

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
AUGUST 17, 2021  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

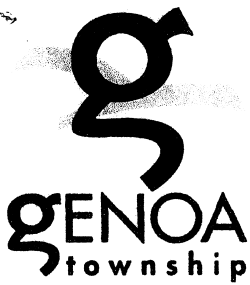
Approval of Agenda:

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

1. 21-17...A request by Jeff and Mary Beyers, 5373 Wildwood Drive, for a front yard setback variance to construct an addition on an existing single-family home.
2. 21-18...A request by Chestnut Development LLC, Chilson Road Tax ID 4711-33-401-027, for a height variance for a subdivision entrance sign. (REQUEST TO POSTPONE)
3. 21-19...A request by Peter Kula, 3796 Kipling Circle, for a size variance to construct a detached accessory structure.

Administrative Business:

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



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

Case # 21-17

Meeting Date: 8-17-21

PAID Variance Application Fee

\$215.00

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

Applicant/Owner: JEFF & MARY BEYERS

Email: jobeyers@att.net

Property Address: 5373 WILDWOOD DR

Phone: 734-788-5820

Present Zoning: LRR

Tax Code: 11-10-102-023

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

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

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

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

Please explain the proposed variance below:

**1. Variance requested/intended property modifications:** \_\_\_\_\_

**Variance requested/intended property modifications.** The proposed modifications to the principal structure is to increase the size of the living room by moving the bedroom to a new second story. The variance requested is to accept the existing front setback of the principal structure at 17'-8 from the street and approve the leading edge of the new second story at 25'-8 from the street.

The following is per Article 23.05.03:

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

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

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

- (a) **Practical Difficulty/Substantial Justice** – Existing home/carport has a non-compliant front yard setback. Strict compliance to this setback would prevent the construction the proposed new second story to the existing family home. The proposed addition falls completely within the existing footprint of the existing home. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice. The addition will be similar to other properties on the street and is necessary for the enjoyment of the property.

**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.

- (b) **Extraordinary Circumstances** – The extraordinary lot size, 45/50 x 107/114, prohibits expanding the home in any other direction. The front yard variance is not self-created and will not change with the proposed construction.

**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.

- (c) **Public Safety and Welfare** - Granting the variance will not impair the supply of light or air to adjacent properties. It will not change the usage of the public street nor increase the danger of fire or public safety.

**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.

- (d) **Impact on Surrounding Neighborhood** – The current house setback is coherent with 90% of the homes on the street. The variance will not interfere with the continued use of adjacent properties. It will, however, have the potential of increasing the value of adjacent homes.

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: 7/2/21 Signature: 



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

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** August 10, 2021

**RE:** ZBA 21-17

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### STAFF REPORT

**File Number:** ZBA#21-17  
**Site Address:** 5373 Wildwood Dr., Howell  
**Parcel Number:** 4711-10-102-023  
**Parcel Size:** .127 Acres  
**Applicant:** Jeff and Mary Beyers  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variances  
**Project Description:** Applicant is requesting a front yard setback variance to construct an addition.

**Zoning and Existing Use:** LRR (Lakeshore Resort Residential), Single Family Dwelling located on property.

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 1, 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 home was built in 1940.
- Parcel is serviced by public sewer and private well.
- In 2016, the current owner requested a variance for a fence in the waterfront yard that was denied. See attached minutes
- See Record Card.



The proposed project is to construct a 2<sup>nd</sup> story addition on an existing home. In order to construct the proposed addition, the applicant would be required to obtain a front yard variance. The applicant is proposing to maintain the same setbacks as the existing home even placing the addition further from the front yard setback line than the existing home. The proposed addition meets the height requirement for the LRR zoning. No height variance is required. There appears to be a fence and a covered structure on the patio that was constructed without permits.

**Variance Requests**

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

**Table 3.04.01 (LRR District):**

SINGLE FAMILY STRUCTURE	Front Setback
Required Setbacks	35'
Setback Amount Requested	25'8"
Variance Amount	9'4"

**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 yard setback would prevent the applicant from constructing the proposed addition. The proposed placement of the addition will maintain the same side and rear yard setbacks as the existing structure. The variance requested appears to be the least necessary to provide substantial justice and granting of the requested variance is necessary for the preservation and enjoyment of the property. There are multiple homes in immediate vicinity that do not meet the front yard setback.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the existing home. The front yard setback variance would make the property consistent with other properties in the vicinity and the need for the variance is not self-created.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance will not interfere with or discourage 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. Building height must not exceed 25 feet.
3. Owner must obtain a permit for the existing fence and covered structure on the patio. If a permit cannot be obtained, then the fence and covered structure must be removed.

# GENOA TOWNSHIP



- The existing shed is to be removed.

**The motion carried unanimously.**

**2. 16-23... A request by Jeffrey and Mary Christina Beyers, 5373 Wildwood Drive, a variance to install a fence in the required waterfront.**

Mr. and Mrs. Beyers were present. Mr. Beyers stated they have a small, 15-pound dog and want to put up a fence to allow the dog to be in the yard without a leash. They are proposing to put it 30-35 feet from the water's edge. It will be 18 inches from the existing stone wall. It will be three-feet high and made of black aluminum. He noted that the fence will not be as close to the water as decks are in the area.

Board Member McCreary questioned if the Beyers considered an electric fence. Mr. Beyers stated they have tried that, but the dog is terrified of it. Also, there are other dogs in the area that wander and this would deter them from coming into their yard. If he put the fence where it is allowed by ordinance, it would be very close to his house.

Mrs. Beyers stated that both of her neighbors are in support of this. She reiterated that it will not be as close to the water as decks in the area.

The call to the public was made at 7:04 pm.

Mr. Eric Moore of 5377 Wildwood, who lives next to the Beyers, stated they have made many improvements to the home and property since purchasing it a year ago. He is in support of the fence in the proposed location.

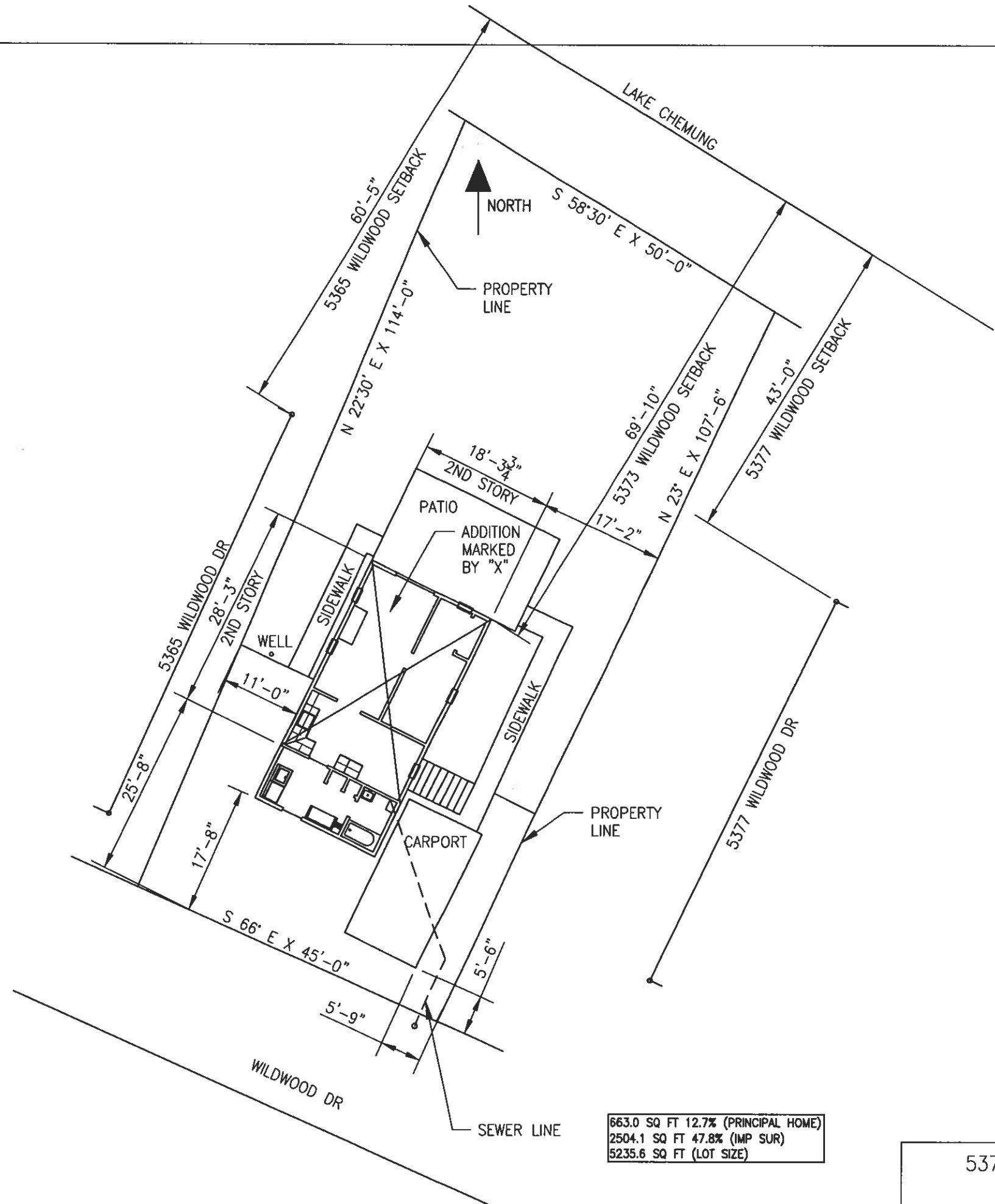
The call to the public was closed at 7:05 pm.

**Moved** by McCreary, seconded by Figurski, to deny Case #16-23 at 5373 Wildwood Drive by Jeffrey and Mary Christina Beyers to install a fence in the required waterfront setback based on the fact that the need for the variance is self-created and there is no hardship. **The motion carried (Ledford – yes; Dhaenens – no; Figurski – yes; McCreary – yes; Tengel – yes)**

**3. 16-27...A request by Tim Chouinard, 1253 Sunrise Park, for front, side, rear, and waterfront variances to construct an addition to an existing home.**

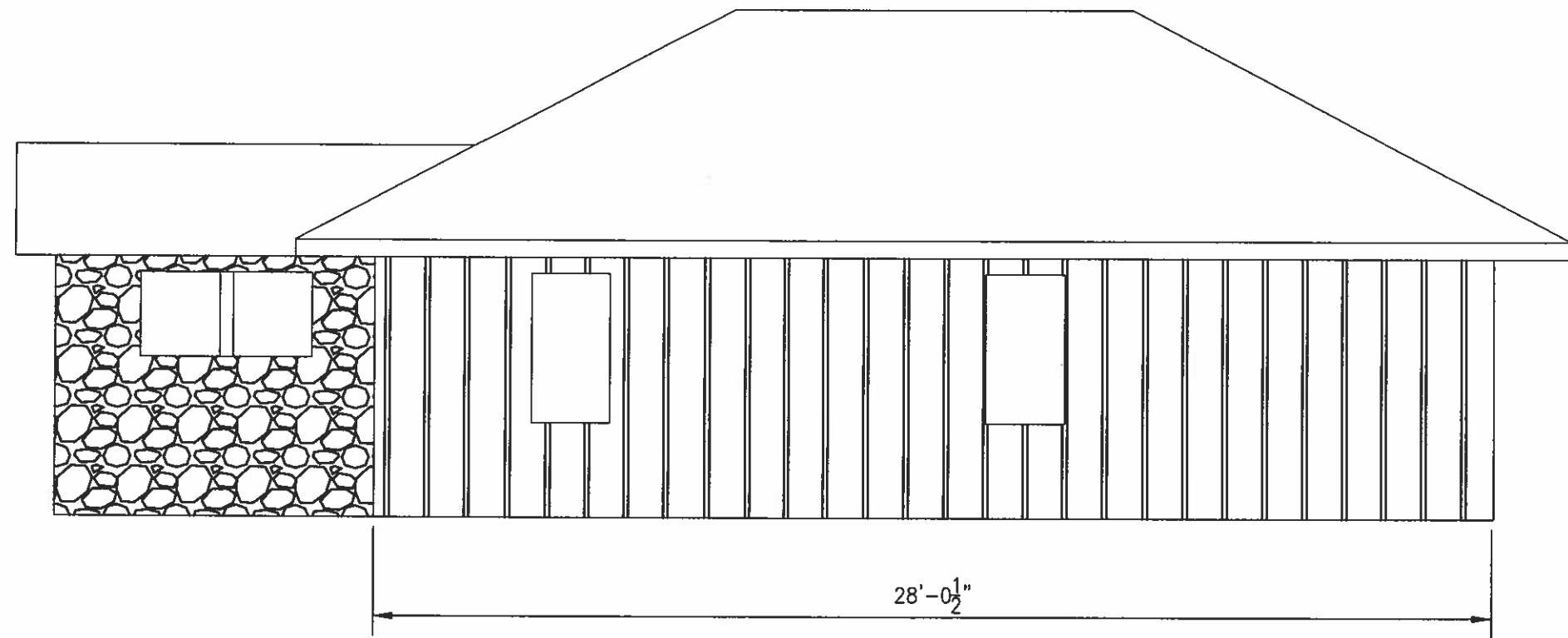
Mr. Chouinard was present. He has relocated the home forward to match the existing home and moved it further from the waterfront so his variance requests have changed. He also narrowed the home by 6 inches.

The call to the public was made at 7:24 pm with no response.

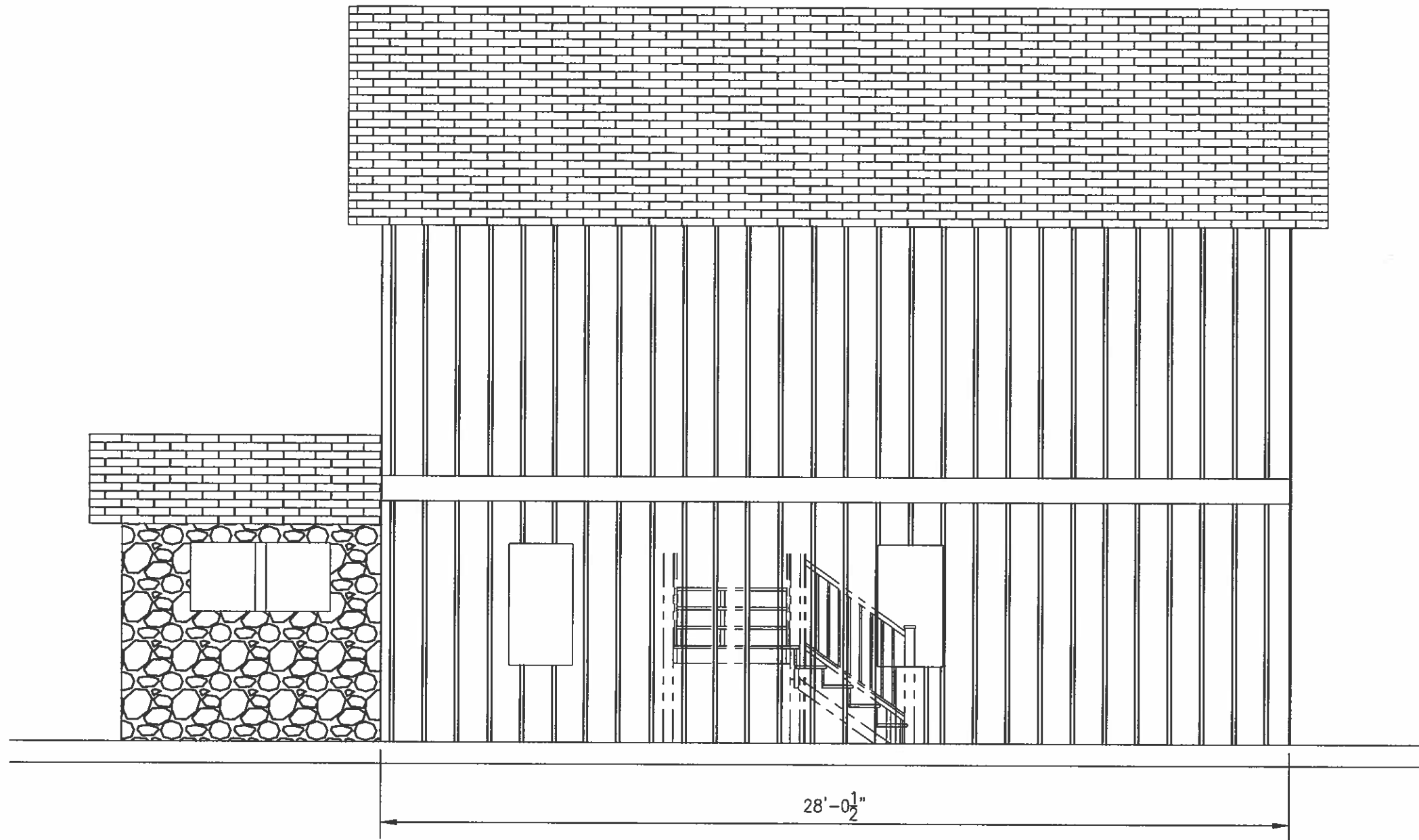


663.0 SQ FT 12.7% (PRINCIPAL HOME)  
 2504.1 SQ FT 47.8% (IMP SUR)  
 5235.6 SQ FT (LOT SIZE)

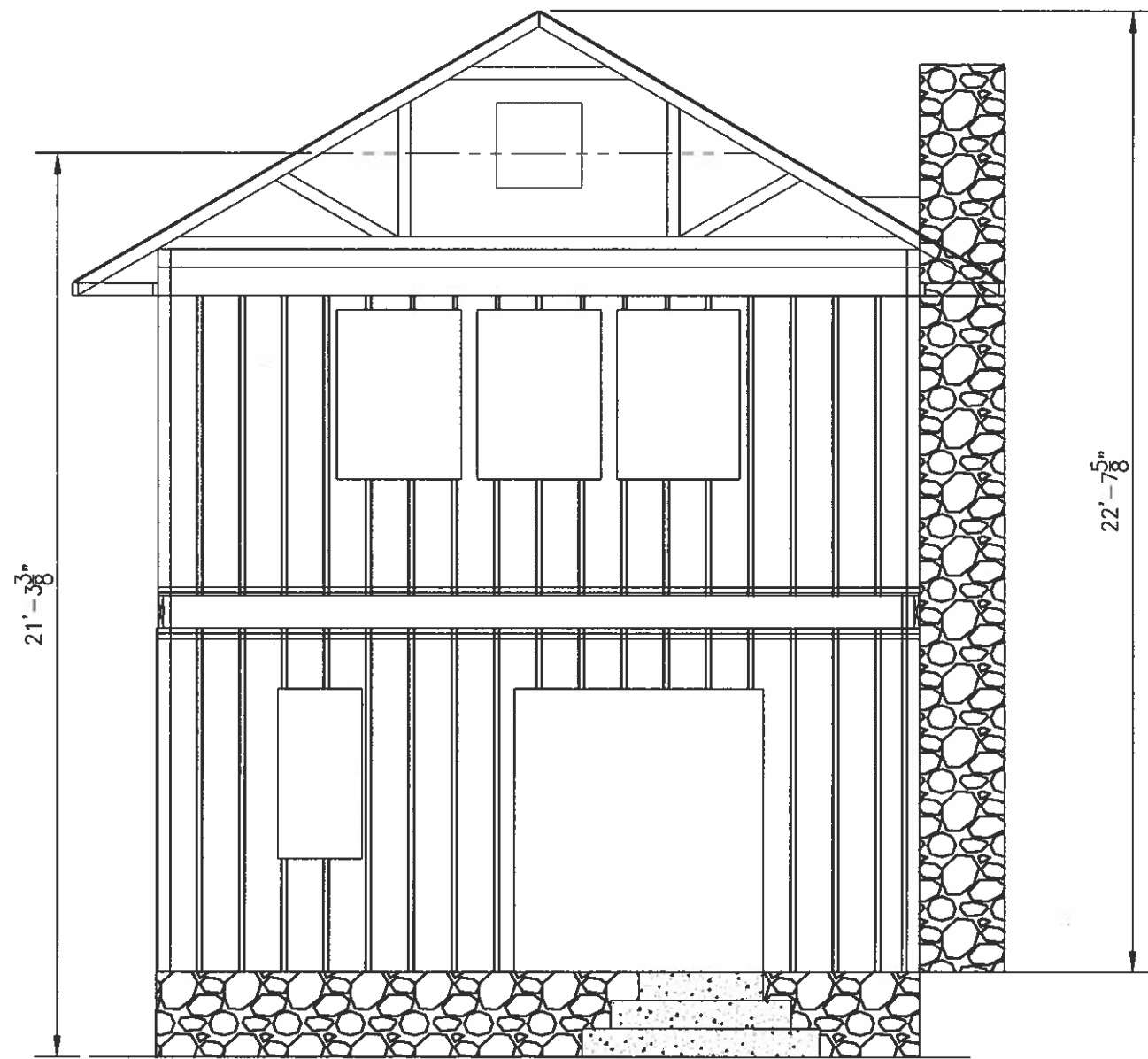
5373 WILDWOOD DR - HOWELL, MI  
 SITE PLAN - LOT 23 - 0



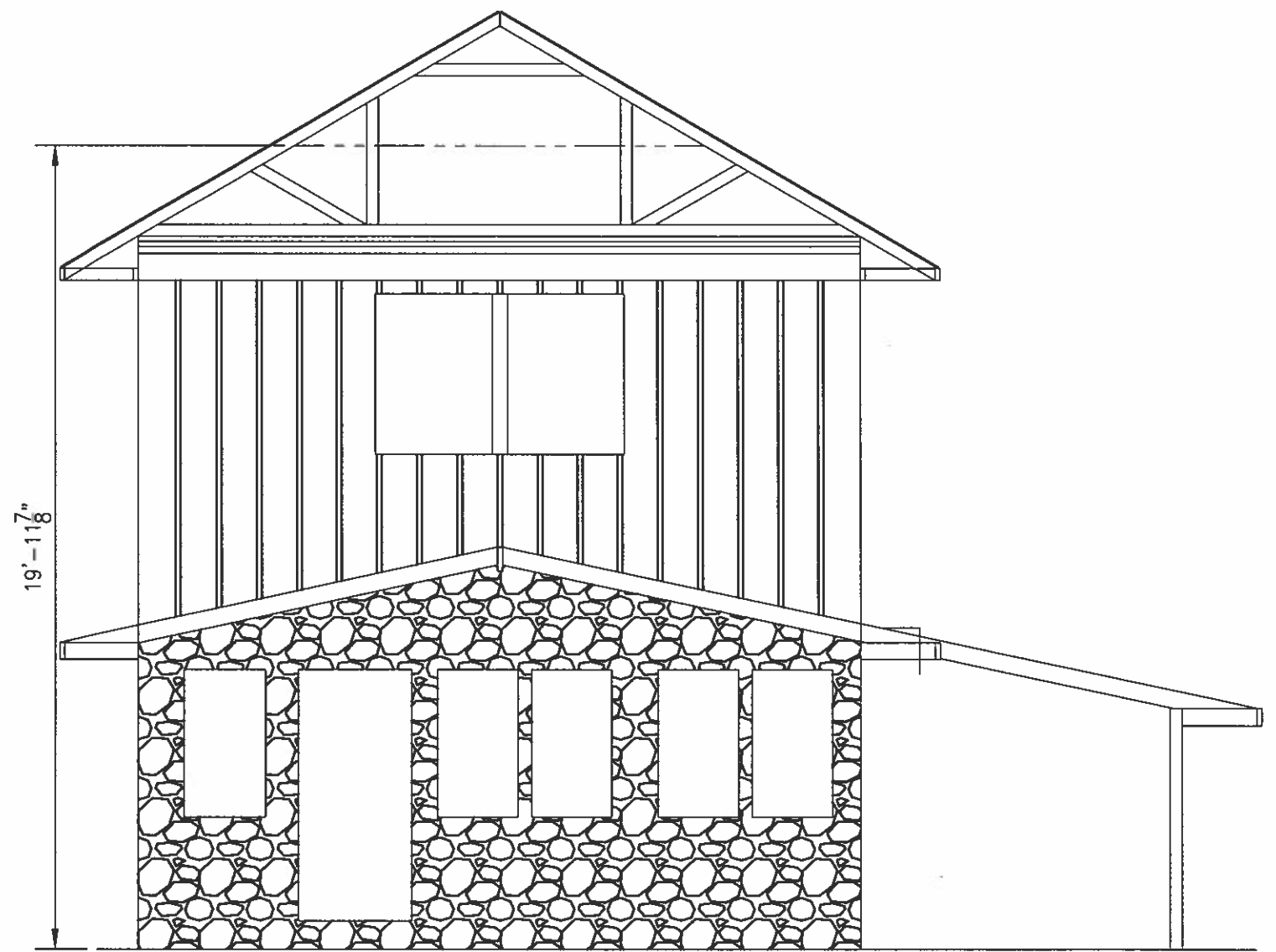
5373 WILDWOOD DR - HOWELL, MI  
EAST SIDE ELEVATION - EXISTING - 1



5373 WILDWOOD DR - HOWELL, MI  
EAST SIDE ELEVATION - 2



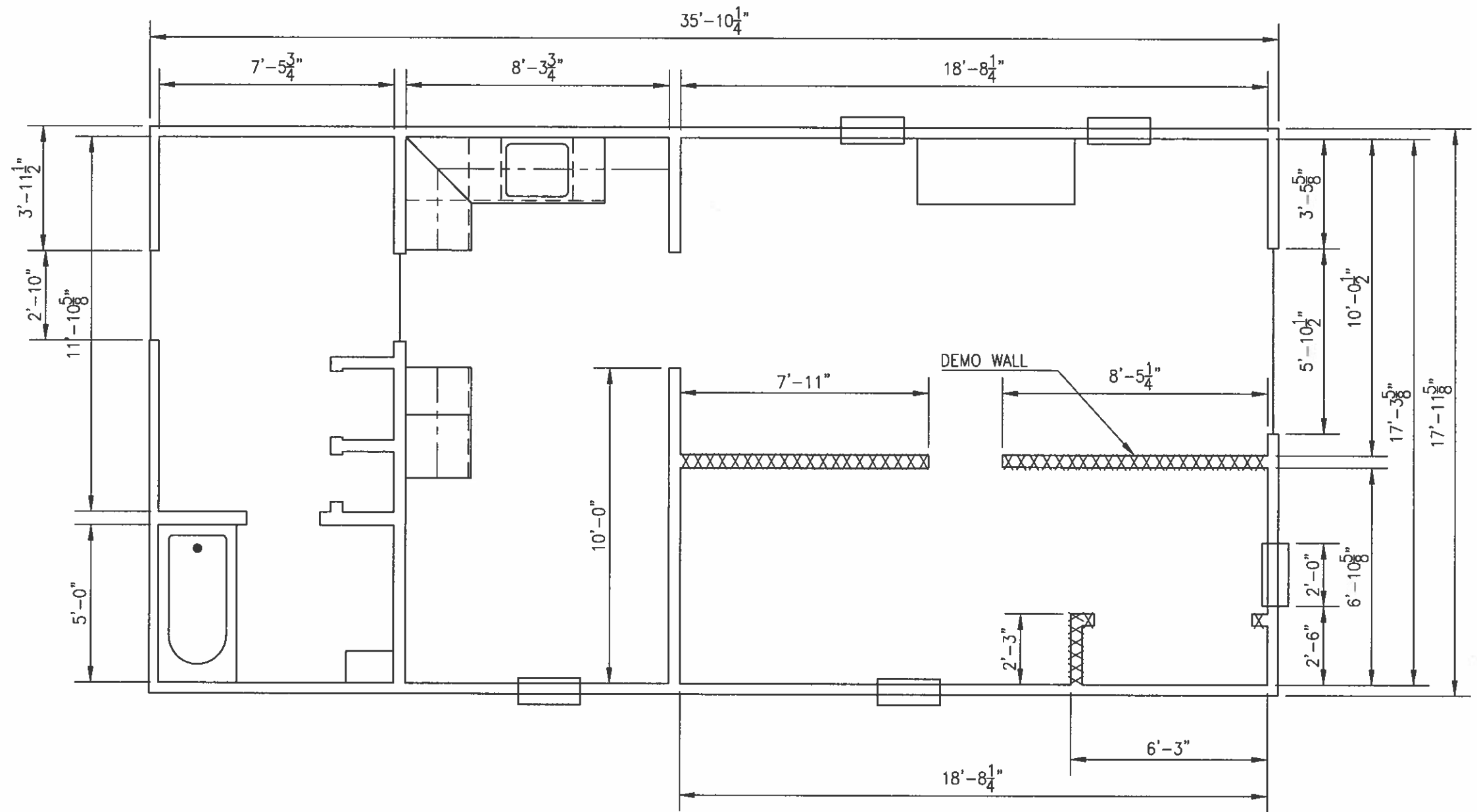
LAKE SIDE ELEVATION



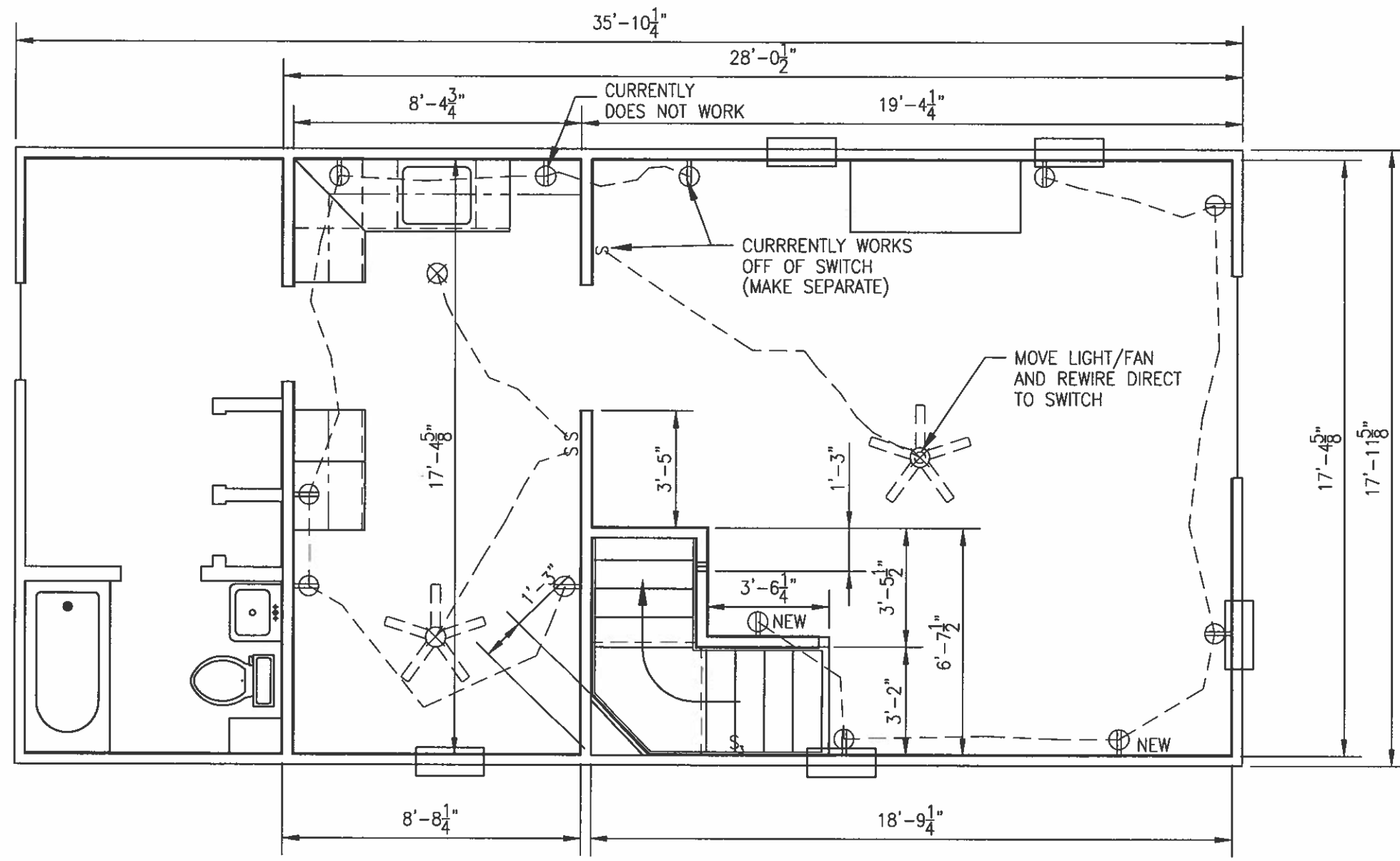
STREET SIDE ELEVATION

5373 WILDWOOD DR - HOWELL, MI  
FRONT & REAR ELEVATIONS - 3

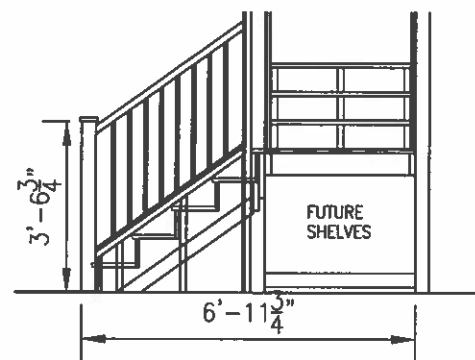
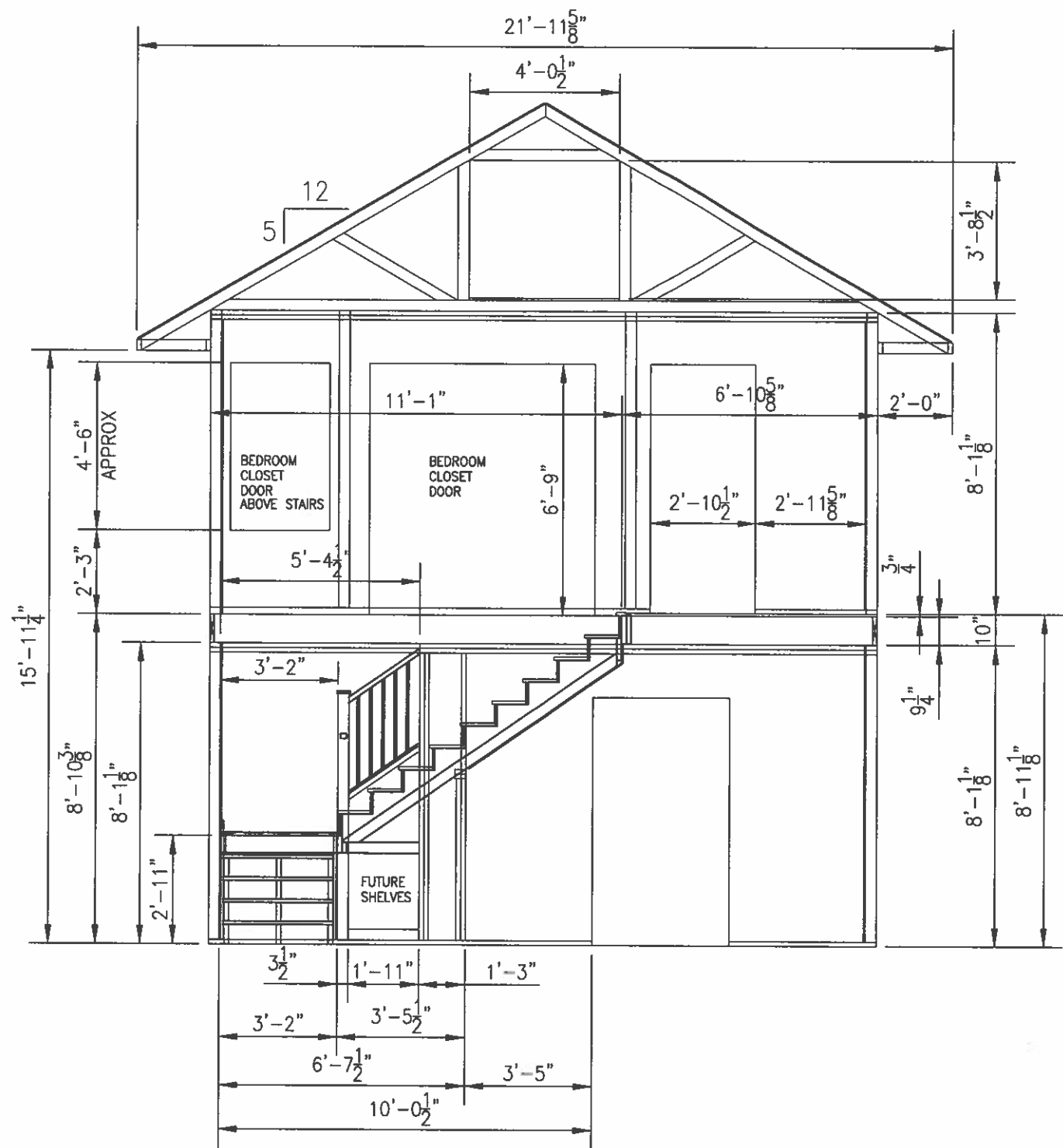




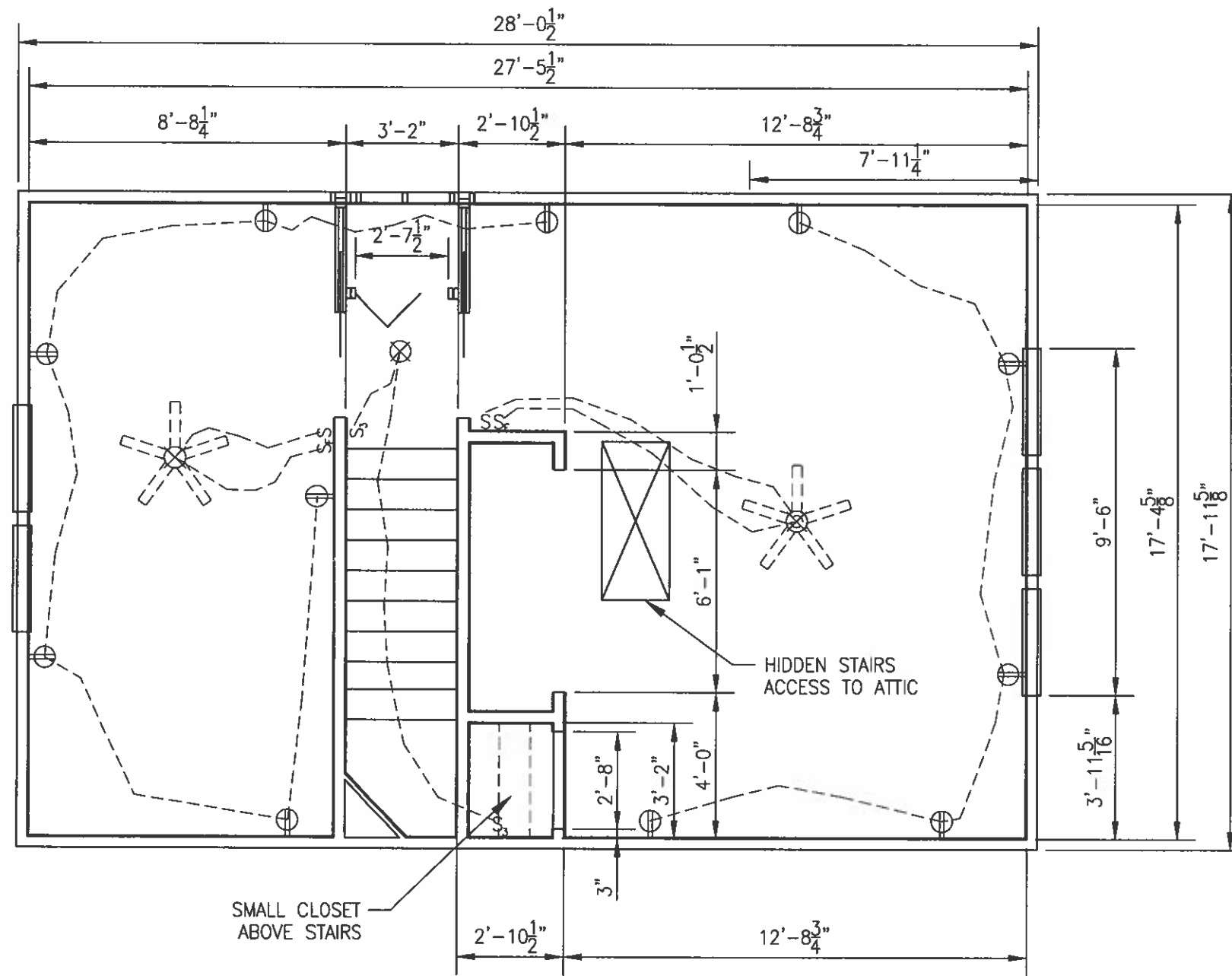
5373 WILDWOOD DR - HOWELL, MI  
 FIRST FLOOR - TAKE-DOWN - 4



5373 WILDWOOD DR - HOWELL, MI  
 FIRST FLOOR MODIFICATIONS - 5



5373 WILDWOOD DR - HOWELL, MI  
 INSIDE ELEVATION - 7

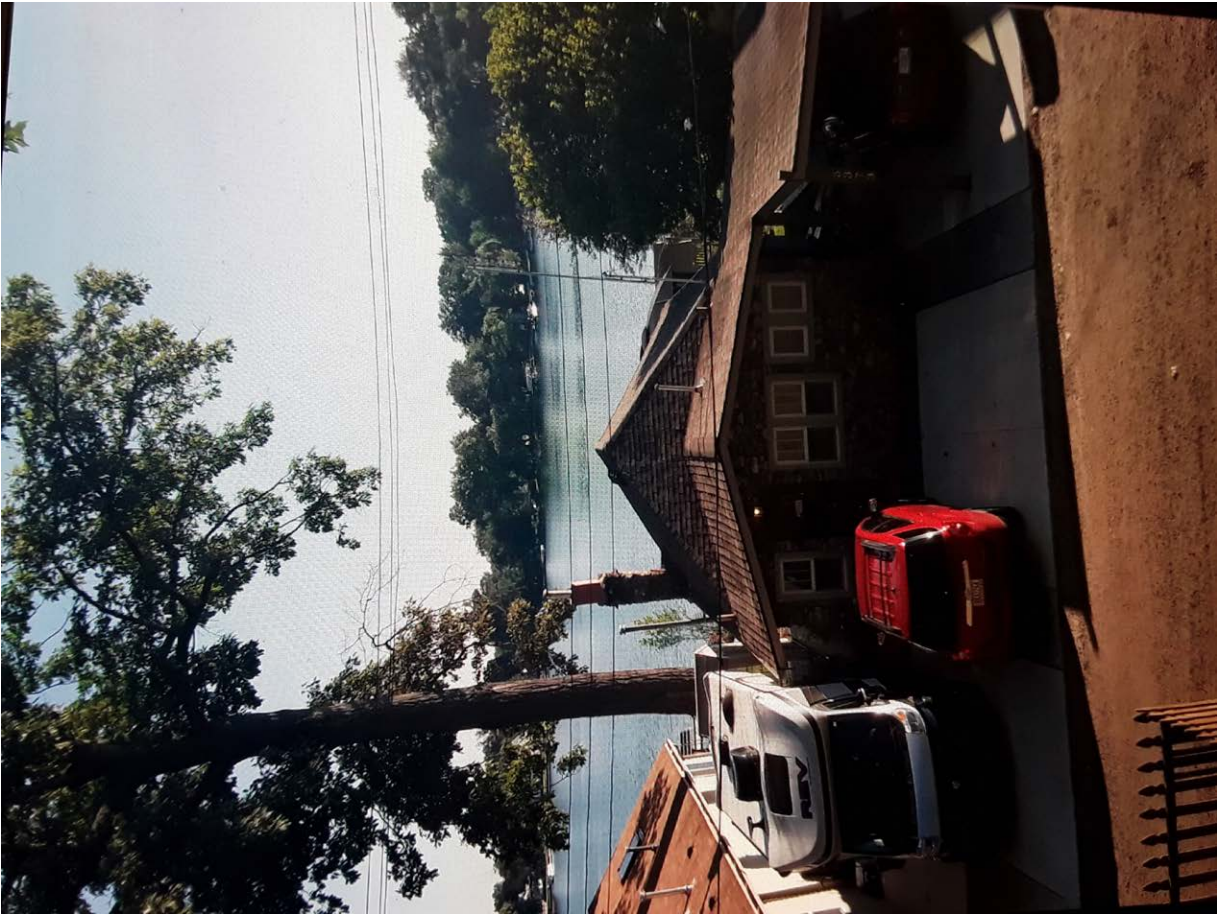


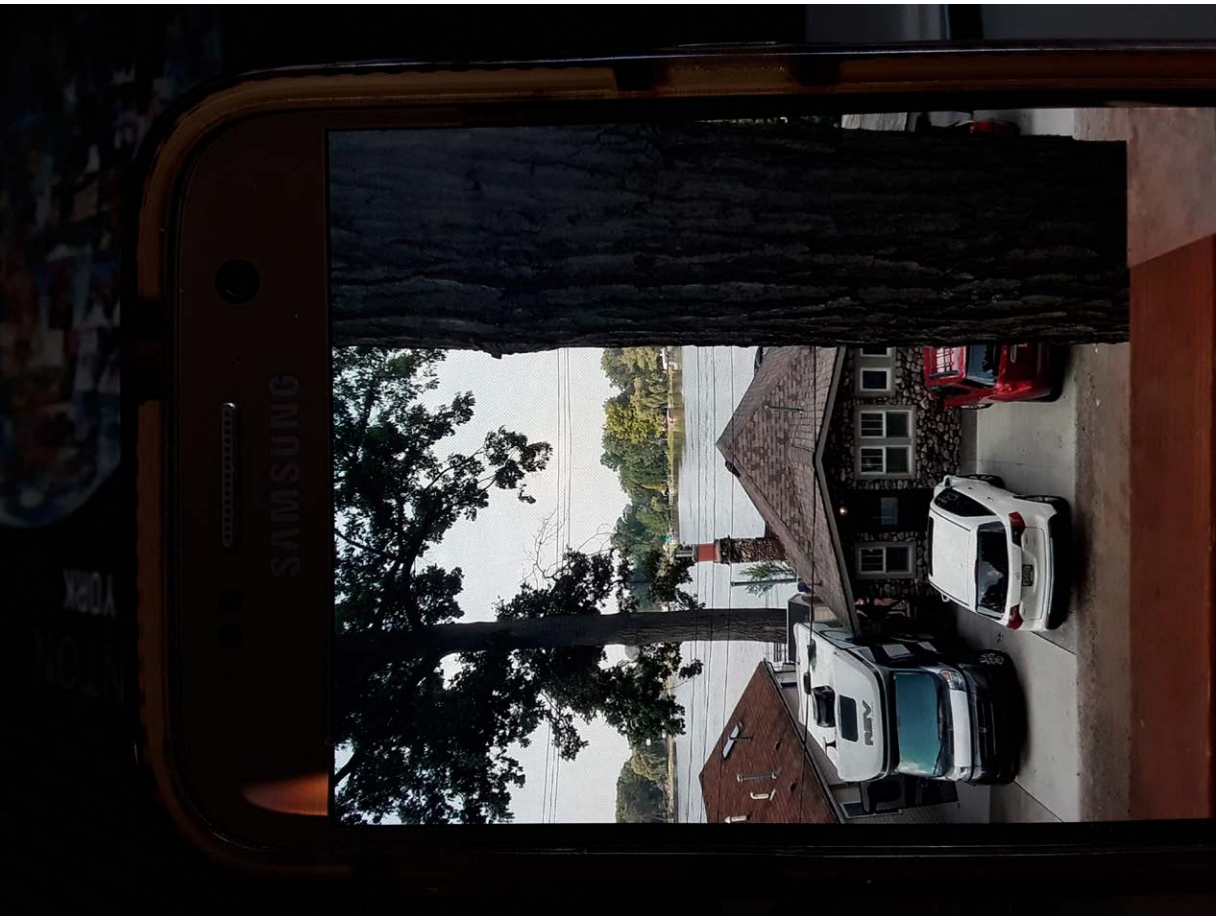
5373 WILDWOOD DR - HOWELL, MI  
 SECOND FLOOR - ADDITION - 6

**From:** [Debbie Sullivan](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Genoa Township Zoning Board Meeting Tuesday August 17th, 2021  
**Date:** Tuesday, August 10, 2021 1:11:35 PM

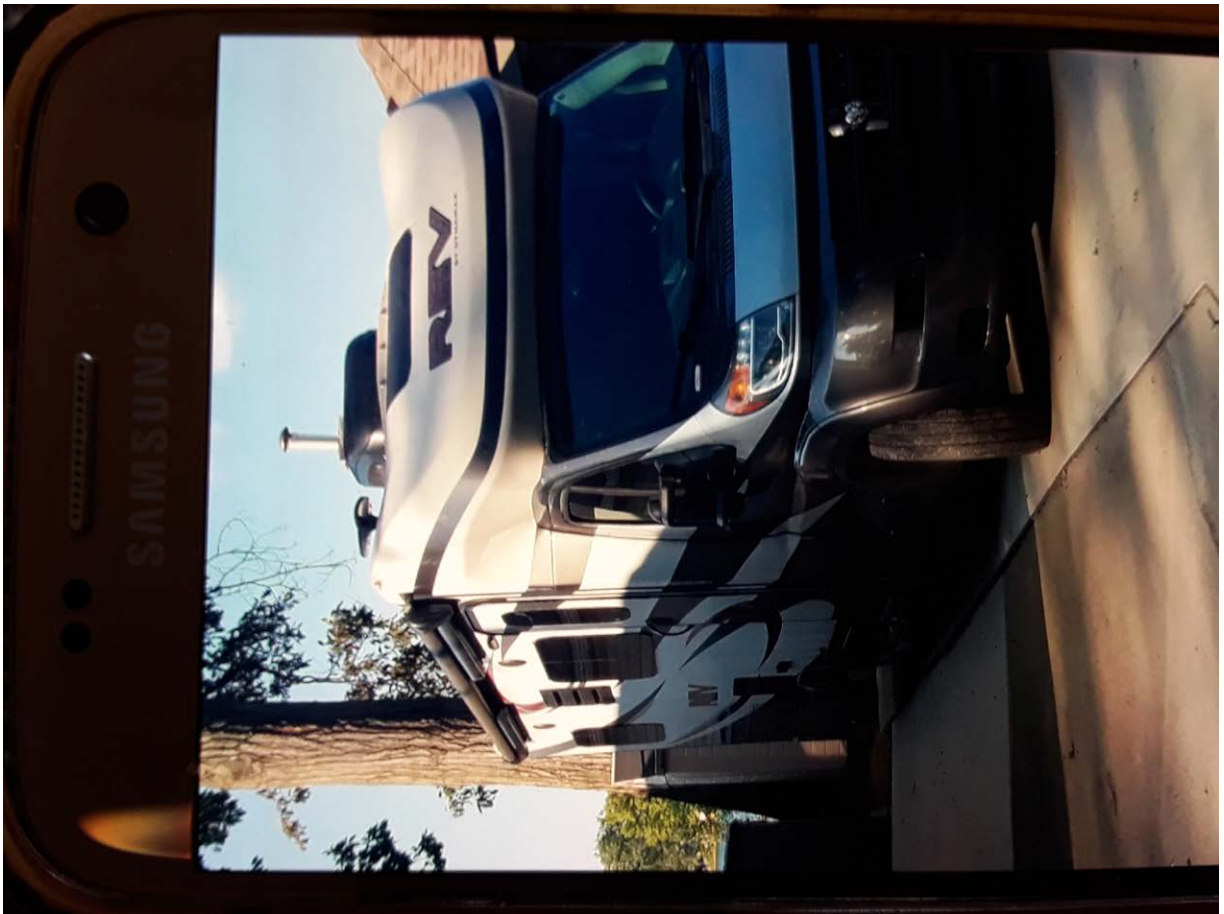
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In response to the letter we received regarding the proposed build up at 5373 Wildwood, we object to the proposals for the following reasons:

1. Since the plans submitted are not drawn by a licensed contractor, or architect, and the lot in question has not been surveyed by a professional land surveyor we are not sure the lot dimensions are correct. We do not see the gazebo included in roof square footage which a licensed professional would know the requirements for. In respect to this, a fence which the zoning board did not approve, was erected anyway, and was put on a neighbor's property and not corrected until the neighbor had his property properly surveyed. The property to the left of the cottage has not been professionally surveyed and cement area that they use for additional parking, is so close that it does not allow for vehicle doors opening and allowing a person to get in or out without standing on the neighbor's property. There is also a shed which may be on a neighbor's property. (Pictures attached)

2, Safety is a huge concern. The Beyers have cemented the area in front of their home and treat it as additional parking, however they repeatedly park their vehicles during the summer blocking easy access to the door to the cottage and in the winter they park their pontoon blocking access to the door. While there is a door on the lakeside, if there was an event, such as a fire, this could prove destructive or fatal for neighbors so close to the Beyers house. (Pictures attached)

3. Requesting additional square footage so they can have more guests/vehicles creates parking



issues which at present the Beyers have already been complaining about. They do not want people parking on the opposite side of the road and have gone so far as to leave notes on those parked cars which we have witnessed. Their cottage does not have adequate parking now and will simply not improve with more square footage for additional guests.

4. With the addition they are requesting, our view of Lake Chemung will be gone. We bought our home over 12 years ago with the assurance that the stone cottage (Beyers) across the street was denied by the zoning board a few times from building up due to structure, lot size and lack of parking. The value of our home will go down since the view of our almost 100 year old home, will be permanently blocked.

5. Our home was a rental and in sad shape when we bought it. Every improvement we made has been done with permits and approvals from the township. When we attached a 4 x 9 shed to our garage to store landscaping equipment, we were informed it had to be removed because it did not comply with variances, and was considered not a hardship to overrule, so we removed it. When the Beyers were denied a fence, they put one up anyway saying it is a "removable" fence, effectively ignoring the zoning board denial. We have sincere concerns with any addition that the Beyers are involved with, that they will not comply to the zoning board rulings. The Beyers bought a cottage with no surprises and experience no hardship to have the zoning board ruling overturned.

Thank you for allowing us to voice our objections and your kind consideration in this matter.

Dave and Debbie Sullivan

5372 Wildwood

[Sent from Yahoo Mail on Android](#)

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
BEYERS JEFFREY & MARY CHR	BEYERS JEFFREY & MARY LTS	100	07/24/2019	QC	18-LIFE ESTATE	2019R-019776	BUYER/SELLER	0.0				
OHANIAN DAWN & MICHAEL OR	BEYERS JEFFREY & MARY CHR	218,000	04/08/2016	WD	03-ARM'S LENGTH	2016R-015487	BUYER/SELLER	100.0				
OHANIAN DAWN	OHANIAN DAWN & MICHAEL OR	0	10/05/2010	QC	21-NOT USED	2010R-027765	BUYER/SELLER	0.0				
NICHOLSON FORD A IV	OHANIAN DAWN	209,000	10/08/2004	WD	03-ARM'S LENGTH	4617/0251	BUYER/SELLER	100.0				
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status		
5373 WILDWOOD DR		School: HOWELL PUBLIC SCHOOLS										
		P.R.E. 100% 08/29/2017										
Owner's Name/Address		MAP #: V21-17										
BEYERS JEFFREY & MARY LTS 9.3 5373 WILDWOOD DR HOWELL MI 48843-9183		2022 Est TCV Tentative										
		X	Improved		Vacant	Land Value Estimates for Land Table 4301.WEST LAKE CHEMUNG						
		Public Improvements			* Factors *							
					Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
					D LAKE FRONT	50.00	111.00	1.0000	1.0000	3000	100	150,000
					50 Actual Front Feet, 0.13 Total Acres Total Est. Land Value = 150,000							
Tax Description		X	Dirt Road									
SEC 10 T2N R5E KIRKS LANDING LONG LAKE SUB, LOT 23		X	Gravel Road									
Comments/Influences				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		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
						2022	Tentative	Tentative	Tentative		Tentative	
				CG 05/26/2016 REVIEWED R		2021	75,000	36,300	111,300		94,415C	
						2020	70,000	36,300	106,300		93,112C	
						2019	67,500	36,000	103,500		91,376C	

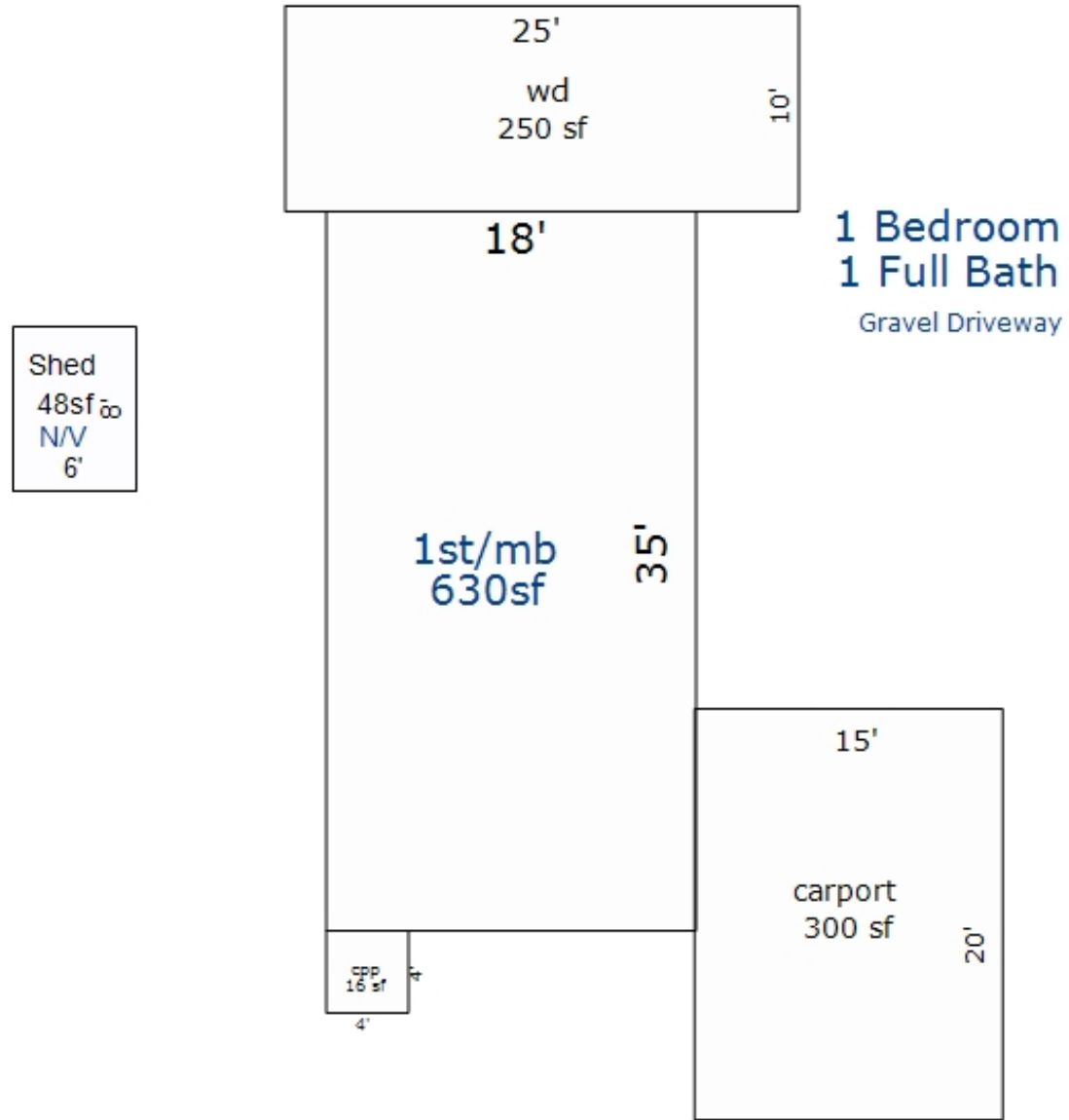


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

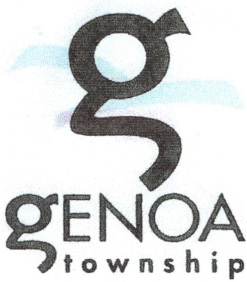
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

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 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 16 250	Type CPP Treated Wood	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											
Building Style: D		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			Class: D Effec. Age: 43 Floor Area: 630 Total Base New : 92,239 Total Depr Cost: 52,577 Estimated T.C.V: 78,865			E.C.F. X 1.500		Bsmnt Garage: Carport Area: 300 Roof: Comp.Shingle				
Yr Built 1940	Remodeled 2014	Size of Closets		Central Air Wood Furnace			Cost Est. for Res. Bldg: 1 Single Family D (11) Heating System: Forced Air w/ Ducts Ground Area = 630 SF Floor Area = 630 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=57/100/100/100/57 Building Areas			Cls D		Blt 1940				
Condition: Good		Lg	X	Ord		Small	No./Qual. of Fixtures			Total: 70,052		42,738				
Room List		(5) Floors		(12) Electric			Ex. X Ord. Min			Total: 70,052		42,738				
	Basement 1st Floor 2nd Floor 1 Bedrooms	Kitchen: Other: Other:		0 Amps Service			No. of Elec. Outlets			Total: 70,052		42,738				
(1) Exterior		(6) Ceilings		(13) Plumbing			Many X Ave. Few			Total: 70,052		42,738				
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 630 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Other Additions/Adjustments			Total: 70,052		42,738				
	Insulation	(8) Basement		(14) Water/Sewer			Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet Fireplaces Exterior 1 Story Porches CPP Carports Comp.Shingle			Total: 70,052		42,738				
(2) Windows		(9) Basement Finish		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.500 => TCV: 78,865			Total: 70,052		42,738				
X	Many Avg. Few	X	Large Avg. Small	Lump Sum Items:						Total: 70,052		42,738				
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Recreation SF Living SF Walkout Doors No Floor SF								Total: 70,052		42,738				
(3) Roof		(10) Floor Support								Total: 70,052		42,738				
X	Gable Hip Flat		Gambrel Mansard Shed							Total: 70,052		42,738				
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:								Total: 70,052		42,738				
Chimney: Brick										Total: 70,052		42,738				

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



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 2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
 (810) 227-5225 | FAX (810) 227-3420

Case # 21-19

Meeting Date: Aug 17, 2021 @ 6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: Peter Kula      Email: 60to0@comcast.net  
 Property Address: 3796 Kipling Circle, Howell, MI 48843      Phone: 734-564-1961  
 Present Zoning: RPUD      Tax Code: 4711-19-302-039

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1. Variance requested/intended property modifications: \_\_\_\_\_

✓ Construction of pole barn structure  
 utilizing 1,040 sq-ft. on a lot of acreage = 1.51 acres. Structure will be the 1<sup>st</sup> out-building on the property. Requested variance for increase of 140 sq-ft is proportionally similar of lot size to the stated non-variance structures = 1 acre (900sq-ft), 2 acres (1200 sq-ft), 1.50 acres = midpoint @ (1,050 sq-ft).



The following is per Article 23.05.03:

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

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

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

✓ All requirements will be met except for overall size. Setbacks all have margin. Item #15 of Novel Estates Covenants & Restrictions requires motor homes to be stored within garages. The proposed structure is the MINIMUM size to gain ingress/egress and provide garage storage for my Class A motor coach.

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

✓ Similar structures (even larger) used for the same purpose already exist within the Novel Estates development and the request for variance will permit the same consistency of use with the land.

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.

✓ There is no impact to public safety, proposed structure is for the sole purpose of single homeowner use.

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 structure will be located extremely central to the entire 1.51 acre lot with NO impact to surrounding properties. The structure is not visible from the road due to the elevation and is also adjacent bounded on the south side by a hill elevation.

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: 19 July 2021 Signature: Pete Kuhn



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** August 11, 2021

**RE:** ZBA 21-19

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

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## STAFF REPORT

**File Number:** ZBA# 21-19  
**Site Address:** 3796 Kipling Circle, Howell  
**Parcel Number:** 4711-19-302-039  
**Parcel Size:** 1.51 Acres  
**Applicant:** Peter Kula, 3796 Kipling Circle, Howell  
**Property Owner:** Same as Applicant

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

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a size variance to construct a detached accessory structure that is over the required 900 sq. ft.

**Zoning and Existing Use:** RPUD (Residential Planned Unit Development) Single Family Dwelling is located on the property. (See attached PUD)

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday August 1, 2021 and 300-foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

**Background**

The following is a brief summary of the background information we have on file:

- Per assessing records the existing home on the parcel was constructed in 2000.
- In 2000, a land use permit was issued for a new construction home.
- See Assessing Record Card

**SUPERVISOR**

Bill Rogers

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

**MANAGER**

Michael C. Archinal

**Summary**

The proposed project is to construct a 1,040 detached accessory structure which would require a 140 sq. ft. size variance for the structure. The proposed structure meets all of the required setbacks.

The following is a draft Zoning Ordinance amendment that is scheduled to be voted on at the October 4<sup>th</sup>, 2021 Township Board Meeting:

Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than one (1) acre, one thousand five hundred (1500) square feet in area for lots equal to or greater than one (1) acre but less than three (3) acres, and two thousand two hundred (2200) square feet in area for lots three (3) acres or greater. Accessory buildings located on lots five (5) acres or more in Agricultural and Country Estates Districts shall not be limited by size, provided all required setbacks are met.

If the ordinance passes at the Board of Trustees meeting, this variance would not be required.

**Variance Requests**

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

**Section 11.04.01 (H) Maximum Size: Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.**

<b>Allowable Square Footage:</b>	<b>900 Sq. Ft.</b>
<b>Proposed Square Footage:</b>	<b>1,040 Sq. Ft.</b>
<b>Proposed Variance Amount:</b>	<b>140 Sq. Ft.</b>

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the zoning ordinance would prevent the construction of the proposed detached accessory structure however it does not prevent the use of the property or construction of a 900 sq. ft. detached accessory structure. The property is a conforming lot in the Residential Planned Unit Development.
- (b) Extraordinary Circumstances** – There is no extraordinary or exceptional condition of the property. The additional size variance request is self-created. The applicant should address if the variance requested 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 would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.



**(e) Recommended Conditions**

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

N/A

**Recommended Conditions**

If the Zoning Board of Appeals denies the variance request staff recommends the following:

N/A

Novel  
Estates

PLANNED UNIT DEVELOPMENT AGREEMENT

This Agreement, made this 12 day of October , by and between ("Developer"), and the TOWNSHIP OF GENOA, a Michigan municipal corporation, whose address is 2980 Dorr Road, Brighton, Michigan 48116 (hereafter "Township").

W I T N E S S E T H :

WHEREAS, Developer is the owner of certain real property located in the Township of Genoa, Livingston County, Michigan, which is more particularly described on Exhibit A attached hereto and incorporated by reference; and

WHEREAS, Developer desires to develop the property with various land uses under a comprehensive development plan as a planned unit development ("PUD" or Planned Unit Development); and

WHEREAS, the Township's Planning Commission, after giving proper notice, held public hearing on **November 4, 1992 and February 3, 1993**, at which Developer's Preliminary Application for a PUD was considered, comments and recommendations of the public were heard, and the Planning Commission recommendations were made to the Township Board; and

WHEREAS, on **March 1, 1993**, the Township Board reviewed the Preliminary Application and made recommendations to Developer concerning the Preliminary Application; and

WHEREAS, on **June 4, 1993**, Developer submitted to the Planning Commission an Application for Final Approval of the PUD (hereafter "Final Application"), pursuant to the provisions of Article 10 of the Township's Zoning Ordinance (the "Zoning Ordinance")' and

WHEREAS, the Planning Commission, after giving proper notice, held a public hearing on **July 7, 1993**, as required by P.A. 184 of 1983, as amended, at which the Final Application was considered, comments and recommendations of the public were heard, and recommendations were made by the Planning Commission to the Township Board concerning the Final Application; and

WHEREAS, the uses to be permitted within a PUD may allow clustering of single-family residential units to preserve common open space and natural features; and

WHEREAS, the Township Planning Commission and the Township Board have reviewed the Final Site Development Plan, attached hereto as Exhibit B,, and have approved the Final Site Development Plan as to total acreage under consideration for planned unit development; the general location, acreage and acres therein for specified zoning district being single-family residential use; the number and general location of lots; the general location of the various land uses; and the general layout and types of street patterns; and

WHEREAS, the approved Final Site Development Plan for the PUD is consistent with the purposes and objectives of the Township; and further, is consistent with the Township's Zoning Ordinance pertaining to permitted land uses, the intensity of such uses, the size and location of open space areas and the manner of use thereof; and

WHEREAS, the Developer recognizes that the success of the development of the PUD depends upon several important factors, including ease of access by hard surface road, approved individual water supply and individual on-site sewage disposal; and

WHEREAS, Developer has made its application for final approval of the PUD to the Township Board pursuant to and in accordance with the provisions of Article X of the Township's Zoning Ordinance; and

WHEREAS, at a regular public meeting of the Township Board on August 2, 1993 , the Township Board approved the Final Application submitted by the Developer and rezoned the property to a PUD Zoning District; and

WHEREAS, the Township;s Zoning Ordinance requires the execution of a Planned Unit Development Agreement in connection with the approval of a PUD, which Agreement shall be binding on Township and Developer;

NOW, THEREFORE, the Developer and the Township, in consideration of the mutual covenants of the parties described herein, and with the express understanding that this Agreement contains important and essential terms as part of Final Approval of the final Application of the PUD, agree as follows:

1. GENERAL TERMS OF AGREEMENT

- A. Township and Developer acknowledge and represent that the foregoing recitals are true and accurate and binding on the respective parties.
- B. Township acknowledges and represents that the property has been rezoned to a PUD Zoning District.

C. The PUD shown and described in Exhibits A and B, is hereby approved in accordance with the authority granted to and vested in Township under and pursuant to Act No. 184, Public Acts of 1943, the Township Rural Zoning Act; Act No. 185, Public Acts of 1931 and Act No. 168, Public Acts of 1945, relating to Municipal Planning; and in accordance with the Zoning Ordinance of Genoa Township, enacted October 7, 1991, as amended, except as modified herein; subject to the terms of this Agreement and in compliance with Exhibit B, and in compliance with Subdivision Control Act of 1967 and Ordinance NO. 74-00 of Genoa Township (hereafter "Subdivision Regulations"), according to the terms thereof as of the date of approval of the PUD. Further, the approval of the Final Site Development Plan, attached as Exhibit B hereto and/or this Agreement, shall neither relieve Developer from full compliance with applicable provisions of the Subdivision Control Act of 1967, the Subdivision Regulations, the Condominium Act and the Zoning Ordinance, except as requirements of the Zoning Ordinance are approved and modified herein, nor shall it be deemed to confer any approval otherwise required by law.

D. The Approved Plan for the PUD includes Exhibit A, Property Description, and Exhibit B, the Final Site Development Plan. The Approved Plan was formulated by Developer and approved by Township based upon the material terms of the following documents, which were presented to the Township by the Developer:

1. Environmental Impact Statement, dated
2. Soils Boring Information

Developer and Township acknowledge that the Approved Plan takes precedence over the terms of the foregoing documents.

E. Developer and Township acknowledge and agree that rezoning to PUD of the property described in Exhibit A constitutes approval of Exhibit B as it sets forth the number of permitted dwelling units and the general configuration of permitted land use clusters to be submitted for specific preliminary plat or site plan approval. Site plan review and plat review for the PUD described in Exhibits A and B are not subject to any subsequent enactments or amendments to the Zoning ordinance or the Subdivision Regulations and will be reviewed and approved in light of this Agreement, the Zoning Ordinance and Subdivision Regulations as they exist at the date of this Agreement. Developer shall comply with Section 22.400 Article 13 of the Zoning Ordinance, as modified herein, with respect to each preliminary plat and site plan approved by Township at Developer's request. Any subsequent zoning action by Township shall be in accordance with applicable constitutional law, the Township Rural Zoning Act and the Zoning Ordinance.

F. The approval of the PUD described herein and in Exhibit B, and the terms, provisions and conditions of this Agreement are and shall be deemed to be of benefit to the land described on Exhibit A and shall run with and bind such land, and shall bind an inure to the benefit of the successors and assigns of the parties hereto.

II. SPECIFIC TERMS OF AGREEMENT REGARDING  
LAND USE AND LAND DEVELOPMENT

---

- A. In all districts designated for single-family residential use, the only permitted principal use shall be single-family dwelling; provided that accessory uses, buildings and structures customarily incidental to single-family residential use as allowed by the Genoa Township Zoning Ordinance shall be permitted uses.
- B. Developer represents that Developer presently intends to develop the property under the Subdivision Control Act of 1967.
- C. At the time of filing a preliminary plat application, Developer shall indicate, for each lot, the proposed location for each building area, with attention to preservation of natural features, such as trees, views, vistas and topography. Final approval of the plat shall constitute the Township's approval of the building area for the residence within each lot, and no residence shall be erected or placed other than within the confines of the approved building area.
- D. Where not otherwise specified herein, all lots and structures shall conform, as a minimum, with the following area and bulk requirements:

MIN LOT SIZE		MAX BLDG HGHT		MIN. YARD SETBACK			MIN LIVING AREA
Area	Width	Stories	Feet	Front	Side	Rear	Sq. ft. per unit
43,560	130	2	35	50	30	80	1200

The Township Board, after review by the Planning Commission, may modify the foregoing minimum requirements at Developer's request on an individual lot basis, which request for modification shall not be unreasonably delayed.

Developer acknowledges that Township, in evaluating preliminary plats and site plans, may consider the effect of the plan on the natural environment and resources, the health, safety and welfare of the ultimate owners of the homes in the PUD and the plan's compatibility with adjacent uses of land with regard to promoting the use of land in a socially and economically desirable manner. In considering all such items, Township shall act reasonably to effectuate the purposes of the Zoning Ordinance.

- E. Covenants and deed restrictions governing the use and enjoyment of the land described in Exhibit A shall be submitted for review and approval by the Township Board before any final approval of permission to start residential construction within the PUD. The covenants and restrictions shall be binding on all successors in interest of the property. The covenants and deed restrictions shall not reduce minimum area and bulk requirements as stated in paragraph II.D, unless otherwise agreed upon in writing between Township and Developer.
- F. In no event shall the number of total dwelling units permitted with the PUD exceed the number as shown on Exhibit B without reapplication and the execution of a new PUD Agreement by the parties after proceedings in accordance with the procedures specified in the PUD Zoning District of the Zoning Ordinance. In no event shall the total number of dwelling units permitted within the PUD be less than the number of dwelling units provided for in Exhibit B without Developer's prior written consent.
- G. In accordance with Section 10.06.2e of the Genoa Township Zoning Ordinance, the Genoa Township Planning Commission on July 7, 1993 has determined that the development, as presented, may be served by on-site septic systems. Furthermore, the use of on-site septic systems shall meet the requirements of the Livingston County Health Department and shall be subject to all applicable laws and regulations.
- H. In accordance with Section 10.06.2e of the Genoa Township Ordinance, the Genoa Township Planning Commission on July 7, 1993 has determined that the development, as presented, may be served by individual wells. Furthermore, the use of individual wells shall meet the requirements of the Livingston County Health Department and shall be subject to all applicable laws and regulations.

- I. The stormwater retention/detention system shall meet the requirements of the Livingston County Drain Commission and all applicable laws and regulations. An emphasis on reducing the flow (cubic feet per second) from the south portion of the site into the existing drainage course across Coon Lake Road shall be made by the Developer.
- J. Common areas committed to the use of residents of the Property pursuant to the PUD Ordinance are designated as open space as located on Exhibit B. The open space may be used for stormwater management. Maintenance and supervision of all common areas shall be the responsibility of the Subdivision Association.
- K. All roads shall be public roads and shall be constricted to the current Livingston County Road Commission Specifications. All Roads shall be hard surfaced and shall be curbed and guttered.
- L. Developer presently intends to develop the project as a platted subdivision, not as a site condominium. In the event that the Developer decides to develop the property as a site condominium, Developer agrees to abide by Township requirements for the review of site condominiums as such requirements may exist at the time of Developer's application for approval of a site condominium.
- M. Should Developer be aggrieved by Township's denial of a site plan, preliminary plat or other approval required for the development, an arbitration panel shall be appointed, at the request of Developer, to determine whether Township's decision was reasonable. The arbitrators shall make a finding of whether or not the denial is reasonable based upon the specific terms of this Agreement and the applicable provisions of the Zoning Ordinance. The arbitration shall be governed by the Uniform Arbitration Act, Michigan Compiled Law Sections 600.5001 through 600.5035, or its successor enactment,, if replaced. The decision of the arbitrators shall be binding on Township and Developer. If the arbitrators determine that the denial was unreasonable, Township shall promptly grant its approval of the application in question .

The parties may agree upon a single arbitrator, but in the event they cannot so agree, there shall be three (3) arbitrators, one (1) named in writing by each of the parties within thirty (30) days after demand for arbitration is made, and a third party chosen by the two (2) arbitrators so appointed. Should either party refuse or neglect to join in the appointment of the arbitrators within thirty (30) days after a demand, the arbitrator to be designated by that party shall be appointed in accordance with the provisions of the Uniform Arbitration Act.

All arbitration hearings conducted hereunder shall take place at the Genoa Township Hall. All judicial proceedings to enforce any of the provisions hereof shall take place in Livingston County, Michigan. Notice of hearing shall be given and the hearing conducted in accordance with the Uniform Arbitration Act.

If there are three (3) arbitrators, the decision of any two (2) reached during consultation by all three (3) shall be binding and conclusive.

If the arbitrators shall fail to reach an agreement within thirty (30) days of their appointment, they shall be discharged and three (3) new arbitrators shall be appointed who shall proceed as provided in this paragraph 11.T. The process described in this paragraph 11.T shall be repeated until a decision is reached by at least two (2) of the three (3) arbitrators selected.

The cost and expenses of arbitration, including the fees of the arbitrators, shall be borne by the losing party. The successful party shall recover, as expenses, all reasonable attorneys fees incurred by it in connection with the arbitration proceeding or any appeals therefrom.

- N. Any violation of the terms of this Agreement shall be a violation of the Zoning Ordinance. The remedies of Township for a violation shall be such remedies are provided by and for violation of a zoning ordinance.



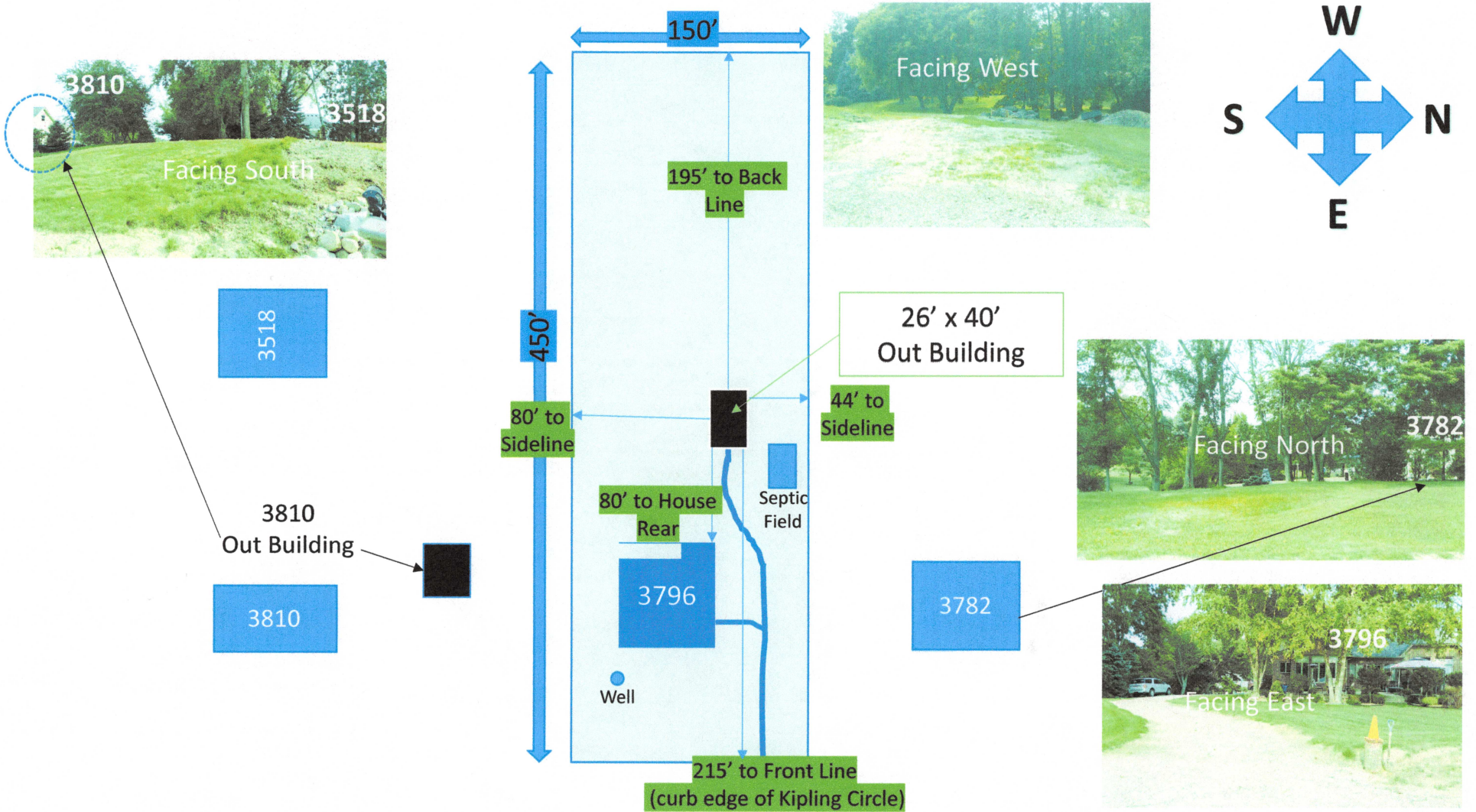


# GENOA TOWNSHIP



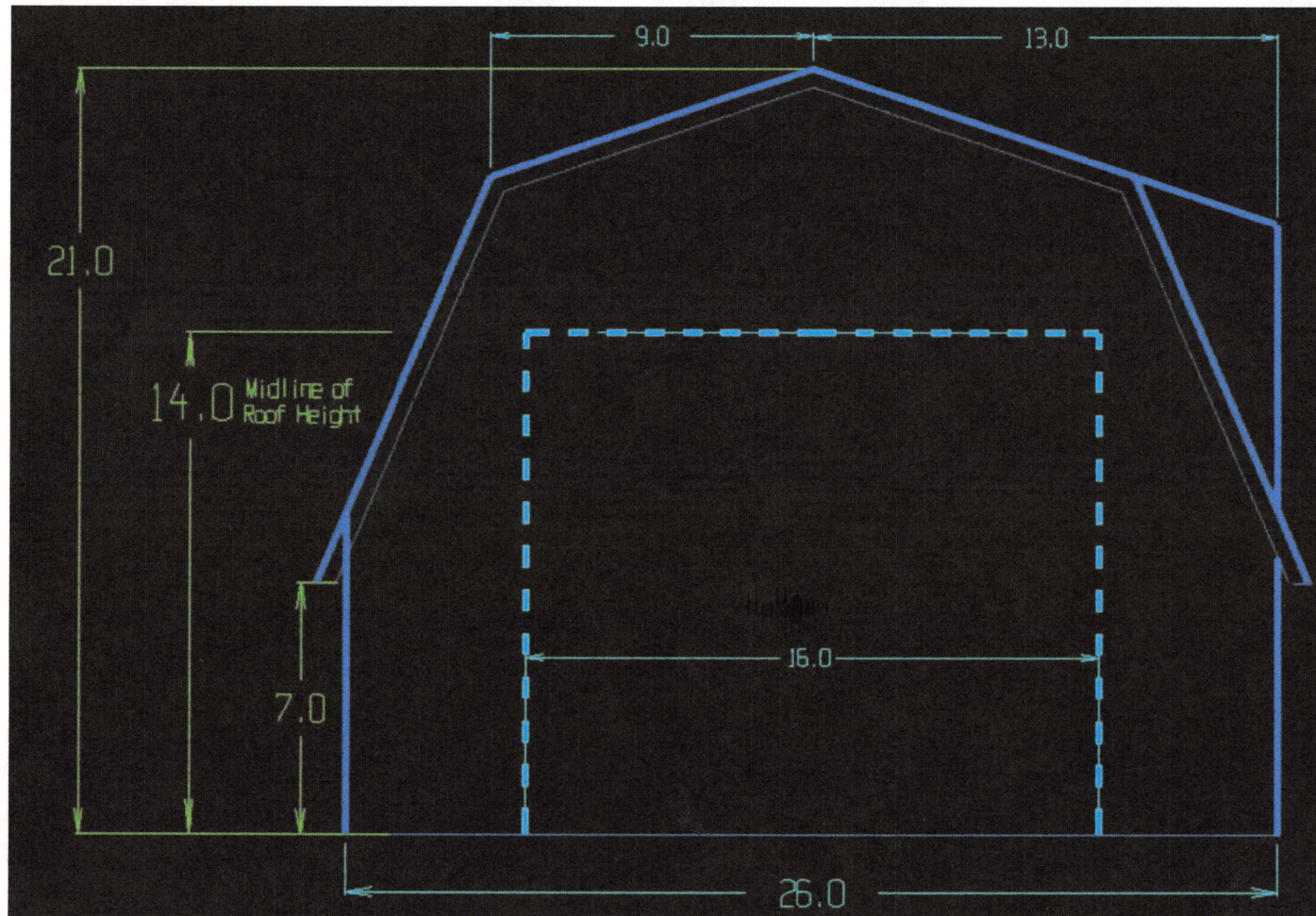


**LOCATION: OUT-BUILDING WITHIN LOT**





**FRONT OF BUILDING  
(East Side)**



## GENOA TOWNSHIP - WEBSITE

General Provisions

11-16

- (f) Required Setbacks (Detached, over one hundred twenty (120) square feet total floor area): Detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall be at least ten (10) feet from any principal building, and at least ten (10) feet from any side or rear lot line; except as follows:
- (1) On lots greater than one (1) acre detached accessory buildings and structures over one hundred twenty (120) square feet of total floor area shall meet the setback requirements for principal structures.
- (h) Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.
- (i) Maximum Number: No more than two (2) detached accessory buildings shall be permitted on any lot in any district except the Agricultural and Country Estate Districts.
- (j) Maximum, Height: The maximum building height of any detached accessory building shall be fourteen (14) feet (see Article 25 for calculation of building height), except as follows:

Requesting 26' x 40' Detached Out Building  
@  
3796 Kipling Circle = Lot Size = 1.51 Acres



All setbacks have significant margin  
& site location is very central within lot

Requesting Variance =  
Proportional to 1.5 Acre Lot = 1,050 sqft

1 Acre = 900sqft

1.5 Acre = 1,050sqft (proportional)

2 Acre = 1200sqft



1<sup>st</sup> Out Building on Property



14ft max height is satisfied



**Table 3.02  
Residential and Agricultural Districts**

District	Minimum Lot Area Per Dwelling Unit
Agricultural (AG)	10 acre lot area
Country Estate (CE)	5 acre lot area
Rural Residential (RR):	2 acre lot area
Low Density Residential (LDR):	43,560 sq ft. lot area

**Table 3.04.01 DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS**

District	Minimum Lot Size <sup>(m)</sup> or Maximum Density		Maximum Building Height		Principal Structure Minimum Yard Setback <sup>(g) (h) (i)</sup>			
	Min. Lot Area, Max. Units Per Acre <sup>(a) (b)</sup>	Width <sup>(c) (d)</sup>	Stories	Feet <sup>(e)</sup>	Front <sup>(f)</sup>	Smaller Side	Total 2 Sides	Rear
Agricultural (AG)	40 acres for farms, 10 acres for non-farm dwellings		2	35	75	40	80	60
Country Estate (CE)	5 acres	220 ft	2	35	75	40	80	60
Rural Residential (RR)	2 acres	200 ft	2	35	50	30	60	60
Low Density Residential (LDR)	1 acre	150 ft	2	35	50	30	60	60

**26' x 40' Out Bldg. @ Site Location = 14' 215' 44' 124' 195'**

**\*\*ALL SETBACKS HAVE SIGNIFICANT MARGIN\*\***

**Building Envelope:** The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

**Building Height:** The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the beam height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 25.2).

**Building Line:** A horizontal line parallel to a front, side or rear lot line which is located at the point of principal exterior wall or structural feature nearest the front, side or rear lot line, not including permitted yard projections. (See Figure 25.3)

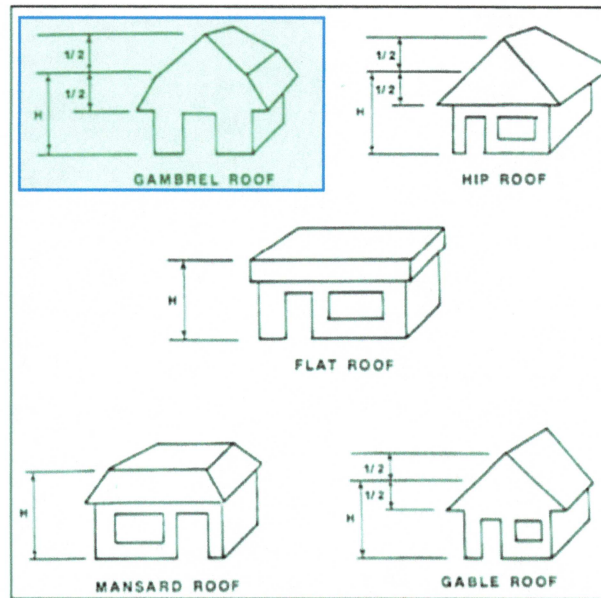


Figure 25.2 Building Height

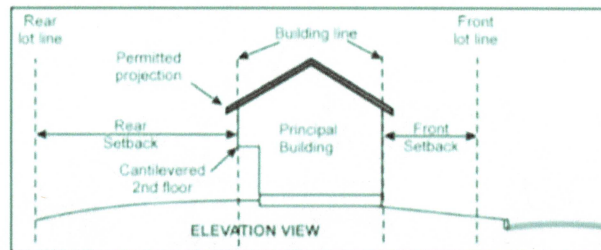
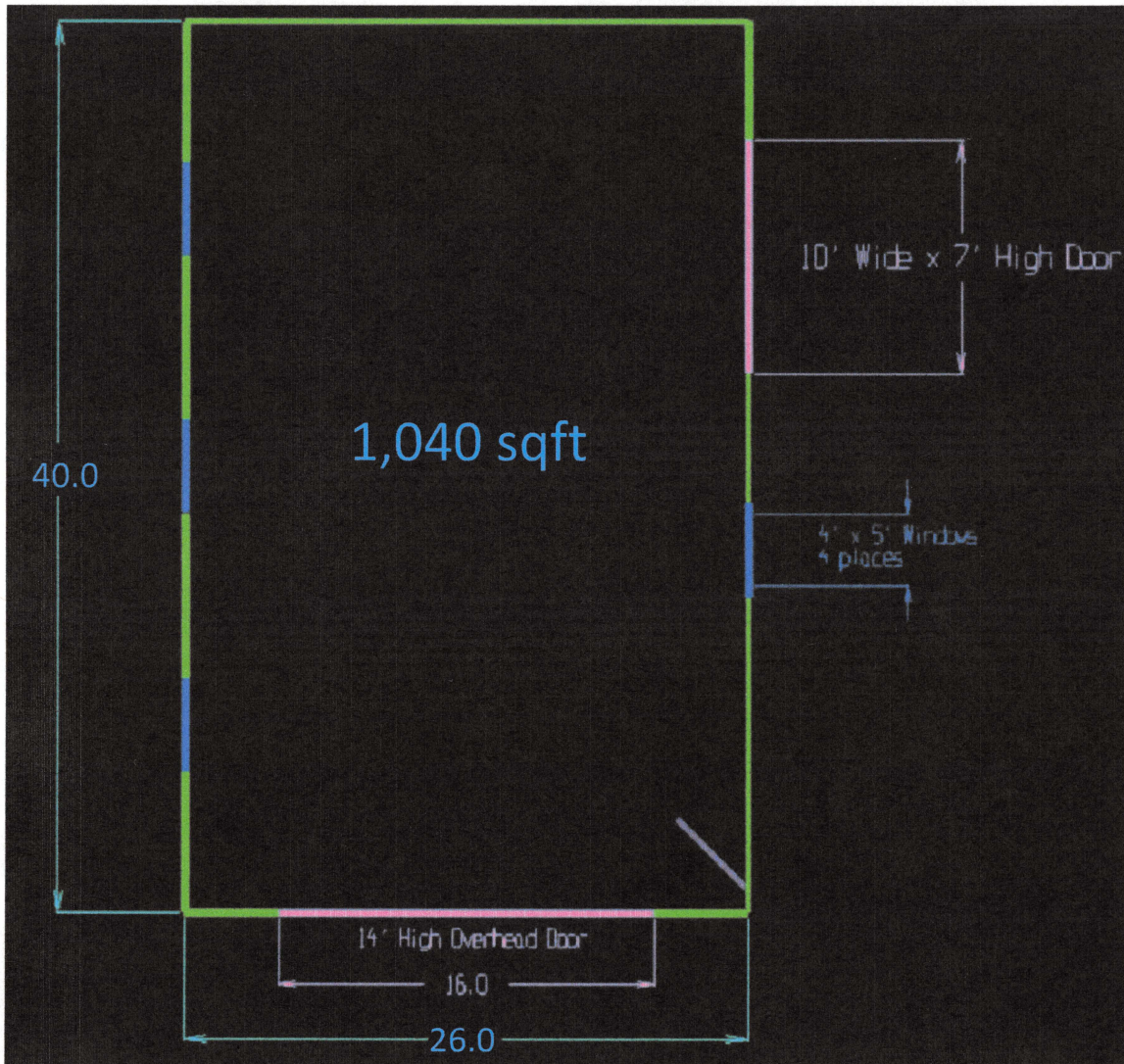


Figure 25.3 Building Line

### General Rendering (Modified Photo)







3796 Kipling Circle  
 Lot Size = 1.51 acres

RV Required Space =  $26' \times 40'$   
 1,040 ft<sup>2</sup>

Variance Requested

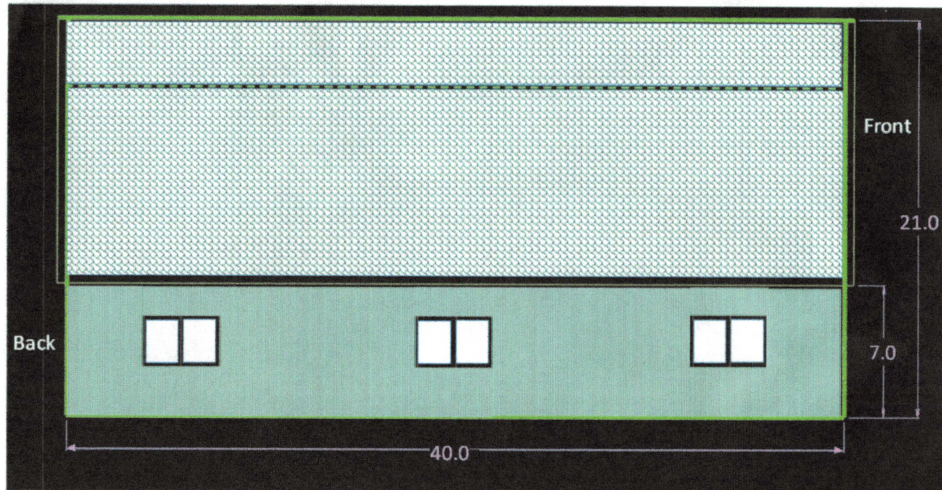
900 ft<sup>2</sup> = 1 acre  
1,050 ft<sup>2</sup> = proportional to 1.5 acre  
 1200ft<sup>2</sup> = 2 acre



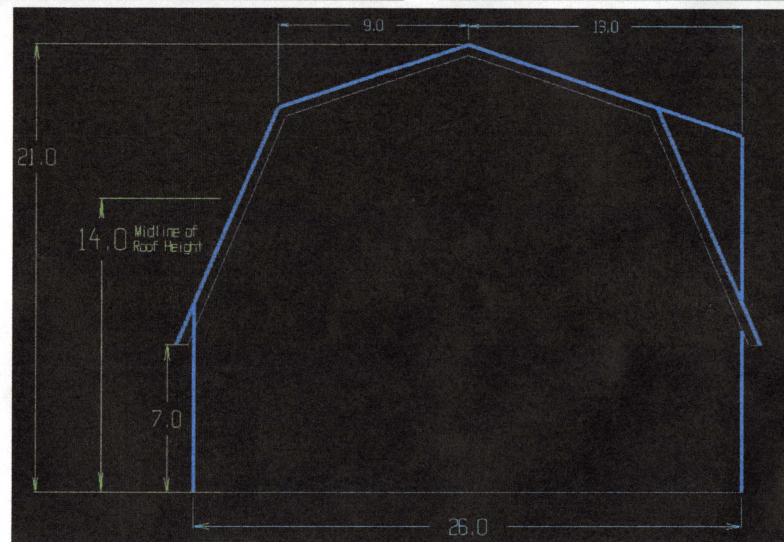




LH Side (South Side)



RH Side (North Side)



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
NOVEL DEVELOPMENT	KULA	62,000	06/09/1999	LC	04-BUYERS INTEREST IN A L	26150609	BUYER/SELLER	100.0
NOVEL	KULA	62,000	06/09/1999	WD	16-LC PAYOFF	29780806	BUYER/SELLER	0.0
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: RPUD	Building Permit(s)	Date	Number	Status
3796 KIPLING CIR		School: HOWELL PUBLIC SCHOOLS			HOME	06/06/2000	00-138	NO START
Owner's Name/Address		P.R.E. 100% 06/14/2001		MAP #: V21-19				
KULA, PETE & RENEE 3796 KIPLING CIR HOWELL MI 48843-7475		2022 Est TCV Tentative						
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 4046.NOVEL ESTATES			
Sec 19 T2n R5e Novel Estates Lot 39		Public Improvements		* Factors *				Value
Comments/Influences		Dirt Road		Description		Frontage	Depth	Front
		Gravel Road		<Site Value A> A REG SITE		Rate	%Adj.	Reason
		Paved Road		0.00 Total Acres		Total Est. Land Value =	70,000	
		Storm Sewer		Land Improvement Cost Estimates				
		Sidewalk		Description		Rate	Size	% Good
		Water		D/W/P: 3.5 Concrete		6.67	583	42
		Sewer		Total Estimated Land Improvements		True Cash Value =		1,633
		Electric						1,633
		Gas						
		Curb						
		Street Lights						
		Standard Utilities						
		Underground Utils.						
		Topography of Site						
		Level						
		Rolling						
		Low						
		High						
		Landscaped						
		Swamp						
		Wooded						
		Pond						
		Waterfront						
		Ravine						
		Wetland						
		Flood Plain						
		REFUSE						
		X	Who	When	What	Year	Land Value	Building Value
						2022	Tentative	Tentative
						2021	37,500	182,500
						2020	37,500	169,200
						2019	35,000	168,300
								220,000
								206,700
								203,300
								Board of Review
								Tribunal/Other
								Taxable Value
								Tentative
								169,277C
								166,940C
								163,828C



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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 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 1 Direct-Vented Gas	Area 38	Type CCP (1 Story)	Year Built: 2000 Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 506 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: BC		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: BC Effec. Age: 16 Floor Area: 2,992 Total Base New : 543,460 Total Depr Cost: 456,509 Estimated T.C.V: 385,294			E.C.F. X 0.844		Bsmnt Garage:	
Yr Built 2000	Remodeled 0	Size of Closets		No. Heating/Cooling			No. Heating/Cooling			Total Base New : 543,460			E.C.F. X 0.844		Carport Area:	
Condition: Good		Doors: Lg X Ord Small		No. Heating/Cooling			No. Heating/Cooling			Total Base New : 543,460			E.C.F. X 0.844		Roof:	
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric			Total Base New : 543,460			E.C.F. X 0.844			
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		No. Heating/Cooling			No. Heating/Cooling			Total Base New : 543,460			E.C.F. X 0.844			
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family BC			Cls BC			Blt 2000			
X	Wood/Shingle Aluminum/Vinyl Brick			Ex. X Ord. Min			(11) Heating System: Forced Heat & Cool			Ground Area = 2291 SF Floor Area = 2992 SF.						
	Insulation			No. of Elec. Outlets			Phy/Ab.Phy/Func/Econ/Comb. % Good=84/100/100/100/84			Building Areas						
(2) Windows		(7) Excavation		Many X Ave. Few			Stories Exterior Foundation			Size			Cost New Depr. Cost			
X	Many Avg. Few	X	Large Avg. Small	(13) Plumbing			1 Story Brick Basement 941			2 Story Brick Basement 319			1 Story Brick Basement 91			
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Basement: 1923 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		Average Fixture(s)			2 Story Brick Basement 46			2 Story Brick Basement 168			2 Story Brick Basement 198			
(3) Roof		(8) Basement		Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink 1 Separate Shower			1 Story Brick Basement 160			1 Story Brick Overhang 368			1 Story Siding Overhang 8			
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			1 Story Siding Overhang 8			Total: 482,797			405,551			
(3) Roof		(9) Basement Finish		(14) Water/Sewer			Other Additions/Adjustments			Plumbing						
X	Gable Hip Flat		Gambrel Mansard Shed	Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			3 Fixture Bath 1 6,008 5,047			2 Fixture Bath 1 4,025 3,381			Separate Shower 1 2,433 2,044			
X	Asphalt Shingle	Recreation SF Living SF Walkout Doors No Floor SF		Lump Sum Items:			Water/Sewer			1000 Gal Septic 1 4,957 4,164			Water Well, 200 Feet 1 10,304 8,655			
Chimney: Brick		(10) Floor Support		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Porches			CCP (1 Story) 38 1,338 1,124			Garages			
		Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			Class: BC Exterior: Siding Foundation: 42 Inch (Finished)			Base Cost 506 30,471 25,596			<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>			

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





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

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:34 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Marianne McCreary, Jean Ledford, Michelle Kreutzberg, Craig Fons, and Amy Ruthig, Zoning Official. Absent was Bill Rockwell.

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

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

**Approval of the Agenda:**

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

**Call to the Public:**

The call to the public was made at 6:35 pm with no response.

1. 21-14...A request by Gina Gerbe, 894 Del Sher Drive, for a side yard setback variance to allow for an addition to an existing home.

Mr. and Mrs. Gerbe were present. Ms. Gerbe stated they would like to put an addition on their home for a fourth bedroom. Most of the homes in the neighborhood are four bedrooms and are similar in size. They have a pie-shaped lot. The addition will be in line with the garage.

Board Member Kreutzberg questioned if the neighbor to the north could build close to their lot line. Ms. Gerbe stated that property is one three-acre lot.

Board Member McCreary asked if the septic field will accommodate the additional bedroom. She recommended that the applicant speak to the Health Department to determine if the size of the septic field will need to be increased.

The call to the public was made at 6:41 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member to McCreary, to approve Case #21-14 for Gina Gerbe of 894 Del Sher Drive for a side yard setback variance of 3 feet

from the required 20 feet for a side yard setback of 17 feet for a home addition, based on the following findings of fact:

- Strict compliance with the side yard setback would prevent/restrict use of property.
- Granting this variance will provide substantial justice in granting the applicant the same right as similar properties in the neighborhood and is not self-created.
- The extraordinary circumstance being the location of the existing home on the irregularly-shaped lot.
- The granting of the variance will not impair adequate light or air to adjacent properties and would not increase congestion or increase the danger of fire or threaten public safety or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The applicant shall consult with the Livingston County Health Department regarding adding an additional bedroom that may require an enlarged septic field.

**The motion carried unanimously.**

2. 21-15...A request by Robert Savage, Lot 144 Sunrise Park Tax ID 4711-09-201-156, for front and rear yard setback variances to construct a new home on a vacant lot.

Mr. Robert Savage of 8436 Woodland Shore Drive stated he is requesting front and rear yard setback variances to build a three-bedroom home with a two-car garage on an empty lot. Nine houses to the left of his property have similar setbacks. This home would be consistent with the houses on this side of the street. The homes on the other side of the street are closer to the road.

Board Member McCreary advised the Board that she contacted the architect to discuss the stakes that were at the site. She wanted to ask if the stakes that were at the roadside show where the porch or where the end of the home will be. Mr. Savage stated that is where the end of the porch will be. She also noted that the applicant did not submit an engineered survey. Mr. Savage stated they did not hire a surveyor; however, they found the pins on one side of the property and measured from there.

Board Member Kreutzberg asked if there will be a basement. Mr. Savage stated there is a basement and at this time, it will not be finished.

Board Member McCreary is not in favor of the home being so close to the alley.

Ms. Ruthig stated that the variance amount includes the stairway.

The call to the public was made at 6:52 pm.

Ms. Jean Rudzski of 1081 Sunrise Park lives across the street from this property. She agrees that some of the properties on the lake side are close to the road. She is concerned with the house taking up the entire lot and then more parking area will be needed. If they park on the street, then it will be difficult for fire trucks and EMS vehicles to pass as Sunrise Park is a very narrow road. She asked if the construction will be monitored to ensure that the home is being built in the location that was approved. Ms. Ruthig stated that the Township **does** not have surveyors so they rely on the plans that were submitted. If a complaint is filed, then they will visit the site.

Mr. Tom Kovach is the builder and he reassured everyone that he will put the house where it is supposed to go and there will be no problems.

Ms. Natalie Schenck of 1076 Sunrise Park stated she purchased her home in September and her builder pointed out where the pins were and she believes they were moved. She would like this property to be surveyed so she can be sure that she is not losing part of her property. She does not believe that the size of this home will be consistent with the others on their block. She is also concerned that since the home is so tall, it will block the southern sun exposure to her home. Ms. Ruthig stated the applicant is **not** asking for a side yard or height variance.

Brian Morgan of 1054 Sunrise Park Drive stated there is currently a drain in front of the property and he questioned if it will be impacted. Mr. Kovach stated they will not be doing anything with the drain.

The call to the public was closed at 7:04 pm.

Board Member McCreary asked if the applicant would be opposed to surveying the property to confirm the pins are in the appropriate locations. Mr. Savage agreed to having the property surveyed.

Board Member Fons stated this is a large house. He understands that it is allowed by the Township, but it will not be uniform to the others in the area due to the second story. Mr. Savage stated that the entire basement is not out of the ground. Mr. Kovach stated that the home is much higher on the alley side and comes down toward the road side. There will be approximately four to five feet of the basement above the ground in the front and it will be finished with siding to match the house.

**Moved** by Board Member Ledford, seconded by Board Member McCreary, to approve Case #21-15 for Lot #144 Sunrise Park Tax ID#4711-09-201-156 for Robert Savage of 8436 Woodland Shore Drive to construct a new home with the following variances: front yard setback variance of 13 feet, 5 inches from the required 35 feet for a front yard setback of 21 feet, 7 inches, which includes the stairs, and a rear yard setback variance of 23 feet, 7 inches from the required 40 feet for a rear yard setback of 16 feet, 5 inches, based on the following findings of fact:



- The unroofed stairway projecting three feet is a permitted projection.
- Strict compliance with the front and rear yard setback would prevent the applicant from constructing the single-family home as proposed. Granting this variance would offer substantial justice to the applicant due to other homes in the immediate vicinity having similar non-conforming front and rear yard setbacks 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 property.
- The extraordinary condition of the property is the narrowness of the lot. The need for the variance is not self-created and would make it consistent with other properties in the vicinity.
- The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or public safety, comfort, morals or welfare of the inhabitants 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 based on the following conditions:

1. Structure must be guttered with downspouts.
2. No tap fee would be required to hook to the public sewer since the property has already been assessed for sewers.
3. The applicant shall recertify the corners of the property.
4. The house will meet the 25-foot setback requirement.

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

21-16...A request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for three front yard setback variances to construct a new home on a vacant lot.

Ms. Skolarus provided a petition signed by three of her neighbors who are in approval of her request. When she was before the Board previously, she was told that her request was self-created. Her new design fits within the building envelope and meets the size requirements of the bi-laws. The 45-foot radius and cul-de-sac is more than sufficient for emergency vehicles. If this is not approved, then the home would only be able to be built with a one-car garage and that will not meet the requirements of the bi-laws. She is requesting only a three-foot variance. Because she is not able to enter into the wetland area for the construction of the home, she has to move the house closer to the roadway; however, her home will still sit 75 feet from the blacktop of the road. Her neighbor was granted a 32-foot variance to a neighbor for an addition, including a three-car garage. She has made every possible effort to meet the requirements of the Township and the Zoning Board of Approval's comments at the previous meeting.

Board Member Ledford noted that when a variance is denied, a variance request cannot be submitted within one year. Ms. Skolarus stated the Township Manager stated her new design and request is different from her previous one so it could be submitted.

Board Member McCreary stated that both the active and reserve septic fields are on the easement. Ms. Skolarus stated it does not sit within the road Right-of-Way and the Health Department approved it.

The call to the public was made at 7:36 pm.

Chairman Rassel noted that a petition was received by three

Mr. Roger Myers, the attorney representing Wade and Marilyn Bray, who live to the east of Ms. Skolarus' property was present. He reviewed the letter that was submitted to the Township. He agrees with Ms. Ruthig's review letter in that none of the requirements that must be met to approve a variance have not been met. The reasons why the variances were denied last time are still true with this application. This is not a buildable site and the need for the variance is self-created. He requested the Board reach the same conclusion this evening that they did previously.

Ms. Margie Gilbert of 6530 Challis would be directly impacted by this. Her opinion is that the lot is buildable. She feels this plan is better than the first one. She was one of the neighbors who signed the petition.

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

Board Member McCreary does not feel that this should not have been before the Board this evening. Per Ordinance Section 23.08.05 "Re-application. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one (1) year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid." She does not feel there has been evidence or conditions that have changed. These requests are self-created.

Ms. Skolarus stated that the original request was for a 37 foot-variance. This is a major change from that. The hardship is the terrain of the property. All of the homes that were built in this subdivision were approved. She is only requesting a six-foot variance for a two-car garage. It is not the same request that was presented in April and Mr. Archinal agreed.

**Moved** by Board Member Ledford, second by Board Member McCreary, to deny the request by Paulette Skolarus, Challis Court Tax ID 4711-26-200-029, for three front yard setback variances to construct a new home on a vacant lot, based on the following findings of face:

- 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.

Genoa Township Zoning Board of Appeals Meeting

July 20, 2021

Unapproved Minutes

- 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 approved 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 unanimously.**

**Administrative Business:**

1. Approval of minutes for the June 15, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve the minutes of the June 15, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there are three cases scheduled for next month's meeting.

Board Member McCreary was re-appointed to the Planning Commission and the Zoning Board of Appeals for three years, Board Member Rockwell was re-appointed to the Zoning Board of Appeals for three years, and Board Member Ledford was re-appointed for one year.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Ledford, to adjourn the meeting at 7:5 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary