

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MAY 18, 2021
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

1. 21-11...A request by Katie and Jared Van Hees, 4077 Anchor Lane, for a rear yard setback variance to construct an addition to an existing single-family home.

Administrative Business:

1. Approval of minutes for the April 20, 2021 Zoning Board of Appeals meetings.
2. Correspondence
3. Member Discussion
4. Adjournment



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

Case # 21-11

Meeting Date: May 18, 2021
@ 6:30 pm

PAID Variance Application Fee

\$215.00 for Residential

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

Applicant/Owner: Katie & Jared Van Hees Email: jaredvanhees@gmail.com

Property Address: 4077 Anchor Lane Phone: 6166380776

Present Zoning: LRR Tax Code: 11-27-101-024

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.

Please explain the proposed variance below:

1. **Variance requested/intended property modifications:** We are asking for one rear yard, 10' variance. This is reflective of homes in our vicinity. This will not pertrude past the existing deck (12' back) and will use some of the existing deck space. This is for a dining area as this home does not have one.

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

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

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

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

There are other homes in the vicinity with reduced rear yard setbacks and granting this 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.

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 exceptional or extraordinary condition of the property is the existing location of the home, the shallowness of the lot and the location of the well. It appears to be the least amount necessary and is not self-created.

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

Granting the variance will not impair an adequate supply of light and air to adjacent properties, would not increase congestion or increase the danger of fire, or threaten public safety and welfare.

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

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

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

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

Date: 4/20/21

Signature:





MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: May 14, 2021

RE: ZBA 21-11

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

STAFF REPORT

File Number: ZBA#21-11
Site Address: 4077 Anchor Lane, Brighton
Parcel Number: 4711-27-101-024
Parcel Size: .321 Acres
Applicant: Katie and Jared Van Hees, 4077 Anchor Lane, Brighton, MI
Property Owner: Same as applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a rear yard setback variance to construct an addition to an existing single-family home.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday May 2, 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 1990.
- In 2014, a land use permit was issued for an addition to the existing home.
- In 2019, a land use permit was issued for a detached accessory structure.
- 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 construct an addition to an existing single-family home. In order to construct the proposed addition as proposed, the applicant is required to obtain a rear yard setback variance.

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	Rear Yard Setback
Requirement	40'
Request	30'
Variance Amount	10'

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 rear yard setback would prevent the applicant from constructing the proposed addition. There are other homes in the vicinity with reduced rear yard setbacks 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 shallowness of the lot, location of well and location of existing home. The need for the rear yard setback variance is not self-created and seems to be 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 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.



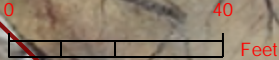
11-27-100-036

11-27-101-025

11-27-101-024

11-27-101-029

11-27-101-028



SITE PLAN: 4077 ANCHOR LANE / BRIGHTON / MI / 48116

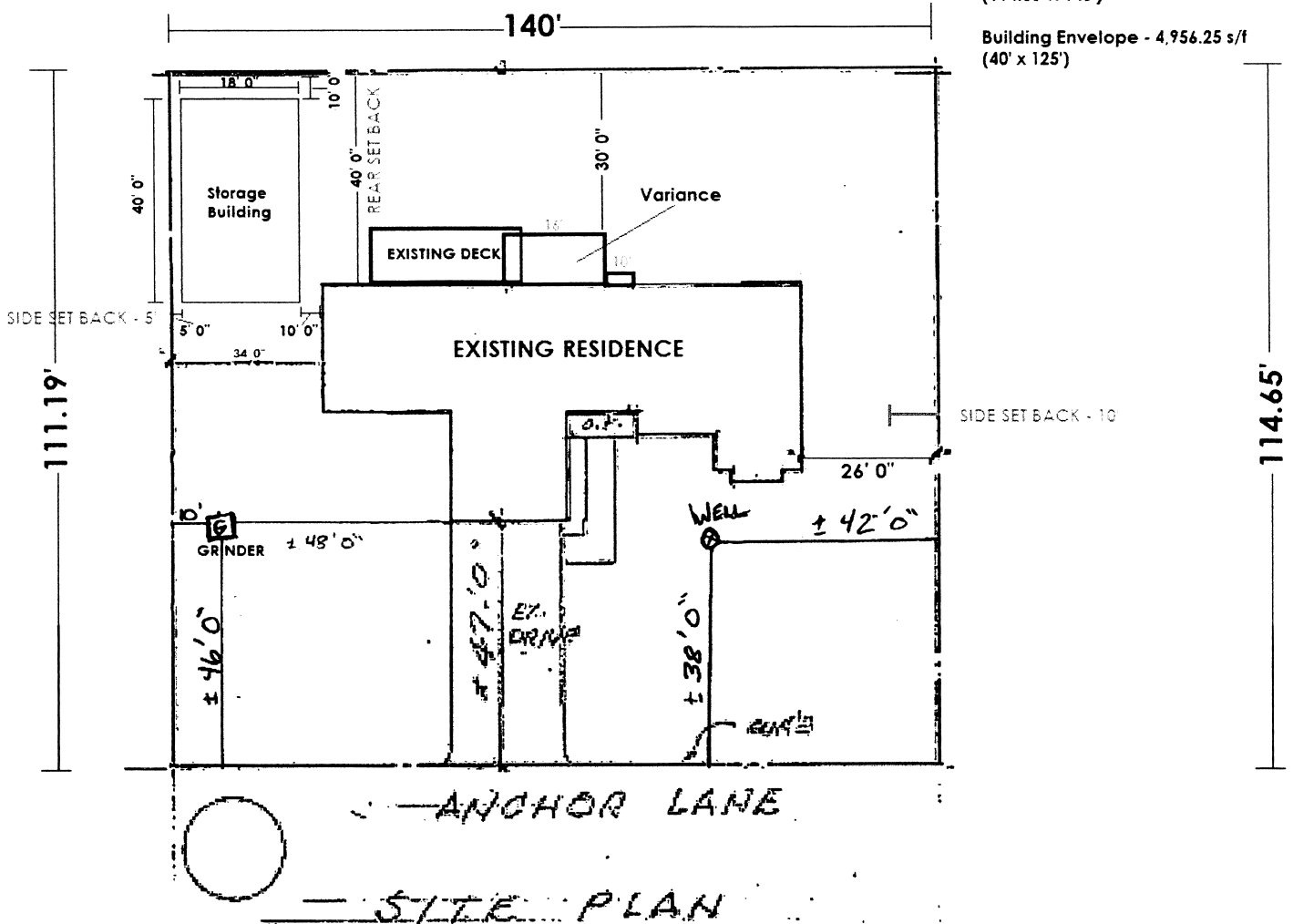
GENOA TOWNSHIP

Total Lot S/F: 15,808'

Proposed Lot Coverage - 3179 s/f
(3179' / 16,051' = 19.8%)

Lot Size - 16,051 s/f
(114.65' x 140')

Building Envelope - 4,956.25 s/f
(40' x 125')

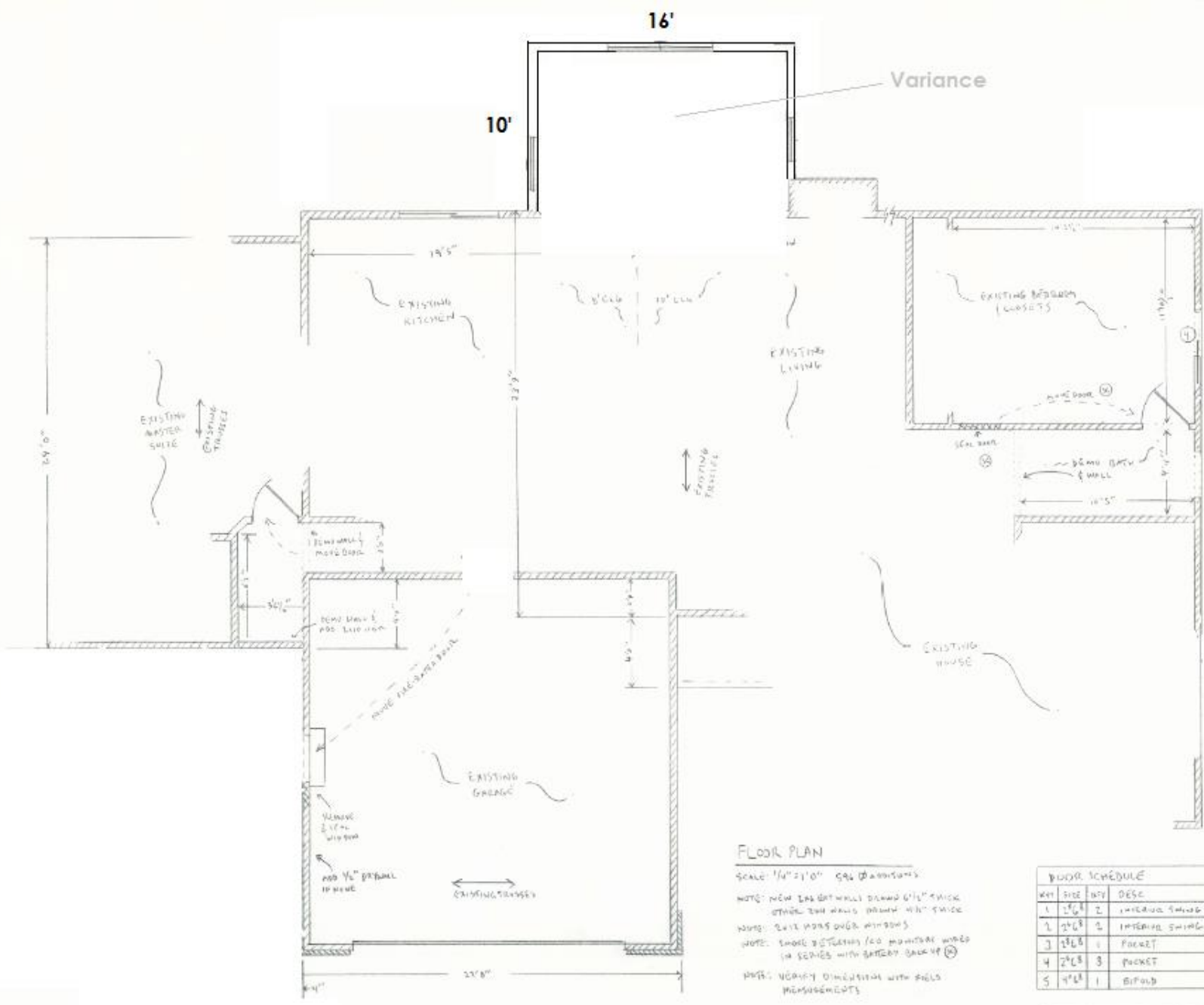


GENOA TOWNSHIP
SEP 10 2014
PERMIT APPROVED

STINE
G-R-O-U-P
Art
Architecture
& Advertising
200 Elm Street
Birmingham, MI
48009
(248) 253-0939

Rear Elevation





FLOOR PLAN

SCALE: 1/4" = 1'-0" GAS DIMENSIONS
 NOTE: NEW EXIST WALLS DEMO 6" THICK
 OTHER EXIST WALLS DEMO 4" THICK
 NOTE: EXIST WOOD DOOR WINDOWS
 NOTE: SHORE POSTS (20' HOURS) WOOD
 IN SERIES WITH GATEWAY BACK UP
 PWB: VERIFY DIMENSIONS WITH FIELD
 MEASUREMENTS

LEGEND

- = EXISTING
- = BRICK
- = GROUND
- = DEMO
- = MEMBER/WALL
- = WALL

DOOR SCHEDULE

NO.	SIZE	MTY	DESC.
1	2'6"	2	INTERIOR SWING
2	2'6"	2	INTERIOR SWING
3	2'6"	1	POCKET
4	2'6"	3	POCKET
5	4'6"	1	BI-FOLD

WINDOW SCHEDULE

NO.	SIZE	MTY	DESC.
A	6'0"	2	(2) 3'0" DOUBLE HUNG MULTI-LID
B	3'0"	3	DOUBLE HUNG
C	6'0"	1	(2) 3'0" DOUBLE HUNG MULTI-LID
D	2'0"	1	DOUBLE HUNG

NOTE: SIZES VARY BY MPN

100K - 6'0" Ø
 200K - 3'6" Ø
 300K - 3'0" Ø
 400K - 2'6" Ø

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
STIELER PAUL & DIANE	VANHEES JARED & KAITLYN	1	09/20/2015	QC	21-NOT USED	2015R-033577	BUYER/SELLER	0.0				
SPENSLEY CHRISTOPHER R	VANHEES JARED & STIELER PAUL	239,000	08/27/2014	WD	03-ARM'S LENGTH	2014R-028922	BUYER/SELLER	100.0				
MILLER, RICHARD A.	SPENSLEY CHRISTOPHER R	170,000	08/17/2010	WD	21-NOT USED	2010R-028645	BUYER/SELLER	100.0				
SIGG, DONALD D.	MILLER, RICHARD A.	238,000	06/02/2003	WD	03-ARM'S LENGTH	3979-0519	BUYER/SELLER	100.0				
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status		
4077 ANCHOR LN		School: BRIGHTON AREA SCHOOLS		Detached Accessory		09/13/2019		P19-153	7 FINAL BL			
Owner's Name/Address		P.R.E. 100% 08/27/2014		ADDITION		09/10/2014		P14-156	NO START			
VANHEES JARED & KAITLYN 4077 ANCHOR LN BRIGHTON MI 48116-8400		MAP #: V21-11		2022 Est TCV Tentative								
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4303.TRI LAKES						
SEC 22/27 T2N R5E CHATAQUA COLONY LOTS 7 & 8 COMB 10/89 FROM 007 & 008		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason Value						
Comments/Influences		Dirt Road		B NON LF		50.00 100.00 1.0000 1.0000		1100 100		55,000		
		Gravel Road		D SURPLU NON LF		90.00 100.00 1.0000 1.0000		700 100		63,000		
		Paved Road		140 Actual Front Feet, 0.32 Total Acres		Total Est. Land Value =				118,000		
		Storm Sewer										
		Sidewalk										
		Water										
		Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		X REFUSE										
		Year		Land Value		Building Value		Assessed Value		Board of Review	Tribunal/Other	Taxable Value
		2022		Tentative		Tentative		Tentative				Tentative
		JB 11/18/2019 INSPECTED		59,000		124,800		183,800				151,099C
		LM 10/22/2014 INSPECTED		45,500		118,500		164,000				149,013C
		2019		45,500		110,000		155,500				141,034C

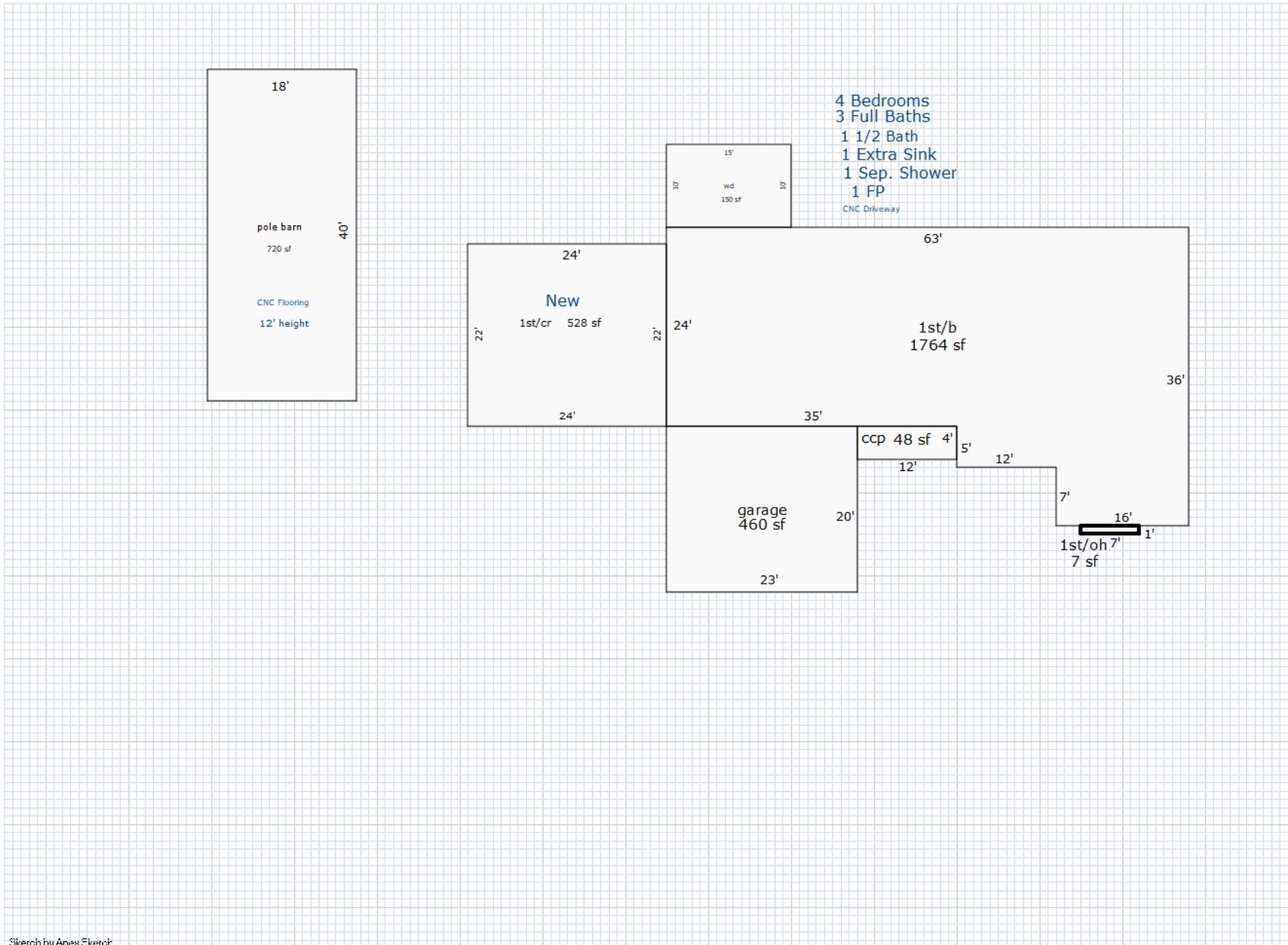


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*** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 48 150	Type CCP (1 Story) Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 460 % Good: 0 Storage Area: 0 No Conc. Floor: 0
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling		Central Air Wood Furnace		(12) Electric 0 Amps Service		Class: C Effec. Age: 25 Floor Area: 2,299 Total Base New : 304,019 Total Depr Cost: 238,687 Estimated T.C.V: 238,687		E.C.F. X 1.000	Bsmnt Garage: Carport Area: Roof:
Building Style: C		Trim & Decoration		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C Blt 1990						
Yr Built 1990	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 2292 SF Floor Area = 2299 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=75/100/100/100/75						
Condition: Good		Lg	X	Ord		Small	(7) Excavation			Building Areas						
Room List		Doors:		Solid	X	H.C.	(13) Plumbing			Stories Exterior Foundation						
Basement 1st Floor 2nd Floor 4 Bedrooms		Kitchen: Other: Other:		(12) Electric			Average Fixture(s)			1 Story Siding Basement						
(1) Exterior		(6) Ceilings		No. of Elec. Outlets			3 3 Fixture Bath			1 Story Siding Crawl Space						
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 1764 S.F. Crawl: 528 S.F. Slab: 0 S.F. Height to Joists: 0.0		Many			X	Ave.		Few	1 Story Siding Overhang					
(2) Windows		(8) Basement		(13) Plumbing			Other Additions/Adjustments			Total:						
X	Many Avg. Few	X	Large Avg. Small	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink 1 Separate Shower			Plumbing						
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(9) Basement Finish		Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			3 Fixture Bath			2 7,710 5,782						
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		(14) Water/Sewer			2 Fixture Bath			1 2,579 1,934						
X	Gable Hip Flat	Gambrel Mansard Shed		Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Extra Sink Separate Shower			1 788 591						
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			1 Extra Sink 1 Separate Shower			1 1,128 846						
Chimney: Brick							Porches			1 1,207 905						
							Garages			48 1,207 905						
							Deck			150 2,841 2,131						
							Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)			460 17,701 13,276						
							Base Cost			1 -2,228 -1,671						
							Common Wall: 1 Wall			1 1,240 930						
							Water/Sewer			1 8,914 6,685						
							Public Sewer			1 5,404 4,053						
							Water Well, 200 Feet			Totals: 304,019 238,687						
							Fireplaces			<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>						
							Exterior 1 Story									

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



Sketch by Apex Ekeroh

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

Building Type	Farm Utility Buildings				
Year Built	2019				
Class/Construction	D,Pole				
Quality/Exterior	Average				
# of Walls, Perimeter	4 Wall, 116				
Height	12				
Heating System	No Heating/Cooling				
Length/Width/Area	40 x 18 = 720				
Cost New	\$ 10,850				
Phy./Func./Econ. %Good	100/100/100 100.0				
Depreciated Cost	\$ 10,850				
+ Unit-In-Place Items	\$ 0				
Description, Size X Rate X %Good = Cost Itemized -> Unit-In-Place -> Items ->					
E.C.F.	X 1.000				
% Good	100				
Est. True Cash Value	\$ 10,850				
Comments:					
Total Estimated True Cash Value of Agricultural Improvements / This Card: 10850 / All Cards: 10850					

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 20, 2021 - 6:30 PM**

MINUTES

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

Pledge of Allegiance: The Pledge of Allegiance was recited.

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

Approval of the Agenda:

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

Call to the Public:

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

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

Ms. Paulette Skolarus and Mr. Ron Godair were present. Mr. Dogar stated they are proposing to construct a single-family residence. The hardships are that this is a corner piece of property so there are two front yards as well as the drastic grade changes from the front to the back of the site. He showed a site plan depicting the right of way of the cul de sac of the private drive. They originally had the entrance coming off of the private drive, but now they will have the driveway off of the private road, which facilitates the ingress and egress better. They have moved the house back and will curve the driveway off of the road. They are requesting 23.9 foot and 36.9-foot variances. He does not believe that they have overbuilt this site and the house is not a deterrent for the neighbors. Ms. Skolarus noted that the home sits 40 feet back from the roadway.

Ms. Skolarus stated that the water runoff will not enter on the next door neighbor's property. She stated that fire trucks were here a few months ago and they did not have trouble accessing the area.

Mr. Rockwell noted that the Fire Marshal did not do a review of the request. Ms. Ruthig agreed. The review that was done by the Fire Marshal was done in 2017 and was regarding a different matter and not the proposed location of this home.

Mr. Fons does not feel there was any effort made to conform to the setbacks. There is room to move the home back and still provide a setback from the road. Mr. Godair stated they have spent a lot of time and money on the plan. Also, if the setbacks were met, the corners of the home would be cut off and it would not meet the size requirements. He reiterated the difference in topography from the front to the back of the property. Mr. Fons stated it may be expensive, but the lot can be graded to lessen the variance that is needed. Mr. Godair disagreed.

The call to the public was made at 6:55 pm.

Mr. Roger Myers, the attorney for Mr. and Mrs. Bray, who own the property further to the east of this parcel. The applicant has not demonstrated a hardship. The hardship cannot be financially based or self-created. The applicant does not want to spend the money to change the grade and she created her own hardship by splitting the property the way she did. Another issue is the width and pitch of the drive that is serving those homes. The pitch is too steep so the only way fire trucks could respond to homes further down the road is to come in at an angle. This area of this road is a hazard so adding another home and a septic field would increase the hazard. Additionally, the proposed home does not meet the covenants and restrictions of this area; the proposed home is too small. All four factors of granting a variance have not been met by the applicant. He and his clients are requesting that the variances be denied.

Ms. Skolarus stated that Mr. Bray created the hardship for the roadway. Mr. Godair stated that the septic fields are 35 feet away from the roadway so the fire trucks have room to maneuver to the homes further down. He showed how they would maneuver on the site plan.

Chairman Rassel noted that covenants are not the authority of the Zoning Board of Appeals; they are a civil matter. The Township has received two letters from neighbors who are in support of the variances.

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

Moved by Board Member Ledford, seconded by Board Member Kreutzberg, to deny Case #21-04 from Paulette Skolarus, Challis Court Tax ID 4711-26-200-029 for a south front yard variance and an east front yard variance to construct a new home, based on the following findings of fact:

- The topography of the lot prevents the use of the property for residential development and therefore is an unbuildable lot.
- The greatly-reduced front yard setbacks do not support substantial justice to other property owners in the district.

- The proposed location of the home is not similar or consistent with the majority of other properties in the area. The applicant split the lot without securing a feasible building envelope, making the need for a variance self-created.
- The original approval private road site plan was designed for the road runoff to flow to the vacant lot.
- To eliminate an unbuildable lot, the applicant should consider combining the property that abuts the subject parcel, which is under common ownership.

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

2. 21-06...A request by Haran and Kayla Lerma, 3205 Old Carriage Trail, for height variance to install a 6-foot fence.

Ms. Lerma was present. They are requesting a variance for a six-foot fence along the back of their property. Their backyard backs up to Dorr Road, which has a lot of traffic and is noisy. It is also a safety issue. Their home is the closest to the road than any other home on their street. They are not able to build trees as a barrier due to the location of the septic field. She showed a sketch plan showing the location of the fence. They want to put a four-foot chain link fence on the sides of the home and a six-foot white vinyl fence along the back.

Board Member Ledford stated the applicant requested a six-foot fence in April of 2018 due to Dorr Road. Ms. Lerma stated that letter was written when the Township was proposing to require a variance for a six-foot fence, but would allow a four-foot fence.

Board Member Ledford noted that the applicant should have known Dorr Road was heavily traveled before they purchased the home. Ms. Lerma said they did not know how busy Dorr Road was when they viewed the home before they purchased it. They always viewed it at off peak times. She noted that she submitted letters from eight neighbors who are in support of her request.

Board Member Ledford is not in favor of this request.

Board Member Rockwell asked why the six-foot high fence is needed. Ms. Lerma stated the six-foot provides more privacy and safety.

Board Member Kreutzberg asked Ms. Ruthig if she is aware if the six-foot fence ordinance is in the process of being reviewed and approved. Ms. Ruthig stated the ordinance change has been drafted and is going to be presented to the Planning Commission and the Township Board for review and approval; however, she is not sure when.

The call to the public was made at 7:26 pm.

Mr. Gabriel Garcia of 3235 Old Carriage Trails lives to the south of Ms. Lerma. His home is not as close to the road as hers. He is in favor of granting this request. The chain link fence would be covered by the trees he has on his property. He would not see the white six-foot fence from his yard. He agrees that vehicles drive very fast down Dorr Road.

The call to the public was closed at 7:30 pm.

Board Member Rassal understands the applicant's concerns; however, he would not like this subdivision to be overtaken by six-foot fences so he is in agreement with Board Member Ledford. Perhaps the ordinance will be changed.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to deny Case #21-06 for Haran and Kayla Lerma of 3205 Old Carriage Trail to install a six-foot fence at the rear of the property, based on the following findings of fact:

- Strict compliance with the Zoning Ordinance in regards to the fence ordinance would prevent the applicant from constructing a 6-foot fence at the rear of the property, but would not unreasonably prevent use of the property and is not necessary for the preservation of the property. A six-foot fence is not a property right possessed by other properties in this zoning district or vicinity.
- The need for the variance is self-created and poses no significant hardship to the applicant in that a six-foot fence is allowed on the side and ten feet past the rear of the home only. Granting the variance will not make the property more consistent with surrounding properties.

The motion carried unanimously.

3. 21-07...A request by Marcel Normand, 4137 Clifford, for a variance to create a lot with a detached accessory structure without a principal structure.

Mr. Wayne Perry of Desine Engineering was present to represent the applicant. This request was before the board in 2018 and granted. It is a request to temporarily allow for an existing garage to remain on the site while a land division progresses and then after that is complete, a principal residence will be constructed. The conditions that were imposed in 2018 and the original purchase fell through; however, there is a new purchase agreement for the property, which includes that the existing garage remains.

Board Member Ledford stated that in 2018, the structure and property were in very poor condition.

The call to the public was made at 7:41 pm.

Mr. Edward Lonieski, who is the potential property owner, will be removing the garage and building a new home when the purchase agreement is finalized.

The call to the public was closed at 7:49.

Board Member Rockwell does not understand why this is being requested. If the garage is going to be removed by the new owner. Ms. Ruthig stated that many times purchase agreements are not completed so the variance is needed to split the property with the garage still there. If it is removed, it would be removed by a new owner.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #21-07 by Marcel Normand, 4137 Clifford, for a variance to create a lot with a detached accessory structure without a principal structure, based on the following findings of fact:

- The current parcel was approved with the current out building on it. The structure was approved for a permit in 1993 and built in 1994 and at that time was permitted for its current zoning and in compliance
- The availability of the property to be divided is unique with this parcel and granting this variance will give substantial justice to the current owner or potential new owner with the compliance figures we are placing regarding the variance and the strict compliances for allowing the outbuilding on the property or denying it after a time as such as a permit would have been expired.
- The property as it sits originally is nonconforming and the need for the variance is not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties.

The granting of this variance is conditioned upon the following:

1. The seller will provide to the realtor and to the Township and his engineer the vacant land disclosure that will disclose the terms of how the variance will be complied with.
2. That document will be provided to all parties upon the listing and the sale of the purchase of this property.
3. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
 - a. If a permit to construct a new principal residence is not issued within 6 months of the split being approved by Township Assessor; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
 - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
4. The seller will be willing to sign an affidavit and the deed shall be recorded noting the variance and the terms of the variance for the split.

5. If improvements are requested for the expansion of the current accessory building, they shall comply with Section 24.04.06 of the zoning ordinance.
6. The affidavit shall require township attorney approval and shall be recorded immediately after the split.
7. The accessory structure cannot be expanded.

The motion carried (Fons - yes; Rockwell - yes; Kreutzberg - yes; Rassal - No; Ledford - yes)

Due to the time and the next meeting scheduled to begin at 7:30 pm, it was suggested that all Administrative business be moved to the 7:30 meeting agenda.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to move all Admin Business to the 7:30 meeting agenda. **The motion carried unanimously.**

Moved by Board Member Kreutzberg, seconded by Board Member Rockwell, to adjourn the meeting at 8:00 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 20, 2021 - 7:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 8:07 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Jean Ledford, Bill Rockwell, Craig Fons, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Marianne McCreary.

Pledge of Allegiance: The Pledge of Allegiance was recited.

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

Approval of the Agenda:

Chairman Rassel noted that the Approval of the Minutes of the March 16, 2021 meeting was moved to this meeting's agenda.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the agenda with the approval of the Minutes of the March 16, 2021 ZBA meeting. **The motion carried unanimously.**

Call to the Public:

The call to the public was made at 8:08 pm with no response.

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.

Mr. Tanis was present. He purchased the home with the intent to remodel it; however, after reviewing the structure, he determined it would need to be removed and rebuilt. They will be using the existing foundation so there will be no further encroachment into the setbacks. The existing home is an eyesore so rebuilding it will improve the neighborhood.

Board Member Fons asked if there will be any new footings installed. Mr. Tanis stated there will be one at the rear of the home, but it will not affect the setbacks.

The call to the public was made at 8:13 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Fons, to approve Case #21-08 for 4195 Homestead by Jeff Tanis for a front yard variance of 10.2 feet from the required 35 feet for a 24.8 foot setback and a side yard variance of 2.4 feet from the required 5 feet for a setback

of 2.6 feet in order to demolish and 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. 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.
- 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 variances is not self-created and seems to be the least necessary since the applicant is utilizing the same foundation of the existing home.
- 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 public safety, comfort, morals or welfare of the residents of Genoa Township.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. The applicant must contact the MHOG Utility Department regarding the sewer disconnect and if relocating the grinder, must receive approval of a new location from MHOG Utility Department prior to land use permit issuance.

The motion carried unanimously.

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.

Mr. and Mrs. Poppe were present. They are requesting a variance for a structure retaining wall for the safe development and use of the property. It will also have a fence on it, which is above the three-foot requirement. It is needed because of the two wetlands on the property that require enhanced setbacks and a smaller building envelope. There is also a very high-water table so digging and excavating a basement is not an option. They are proposing to use precast concrete block. He showed photos of similar retaining walls in their neighborhood as well as throughout the Township that have been used for the same purpose. This retaining wall will not have a negative effect on the surrounding areas. The wall cannot be seen from the private drive. He showed a graphic of the location of the retaining wall and its relation to their neighbor's house. The retaining wall will improve the drainage on both properties.

He has submitted letters from his neighbors who are not opposed to the variances.

The call to the public was made at 8:24 pm with no response.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to approve Case #21-09 for 7881 Shores Pointe Drive by Kevin and Julie Poppe to allow retaining walls and a

safety railing in the front yard to allow for the construction of a new home, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the installation of a ledge stone or similar product retaining wall. The granting of the retaining wall in the front yard provides substantial justice is 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.
- 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 presence of a high-water table (per Hastings Report, which shall be attached and made part of the approval). The need for the retaining walls was not self-created and is the least amount necessary.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance should not have an impact on the adjacent neighbors in regards to any grading that would be required for the installation of the retaining walls.

The approval is conditioned upon the following:

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.

The motion carried unanimously.

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.

Mr. Dennis Dinser of Arcadian Design representing the applicant was present. They were before the ZBA last month for other variances; however, they were not aware they would need a variance for the retaining wall.

He noted that there was no staking of the site. The engineer who was supposed to stake the site was unable to do so because he has COVID. All Board Members were agreeable to discuss this item this evening without it being staked.

He showed the rendering of the plan for the retaining walls. He noted that all of these walls are not as high as either of the next door neighbors'. It will be an engineered, reinforced, poured concrete system. The wall closest to the lake meets the 15-foot requirement from the water's edge and the ones on the sides are further back. These walls are absolutely necessary on this site.

The call to the public was made at 8:40 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Rockwell, to approve Case #21-10 for Ron and Sara Bomberger of 4182 Highcrest to allow retaining walls in the waterfront yard, based on the following findings of fact:

- Strict compliance with setbacks would restrict the use of the property.
- The variance will provide substantial justice in granting the applicant the same rights as similar properties in the neighborhood and is not self-created. There are multiple properties around the subject lake with retaining walls on waterfront yards.
- The extraordinary circumstances are the topography of the lot, the steep slope at the waterfront.
- The granting of the variance will not impair an adequate supply of light or air to adjacent property, would not increase congestion or increase the danger of fire or threaten public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance could have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The approval is conditioned upon the following:

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

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the March 16, 2021 Zoning Board of Appeals meeting.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve the minutes of the March 16, 2021 ZBA meeting as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there is one case scheduled for next month's meeting.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member Fons, seconded by Board Member Kreutzberg, to adjourn the meeting at 8:46 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary