

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 18, 2022  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Election of Officers:

Introductions:

Approval of Agenda:

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

1. 22-01...A request by Chestnut Development LLC, located at the corner of Chilson Road and Chestnut Springs Drive, for an extension to a condition placed on a previously denied sign variance.

Administrative Business:

1. Approval of minutes for the October 19, 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 # 22-01 Meeting Date: 1-18-22

PAID Variance Application Fee

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

Applicant/Owner: Chestnut Development, LLC Email: scott@eslaw.biz  
 Property Address: Chilson Road Phone: 810-227-3103  
 Present Zoning: LDR Tax Code: 11-33-401-027

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: See attached.

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

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

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

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

*See attached.*

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

*See attached.*

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

*See attached.*

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

*See attached.*

**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: 12/14/21

Signature: 

# COOPER RIESTERER *PLC*

Catherine A. Riesterer  
cathy@crlaw.biz

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Scott H. Brock  
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Eric E. Maul  
eric@crlaw.biz

December 14, 2021

*Sent via hand delivery*

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

**Re: Variance Application regarding Sign at Chestnut Springs Site Condominium Project**  
**Applicant: Chestnut Development, L.L.C.**  
**Property Address: Chilson Road, Howell**  
**Parcel ID No.: 4711-33-401-027**

Dear Zoning Board of Appeals,

Please be advised I represent Chestnut Development, L.L.C. ("Applicant"). On September 21, 2021, a public hearing was held regarding Applicant's request to the ZBA (Case #21-18) for a side-yard setback variance and a height variance to allow an existing subdivision entrance sign for Chestnut Springs Site Condominium located off Chilson Road to remain. Following a call to the public, the ZBA denied the application and imposed the following pertinent condition: the sign must be relocated or otherwise brought into compliance with the Township's Ordinances and the approved plans of the development within 60 days from the denial (November 20, 2021).

Despite Applicant's best efforts, Applicant has not been able to comply with the condition imposed by the ZBA. Applicant has attempted to correct the issues and comply with the ZBA, has remained in communication with the Township's staff to keep them apprised of Applicant's plans to correct the issues with the sign, and Applicant is ready, willing, and able to correct the issues that remain. Specifically, Applicant already caused the sign to be brought into compliance with respect to the height issue. Enclosed are as-built drawings detailing the size of the sign. Furthermore, Applicant has caused an Amendment to the Master Deed for Chestnut Springs Site Condominium to be prepared, including the updated Condominium Subdivision Plan, to address the setback issue, which idea was conceptually approved by the Township's Assistant Township Manager/Community Development Director, Kelly VanMarter, and Applicant is ready to record these documents to fully correct the issue. A copy of these documents is enclosed as well.

Indeed, Applicant is ready, willing, and able to correct the outstanding issues with respect to the entrance sign for Chestnut Springs Site Condominium. All that Applicant is requesting now is additional time in order to comply, and, given that Applicant simply needs to record documents already prepared, not much additional time is needed. If this request is not granted, Applicant and those homeowners who have already purchased a unit/home within Chestnut Springs Site Condominium could unreasonably be prevented from using the roadway and their units due to a simple sign issue that has been and is being corrected. Granting this application would also promote substantial justice to those same individuals. This

December 14, 2021

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request for an extension in time is also not self-created, as 60-days was not enough time for the third parties involved to correct the issues; as the ZBA is likely aware, there is a national labor shortage, particularly in the construction industry. Furthermore, the granting of this request will not negatively impact public safety and welfare, and it will not negatively impact the surrounding neighborhood.

For the foregoing reasons, Applicant graciously requests an extension to comply with the obligations imposed against it by the ZBA at the September 21<sup>st</sup> hearing so that it can properly correct the sign issues. Applicant's counsel will be in attendance at the next ZBA hearing to answer any questions the ZBA may have. Thank you for your consideration.

Respectfully,



Scott H. Brock  
Attorney at Law



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** January 12, 2022  
**RE:** ZBA 22-01

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

### STAFF REPORT

**File Number:** ZBA#22-01  
**Site Address:** Vacant, Chilson Road, Howell  
**Parcel Number:** 4711-33-401-027  
**Parcel Size:** 2.12 Acres  
**Applicant:** Chestnut Development, LLC.  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting additional time to remedy sign violations.  
**Zoning and Existing Use:** LDR (Low Density Residential) A new residential subdivision is under construction.  
**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday January 2, 2022 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 Township Records, the new subdivision was approved in 2020.
- In 2019, a sign permit was issued for the existing monument sign. (see attached permit)
- September 21, 2021, a height and setback sign variance was denied by the ZBA.
- The parcel is serviced by private well and septic
- 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

**Request:** The applicant is requesting additional time to comply with the Zoning Board of Appeals condition placed upon the denied variance

**Summary:** At the September 21, 2021 Zoning Board of Appeals meeting, the applicant was denied a sign variance in regards to height and setback. The sign was to be removed within 60 days. On October 26, 2021, the applicant contacted Ms. VanMarter in regards to amending the Chestnut Springs master deed to allow for a property line change. The new property line location would make the sign conforming with the 10-foot setback. The applicant did not contact the Township until 35 days from the denial to try and correct the sign location issue.

Despite what is stated in the supporting information to the application provided by the applicant, the denial of this request would not prevent the homeowners from the using the roadway. The need for the additional time request is self-created due to the applicant not installing the sign in the correct location and they did not contact Township staff until 35 days from the denial to try and correct the sign location issue.

Staff agreed that the master deed amendment is a feasible solution in early November. However, staff does not have authority to preempt the condition established by the ZBA.

Upon talking to the Assistant Township Manager, the applicant will need to obtain Township approval which includes Township Attorney review prior to recording the amendment which was stated to the engineer on November 8<sup>th</sup>. Nothing has been submitted to Ms. VanMarter as of January 12, 2022. The applicant has had almost 4 months to get the Township approval required prior to the January 18<sup>th</sup> ZBA meeting.

