the South border of the property but is contained within the access easement.

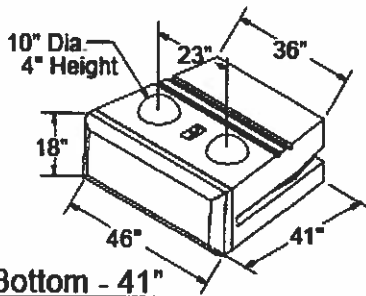
The following shows information on the Redi-Wall LedgeStone Redi-Rock block product and a detail on the proposed safety fence. The exterior façade and color of the wall is seen in the bottom image.



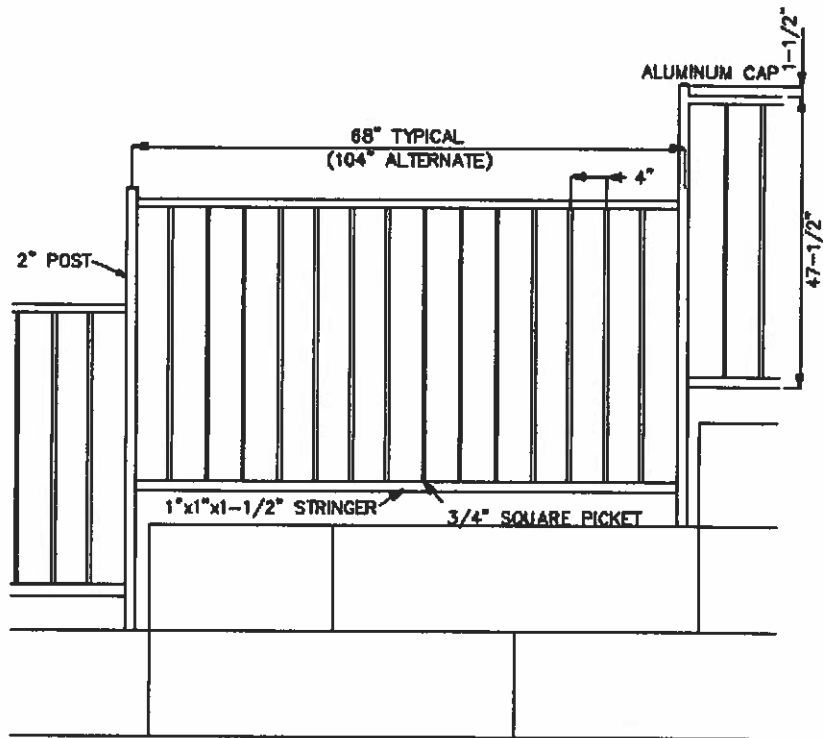
Top - 28"



Middle - 28"



Bottom - 41"



ALL POST TYPICALLY INSTALLED IN ACCORDANCE WITH LOCAL CONDITIONS AND STANDARD DETAILS

**REDI-ROCK
WALL DETAILS**

NOT TO SCALE

ORNAMENTAL FENCE DETAIL

NOT TO SCALE

NOTE: MATERIAL SHALL BE ALUMINUM WITH BLACK FINISH.



1. Practical Difficulty/Substantial Justice:

This proposed retaining wall requires a height greater than 3 feet (variance from Genoa Township Zoning Ordinance 11.04.04 (a)) to allow for a practical height differential between the garage floor and the main floor of the house. The architectural plans show the elevation of the garage slab being built lower than the main floor and requires steps to gain access into the house from the garage. Increasing this height differential would create additional costs and an unpleasant aesthetic to the home. The retaining wall needs to support the driveway and garage apron (variance from Genoa Township Zoning Ordinance 11.04.04 (a)). The length of the wall needs to extend beyond the front building line (variance from Genoa Township Zoning Ordinance 11.04.04 (c1)) to accommodate the driveway approach and provide sufficient length to create a safe and passable slope. Therefore, this wall cannot strictly adhere to the Genoa Township Zoning Ordinance 11.04.04 Sections (a) and (c1).

A safety fence not exceeding 4-foot in height, that is at least 49% permeable, is also proposed to be affixed to the top of the wall when it is greater than 3 feet in height (variance from Genoa Township Zoning Ordinance 11.04.04 (a)). This fence is to provide a safe environment for residents and visitors. This fence will also need to be extended beyond the front building line (variance from Genoa Township Zoning Ordinance 11.04.04 (c1)) as the retaining wall is greater than 3 feet tall beyond the front building line.

Driven by two wetlands on the property and the associated increased setbacks, the build envelope is of a unique shape and limits the location, footprint, and configuration of our home. Without the use of this proposed retaining wall, a very large amount of fill dirt would be needed to surround multiple sides of the foundation. Grading away from the house while adhering to the wetland setbacks would be at such as steep slope that they would be impassable and present maintenance difficulties.

Without a granting of this requested variance, it would restrict the ability to build our desired family home on this property and enjoy it to the same extent as the other properties within the same zoning district and vicinity.

2. Extraordinary Circumstances:

The need for this retaining wall is fundamentally due to the high water table. Soil borings on the property were taken during the purchase agreement's due diligence period in June 2020 and standing water was found at both 2 and 4 feet below the current property's grade; see attached 'HASTINGS TESTING ENGINEERS AND ENVIRONMENTAL INC. – Shores Pointe Dr – Sub-Surface Exploration Report', dated June 6, 2020 (10 Pages) that outlines these findings. The location of the water table prevents traditional excavation and construction of a basement without incurring continuous flooding and structural damage to the dwelling. The home must be constructed starting nearly at grade, on an engineered subbase material of compacted 1x3 crushed concrete that will be installed under the foundation footings. In order to access the Garage, being at an elevation nearly 9' above grade, we will need to install compacted sand backfill to raise the grade entering the Garage which requires the use of the retaining wall to 'retain' this backfill sand and contain it in the area that we need to keep it.

Two wetlands on the property and associated increased setbacks make the build envelope a unique shape and limits the location, footprint, and configuration of a future structure. Without the use of this proposed retaining wall, a very large amount of fill dirt would be needed to surround multiple sides of

the foundation. Grading away from the house while adhering to the wetland setbacks would be at such a steep slope that they would be impassable and present maintenance difficulties. The amount of fill required to build on the property, without utilizing the retaining wall, would affect the current natural state of the lot.

See the images below of other properties within Genoa Township utilizing retaining walls and safety fences in similar applications. The images show similar retaining wall and safety fence implementations.



7873 Shores Pointe Drive, which is directly adjacent to the property in question utilizes a retaining wall and safety fence to structurally support their driveway and garage apron. The safety fence also extends beyond the front building line. This retaining wall terminates a few feet from Shores Pointe Drive.



Parcel 4711-34-401-115 utilizes a retaining wall to structurally support their driveway and garage apron. This retaining wall is greater than 4 feet in height, extends beyond the front building line, and is visible from the public road.



Parcel 4711-34-403-014 utilizes a Redi-Wall retaining wall to structurally support multiple lots and drain runoff water. This retaining wall is 13 feet tall in certain areas, utilizes a chain link safety fence, and is visible from the public road.



Parcel 4711-34-103-015 utilizes a retaining wall to structurally support their driveway and front yard. These retaining walls are greater than 4 feet in height, extend beyond the front building line, and are visible from the public road.



Parcel 4711-34-401-096 utilizes multiple retaining walls to structurally support their driveway and front yard. These retaining walls are greater than 4 feet in height, extend beyond the front building line, and are visible from the public road.

3. Public Safety and Welfare:

The proposed retaining wall and safety fence will not impair the supply of light and air to the adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

This property's driveway is off a private drive, Shores Pointe Drive, and the proposed retaining wall would be set back from the private drive by roughly 242 feet. The retaining wall is not visible from the drive and the exposed side is below the garage's apron and is only visible by two adjoining parcels (4711-25-400-052 & 4711-25-400-053); of which 4711-25-400-053 is currently vacant. The retaining wall and safety fence do not obstruct, obscure, or limit the view of the house from the surrounding properties. The retaining wall is strictly for structural purposes and the safety fence will protect the well-being of the property's occupants and visitors.



The image above is seen as standing on Shores Pointe Drive, looking North towards the property showing that the retaining wall will not be visible given the difference in elevation from the street to the property.



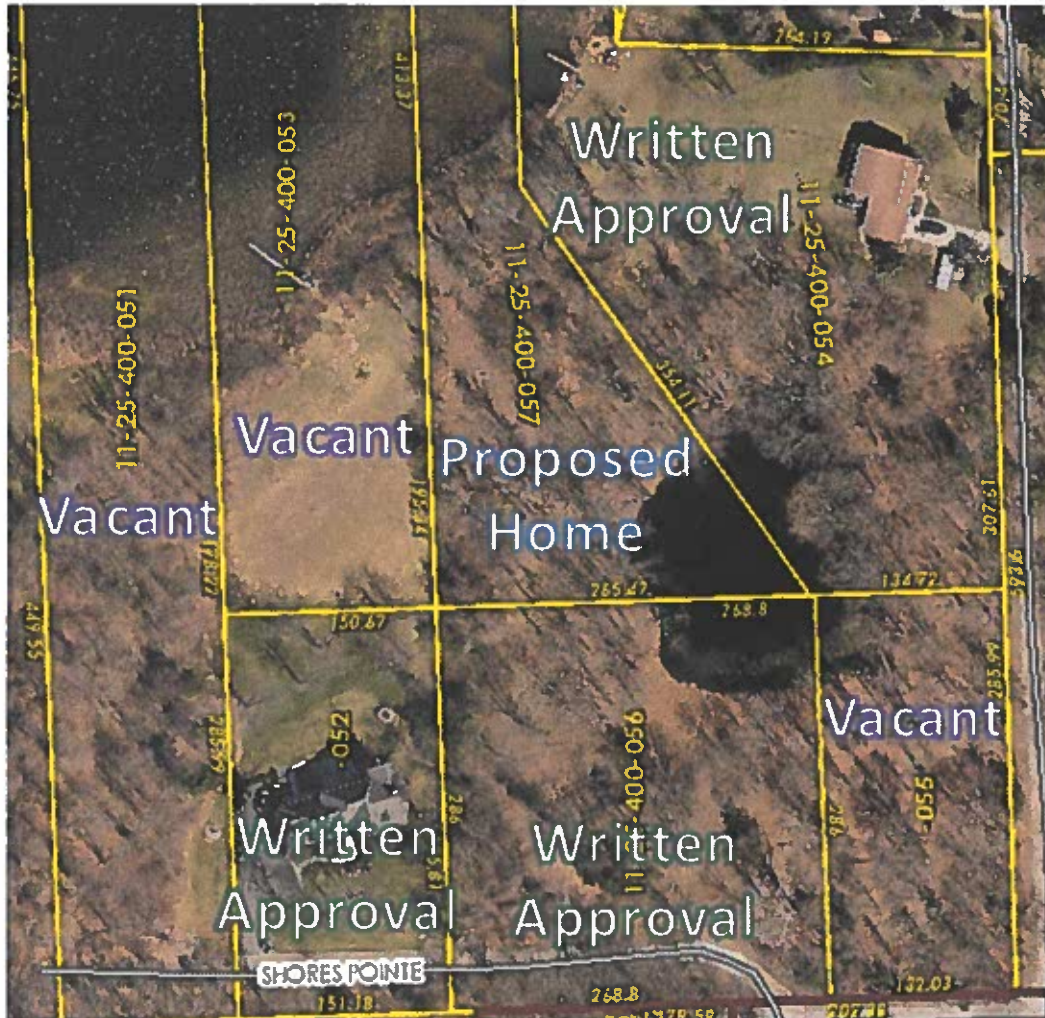
The image above is seen as standing in front of the residence at 7873 Shores Pointe Drive, looking North towards the property showing that the retaining wall will not be visible given the difference in elevation from the street to the property.



The image above is seen as standing in vacant lot 4711-25-400-053 looking East towards the property showing the actual height and length of the retaining wall.

4. Impact on Surrounding Neighborhood:

The requested variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. Please see the attached signed and dated letters from the immediate surrounding properties that are currently occupied or in development, that express their support of this variance request, (3) total. A map of the supporting parcels, in relation to the property, can be seen below. Signed statements of approval have been received from the homeowners of parcels 4711-25-400-052, 4711-25-400-056, 4711-25-400-054. The only other surrounding parcel that the retaining wall would be visible from is 4711-25-400-053 which is currently vacant.



If this variance is not granted, it will restrict the appropriate development, continued use, and value of the property as well as the surrounding neighborhood.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: April 16, 2021

RE: ZBA 21-09

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

STAFF REPORT

File Number: ZBA#21-09
Site Address: 7881 Shores Pointe Drive, Brighton
Parcel Number: 4711-25-400-057
Parcel Size: 1.678 Acres
Applicant: Kevin and Julia Poppe
Property Owner: Poppe, Kevin and Julie, 4232 Deeside Drive, Brighton
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variance
Project Description: Applicant is requesting a variance to allow retaining walls in the front yard.
Zoning and Existing Use: SR (Suburban Residential) Property is vacant.

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 property was created by a split in 2003.
- In 2021, a land use permit was issued for the construction of a new home.
- The parcel is serviced by a well and public sewer.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The proposed project is to install a retaining wall with a safety railing when required in the front yard to allow for the construction of a driveway.

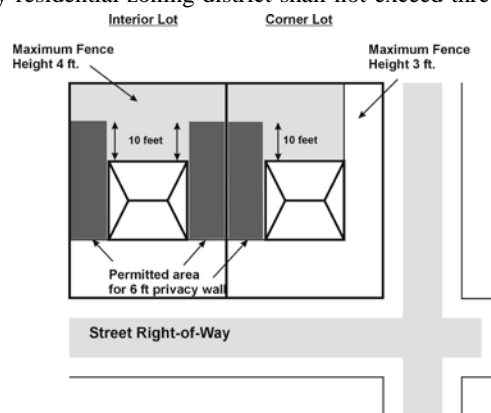
Staff has been drafting an ordinance update to allow for retaining walls in the front yard, however it has to receive Planning Commission and Township Board approval.

Variance Requests

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

11.04.04 Fences, Walls and Screens

- (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty nine (49) percent (%) solid or impervious.
- (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. Fences shall not be permitted in the required waterfront yard.
- (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;



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

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

- (a) **Practical Difficulty/Substantial Justice** – Strict compliance with the front yard setback would prevent the installation of the retaining wall. The granting of the retaining wall in the front yard could provide substantial justice and maybe necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity and same zoning district of the subject parcel.
- (b) **Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the topography, shape of the lot, the location of two wetlands on the property and the high-water table (per Hastings Report, See Attached). Applicant needs to confirm that the need for the retaining walls was not self-created and is the least amount necessary.
- (c) **Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase

the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood – The proposed variance could have an impact to the adjacent neighbors in regards to any grading that would be required for the installation of the retaining walls.

Recommended Conditions

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

1. Applicant should ensure that grading on site will not affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements.
3. Owner must obtain a recordable agreement from the adjacent property owner for the portion of the retaining wall that is located within the easement to remain on the adjacent property prior to land use permit issuance.

GENOA TOWNSHIP



LEGAL DESCRIPTION
 LEGAL DESCRIPTION OF RECORD
 Reference: Certified Land Survey #7382 as recorded in Liber 3790, Page 941, Livingston County Records

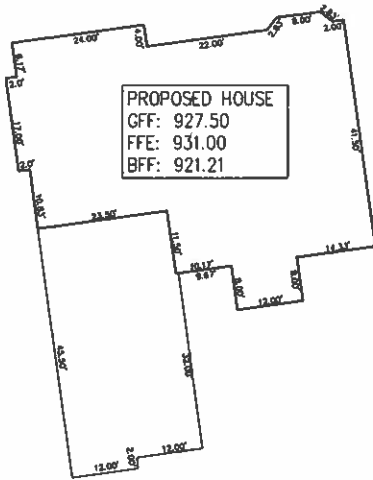
Shelved in the Township of Geneva, County of Livingston and State of Michigan, and described as follows:

PARCEL 4
 Part of the Southeast 1/4 of Section 25, T29-N05E, Range Township, Livingston County, Michigan, more particularly described as follows:

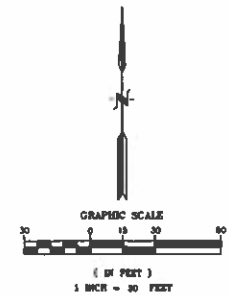
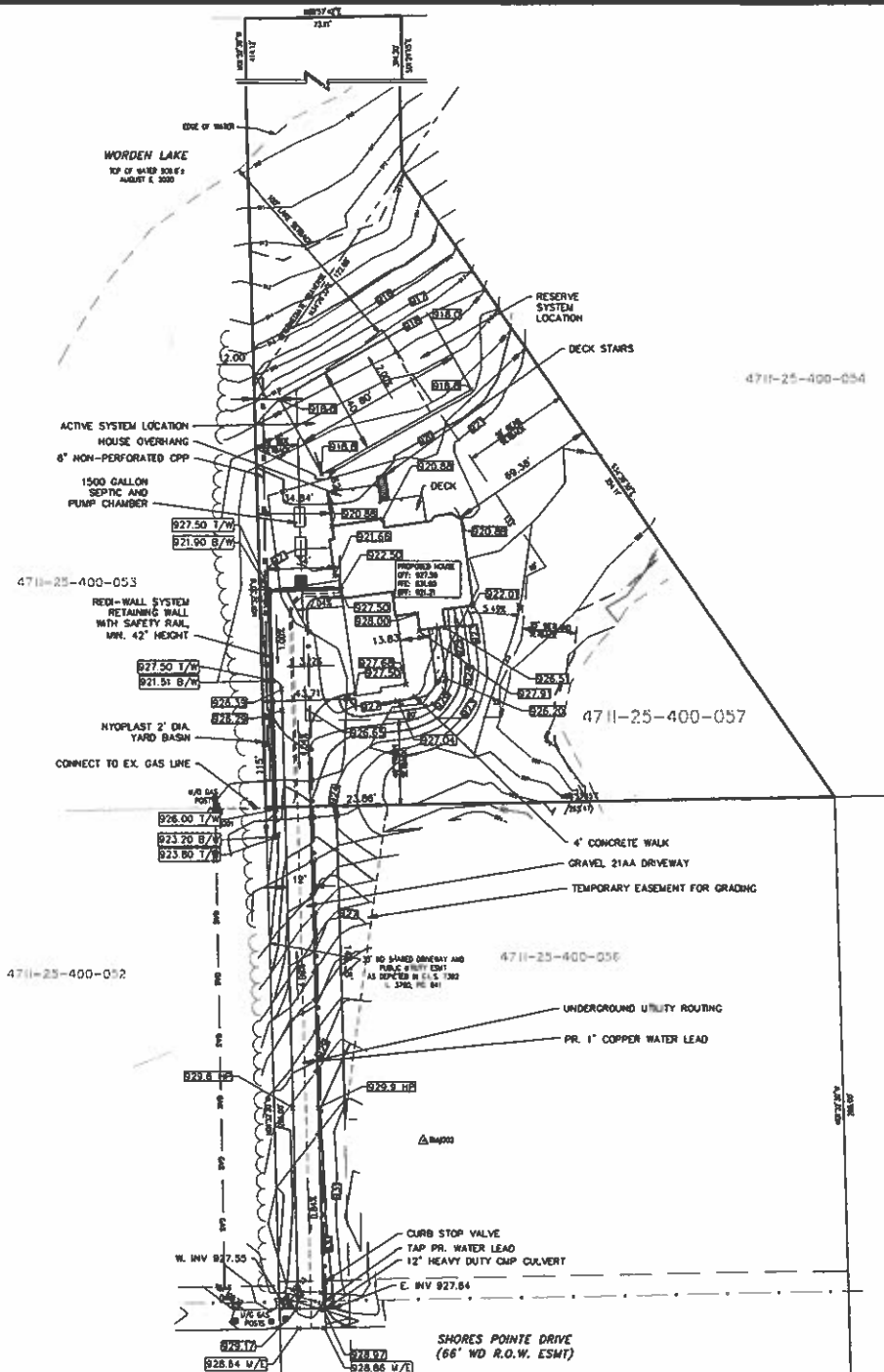
Commencing at the South 1/4 Corner of said Section 25, thence along the North-South 1/4 line of said Section 25, N05°20'10"W 1348.63 feet to the Southwest Corner of "A" Brighton Subdivision No. 2 as recorded in Liber 13, Page 12 Livingston County Records, thence N89°02'20"E 425.63 feet to the Southwest Corner of said "A" Brighton Subdivision No. 2, thence S89°15'00"E 875.13 feet, thence N82°53'45"E 327.36 feet, thence along the West line of a 33 foot wide Shared Driveway Easement (as described below) N07°32'30"W 289.00 feet to the POINT OF BEGINNING of the Parcel to be recorded, thence curving along said line N07°32'30"W 195.34 feet to Tension Point "A", thence curving along said line N07°32'30"W 414.72 feet, thence N89°37'42"E 73.11 feet, thence S07°17'15"E 314.00 feet to Tension Point "B" (said point being 63°30'30"E 120.00 feet from Tension Point "D", thence S47°30'30"E 354.11 feet, thence S87°53'45"E 386.00 feet to the Point of Beginning, containing 1.67 acres, more or less and subject to the rights of the public over the existing Party A or (33 foot wide Right-of-Way). Also including the use of a 66 foot wide private road and public utility easement as recorded in Liber 938, Page 285 of the Livingston County Records. Also including the use of a 33 foot wide Shared Driveway and Public Utility Easement as described below. Also subject to any other easements or restrictions of record.

33 Foot Wide Shared Driveway and Public Utility Easement
 Part of the Southeast 1/4 of Section 25, T29-N05E, Range Township, Livingston County, Michigan, more particularly described as follows:
 Commencing at the South 1/4 Corner of said Section 25, thence along the North-South 1/4 line of said Section 25, N05°20'10"W 1348.63 feet to the Southwest Corner of "A" Brighton Subdivision No. 2 as recorded in Liber 13, Page 12, Livingston County Records, thence N89°02'20"E 425.63 feet to the Southwest Corner of said "A" Brighton Subdivision No. 2, thence S89°15'00"E 875.13 feet, thence N82°53'45"E 327.36 feet to the POINT OF BEGINNING of the Easement to be described, thence along the West line of a 33 Foot Wide Shared Driveway Easement N07°32'30"W 289.00 feet, thence N89°37'42"E 73.10 feet, thence S07°17'15"E 314.00 feet, thence S87°53'45"E 386.00 feet to the Point of Beginning.

See D No. 4711-25-400-057
 also shown on "Plan", Very Drive, Brighton, MI 48116



HOUSE DETAIL
 NOT TO SCALE



- LEGEND**
- - - - - PARCEL BOUNDARY
 - - - - - BUILDING FOOTPRINT
 - ● ● ● ● UTILITY METERS & BOXES (ELECTRIC, GAS, WATER, BORED METERS, PHONE, CABLE, CITY, S.W., S.W., S.W., S.W.)
 - AIR CONDITIONER UNIT
 - UTILITY POLE (W/OUT WIRE)
 - UNDERGROUND UTILITY LINES (ELECTRIC, PHONE, CABLE)
 - W/UTILITY LINES (PHONE, CABLE, ELECTRIC, CABLE, TV, MUSIC, WIRELESS)
 - EDGE OF WOODS / TREE DRIP LINE
 - EDGE OF DRIVEWAY
 - EDGE OF PAVEMENT
 - EDGE OF WATER
 - RISE OF W/UTILITY/SHAFT
 - SANITARY SEWER MANHOLE #/DEPTH/FEET
 - SEWER PUMP
 - SANITARY SEWER PIPE
 - CLEAN OUT
 - WATER SHUT OFF
 - SEWER VALVE BOX
 - SEWER MANHOLE
 - GAS MANHOLE / GASLINE COVER
 - GAS SHUT OFF
 - M/S GAS
 - F CONTROL
 - F CONTROL

BENCHMARK
 BATHN BASED ON HIS DPUS SURVEY REPORT, DATED AUGUST 11, 2020 AT 8:15 PM

BENCHMARK #209
 SOUTHWESTERLY CORNER OF TRANSFORMER PAD, LOCATED 282 FEET WEST OF THE SOUTHWEST PROPERTY CORNER. ELEVATION = 821.36 (NAD 83)

BENCHMARK #212
 NAIL IN THE SOUTH SIDE OF A 1 1/2" THICK CHERRY TREE, LOCATED 646 FEET NORTH OF SHORES POINTE DRIVE AND 782 FEET EAST OF THE WEST PROPERTY LINE. ELEVATION = 833.23 (NAD 83)

811
 Never start a dig. Call before you dig.

DPMI INC
 (810) 227-8533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2185 PLEASANT DRIVE
 BRIGHTON, MICHIGAN 48116

3 WORKING DAYS BEFORE YOU DIG
 CALL 811 OR 1-800-469-7979 (TOLL FREE)
 OR VISIT CALLBE1.COM

DESIGN: VMP	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JMO		11-11-28	REMOVE HOUSE LOCATION PER OWNER REQUEST			
CHECK: VMP		02-17-21	REMOVE HOUSE PER ARCHITECTURAL PLANS			

PARCEL 4
SHORES POINTE DR.

PLOT PLAN

CLIENT: ARJA & KEVIN POPPE 4232 DEERIDE DRIVE BRIGHTON, MICHIGAN 48118 616-400-3028	SCALE: 1 in = 30 ft. PROJECT No.: 203844 DWG NAME: 2844 PP ISSUED: 11.28.21, 3.22.21	1
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- (b) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section. Where there are no property (site condominium) lines between the two condominium units, decks shall be setback a minimum of four (4) feet from the halfway point between the two units, provided the decks are separated a minimum of eight (8) feet (combined four (4) foot setback of both decks).
- (c) Shoreline Lots: Decks without roofs on a waterfront lot shall extend a maximum fifteen (15) feet from the rear building line of the principal structure. A minimum fifteen (15) foot wide open space greenbelt shall be provided between the deck and the closest edge of the shoreline. A separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.
- (d) Gazebos/Pergolas: Decks may include a covered or enclosed pergola or gazebo with a maximum size of one hundred fifty (150) square feet and a maximum height of fourteen (14) feet (see Article 25 for calculation of building height). (as amended 5/13/05 and 3/5/10)

11.04.03 Swimming Pools

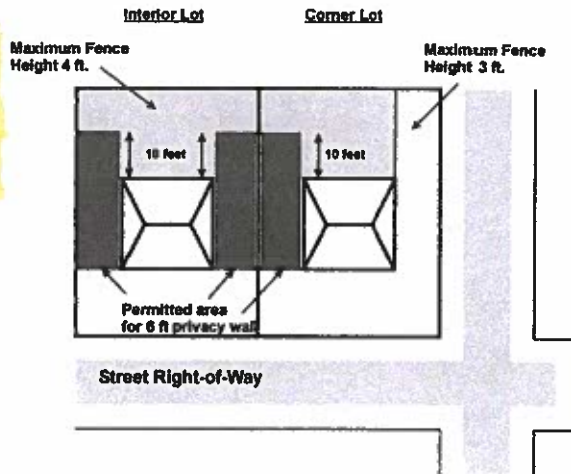
- (a) Requirement for Fence: Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved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

11.04.04 Fences, Walls and Screens

- (a) Unless specifically authorized elsewhere in this Ordinance, fences, walls or screens located within the front yard in any residential zoning district shall not exceed three (3) feet in height, or be in excess of forty nine (49) percent (%) solid or impervious.
- (b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. Fences shall not be permitted in the required waterfront yard.

- (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;



(2) A six (6) foot high dog run or pet enclosure enclosing a maximum of twenty percent (20%) of the required rear yard or two hundred (200) square feet maximum area within the required rear yard, whichever is less

(3) A six (6) foot high fence in an Agricultural or Country Estate District, which does not exceed forty nine percent (49%) solid or impervious area except as provided for in 11.04.04(c).;

(4) An eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, commercial use or industrial use, which may also include a maximum of one (1) additional foot of barb wire.

(d) Fences, walls or screens shall not be erected within any public right-of-way or maintained in such a way as to obstruct the vision of motorists exiting driveways or within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

(e) The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the Agricultural and Country Estate Residential District, intended to enclose permitted livestock, or electronic fences buried beneath the ground. (as amended 12/31/06 and 3/5/10)

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

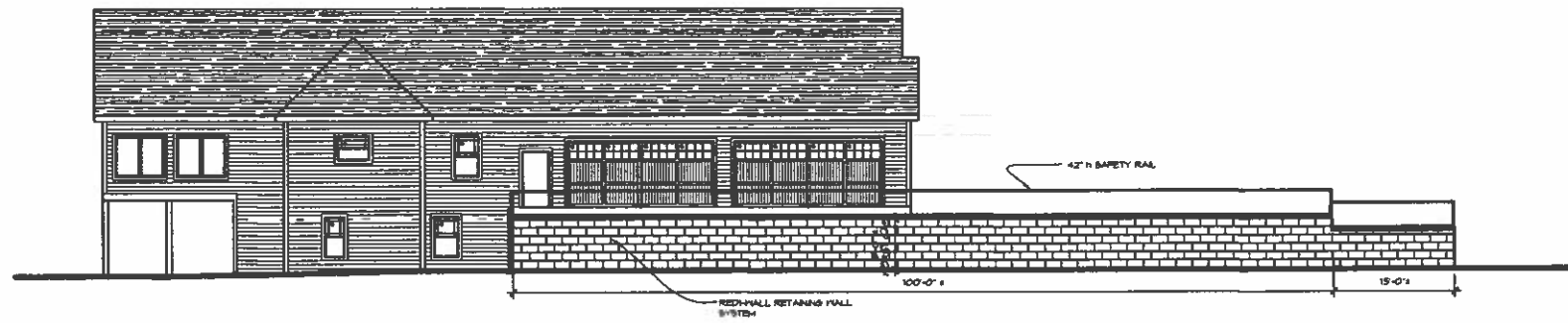
(a) Only the following structures and appurtenances shall be permitted within the required waterfront yard:

(1) docks and mooring apparatus;

PROJECT: A NEW HOME FOR:
THE POPPE FAMILY
 PARCEL 4 SHORES POINTE DRIVE, BRIGHTON

H2A
 architects
 9100 Lapeer Rd. Suite B
 Davison, MI 48423
 (810) 412-5640
 www.h2aarchitects.net

PROJECT: A NEW HOME FOR:
THE POPPE FAMILY
 PARCEL 4 SHORES POINTE DRIVE, BRIGHTON



**PROPOSED
 WEST ELEVATION**
 1/8" = 1'-0"



REDI-WALL EXAMPLES
 NO SCALE

NO.	DESCRIPTION	DATE
6		
5		
4		
3		
2		
1	REVISION 1	1/27/21

A NEW HOME FOR THE
POPPE FAMILY
 PARCEL 4 SHORES POINTE DRIVE
 BRIGHTON, MI

DRAWING TITLE
**RETAINING WALL
 DIAGRAM**

PROJECT NO.	POPPE
DATE	5-15-21
DRAWN	SAA
CHECKED	SAA

A100

CAD FILE NO.	
SCALE	1/8" = 1'-0"
SHEET	1 OF 1

PLOT DATE: 5/16/2021 11:56 AM
 C:\Users\valent\Documents\2021\proj\jaco\houses\Poppe\A100.dwg

PRELIMINARY 3-19-21



(517) 546-6121
FAX (517) 546-1478

**HASTINGS TESTING ENGINEERS
AND ENVIRONMENTAL INC.**

"Testing to keep America on a firm foundation"

4841 GOLF CLUB ROAD • HOWELL, MI 48843

June 6, 2020

Crane Construction
893 South Old US-23
Brighton, MI 48114

Attention: Steve Crane

Reference: Shores Pointe Drive – Sub-Surface Exploration

Dear Mr. Crane,

Two (02) soil test borings designated as soil boring locations #1 and #2 were drilled in the influence of a planned residential home located on Shores Pointe Drive in Genoa Township, Michigan. The soil test borings were performed to determine the structural integrity of the sub-surface sub-grade materials. The property is a vacant parcel located north of Shores Pointe Drive and Holly Drive and west of Very Drive. Both test borings were advanced to a depth of twenty feet (20'-0") below the existing site grade. The soil boring locations can be identified on the enclosed diagram.

Soil descriptions, ground water observations and the results of field tests are to be found on the accompanying soil boring logs.

Soil descriptions and depths shown on the soil boring logs were approximate indications of change from one soil to another and are not intended to represent an exact geological change or stratification.

Ground water was encountered in each of the test boring locations at the following depths:

Test boring #1 – 4'-0" below existing grade

Test boring #2 – 3'-0" below existing grade

It is generally recommended that all footings should be constructed at least twelve inches above the long-term ground water elevation which appears to be approximately three to four feet below the existing grade. It should be noted that short-term ground water observations may not provide a reliable indication of the depth of the water table. In cohesive soils this is due to the slow rate of water infiltration into the bore hole as well as the potential for water to become trapped in overlying layers of granular soil in periods of heavy rain fall.



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FAX (517) 546-1478

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Information obtained from soil blow counts (standard penetration) indicate that the soils are variably compacted. The encountered granular soils were generally determined to be in a very loose to medium dense state, and the encountered cohesive soils generally had stiff to very stiff consistencies.

Based on the project information provided (two story residential home with a walk-out basement) and the results of field tests, it is believed that the proposed structure can be supported with conventional spread or strip footings. However, it is recommended that all footing sub-grade locations be over excavated to a depth of approximately twelve inches below the proposed bottom of footing elevations. Some areas may need to be excavated deeper to remove any organic soils determined to be in the influence of the footing locations. All excavations shall be done on a one on one slope from the bottom of the footing elevation. The excavation should be brought back up to the bottom of the footing sub-grade elevation with 1"-3" crushed concrete that is compacted directly into the sub grade soils with an excavator mounted hoe pack until suitably stabilized. A representative from Hastings Testing Engineers and Environmental Inc. should be on site during excavation and compacting operations. Footings could then be proportioned for a design soil pressure of two thousand pounds per square foot between one foot (1'-0") and three feet (3'-0") below the existing site grade. It is anticipated that the site will require significant amounts of fill to accommodate a walk-out basement. Care should be taken to either remove or re-compact any loose granular or cohesive soils found in the bottom of the footing sub-grade locations.

Prior to the construction of spread footings or slabs all organic soils or unsuitable fill materials should be removed and replaced with engineered fill materials placed in horizontal lifts not exceeding one foot in depth with each lift compacted uniformly to a minimum density of ninety-five percent of the materials maximum unit weight as determined by (AASHTO T-180 or ASTM D1557). All exterior footings should be constructed at or below the maximum frost penetration of three feet six inches (3'-6") below finished grade. All footings and slabs should be constructed on naturally occurring sub-soils or engineered fill materials.

Experience indicates that the actual subsoil conditions at the site could vary from those generalized on the basis of test borings made at specific locations. It is therefore essential that Hastings Testing Engineers and Environmental Inc. be notified of any variation of the soil conditions to determine the effects on the recommendations in this report. The evaluations and recommendations contained in this report have been formulated on assumed data relating to the proposed project. Any significant change in this data in the final design plans should be brought to our attention for review and evaluation.



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If you should have further questions, please contact our office.

Sincerely,

Marc Smith PE





(517) 546-6121
FAX (517) 546-1478

HASTINGS TESTING ENGINEERS AND ENVIRONMENTAL INC.

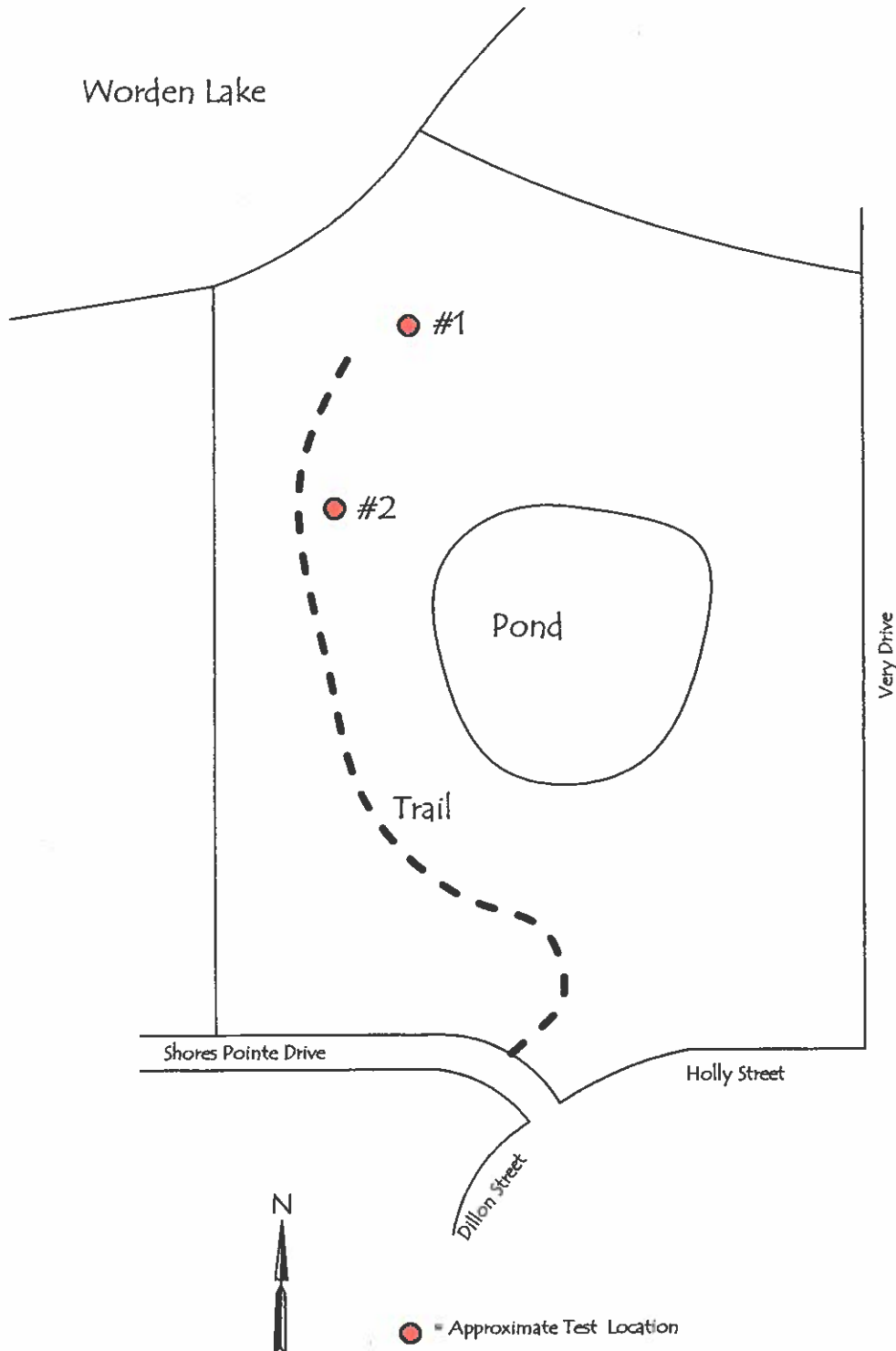
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Shores Pointe Drive

Soil Boring Testing Diagram

Date: 05/29/2020





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REPORT OF SOIL BORING

TESTED FOR: Crane Construction

893 South Old US-23

Brighton

MI 48114

REPORT # :6632

CLIENT # :4306

DATE :05/29/20

PAGE :1

LOCATION :Soil Boring #1 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Organic Soil and Material	0.5							
Silty Medium-Coarse Brown Sand	1.0							
	1.5		2					
	2.0		1					
	2.5	SS1	3	4	8.8			
	3.0							
	3.5		2					
	4.0		4					
	4.5	SS2	2	6	11.6			
	5.0							
	5.5							
	6.0		3					
	6.5		3					
	7.0	SS3	2	5	13.2			
	Type of Sample: SS - Split Spoon SL - Split Spoon With Liner ST - Shelby Tube			* Standard Penetration Test - Driving 2" OD Sampler 18" with 140 # Hammer, Falling 30" Count made at 6" intervals.				
DRILLING METHOD :Trailer Mounted Auger			GROUND WATER ENCOUNTERED AT :4'-0" BEG					
DRILLING FOREMAN :L. Caudill			GROUND WATER AFTER COMPLEATION:4'-0" BEG					
BACKFILL MATERIAL:Existing Material			GROUND WATER AFTER :1 Hour					



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**HASTINGS TESTING ENGINEERS
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REPORT OF SOIL BORING

TESTED FOR: Crane Construction

893 South Old US-23

Brighton

MI 48114

REPORT # :6632

CLIENT # :4306

DATE :05/29/20

PAGE :2

LOCATION :Soil Boring #1 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Silty Medium-Coarse Brown Sand	7.5							
	8.0							
Silty Gray Clay	8.5		5					
	9.0		8					
	9.5	SS4	12	20	12.5		5000.	
	10.0							
	10.5							
	11.0							
	11.5							
	12.0							
	12.5							
	13.0							
	13.5			10				
	14.0			9		13.9		3000.

Type of Sample: SS - Split Spoon
 SL - Split Spoon With Liner
 ST - Shelby Tube

* Standard Penetration Test - Driving 2" OD
 Sampler 18" with 140 # Hammer, Falling 30"
 Count made at 6" intervals.

DRILLING METHOD :Trailer Mounted Auger
 DRILLING FOREMAN :L. Caudill
 BACKFILL MATERIAL:Existing Material

GROUND WATER ENCOUNTERED AT :4'-0" BEG
 GROUND WATER AFTER COMPLETION:4'-0" BEG
 GROUND WATER AFTER :1 Hour



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REPORT OF SOIL BORING

TESTED FOR: Crane Construction

893 South Old US-23

Brighton

MI 48114

REPORT # :6632

CLIENT # :4306

DATE :05/29/20

PAGE :3

LOCATION :Soil Boring #1 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Medium Gray Sand	14.5	SS5	8	17	10.8			
	15.0							
	15.5							
	16.0							
	16.5							
	17.0							
	17.5							
	18.0							
	18.5			5				
	19.0			6				
	19.5	SS6		7	13	11.1		
End Of Soil Boring #1	20.0							

Type of Sample: SS - Split Spoon
 SL - Split Spoon With Liner
 ST - Shelby Tube

* Standard Penetration Test - Driving 2" OD
 Sampler 18" with 140 # Hammer, Falling 30"
 Count made at 6" intervals.

DRILLING METHOD :Trailer Mounted Auger
 DRILLING FOREMAN :L. Caudill
 BACKFILL MATERIAL:Existing Material

GROUND WATER ENCOUNTERED AT :4'-0" BEG
 GROUND WATER AFTER COMPLEATION:4'-0" BEG
 GROUND WATER AFTER :1 Hour



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REPORT OF SOIL BORING

TESTED FOR: Crane Construction
 893 South Old US-23
 Brighton MI 48114

REPORT # :6633
 CLIENT # :4306
 DATE :05/29/20
 PAGE :1

LOCATION :Soil Boring #2 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Organic Soil and Material	0.5							
Silty Coarse Brown Sand With Small Gravel	1.0							
	1.5		0					
	2.0		1					
	2.5	SS1	3	4	8.7			
	3.0							
	3.5		5					
	4.0		6					
	4.5	SS2	5	11	9.0			
	5.0							
	5.5							
	6.0		3					
	6.5		3					
	7.0	SS3	4	7	8.6			

Type of Sample: SS - Split Spoon
 SL - Split Spoon With Liner
 ST - Shelby Tube

* Standard Penetration Test - Driving 2" OD
 Sampler 18" with 140 # Hammer, Falling 30"
 Count made at 6" intervals.

DRILLING METHOD :Trailer Mounted Auger
 DRILLING FOREMAN :L. Caudill
 BACKFILL MATERIAL:Existing Material

GROUND WATER ENCOUNTERED AT :3'-0" BEG
 GROUND WATER AFTER COMPLETION:3'-0" BEG
 GROUND WATER AFTER :1 Hour



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 FAX (517) 546-1478

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REPORT OF SOIL BORING

TESTED FOR: Crane Construction

893 South Old US-23

Brighton

MI 48114

REPORT # :6633

CLIENT # :4306

DATE :05/29/20

PAGE :2

LOCATION :Soil Boring #2 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Silty Coarse Brown Sand With Small Gravel	7.5							
	8.0							
	8.5		5					
	9.0		5					
	9.5	SS4	6	11	9.5			
	10.0							
	10.5							
	11.0							
	11.5							
	12.0							
Silty Gray Clay	12.5							
	13.0							
	13.5		10					
	14.0		15					
Type of Sample: SS - Split Spoon SL - Split Spoon With Liner ST - Shelby Tube			* Standard Penetration Test - Driving 2" OD Sampler 18" with 140 # Hammer, Falling 30" Count made at 6" intervals.					
DRILLING METHOD :Trailer Mounted Auger DRILLING FOREMAN :L. Caudill BACKFILL MATERIAL:Existing Material			GROUND WATER ENCOUNTERED AT :3'-0" BEG GROUND WATER AFTER COMPLEATION:3'-0" BEG GROUND WATER AFTER :1 Hour					



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REPORT OF SOIL BORING

TESTED FOR: Crane Construction

893 South Old US-23

Brighton

MI 48114

REPORT # :6633

CLIENT # :4306

DATE :05/29/20

PAGE :3

LOCATION :Soil Boring #2 - See Enclosed Diagram

Soil Description	Depth in Feet	Sample & Type	Blow Count *	N Val	% Water	Natural WT. P C F	Unconfined Strength	
							Str. PSF	Fail Strain
Silty Gray Clay	14.5	SS5	18	33	11.5		8000.	
	15.0							
	15.5							
	16.0							
	16.5							
	17.0							
	17.5							
	18.0							
	18.5			8				
	19.0			14				
	19.5		SS6	16	30	13.1		6000.
	20.0							
End Of Soil Boring #2								

Type of Sample: SS - Split Spoon
SL - Split Spoon With Liner
ST - Shelby Tube

* Standard Penetration Test - Driving 2" OD
Sampler 18" with 140 # Hammer, Falling 30"
Count made at 6" intervals.

DRILLING METHOD :Trailer Mounted Auger
DRILLING FOREMAN :L. Caudill
BACKFILL MATERIAL:Existing Material

GROUND WATER ENCOUNTERED AT :3'-0" BEG
GROUND WATER AFTER COMPLEATION:3'-0" BEG
GROUND WATER AFTER :1 Hour

Genoa Charter Township Variance Application – Parcel 4711-25-400-057

To: The Genoa Township Zoning Board of Appeals

I do not oppose this variance application or the building of the structural retaining wall and safety fence on parcel 4711-25-400-057. I understand that it is required for safe access, use, and development of the property. This will not interfere or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Thank you,



Cheryl Larva
7873 Shores Pointe Dr
Brighton MI 48016

Date: 3/22/21

Genoa Charter Township Variance Application – Parcel 4711-25-400-057

To: The Genoa Township Zoning Board of Appeals

I do not oppose this variance application or the building of the structural retaining wall and safety fence on parcel 4711-25-400-057. I understand that it is required for safe access, use, and development of the property. This will not interfere or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Thank you,


BRUCE MASON

Date: 3-19-21

Genoa Charter Township Variance Application – Parcel 4711-25-400-057

To: The Genoa Township Zoning Board of Appeals

I do not oppose this variance application or the building of the structural retaining wall and safety fence on parcel 4711-25-400-057. I understand that it is required for safe access, use, and development of the property. This will not interfere or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Thank you,

Jeremy P Bower

Date: 3-20-2021

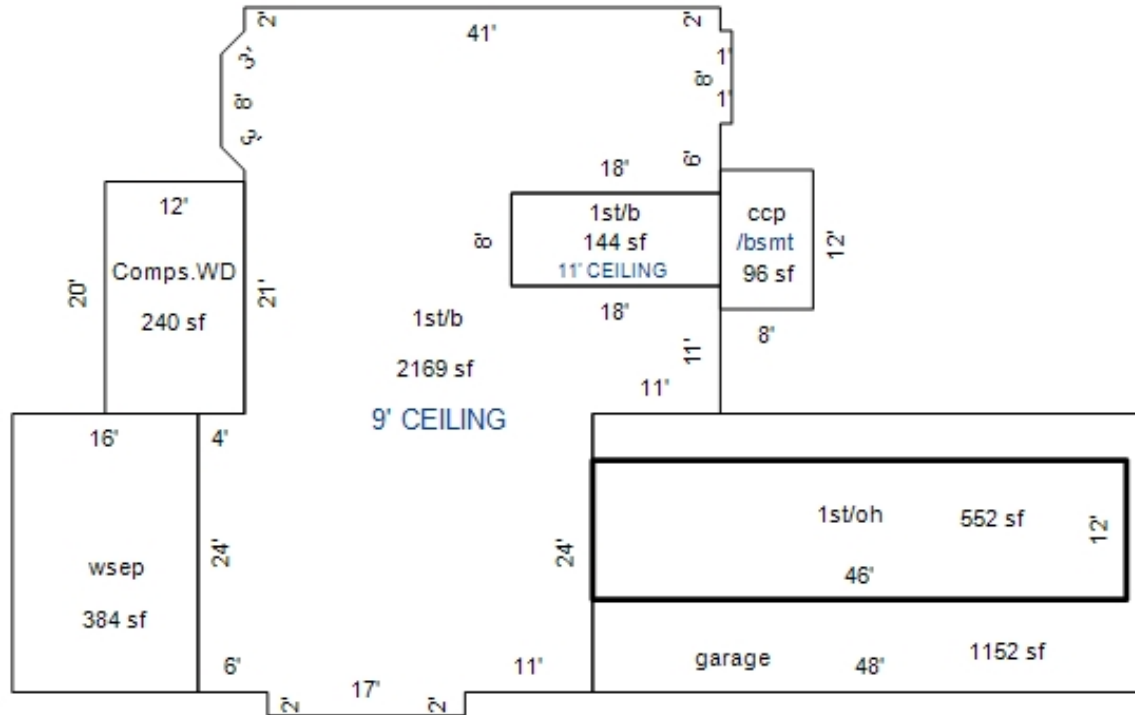
7909 Vary Dr.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.											
SPINICCHIA ANTHONY TRUST	POPPE KEVIN & JULIA	115,000	07/09/2020	WD	ARMS-LENGTH	2020R-023229	BUYER	100.0											
SPINNICHIA, ANTHONY	SPINNICHIA ANTHONY TRUST	0	09/19/2006	TA	INVALID SALE		BUYER	0.0											
Property Address		Class: RESIDENTIAL-VACANT		Zoning: SR		Building Permit(s)		Date	Number	Status									
7881 SHORES POINTE DR		School: BRIGHTON AREA SCHOOLS		Residential New Constructi		03/17/2021		P21-033											
Owner's Name/Address		P.R.E. 0%		Other: See Work Descriptio		10/23/2018		PW18-153											
POPPE KEVIN & JULIA 4232 DEESIDE DR BRIGHTON MI 48116		MAP #: V21-09		2022 Est TCV Tentative															
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4009.HOLLY DILLON MAG													
SEC 25 T2N R5E COMM AT S 1/4 COR TH N01*30'05"W 1340.63 FT TH N89*03'20"E 823.63 FT TH N89*13'50"E 875.13 FT TH N88*53'45"E 327.36 FT TH N01*32'30"W 286 FT TO POB TH N01*32'30"W 195.34 FT TH N01*32'30"W 414.12 FT TH N88*57'42"E 73.11 FT TH S01*21'15"E 314.20 FT TH S34*38'30"E 354.11 FT TH S88*53'45"W 268.80 FT TO POB CONT. 1.67 AC M/L SPLIT FR 029 1/03 PARCEL #4		Public Improvements		* Factors *															
Comments/Influences		Dirt Road		Description		Frontage		Depth		Front		Depth		Rate %Adj.		Reason		Value	
		Gravel Road		'D' WF FF		80.00		425.00		1.0000		1.0000		1120 80		PARTIALLY UNDERWATER		71,6	
		Paved Road		'B' EXCESS FF		92.00		425.00		1.0000		1.0000		634 80		PARTIALLY UNDERWATER		46,6	
		Storm Sewer		172 Actual Front Feet, 1.68 Total Acres										Total Est. Land Value =				118,342	
		Sidewalk		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value			
		Water		2022		Tentative		Tentative		Tentative						Tentative			
		Sewer		2021		74,000		0		74,000		59,171M				59,171S			
		Electric		2020		87,500		0		87,500						19,927C			
		Gas		2019		50,000		0		50,000						19,556C			
		Curb																	
		Street Lights																	
		Standard Utilities																	
		Underground Utils.																	
		Topography of Site																	
		Level																	
		Rolling																	
		Low																	
		High																	
		Landscaped																	
		Swamp																	
		Wooded																	
		Pond																	
		Waterfront																	
		Ravine																	
		Wetland																	
		Flood Plain																	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who		When		What													

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

Building Type		(3) Roof (cont.)			(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage										
X	Single Family Mobile Home Town Home Duplex A-Frame	X	Eavestrough Insulation	0	Front Overhang Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:								
X	Wood Frame	X	Drywall Paneled		Plaster Wood T&G		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																			
Building Style: BC		Trim & Decoration			Central Air Wood Furnace			(12) Electric			Class: BC Effec. Age: 0 Floor Area: 0 Total Base New : 0 Total Depr Cost: 0 Estimated T.C.V: 0			E.C.F. X 1.200		Bsmnt Garage:		Carport Area: Roof:								
Yr Built 2021	Remodeled 0	Ex	X	Ord	Min	Size of Closets			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family BC			Cls BC		Blt 2021									
Condition: Good		Lg	X	Ord	Small	No. of Elec. Outlets			Ground Area = 0 SF Floor Area = 0 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=100/100/100/100/100			Building Areas			Stories		Exterior		Foundation		Size		Cost New		Depr. Cost	
Room List		(5) Floors			(13) Plumbing			Average Fixture(s)			Notes:			Totals:		0		0								
	Basement 1st Floor 2nd Floor Bedrooms	Kitchen: Other: Other:			(6) Ceilings			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments			ECF (4009 HOLLY,DILLION,MAG) 1.200 =>		TCV:		0								
(1) Exterior		(7) Excavation			(8) Basement			(14) Water/Sewer																		
	Wood/Shingle Aluminum/Vinyl Brick X Vinyl X Insulation	Basement: 0 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic																		
(2) Windows		(9) Basement Finish			Lump Sum Items:																					
	Many Avg. Few	X				Recreation SF Living SF Walkout Doors No Floor SF																				
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens																									
(3) Roof		(10) Floor Support																								
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:																						
X	Asphalt Shingle																									
Chimney:																										

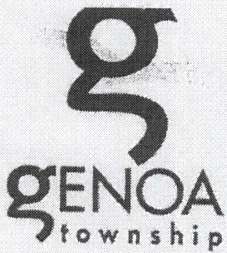
*** Information herein deemed reliable but not guaranteed***



1 BEDROOMS
2 FULL BATHS
1 EXTRA SINK
DV Fireplace
A/C

Driveway Gravel N/V

FINISHED BSMT
1877 SQFT
Walk-out Basement
3 BEDROOMS
2 FULL BATHS
2 EXTRA SINK



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

Case # 21-10

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: RON & JARA BOMBERGER Email: RON. BOMBERGER @ MYBOBS.COM

Property Address: 4182 HIGHCREST Phone: 401-524-5087

Present Zoning: LRR Tax Code: 11-22-302-173

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: NECESSARY RETAINING WALLS IN THE REARYARD SETBACK.
11.01.04 PERMITTED PROJECTIONS INTO
REQUIRED YARDS.

Sara Bomberger 3/22/2021

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

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

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

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

*PLEASE SEE ATTACHED
FOR DETAILED ANSWERS.*

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.

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

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

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

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

DENNIS DINISER
ARCADIAN DESIGN
FOI2

Date: 3-23-21 Signature: Dennis Diniser

RON & SARA BOMBERGETZ

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.

A variance request is described by the site plan, photographs, and 3D sketches attached. The property falls 21' vertically from the lakeside setback to the water's edge. That's only 51' measured horizontally. We have to manage 16' of that vertical drop in 39 horizontal feet. Retaining walls are a necessity for the preservation of this land and to protect the home to be built. Substantial justice will be done in granting this variance to execute soil retaining in almost exactly the same fashion as neighboring homeowners.

Extraordinary Circumstances

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

The property presents us with extraordinary circumstances, we are simply trying to manage those conditions as our neighbors have. The site conditions were certainly not created by the applicant.

Public Safety and Welfare

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

The site will be used for a private residence, as all others in our vicinity, and not a threat to any of the conditions listed above. This variance request will produce conditions very much in keeping with the pattern of property development of our neighbors with similar conditions.

Impact on Surrounding Neighborhood

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

The site will be used for a private residence, promoting the further development of the neighborhood. Our request is completely reactionary to conditions of our and neighboring lots. We are not asking for unreasonable or extraordinary conditions, just a reflection of our neighbor's circumstances. Lastly, our development of this lot will significantly increase the value for both neighboring properties.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: April 16, 2021

RE: ZBA 21-10

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

STAFF REPORT

File Number: ZBA#21-10
Site Address: 4182 Highcrest Drive, Brighton
Parcel Number: 4711-22-302-173
Parcel Size: .211 Acres
Applicant: Ron and Sara Bomberger
Property Owner: Sara Bomberger, 4182 Highcrest Drive, Brighton, MI
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a variance to allow retaining walls in the waterfront yard.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday 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 was constructed in 1974.
- In 2020, was land use waiver was issued for the demolition of the home.
- At the March 16, 2021, variances were approved for the construction of a new home.
- The parcel is serviced by a well and public sewer.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Summary

The proposed project is to install retaining walls in the waterfront yard to allow for the construction of a new home. The applicant was approved for variances to allow for the construction of a new home at the March 16, 2021 Zoning Board of Appeals however it was discovered at the meeting that any retaining walls in the required waterfront yard would require a variance.

The applicant's architect has been working diligently with staff to address wall height concerns.

Staff has been drafting an ordinance update to allow for retaining walls in the required waterfront yard, however it has to receive Planning Commission and Township Board approval.

Variance Requests

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

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

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

(1) docks and mooring apparatus;

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

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

- (a) Practical Difficulty/Substantial Justice** – Strict compliance with the required waterfront yard setback would prevent the installation of the retaining walls. The granting of the retaining walls in the required waterfront yard could provide substantial justice and maybe necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel. There are multiple properties in the area and around the subject lake with retaining walls in the required waterfront yard.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the topography of the lot. Applicant needs to confirm that the need for the retaining walls was not self-created and is the least amount necessary.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance could have an impact to the adjacent neighbors in regards to any grading that would be required for the installation of the retaining walls.

Recommended Conditions

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

1. Applicant should ensure that grading on site will not affect neighboring properties.
2. Applicant must comply with the Livingston County Drain Commissioner and Livingston County Building Department final grading requirements.
3. Owner must maintain a 15-foot greenbelt to the water's edge from the retaining walls.

GENOA TOWNSHIP



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:

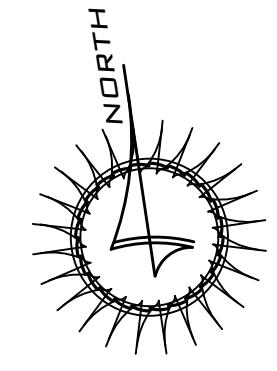
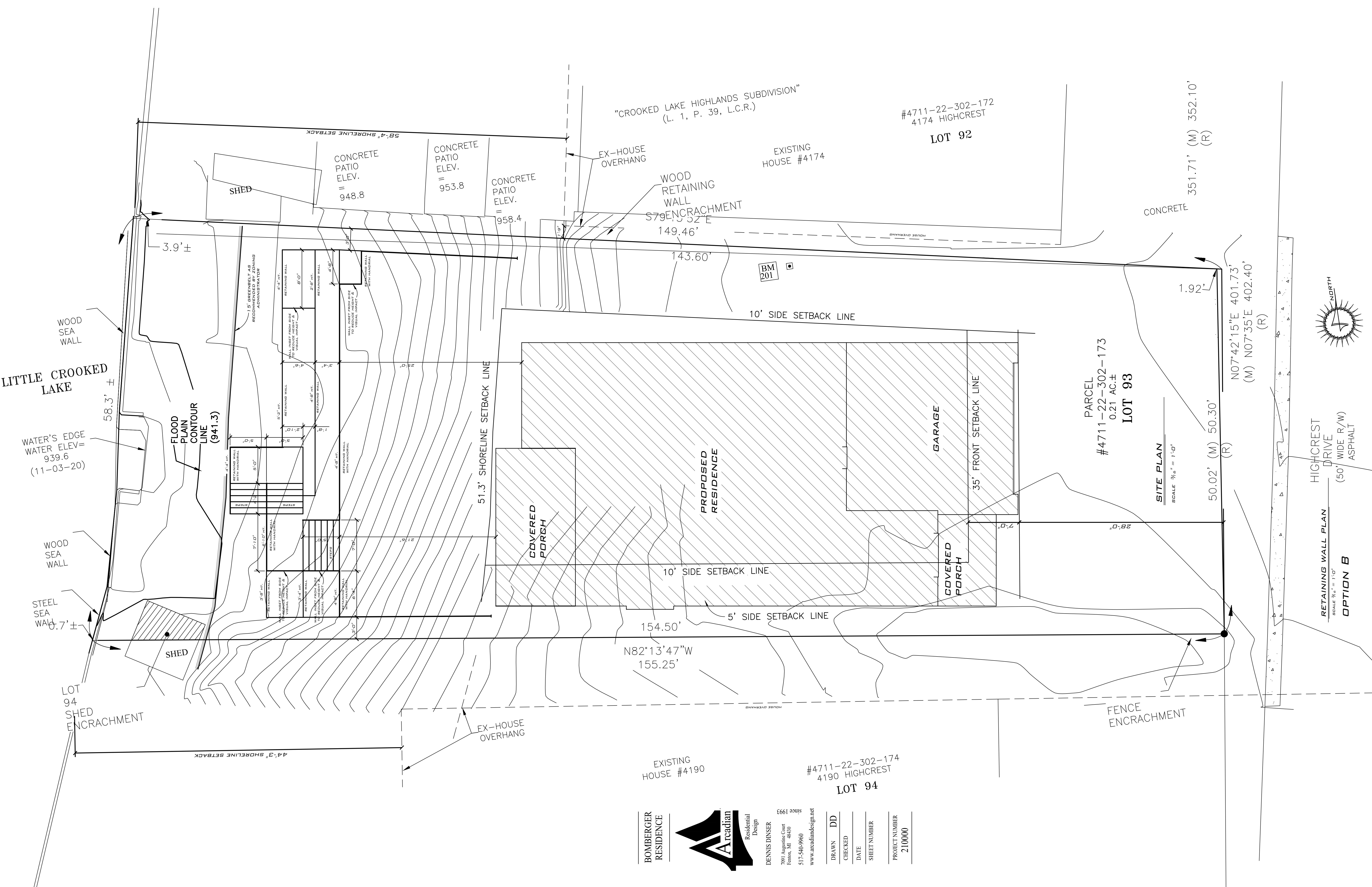
- There are other homes in the vicinity with reduced front and side yard setbacks and granting these variances would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the 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:



RETAINING WALL PLAN
SCALE 3/16" = 1'-0"
OPTION B

BOMBERGER RESIDENCE

ARCADIAN Residential Design
DENNIS DINSEER
2091 Augustine Court
Farmington, MI 48330
517-540-9960
www.arcadaindesign.net

DRAWN DD
CHECKED
DATE
SHEET NUMBER

PROJECT NUMBER
210000

EXISTING HOUSE #4190
#4711-22-302-174
4190 HIGHCREST
LOT 94

#4711-22-302-172
4174 HIGHCREST
LOT 92

PARCEL #4711-22-302-173
0.21 AC.±
LOT 93

"CROOKED LAKE HIGHLANDS SUBDIVISION"
(L. 1, P. 39, L.C.R.)

EXISTING HOUSE #4174

EX-HOUSE OVERHANG

WOOD RETAINING WALL
ENCROACHMENT
S79°52'E
149.46'

BM 201

10' SIDE SETBACK LINE

51.3' SHORELINE SETBACK LINE

10' SIDE SETBACK LINE

5' SIDE SETBACK LINE

154.50'
N82°13'47"W
155.25'

GARAGE

COVERED PORCH

COVERED PORCH

CONCRETE PATIO ELEV. = 948.8

CONCRETE PATIO ELEV. = 953.8

CONCRETE PATIO ELEV. = 958.4

351.71' (M) 352.10' (R)
CONCRETE

1.92'
N07°42'15"E 401.73'
(M) N07°35'E 402.40' (R)

50.02' (M) 50.30' (R)

FENCE ENCROACHMENT

EX-HOUSE OVERHANG

44'-3" SHORELINE SETBACK

LOT 94 SHED ENCROACHMENT

FLOOD PLAN CONTOUR LINE (941.3)

WATER'S EDGE WATER ELEV. = 939.6 (11-03-20)

LITTLE CROOKED LAKE

WOOD SEA WALL

WOOD SEA WALL

STEEL SEA WALL

SHED

3.9'±

58.3'±

SHED

58'-4" SHORELINE SETBACK

1.5' GREENBELT AS RECOMMENDED BY ZONING ADMINISTRATION

RETAINING WALL WITH HORIZONTAL STEPS

RETAINING WALL WITH HORIZONTAL STEPS

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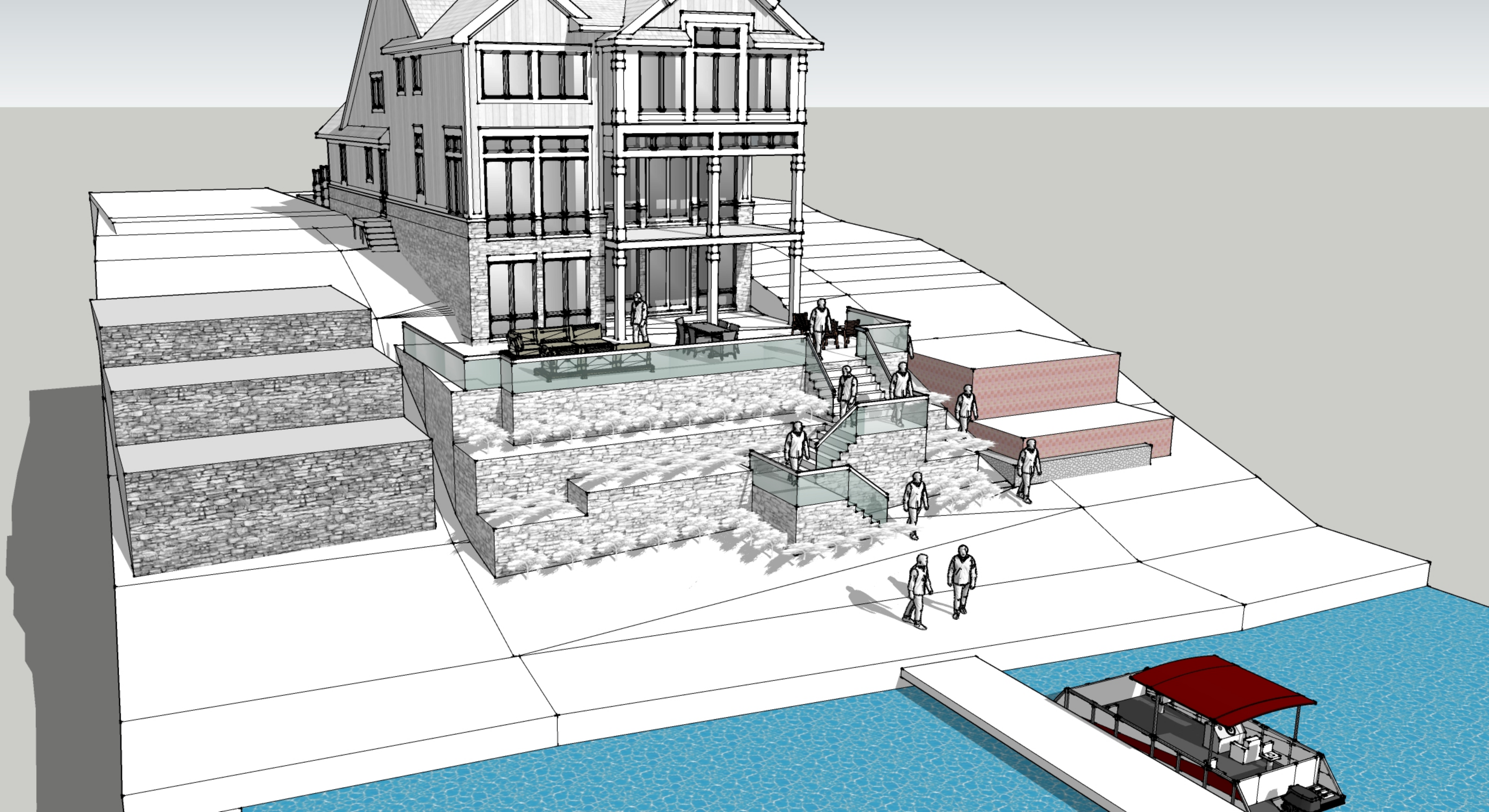
RETAINING WALL WITH HORIZONTAL STEPS

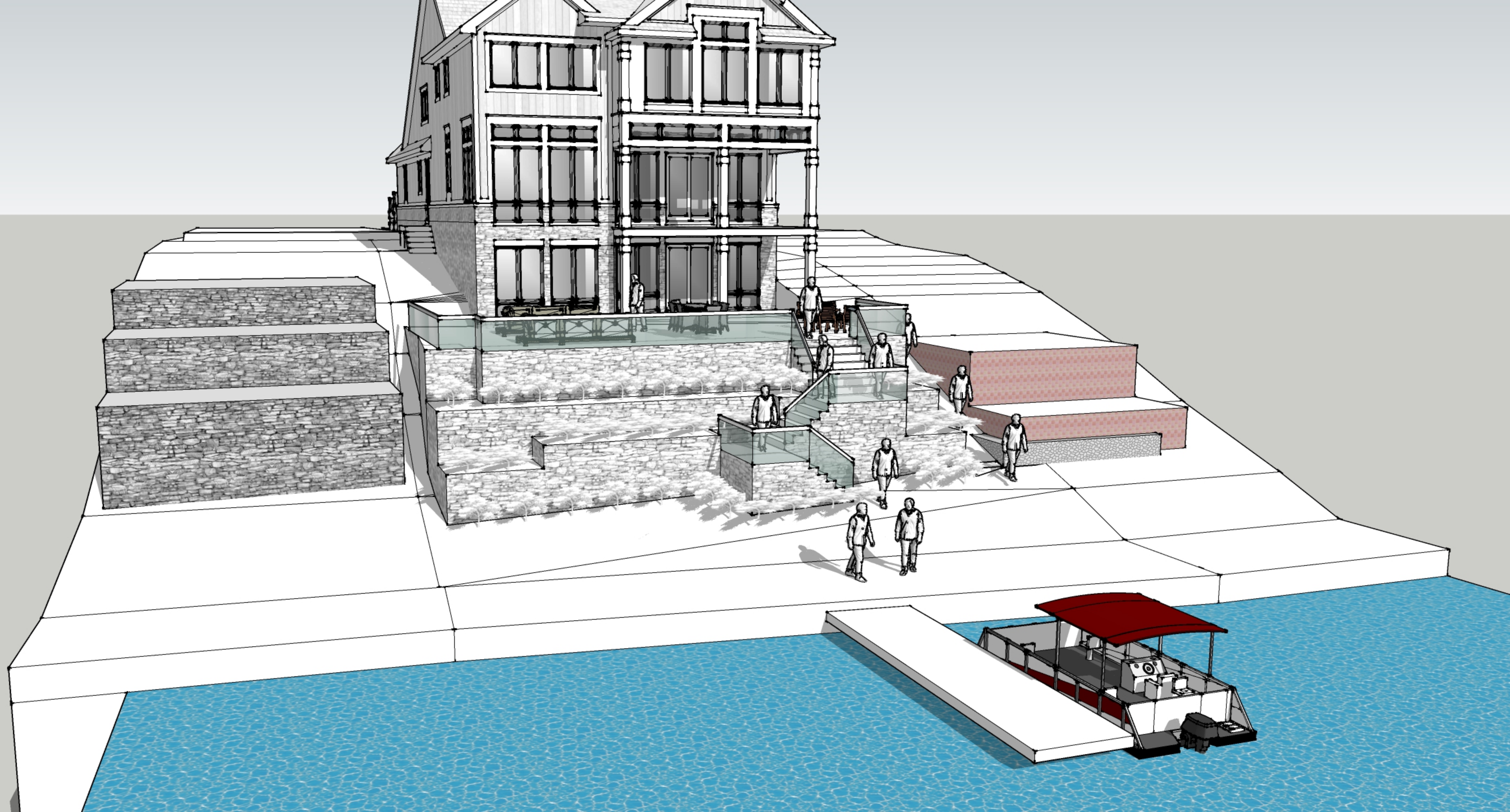
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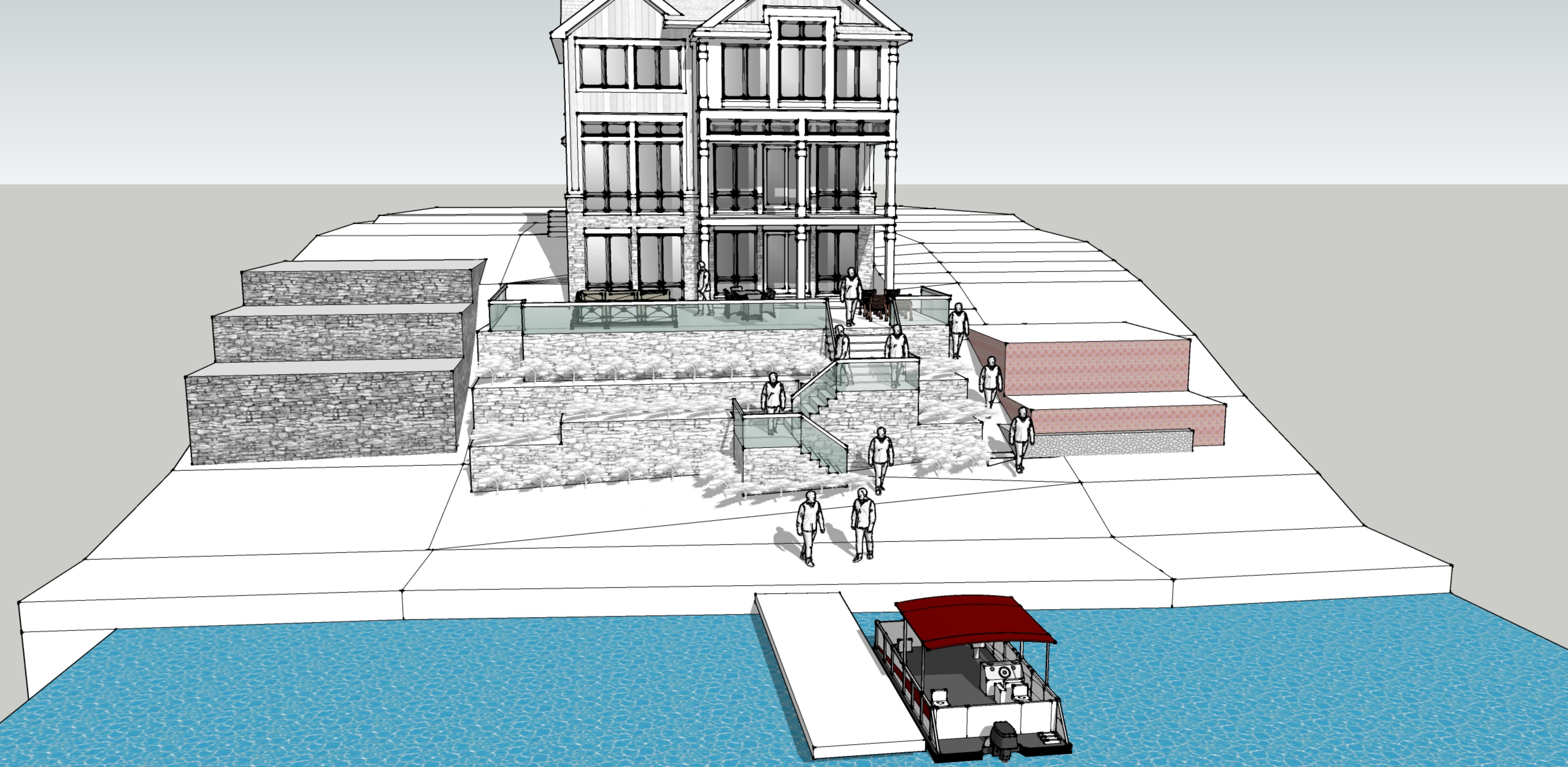
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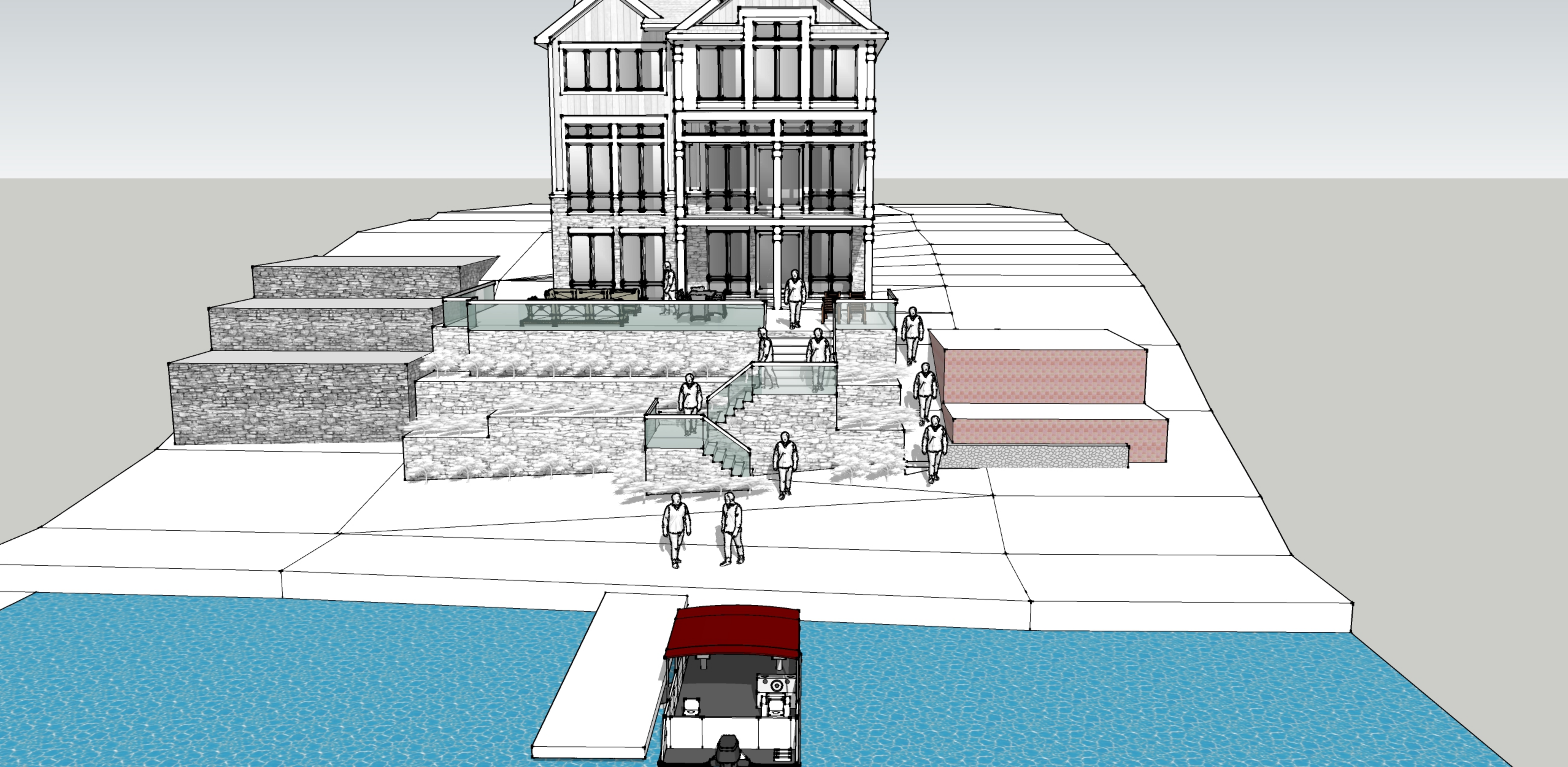
RETAINING WALL WITH HORIZONTAL STEPS

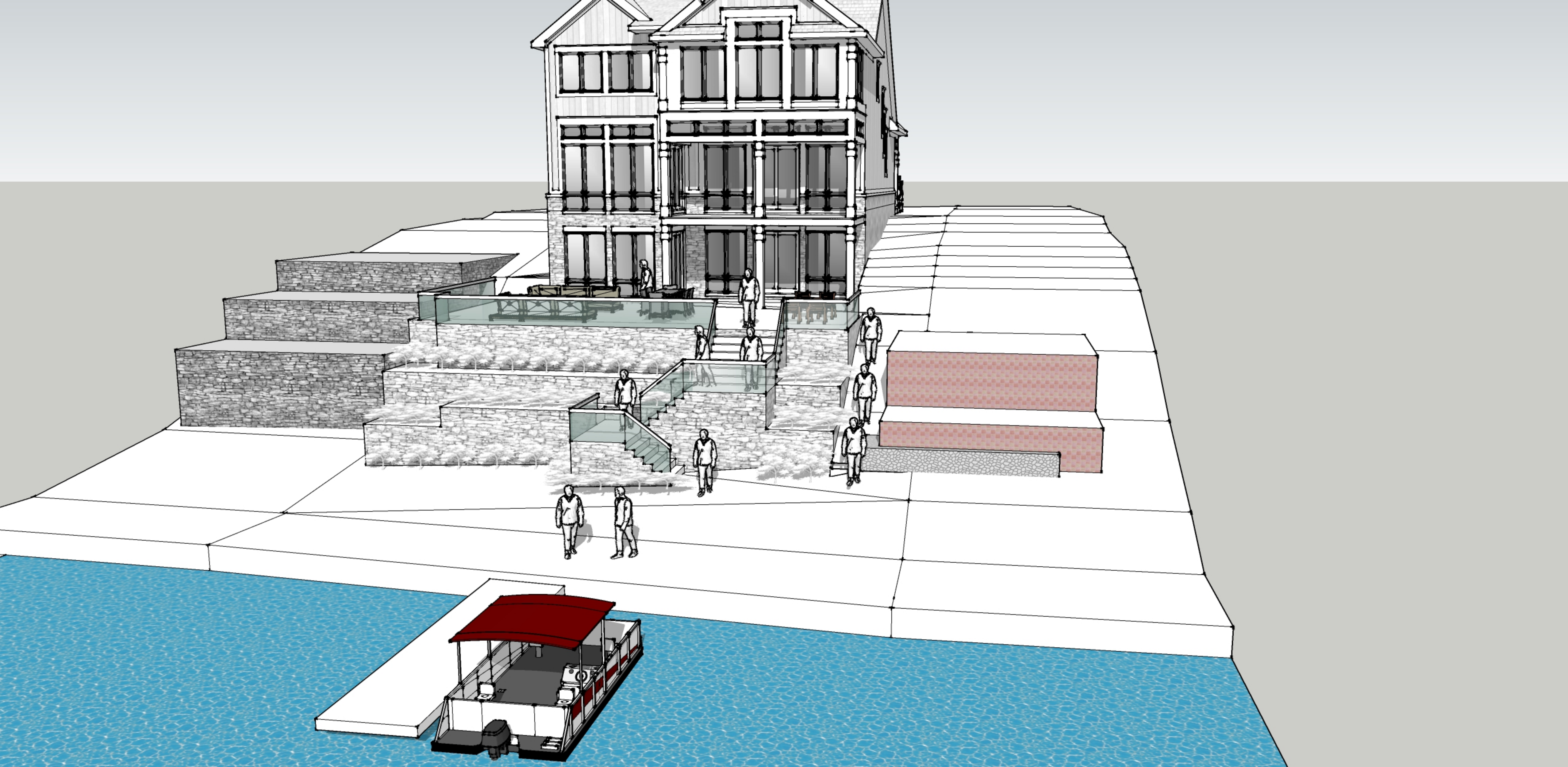
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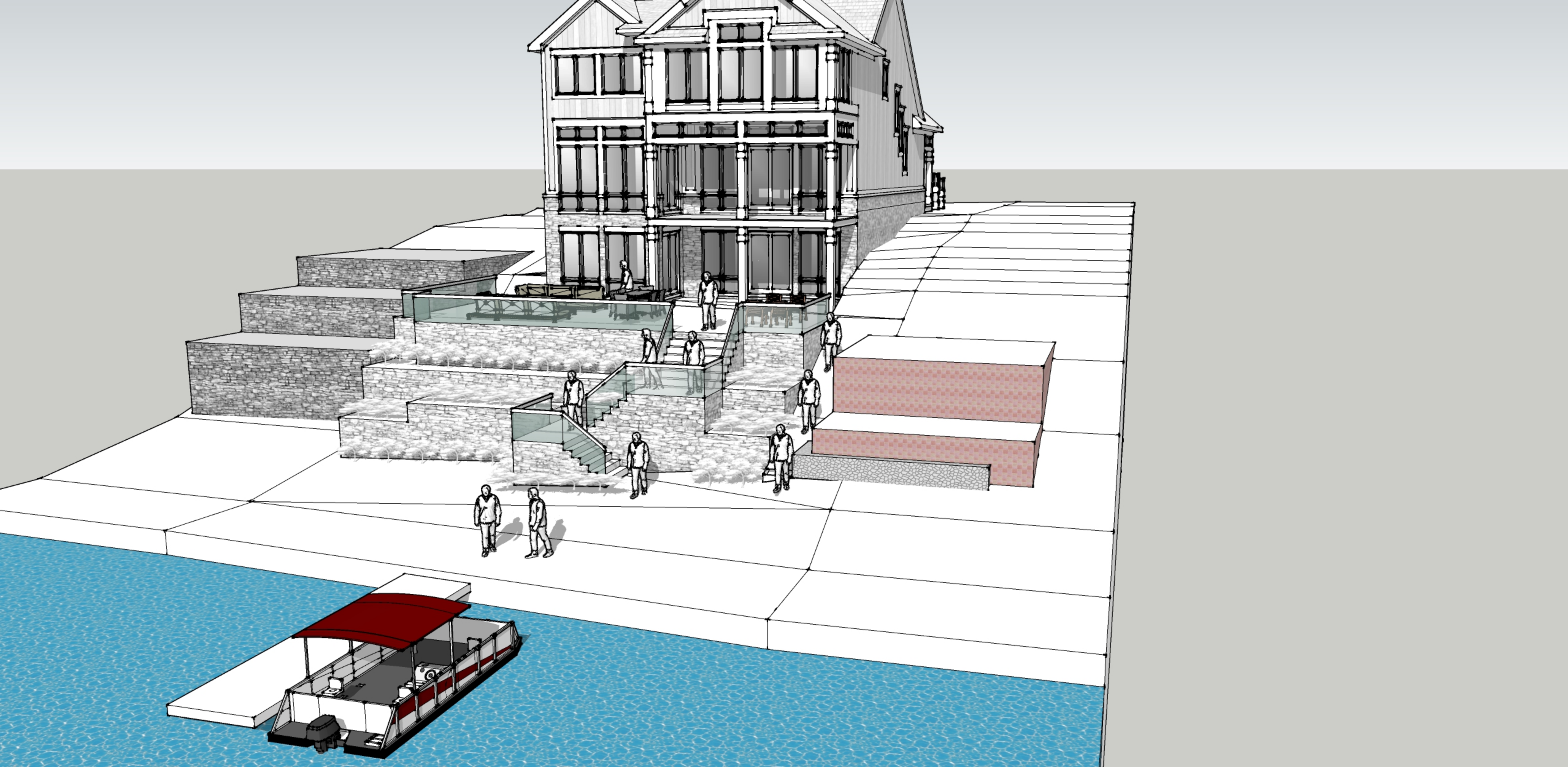






















Services ▾

About ▾

Pricing Guide



4388

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
PERRI ANDREW	MESSIER-BOMBERGER SARA	342,000	08/31/2020	WD	ARMS-LENGTH	2020R-030104	BUYER	100.0
PAR FOUR CO	PERRI ANDREW	250,000	07/11/2007	TA	ARMS-LENGTH	2007R-027264	BUYER	100.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status
4182 HIGHCREST	School: BRIGHTON AREA SCHOOLS		Demolition	10/30/2020	PW20-123	
Owner's Name/Address	P.R.E. 0%					
MESSIER-BOMBERGER SARA 4182 HIGHCREST BRIGHTON MI 48116	MAP #: V21-05					
	2021 Est TCV 345,528 TCV/TFA: 327.20					

Tax Description	Improved	Vacant	Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT								
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 93	X		* Factors *								
			Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
			A LAKE FRONT	50.00	177.00	1.0000	1.0000	4300	100		215,000
			B SURPLUS LF	2.00	177.00	1.0000	1.0000	1600	100		3,200
			52 Actual Front Feet, 0.21 Total Acres			Total Est. Land Value =				218,200	

Comments/Influences	Public Improvements	Topography of Site	Level	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain	2021	109,100	63,700	172,800			172,800S
				2020	101,500	60,600	162,100			117,415C
				2019	96,500	58,700	155,200			115,226C
				2018	76,500	56,100	132,600			112,526C



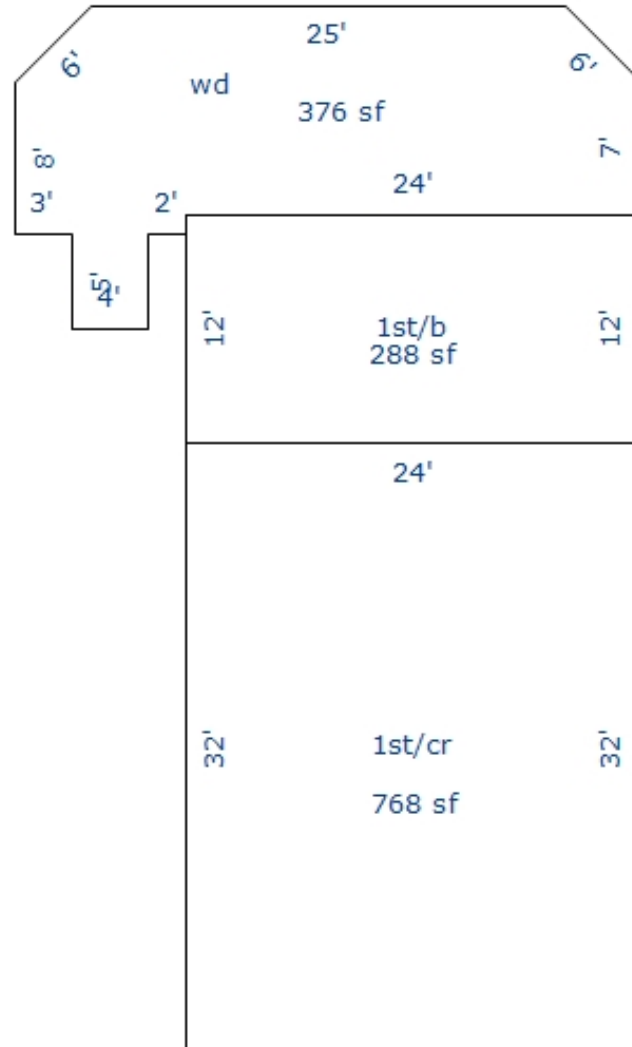
4711-22-302-173 11/02/2020
The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 376	Type Pine	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace							
Building Style: C		Trim & Decoration		(12) Electric			Cost Est. for Res. Bldg: 1 Single Family C			Class: C			E.C.F. X 1.493		Cls C Blt 1974	
Yr Built 1974	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1056 SF Floor Area = 1056 SF.						
Condition: Good		Lg	X	Ord		Small	Many X Ave. Few			Phy/Ab.Phy/Func/Econ/Comb. % Good=59/100/100/100/59						
Room List		(5) Floors		(13) Plumbing			Building Areas			Stories Exterior Foundation			Size		Cost New Depr. Cost	
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		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			1 Story Siding Basement 1 Story Siding Crawl Space			1 Story Siding Basement 1 Story Siding Crawl Space			288 768		124,267 73,318	
(1) Exterior		(6) Ceilings		(14) Water/Sewer			Other Additions/Adjustments			Basement, Outside Entrance, Below Grade			1		2,124 1,253	
X	Wood/Shingle Aluminum/Vinyl Brick			Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Plumbing 3 Fixture Bath			Deck Pine			1		3,855 2,274	
	Insulation	Basement: 288 S.F. Crawl: 768 S.F. Slab: 0 S.F. Height to Joists: 0.0		Lump Sum Items:			Water/Sewer Public Sewer Water Well, 200 Feet			Water/Sewer Public Sewer Water Well, 200 Feet			1		1,240 732 8,914 5,259	
(2) Windows		(8) Basement					Totals:			Totals:			144,547		85,283	
X	Many Avg. Few	X	Large Avg. Small	Recreation SF Living SF 1 Walkout Doors No Floor SF			Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC			144,547		85,283	
(3) Roof		(9) Basement Finish					Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC			144,547		85,283	
X	Gable Hip Flat	Gambrel Mansard Shed					Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC			144,547		85,283	
X	Asphalt Shingle	(10) Floor Support					Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC			144,547		85,283	
Chimney: Brick							Notes:			ECF (4306 TRI LAKES LAKE FRONT) 1.493 => TC			144,547		85,283	

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

New 2021 tax Roll
Demo Home 10/30/20



2 BEDROOMS
2 FULL BATH
W/O BSMT
CNC DW - N/V