### **Recommended Conditions**

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

1. Amendment to the master deed, exhibit B, and an escrow deposit to cover Township legal fees in the amount of \$500.00 is to be submitted to Ms. VanMarter prior to January 21<sup>st</sup>, 2022.
2. No additional time requests will be granted.

If the Zoning Board of Appeals denies the request, staff recommends the following conditions to be placed on the denial:

1. Sign must be relocated or removed within 5 days from denial.

# GENOA TOWNSHIP





**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
SEPTEMBER 21, 2021 - 6:30 PM**

**MINUTES**

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

**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 Kreutzberg, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:31 pm with no response.

1. 21-18...A request by Chestnut Development LLC, Chilson Road Tax ID 4711-33-401-027, for a side yard setback variance and a height variance to allow an existing subdivision entrance sign to remain.

Mr. Brad Opfer, representing the applicant, was present. He stated they are requesting a height variance for a sign that has already been installed. Ms. Ruthig advised there are height and setback variances needed. Mr. Opfer stated the sign is nine feet high and two feet within the setback. Vice-Chairperson McCreary stated the request is for a 1.04-foot height variance and a zero side-yard setback variance. She added that the sign height and setbacks were approved when the entire project was approved previously. She asked Mr. Opfer why the sign was not erected within those limits. Mr. Opfer was not involved in that process, but he believes the contractor built and installed it incorrectly. If the variances are not approved, they would have to remove and replace the entire sign. He noted that the lot line is next to their own property and it is an open space.

Vice-Chairperson McCreary advised the applicant to have the contractor remake and place the sign as approved. Board Members Ledford and Kreutzberg agree. Board Member Rockwell

Genoa Township Zoning Board of Appeals Meeting  
September 21, 2021  
Approved Minutes

stated the first two requirements for approving a variance have not been met. Ms. Ruthig stated it is the responsibility of the contractor to have the sign erected properly.

Board Member Fons advised that he will be recusing himself from the discussion and vote as he does business with Chestnut Development. **Moved** by Board Member, Ledford, seconded by Board Member Rockwell to recuse Board Member Fons from discussing and voting on this item. **The motion carried unanimously.**

The call to the public was made at 6:48 pm with no response.

**Moved** by Board Member Rockwell, seconded by Board Member Kreutzberg, to deny Case #21-18 for Chestnut Development, Parcel #4711-33-401-027, for a side yard setback variance and a height variance to allow an existing subdivision entrance sign to remain, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicant from maintaining the existing sign. Granting of the requested variances does not provide substantial justice or a substantial property right similar to that possessed by other subdivisions in the same zoning district. Relocating the sign to the original approved location would not place the sign further from Chilson Road.
- There are no exceptional or extraordinary conditions of the property. The need for the variances is self-created. The sign not being constructed in the correct location is not an extraordinary circumstance.
- 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.
- 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 denial is conditioned upon the following:

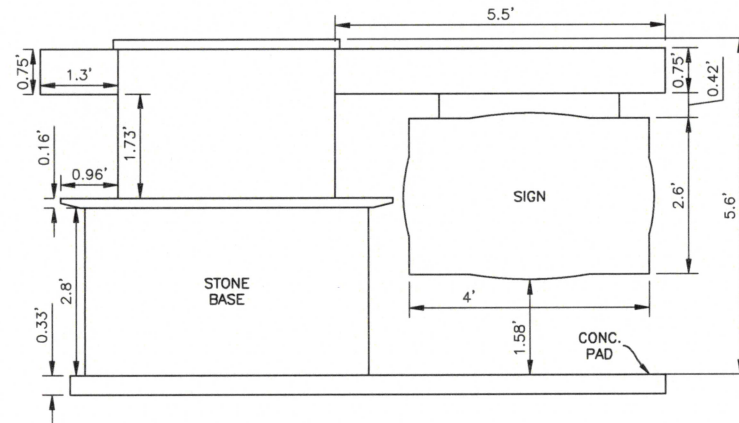
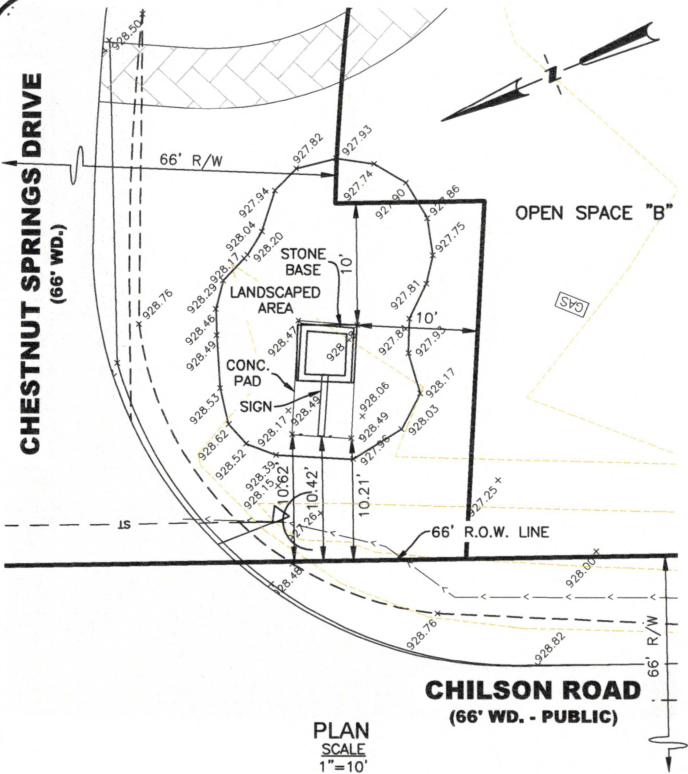
1. The sign must be relocated within 60 days from denial.
2. Ground lighting source shall not be visible from the road.

**The motion carried unanimously with Board Member Fons abstaining.**

2. 21-20...A request by Tim Chouinard, 956 Sunrise Park Drive, for front and rear yard setback variances to increase building height associated with converting the roof from a flat to a reverse gable style on an existing home

Mr. Tim Chouinard was present. He would like to replace the failed flat roof to a reverse gable style. This home is already a non-conforming structure. He will be maintaining the same footprint of the existing home.

Board Member Ledford asked if the new roof could ever provide space for new living space. Mr. Chouinard stated no; it is not high enough.



**LEGEND**

PROPOSED	EXISTING	
UG-ELEC	UG TELE, MH, TELE PED, CABLE PED	
WM	UG FIBER, PED, LINE MARKER, VAULT	
Y.D.	UG ELEC, MH, TRANSFORMER, AC UNIT, METER	
S	OH ELEC, UTIL POLE, GUY WIRE	
900	GROUND LIGHT, POLE, POLE W/ ARM LT	
	LIGHT MH, LT CTRL BOX, PH. BOOTH, PARK. METER	
	ELEC HAND HOLE, OUTLET, SIGNAL MH, SIGNAL BOX	
	UG GAS, MH, VALVE, LINE MARKER	
	GAS WELL, METER, VENT	
	WATER MAIN, MH, VALVE IN BOX, HYDRANT, FDC	
	WATER WELL, METER, STOP BOX, POST INDICATOR VALVE	
	STORM SEWER, MH, CB, INLET, YARD DRAIN	
	SANITARY SEWER, MH, CLEAN OUT	
	SIGN, FLAG POLE, GUARD POST, ROCK	
	SPOT ELEVATION	
	CONTOUR	
	FENCE	
	CONCRETE PAVEMENT	

**SIGN EXHIBIT**

<p>ENGINEERS · SURVEYORS · CONSULTANTS · LANDSCAPE ARCHITECTS · LAND PLANNERS</p>		<p>CLIENT:</p> <p><b>CHESTNUT DEVELOPMENT</b></p>
<p>298 VETERANS DRIVE FOWLerville, MICHIGAN 48836 (OFFICE) 517-223-3512</p>		<p>SE 1/4 SEC 33 &amp; SW 1/4 SEC 34 T2N-R5E GENOA TWP</p> <p>(M) - Measured Dist. (R) - Recorded Dist.</p> <p>● MON - Found Concrete Monument</p> <p>● FIR/P - Found Iron Rod/Pipe</p> <p>○ SIR - Set Iron Rod</p> <p>▲ MAG - Set Magnetic Nail</p> <p>P.O.B./E. - Point of Beginning/Ending</p> <p>⊙ - Soil Evaluation Dig</p> <p>✖ - Fence</p>
<p>SCALE: 1" = 10'</p>	<p>DATE: 12/14/2021</p> <p>SHEET: 1 of 1</p>	<p>DR. BY: MN~DC</p> <p>CHK: AP</p> <p>JOB No. 20-152</p>

**SECOND AMENDMENT TO MASTER DEED  
OF  
CHESTNUT SPRINGS SITE CONDOMINIUM**

THIS SECOND AMENDMENT TO THE MASTER DEED OF CHESTNUT SPRINGS SITE CONDOMINIUM (“Amendment”) is made and executed on this \_\_\_th day of December 2021, by Chestnut Development, L.L.C. (“Developer”), a Michigan limited liability company, whose address is 6253 Grand River Ave. #700, Brighton, MI 48114.

RECITALS:

A. Chestnut Site Condominium, Livingston County Condominium Subdivision Plan No. 428 (“Project”), was established as a condominium project under the provisions of Act 59 of the Michigan Public Acts of 1978, as amended (“Act”), by the recording of the Master Deed for the Project, dated the 22nd day of March 2019, on the 28th day of March 2019, in the Livingston County Register of Deeds, associated with Instrument No. 2019R-006816 (“Master Deed”), which Master Deed was amended by the recording of the First Amendment to Master Deed of Chestnut Springs Site Condominium, dated the 4th day of September 2019, on the 11th day of September 2019, in the Livingston County Register of Deeds, associated with Instrument No. 2019R-024194; and

B. In accordance with Article VII, Section 7.1, Developer now desires to amend the Condominium Subdivision Plan attached as Exhibit B to the Master Deed for the purpose of making minor alterations to the boundary lines of “Open Area B” and the “Chestnut Springs Drive (66 ft. wd. Private R.O.W.)” as shown on the amended Exhibit B.

NOW, THEREFORE, Developer does hereby amend the Master Deed as follows:

1. **Amendment to Exhibit B.** Exhibit B to the Master Deed is amended as follows:

Sheets 1, 3, and 4 of Exhibit B – Cover Sheet, Unit and Perimeter Plan (Units 1-25), and Site and Utility Plan (Units 1-25) – are hereby replaced in their entirety by the documents attached hereto and labeled Sheets Cover\*, 3\*, and 4\*, respectively.

2. **Continuing Effect.** Except as amended and modified by this Amendment, all terms and conditions of the Master Deed shall remain in full force and effect.

IN WITNESS WHEREOF, Developer has duly executed this Second Amendment to Master Deed of Chestnut Springs Site Condominium as of the day and year first written above.

**CHESTNUT DEVELOPMENT, L.L.C.**

\_\_\_\_\_  
By: Steven Gronow  
Its: Authorized Member

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2021, by Steven Gronow, the Authorized Member of Chestnut Development, L.L.C., a Michigan limited liability company, on behalf of said company.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
State of Michigan, County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

**DRAFTED BY AND WHEN RECORDED RETURN TO:**  
**Scott H. Brock, Esq. (P81935)**  
**COOPER & RIESTERER, PLC**  
**7900 Grand River Road**  
**Brighton, MI 48114**  
**(810) 227-3103**

LIVINGSTON COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 428

1ST AMENDMENT TO EXHIBIT "B" TO THE MASTER DEED OF

**CHESTNUT SPRINGS**

**A SITE CONDOMINIUM**

GENOA TOWNSHIP, SECTIONS 33 & 34, T2N-R5E  
LIVINGSTON COUNTY, MICHIGAN

DRAWING INDEX

NO.	TITLE	(REVISED)
1.	COVER SHEET*	(REVISED)
2.	SURVEY PLAN	
3.	UNIT AND PERIMETER PLAN (UNITS 1-25)*	(REVISED)
4.	SITE AND UTILITY PLAN (UNITS 1-25)*	(REVISED)

DEVELOPER:



CHESTNUT DEVELOPMENT, LLC  
6253 GRAND RIVER AVE. SUITE 700  
BRIGHTON, MI 48114  
PHONE: 810.599.3984  
EMAIL: OFFICE@CHESTNUTDEV.COM

PREPARED BY:



MONUMENT ENGINEERING GROUP ASSOCIATES, INC

INNOVATIVE GEOSPATIAL &  
ENGINEERING SOLUTIONS

298 VETERANS DRIVE,  
FOWLERVILLE, MI 48836  
PHONE: 517-223-3512


LEGAL DESCRIPTION:

Part of the Southeast ¼ of Section 33 and the Southwest ¼ of Section 34, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: BEGINNING at the Southeast Corner of said Section 33, also being the Southwest Corner of said Section 34; thence along the South line of said Section 33, being the Hamburg-Genoa Township line, S 86°51'02" W, 1005.29 feet (previously surveyed as S 87°12'20" W); thence along the Easterly line of the Ann Arbor Railroad (66 foot wide), the following 4 courses on the arc of a curve left, 188.78 feet, said curve has a radius of 1233.00 feet, a central angle of 08°46'20" and a long chord which bears N 09°20'42" W, 188.59 feet (previously recorded as N 08°59'24" W); thence along the arc of a curve left, 300.68 feet, said curve has a radius of 1504.99 feet, a central angle of 11°26'49" and a long chord which bears N 19°27'17" W, 300.18 feet (previously surveyed as N 19°05'59" W); thence along the arc of a curve left, 184.66 feet, said curve has a radius of 9470.15 feet, a central angle of 01°07'02" and a long chord which bears N 25°44'13" W, 184.66 feet (previously surveyed as N 25°22'55" W); thence N 26°17'44" W 382.92 feet, (previously surveyed as N 25°56'26" W); thence along the centerline of centerline of Chilson Road (66 foot wide Right of Way), N 22°02'33" E, 363.80 feet (previously surveyed as N 22°23'51" E); thence along the North line of the South 1/2 of the Southeast ¼ of said Section 33, N 86°50'49" E, 1189.30 feet (previously surveyed as N 87°12'07" E); thence along the North line of the South 1/2 of the Southwest ¼ of said Section 34, N 86°41'47" E, 1028.59 feet (previously surveyed as N 87°03'05" E); thence along the East line of the West 30 acres of the Southwest ¼ of the Southwest ¼ of said Section 34, S 02°44'41" E, 1329.93 feet (previously surveyed as S 02°23'23" E); thence along the South line of said Section 34 and the Hamburg-Genoa Township line S 86°49'56" W, 1031.98 feet (previously surveyed as S 87°11'14" W to the Point of Beginning, Containing 67.12 acres, more or less and subject to the rights of the public over Chilson Road. Also subject to any other easements or restrictions of record.

ATTENTION: COUNTY REGISTER OF DEEDS

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE ON THIS SHEET AND IN THE SURVEYORS CERTIFICATE ON SHEET 2.

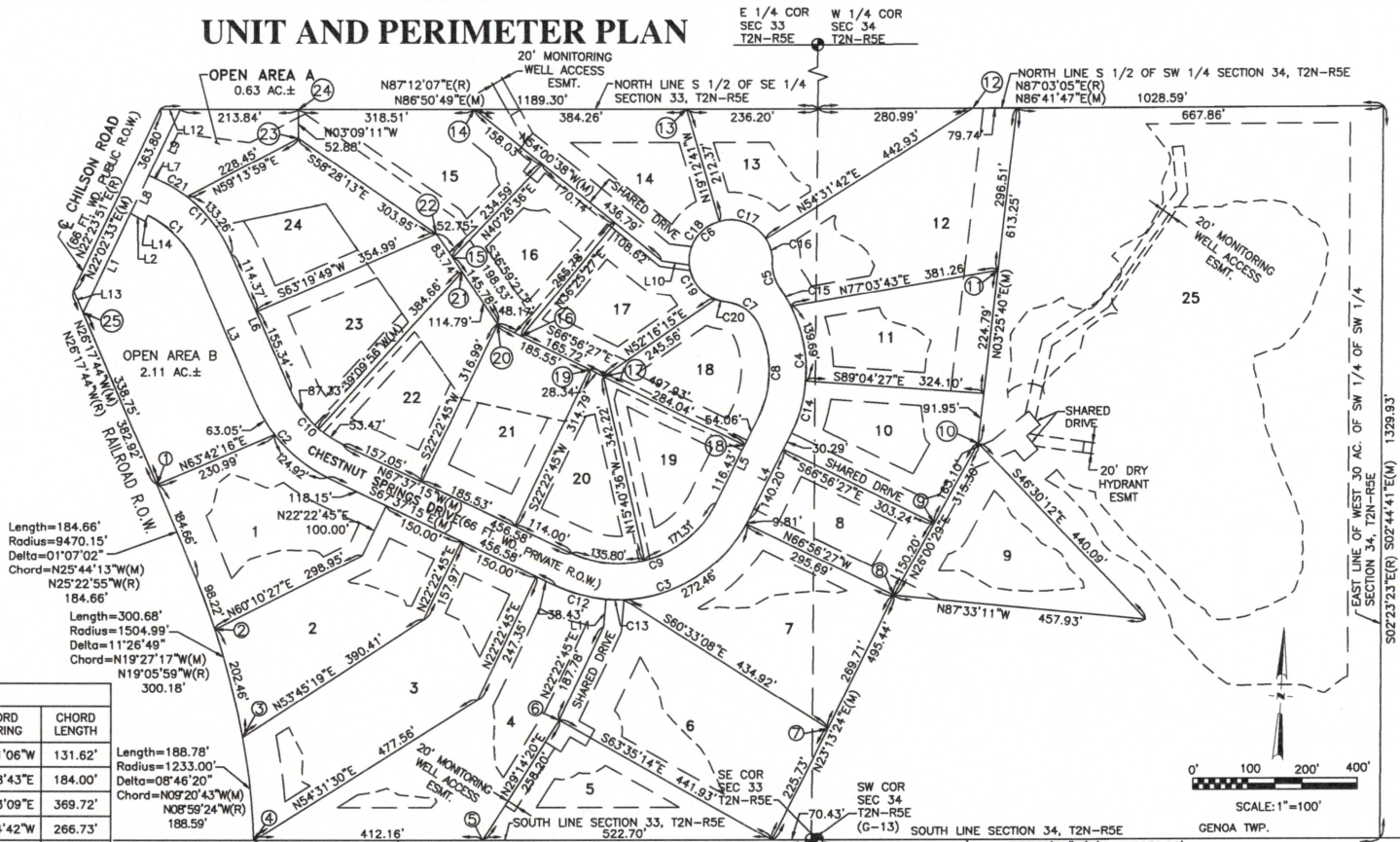
PROPOSED: \_\_\_\_\_ AS-BUILT: \_\_\_\_\_

 INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS 298 VETERANS DRIVE FOWLERVILLE, MICHIGAN 48836 (OFFICE) 517-223-3512	<b>COVER</b>
	"CHESTNUT SPRINGS" SE 1/4 SEC. 13-SW 1/4 SEC. 14, T2N-R5E GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CHESTNUT DEVELOPMENT 6253 GRAND RIVER AVE., SUITE 700 BRIGHTON, MI 48114
JOB # : 20-152 SCALE : N/A DATE : 12/9/2021	DRAWN: DC CHK: MB SHEET: <b>COVER</b>

DRAFT

LIST OF COORDINATES		
NO.	NORTHING	EASTING
1	370142.9891	13261141.8789
2	369886.4564	13261260.9242
3	369693.6067	13261322.0445
4	369507.5196	13261352.6683
5	369530.1636	13261764.2010
6	369755.4674	13261890.3197
7	369766.3214	13262375.1261
8	370014.1754	13262481.4761
9	370149.1640	13262547.3378
10	370297.5461	13262619.7342
11	370613.7167	13262638.6723
12	370905.1000	13262576.7953
13	370875.9159	13262060.4290
14	370854.7802	13261676.7411
15	370583.3876	13261652.4304
16	370448.0787	13261784.4628
17	370383.1677	13261936.9453
18	370271.9143	13262198.2908
19	370394.2707	13261910.8633
20	370466.9462	13261740.1412
21	370558.6378	13261671.0735
22	370625.5203	13261620.6935
23	370784.4662	13261361.6194
24	370837.2613	13261358.7111
25	370446.6837	13260991.8130

# UNIT AND PERIMETER PLAN



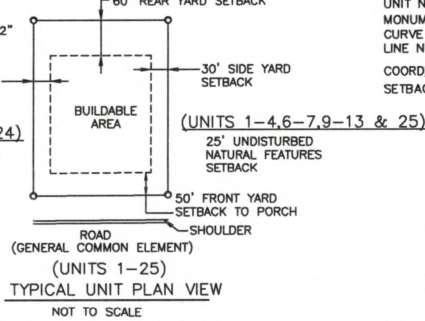
CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	134.20'	197.00'	39°01'50"	N46°11'06"W	131.62'
C2	187.97'	263.00'	40°57'04"	S47°08'43"E	184.00'
C3	410.00'	263.00'	89°19'12"	N67°43'09"E	369.72'
C4	279.73'	263.00'	60°56'30"	N07°24'42"W	266.73'
C5	48.68'	75.00'	37°11'14"	N19°17'20"W	47.83'
C6	348.33'	75.00'	266°06'13"	S46°15'11"W	109.81'
C7	77.88'	75.00'	59°29'44"	N57°03'03"W	74.43'
C8	173.16'	197.00'	50°21'44"	N02°07'19"W	167.64'
C9	307.11'	197.00'	89°19'12"	N67°43'09"E	276.94'
C10	140.80'	197.00'	40°57'04"	S47°08'43"E	137.82'
C11	189.52'	263.00'	41°17'16"	N47°18'49"W	185.45'
C12	94.64'	263.00'	20°37'06"	S77°55'48"E	94.13'
C13	33.09'	263.00'	7°12'30"	N88°09'24"E	33.07'
C14	101.60'	263.00'	22°08'00"	N11°59'33"E	100.97'
C15	38.44'	263.00'	8°22'31"	N33°41'41"W	38.41'
C16	45.52'	75.00'	34°46'35"	N18°05'00"W	44.83'
C17	96.53'	75.00'	73°44'23"	N72°20'29"W	90.00'
C18	103.23'	75.00'	78°51'49"	S31°21'24"W	95.27'
C19	82.99'	75.00'	63°23'55"	S39°46'28"E	78.82'
C20	20.06'	75.00'	15°19'30"	S79°08'11"E	20.00'
C21	56.26'	263.00'	12°15'27"	N61°49'44"W	56.16'

UNIT NO.	AREA (SQ. FT.)
1	81,742
2	79,332
3	104,458
4	106,188
5	56,984
6	105,679
7	84,951
8	44,907
9	66,174
10	61,026
11	61,851
12	97,153
13	67,736

UNIT NO.	AREA (SQ. FT.)
14	66,765
15	65,871
16	46,444
17	48,547
18	44,498
19	44,028
20	45,046
21	58,608
22	55,330
23	59,966
24	71,063

LINE DATA		
LINE	BEARING	LENGTH
L1	S22°02'33"W	199.28
L2	S64°12'31"E	29.90
L3	S26°40'11"E	269.71
L4	N23°03'33"E	170.49
L5	S23°03'33"W	170.49
L6	N26°40'11"W	269.71
L7	N67°57'27"W	22.08
L8	S22°02'33"W	76.60
L9	N22°02'33"E	132.81
L10	N85°21'58"W	50.74
L11	N01°45'38"E	50.00
L12	N86°50'49"E	36.47
L13	S26°17'44"E	44.17
L14	N22°02'33"E	12.40

LEGEND  
 ○ SET 18"x1/2" IRON ROD  
 30' SIDE YARD SETBACK  
 60' REAR YARD SETBACK  
 25' UNDISTURBED NATURAL FEATURES SETBACK  
 50' FRONT YARD SETBACK TO PORCH  
 ROAD (GENERAL COMMON ELEMENT)  
 (UNITS 20-24)  
 DETENTION POND ESMT. (REAR SETBACK)



LEGEND  
 SFT. SQUARE FEET  
 UNIT NO. 12  
 MONUMENT C4  
 CURVE NUMBER TAG L4  
 LINE NUMBER TAG L  
 COORDINATE POINT LABEL ③  
 SETBACK LINE

PROPOSED: — AS-BUILT: —

INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS

298 VETERANS DRIVE  
 FOWLERVILLE,  
 MICHIGAN 48836  
 (OFFICE) 517-223-3512

**UNIT AND PERIMETER PLAN (UNITS 1-25)**

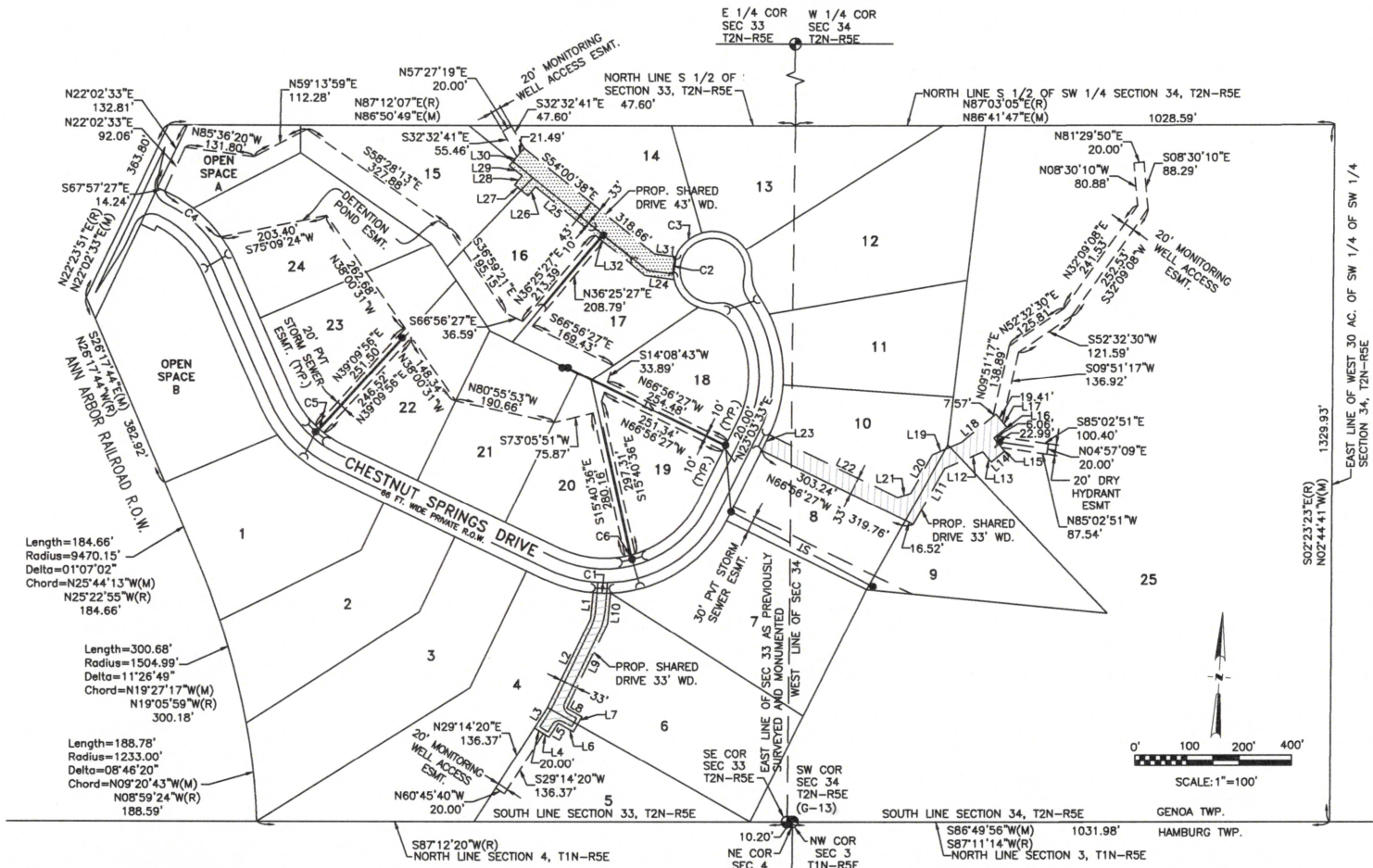
"CHESTNUT SPRINGS"  
 SE 1/4 SEC. 13-SW 1/4 SEC. 14, T2N-R5E  
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

CHESTNUT DEVELOPMENT  
 6253 GRAND RIVER AVE., SUITE 700  
 BRIGHTON, MI 48114

JOB #: 20-152 DRAWN: DC  
 SCALE: 1"=100' SHEET: 3  
 DATE: 12/9/2021

# SITE AND UTILITY PLAN

LINE DATA TABLE		
LINE	BEARING	LENGTH
L1	N01°45'38"E	50.00
L2	N22°22'45"E	187.78
L3	N29°14'20"E	258.20
L4	S60°45'40"E	33.00
L5	N29°14'20"E	31.64
L6	S63°35'14"E	32.45
L7	N26°24'46"E	33.00
L8	S63°35'14"E	32.75
L9	S22°22'45"W	179.57
L10	S01°45'38"W	58.08
L11	S26°00'29"W	122.81
L12	S63°17'27"W	78.27
L13	N42°33'02"W	25.44
L14	S47°26'58"W	33.00
L15	S42°33'02"E	32.00
L16	S47°26'58"W	32.00
L17	S42°33'02"E	33.00
L18	N47°26'58"E	83.51
L19	N63°17'27"E	60.79
L20	N26°00'29"E	84.15
L21	N69°32'01"E	26.75
L22	S66°56'27"E	269.97
L23	N23°03'33"E	170.49
L24	S85°21'58"E	56.55
L25	S54°00'38"E	267.00
L26	N35°59'22"E	22.00
L27	S54°00'38"E	33.00
L28	S35°59'22"W	22.00
L29	S54°00'38"E	30.73
L30	N35°59'22"E	43.00
L31	S85°21'58"E	41.48
L32	S54°00'38"E	267.00



Length=184.66'  
Radius=9470.15'  
Delta=01°07'02"  
Chord=N25°44'13"W(M)  
N25°22'55"W(R)  
184.66'

Length=300.68'  
Radius=1504.99'  
Delta=11°26'49"  
Chord=N19°27'17"W(M)  
N19°05'59"W(R)  
300.18'

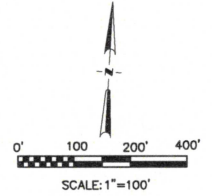
Length=188.78'  
Radius=1233.00'  
Delta=08°46'20"  
Chord=N09°20'43"W(M)  
N08°59'24"W(R)  
188.59'

### LEGEND

- UNIT NO. 12
- SECTION CORNER C4
- CURVE NUMBER TAG L4
- LINE NUMBER TAG
- EASEMENT
- STORM SEWER
- WATER MAIN
- LIMITED COMMON ELEMENT (UNITS 4-6)
- LIMITED COMMON ELEMENT (UNITS 8-10, & 25)
- LIMITED COMMON ELEMENT (UNITS 14-17)

- NOTES:
1. WATER SERVICE FOR UNITS 1-25 IS TO BE SUPPLIED BY PRIVATE WELLS AND SHALL BE INSTALLED, MAINTAINED, AND REPAIRED/REPLACED AT THE EXPENSE OF EACH OWNER AND SUBJECT TO APPROVAL BY THE LIVINGSTON COUNTY HEALTH DEPARTMENT.
  2. ALL STORM SEWER IS PUBLIC AND SHALL BE MAINTAINED BY THE LIVINGSTON COUNTY DRAIN COMMISSION.
  3. SEWAGE DISPOSAL SHALL BE BY INDIVIDUAL SEPTIC SYSTEMS AS APPROVED BY THE LIVINGSTON COUNTY HEALTH DEPARTMENT.
  4. ALL UTILITIES SHALL BE SHOWN ON AS-BUILTS.

CURVE DATA TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	33.09'	263.00'	7°12'30"	N88°09'24"E	33.07'
C2	43.72'	75.00'	33°24'01"	S00°38'34"W	43.10'
C3	69.96'	75.00'	53°26'44"	S44°03'57"W	67.45'
C4	139.78'	264.82'	30°14'35"	N54°23'34"W	138.17'
C5	20.01'	197.00'	5°49'14"	S52°04'18"E	20.00'
C6	20.01'	197.00'	5°49'16"	N72°52'49"E	20.01'



PROPOSED: \_\_\_\_\_

AS-BUILT: \_\_\_\_\_

**SITE AND UTILITY PLAN**  
**(UNITS 1-25)**

"CHESTNUT SPRINGS"

SE 1/4 SEC. 13-SW 1/4 SEC. 14, T2N-R5E  
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

CHESTNUT DEVELOPMENT  
6253 GRAND RIVER AVE., SUITE 700  
BRIGHTON, MI 48114

JOB #: 20-152 DRAWN: DC  
SCALE: 1"=100' SHEET: **4**  
DATE: 12/9/2021

INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS

**MEGA**  
Engineering Group Associates  
LIVINGSTON COUNTY, MICHIGAN

298 VETERANS DRIVE  
FOWLERVILLE,  
MICHIGAN 48836  
(OFFICE) 517-223-3512



**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
October 19, 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, Marianne McCreary, Jean Ledford, Bill Rockwell, Michelle Kreutzberg, and Amy Ruthig, Zoning Official. Absent was Craig Fons.

**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 Rockwell, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:31 pm with no response.

1. 21-21...A request by Christopher Trotter, 2621 Spring Grove, for a variance to allow an existing detached accessory structure in the front yard.

Mr. Trotter stated he is requesting a variance for a pole barn that he has already erected. He was not aware that he needed a permit for the pole barn. It has been up for approximately three months. There is no flat land on his property. He noted that two of his neighbors submitted letters stating they do not have any objection to the pole barn. It is not an eyesore. It is brown so he believes it blends in with the woods. There are only three houses surrounding him.

Board Member McCreary questioned who maintains the roadway for the three homes. He stated he maintains it. There is a maintenance agreement between the homeowners on the road. She asked if the neighbor has experienced any runoff since the barn has been built. Mr. Trotter stated the neighbor has not any issues.

Board Member Kreutzberg asked if any dirt had to be brought in. Mr. Trotter stated they brought in a little bit of dirt.

Chairman Rassel asked if there have been other variances for front yard structures in this area. Ms. Ruthig stated one of the residents on Spring Grove was granted a variance last year for the same request.

The call to the public was made at 6:42 pm.

Mr. Robert Legowsky of 2627 Spring Grove stated that Mr. Trotter put in an asphalt pad inside the easement and sometimes his vehicles are parked on this pad that blocks his driveway so he cannot get access.

The call to the public was closed at 6:44 pm.

Ms. Ruthig advised the applicant that his vehicles cannot be parked on the easement portion of the cul-de-sac. After a brief discussion between the Board, the applicant, and Mr. Legowsky, Mr. Trotter agreed to no longer park his vehicles on the pad. Both the applicant and Mr. Legowsky agreed that the asphalt pad was placed inside the easement.

Chairman Rassel stated that two letters of support were received from the neighbors.

Ms. Ruthig stated there is also a second 8 x 8 accessory structure that is not allowed in the front yard. The variance is not being requested for this item so it must be removed.

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #21-21 for the property located at 2621 Spring Grove, Brighton to construct a detached accessory structure in the front yard, based on the following findings of fact:

- Strict application of Ordinance Section 11.04.04(c) would prevent the applicant from erecting an accessory structure in the front yard. The applicant has constructed the existing pole barn without permits and is requesting a variance that is required procedurally through the ZBA. Granting a variance would provide substantial justice and is necessary for the preservation and enjoyment of substantial rights possessed by other property owners in the same zoning district and location of the subject property. Detached accessories are common in this area.
- The property presents a challenge based on the shape of the lot, the extreme variation of topography, and the location of well and septic. There is no other location for an outbuilding, other than where the structure sits currently. The need for this variance is not self-created in regard to the placement. The request for the variance is not self-created given the limited space available for an outbuilding. Township Staff does not consider the need for the variance to be self-created despite the fact that the structure was built without permits.
- The granting of the variance will not impair an adequate supply of light and air to the adjacent properties 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 limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This request is conditioned upon the following:

1. The structure must be guttered with downspouts.
2. Section 03.03.02 Home Occupations of the Zoning Ordinance must be followed.
3. Must obtain a land use permit and a building permit from the Livingston County Building Department within 10 days.
4. The second detached accessory on the property in the front yard also, must be removed within 30 days.
5. The detached accessory structure or roof (lean to) cannot be enlarged.
6. If any business equipment or personal equipment (trucks, trailers, etc.) are stored on the lot, they must be brought into conformance with the Township ordinance prior to land use permit issuance.
7. The paved area that is located in the easement shall not contain any vehicles or equipment that would cause the adjacent property owner to not be able to access their property.

**The motion carried unanimously.**

2. 21-22...A request by Gary and Jan Letkemann, 1146 Sunrise Park, for a variance to split property into two non-conforming lots.

Mr. and Mrs. Letkemann were present. Mr. Letkemann stated they have a home at 1185 Sunrise Park. They purchased 1146 Sunrise Park and currently his son and granddaughter live there. They would like to split the property to build a house for their other son and his family to live. They will build this home in compliance with the setbacks and will not be seeking any other variances. He does not believe it would adversely affect the neighbors or the roadway.

Board Member McCreary noted there is a sharp curve to the north of the existing home's driveway. Mr. Letkemann stated the new home's driveway would come off of Boulevard Drive and not Sunrise Park.

The call to the public was made at 7:18 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #21-22 for 1146 Sunrise Park Drive for petitioners Gary and Jan Letkemann for a variance to split Parcel #4711-09-201-163 into two non-conforming parcels; namely Lot #151 and part of Lot #152 and Lot #153 and Part of Lot #153, being requested from Genoa Township Zoning Ordinance Section 3.04.01, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the applicants from splitting the parcel. The variance requested appears to be the least necessary to provide substantial justice and granting of the variance is necessary for the preservation and enjoyment of the property. There are multiple properties in the immediate vicinity that are non-conforming parcels.

- The extraordinary circumstances of the property is the parcel is located on a corner and would create two front yards on the new parcel. The granting of the variance would make the property consistent with the majority of other properties in the vicinity.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property. The proposed variance could unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa due to the parcel being located on a corner.
- The proposed variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. All split requirements must be met at the Township and Livingston County.
2. Owner must obtain sewer tap in approval from the MHOG Utility Dept. prior to the split.
3. If a sewer tap is available, then a tap fee would be due at time of land use permit issuance for a new home.
4. No additional variances, including construction of a home, deck, detached accessory structure, etc., will be requested for the newly-created parcel.
5. The payoff of the Road Special Assessment is required.

**The motion carried unanimously.**

3. 21-23...A request by Spencer and Sons Construction, John Spencer and Tina Porcari, 6842 Mahinske, for a side and waterfront yard setback variance to construct an addition to an existing home.

Mr. Niles Spencer, representing the applicant, and Ms. Porcari, the homeowner, were present. Mr. Spencer stated that the home is currently non-conforming with two of the setbacks. The only proposal is to add a second floor. They are not increasing the footprint of the existing home.

The call to the public was made at 7:32 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #21-21 submitted by Spencer & Sons Construction on behalf of Tina Porcari of 6842 Mahinske Drive, Brighton for a side-yard variance of 5'3 ½" for a setback total of 4' 8 ½" to construct a second-story addition to an existing home, based on the following findings of fact:

- Strict compliance setbacks would unreasonably prevent or restrict use of property or cause it to be unbuildable.
- The variance will provide substantial justice in granting applicant the same rights as similar properties in the neighborhood and is not self-created.
- Proposed placement of addition will maintain the same setbacks as existing structure.
- The extraordinary circumstances are the location of the home and irregular shape of lot.
- This variance is the least necessary and would make the property consistent with other properties/homes in the areas.

Genoa Township Zoning Board of Appeals Meeting  
October 19, 2021  
Unapproved Minutes

- Grinding of this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger or fire or threaten public safety or welfare.
- The proposed variance would have little or no impact on appropriate development, continues use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.
2. Building height must not exceed 25 feet.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the September 21, 2021 Zoning Board of Appeals meeting.

Needed changes were noted.

**Moved** by Board Member McCreary, seconded by Board Member Rockwell, to approve the minutes of the September 21, 2021 meetings as corrected. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig handed out two revised ordinances that will take effect on October 27, 2021. The changes address items that are frequently requested from the Zoning Board of Appeals.
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 7:46 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary