

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DECEMBER 13, 2022  
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)*

Old Business:

1. 22-23...A request by Joseph Maezes, 320 S. Hughes Road, for a waterfront setback variance and a variance to exceed the allowable number of detached accessory structures on a lot for the construction of a new pavilion.

Administrative Business:

1. Approval of minutes for the November 15, 2022 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 # 22-23

Meeting Date: November 15, 2022  
@ 6:30 pm

PAID Variance Application Fee

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

JOSEPH MAEZES

Applicant/Owner: LAKE CHEMUNG OUTDOOR RESORT Email: LCORI@COMCAST.NET

Property Address: 320 S HUGHES Phone: 517 546 6361

Present Zoning: PRF Tax Code: 11-04-400-008

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

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

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

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

Please explain the proposed variance below:

1. Variance requested/intended property modifications: PROPOSED PAVILION DOES NOT MEET 175 FT SET BACK FROM WATER FRONT (SS') DUE TO GEOGRAPHICAL INCUMBERANCE (30' INCLINE DIRECTLY BEHIND).

Please note that the packet and staff report for your scheduled Zoning Board of Appeals meeting will be available to review at <https://www.genoa.org/government/boards/zoningboard> five days prior to the meeting.

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.

AS PER SATELITE PICTURS, THE PROPOSED OPEN SIDED PAVILION  
ABUTS NATURAL INCLINE MAKING IT IMPOSSIBLE TO COMPLY  
WITH THE 175FT SET BACK

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

THERE ARE MULTIPLE EXISTING BUILDINGS ON THE  
PROPERTY 1) MAIN LODGE 2) PAVILION (ENCLOSE)  
3) 4 BATH HOUSES

**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.

THIS PROPOSAL DOES NOT INCUMBER ANY ADJACENT  
PROPERTY

**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.

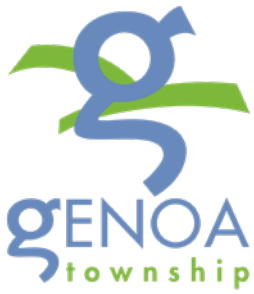
THE PROPOSED DOES NOT INTERFERE WITH  
ADJACENT PROPERTIES

Attendance by the applicant is required at the Zoning Board of Appeals meeting.

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 plans and construction plans.

Date: 9/19/22 Signature:  J.A. MAEZES



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** November 10, 2022  
**RE:** ZBA 22-23

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### STAFF REPORT

**File Number:** ZBA# 22-23  
**Site Address:** 320 S. Hughes Road  
**Parcel Number:** 4711-04-400-008  
**Parcel Size:** 42.070 Acres  
**Applicant:** Lake Chemung Outdoor Resorts, Joseph Maezes  
**Property Owner:** Lake Chemung Outdoor Resorts, 320 S. Hughes Road

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

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a variance to construct a detached accessory building (gazebo) within the required waterfront yard, a shoreline setback variance and a variance for exceeding the number of detached accessory buildings.

**Zoning and Existing Use:** PRF (Public and Recreation Facilities) a campground is located on is located on the property.

#### **Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday October 30, 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:

- In 2022, the applicant received approval for the non-residential accessory structure from the Planning Commission. (See minutes)
- In 2009, a land use permit was issued for the rebuild of an existing deck on the community building.
- In 2000, a land use permit was issued for an addition to the existing community building.
- See attached letter dated May 16, 2018 indicating the history of the property.
- The parcel is serviced by private water and private sewer
- See Assessing Record Card

#### **SUPERVISOR**

Bill Rogers

#### **CLERK**

Paulette A. Skolarus

#### **TREASURER**

Robin L. Hunt

#### **TRUSTEES**

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

#### **MANAGER**

Kelly VanMarter



## Summary

The project is to construct a 20 x 30 detached accessory building (gazebo) in the required waterfront yard.

Staff cannot determine the number of accessory structures on the property by reviewing aerials. As stated in the Planner's letter dated August 22, 2022, the applicant should explain what other buildings/structures are existing on-site.

## Variance Requests

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

### **Table 6.03.03 (PRF District):**

**Required Waterfront Yard Setback:** 125'

**Proposed Waterfront Yard Setback:** 55'

**Proposed Variance Amount:** 70'

### **11.04.02 Accessory Buildings**

(f) Maximum Number: No more than two (2) detached accessory buildings shall be permitted on any lot in any district except conforming lots in the Agricultural and Country Estate District.

### **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 detached accessory building to be constructed however it does not prevent the use of the property. While there exist other waterfront structures around the lake, most of them have existed for many years and it is not a predominant right in the vicinity. However, this property is zoned PRF with a campground use and is considered a predominant right for the zoning district.
- (b) Extraordinary Circumstances** – The extraordinary or exceptional conditions is the topography of the property. Applicant should demonstrate the variance request is the least amount necessary in regards to the number of accessory structures and that the variance request 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 would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Recommended Conditions**

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

1. No other waterfront structures are allowed.

2. Must comply with the Planning Commission requirements
3. Must follow the terms and conditions of previous use/zoning approvals.

NEW BUSINESS:

**OPEN PUBLIC HEARING #2...** Consideration of a sketch plan for a proposed pavilion located on the north side of Lake Chemung in the Lake Chemung Outdoor Resort campground located at 320 Hughes Road. The request is petitioned by Joseph Maezes, Lake Chemung Outdoor Resorts, Inc.

A. Disposition of Sketch Plan (7-13-22)

Mr. Joseph Maezes and Mr. Ron Paglioni were present. Mr. Maezes stated they would like to build an open-air pavilion to give relief for people from the sun or inclement weather. It will also be a place for people to hold special events.

Mr. Borden reviewed his letter dated August 31, 2022.

1. They are proposing a 55 foot setback so it does not meet the required 125-foot setback from the shoreline. This would require a variance from the ZBA.
2. Additional information is needed with respect to other existing accessory buildings/structures on the property. No more than two are allowed, by Ordinance. A variance may be needed from the ZBA.
3. The applicant must abide by the terms and conditions of previous use/zoning approvals. There was a discussion regarding the number of boats that were approved, which is 32, and if more are there.
4. Any existing landscaping in poor condition should be replaced as part of this project.

Ms. Byrne stated she has no engineering-related concerns.

Fire Marshal Rick Boisvert's letter dated August 30, 2022 stated he has no objection to this project.

Matt Bolang of the Livingston County Health Department does not have any issues with this proposal.

The call to the public was opened at 8:27 pm with no response.

**Moved** by Commissioner Dhaenens, seconded by Commissioner Chouinard, to approve the sketch plan dated July 13, 2022 for a proposed pavilion located on the north side of Lake Chemung in the Lake Chemung Outdoor Resort campground located at 320 Hughes Road for Joseph Maezes, Lake Chemung Outdoor Resorts, Inc., conditioned upon the following:

- The applicant will need to receive approval from the Zoning Board of Appeals for the 55-foot setback
- The applicant shall provide to the Township with the number of boats that are currently allowed to be moored.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...**Consideration of a sketch plan for a proposed outdoor commercial smoker for use as part of the Log Cabin Restaurant located at 5393 Grand River Avenue, north side of Grand River, Between Eckles Drive and Westwood Drive. The request is petitioned by Chris Stone.

A. Disposition of Sketch Plan (file date 8-22-22)

Mr. Chris Stone stated they would like to place a 5 foot x 6 foot smoker on their property. It is six feet away from the building. They cannot meet the required setback because of the shape of the lot. They have already applied for the variance from the ZBA.

Mr. Borden reviewed his letter dated August 31, 2022.

1. The required rear yard setback requirement of 50 feet is not met. They are proposing an 18 foot setback. A variance from the ZBA will be required.
2. The maximum number of accessory buildings allowed of two is exceeded as this proposal would result in at least three. A variance from the ZBA will be required.
3. He suggested additional rear yard screening/buffering be provided as this property abuts residential properties. This would be a Buffer Zone B; however, he does not believe a full requirement of that buffer zone would be needed. Mr. Stone stated they have spoken to the neighbors and they requested to have a wall or a fence installed and he is agreeable to that. Mr. Borden agrees. He suggested that the applicant keep as much of the existing landscaping as possible.
4. Any existing landscaping in poor condition should be replaced as part of this project.

Ms. Byrne stated there are no engineering concerns with the project.

The letter from the Brighton Area Fire Authority Fire Marshal, Rick Boisvert, dated September 7, 2022 states the following:

1. The smoker shall be installed a minimum of 24" away from the combustible building surface.
2. Firewood shall not be stored against the combustible wood building.
3. The smoker must be installed in a surround that maintains the proper safety and maintenance clearances in accordance with the manufacturers specifications. A non-combustible surround and covering is highly recommended.



August 31, 2022

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
<b>Subject:</b>	Lake Chemung Outdoor Resorts – Sketch Plan Review #2
<b>Location:</b>	North side of Lake Chemung
<b>Zoning:</b>	PRF Public and Recreational Facilities District

Dear Commissioners:

At the Township’s request, we have reviewed the revised submittal from Lake Chemung Outdoor Resort for a new pavilion (plan dated 7/13/2022).

**A. Summary**

1. The proposed building does not meet the 125-foot setback required from the shoreline.
2. Additional information is needed with respect to other existing accessory buildings/structures on the property. (No more than 2 are allowed, by Ordinance.)
3. The applicant must abide by the terms and conditions of previous use/zoning approvals.
4. Any existing landscaping in poor condition should be replaced as part of this project.

**B. Proposal/Process**

The proposal entails a 20’ x 30’ pavilion for use as a shade structure at a beach within a campground. Such buildings are allowed as accessory to the principal use, provided the provisions of Section 11.04 are met.

Procedurally, Section 18.02 requires sketch plan review/approval by the Planning Commission for non-residential accessory buildings and structures.

**C. Sketch Plan Review**

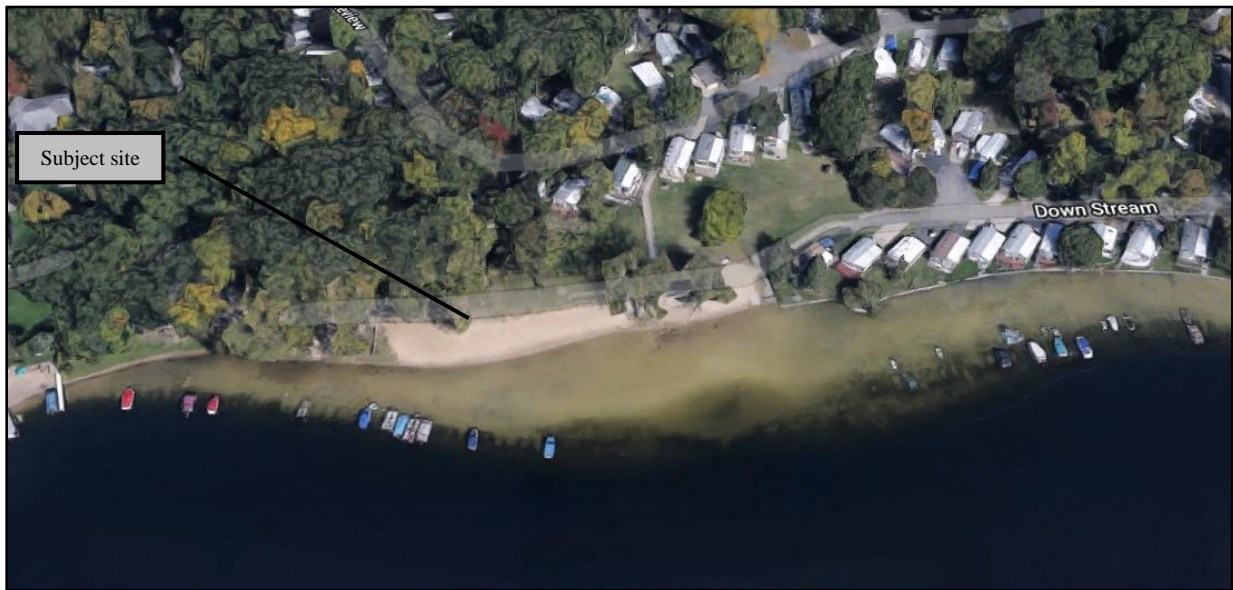
1. **Relationship.** Accessory buildings/structures must be affiliated with a principal use/building on the same property.

The principal use of the property is a campground, which is a special land use in the PRF District. As a side note, the scope of the project does not necessitate re-review of the special land use, per Section 19.06.

2. **Setbacks.** The PRF District requires a 75-foot side yard setback, which is met.

Additionally, Section 6.03.03 requires a 125-foot setback from the shoreline of a lake. This requirement is not met. The applicant must either relocate the proposed building or seek a variance from the ZBA.

3. **Height.** Section 11.04.02 establishes a maximum height of 18 feet. The proposed building has a height of 13’-10” to the peak.



*Aerial view of property (looking north)*

- 4. Number.** Section 11.04.02 allows no more than 2 detached accessory buildings on a lot. Based on the plans provided, there appear to be numerous other buildings/structures.

The applicant needs to explain what other buildings/structures exist on-site to determine compliance with this requirement.

If the proposal results in more than 2, the applicant must either remove other buildings or seek a variance from ZBA.

- 5. Additional Considerations.** The subject site has a lengthy history of zoning approvals (see staff memo and notes from 2018).

The applicant must abide by the terms and conditions of previous approvals, including a limit on the number of boats that can be moored (our understanding is that this has been an issue).

Lastly, as a previously developed site, the applicant must replace any landscaping that is in poor (dead, diseased, etc.) condition.

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Respectfully,  
**SAFE BUILT**

Brian V. Borden, AICP  
Michigan Planning Manager





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

May 16, 2018

Linda Gallerani  
Lake Chemung Outdoor Resorts Inc.  
320 S. Hughes Road  
Howell, MI 48842

Sent via e-mail: galleral12@gmail.com

**Re: Lake Chemung Outdoor Resorts – Temporary Campground & Dock Clarification**

Dear Ms. Gallerani,

It is my understanding that members have recently inquired and asked for clarification on a number of Township regulations in regard to the campground. The purpose of this letter is to address the Township's interpretation of temporary use of campsites as well as the prohibition on docks and boat launching. In regard to the temporary campsite requirements for the Outdoor Resorts Campground I offer the following:

- The use of the property is considered a campground, not a permanent residence, mobile home community or manufactured home community etc. and the property is zoned Public and Recreational Facilities (PRF).
- In the current ordinance, campgrounds require a special land use permit (§6.02) and recreational vehicles and trailers are permitted to be used for temporary residence between May 1<sup>st</sup> and October 1<sup>st</sup> each year (§ 11.03.02b).
- The campground is currently operating as a nonconforming use because it does not have special land use approval.
- The ability to occupy the recreational vehicles and trailers in the campground between October 1 and May 1 is also a nonconforming use.
- The definition of a campsite as that which allows occupancy not to exceed a consecutive 6 months with a 30 day vacate period was established in 1988. To my knowledge, the campground has been operating under this provision since that time which vests the use as a nonconforming use and allows campers to stay between October 1 and May 1 although contrary to the ordinance. It is noted that this requirement applies to usage of each campsite irrespective of the occupant of said campsite. Any changes to this standard would require compliance with the ordinance and would eliminate the opportunity for occupancy of recreational vehicles and trailers between October 1 and May 1 or each year.
- As provided in the ordinance, any changes to nonconforming uses of land would require the site to be brought into compliance with the current ordinance requirements.

**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

May 16, 2018

**Lake Chemung Outdoor Resorts – Temporary Campground & Dock Clarification**

Page 2 of 2

In regard to the request to construct a dock facility I offer the following:

- The campground voluntarily restricted its use of the lake frontage as a condition of termination of the special land use permit in 1991. The campground is prohibited from expanding the mooring of boats, constructing a permanent or temporary dock, and from providing launching facilities. This condition remains in effect and will continue to be enforced by the Township.
- It should be noted that while the MDEQ may issue a permit for the construction of marina, dock or boat launching facility, it does not pre-empt the local prohibition. The installation of any docking or launching apparatus or appurtenances with or without DEQ approval would be deemed in violation of the use provisions of the Ordinance and would be subject to enforcement action of penalties appropriate for the violation.

In preparation of writing this letter, I reviewed extensively the Township records and historical information on the campground. Please find attached a copy of the history report I prepared for our records. It is important that your membership is aware of the history with the Township. As president of the Board, I greatly appreciate your willingness to be the liaison between the board, its' membership and Township staff. I also want to point out that Township jurisdiction over the campground is limited to that which is regulated by Ordinance or through conditions of Township approvals. Any covenants or private restrictions are not enforceable by the Township.

Most sincerely,



Kelly VanMarter

Assistant Township Manager/Community Development Director

Cc: Dean Helsom  
Mike Archinal, Township Manager

**SPECIAL LAND USE HISTORY**

Sept. 9, 1966 – Board approves conditional use permit to operate a Travel Trailer Coach Park and Recreation Area from May 1 to December 1 with the following conditions:

1. No trailer of any description shall be on the premises between Dec. 1 and May 1.
2. Police protection by facility management with support from Livingston County Sheriff
3. Fire protection by Facility management
4. No motor driven craft shall be launched or docked along the lake frontage
5. Underground wiring required and trailer and tent area shall be well lit
6. Rubbish and garbage shall be provided by management and shall keep the premises neat, clean and sanitary
7. No tent of trailer within 300' from the right of way of any public road and lake shoreline.
8. 6' cyclone fence shall delineate property lines
9. Greenbelt required as buffer to adjacent residential
10. No travel trailer over 26 feet long
11. No domestic animals or house pets on the loose or being a nuisance.
12. Max. 250 units.
13. Must provide plot plan with measurements for boundary of camp.
14. No firearms within park boundary during camping season
15. Conditions will be enforced.
16. Permit is not transferrable without Board approval.
17. Permit may be revoked for non-compliance after notice and hearing

August 22, 1967 – Civil Suit Agreement requires:

- No persons using the camping area will be permitted to launch or dock motor driven craft from upon or along any lake Chemung frontage
- Required 6' chain link fence along Sunrise Park.
- 300' buffer strip required which only allowed rental cottages.
- No sales of alcohol

August 26, 1970 – Township Board approves revision to the Special Land Use permit to allow year-round use and adds a condition that no snowmobiles shall be operated in the park.

September 26, 1970 – Special Land Use Permit Amended Item #1 to state: "Trailer Site Occupancy shall be limited to one hundred and fifty (150) sites during the period December 1<sup>st</sup> to May 1<sup>st</sup>."

June 1976 – Outdoor Resorts Development, Ltd. Seeks to acquire, improve and deed to membership association the campground. They request 340 campsites and plan construction of swimming pool, tennis courts, recreation lodge, landscaping and paved roads. They make application for Special Land Use Permit.

June 21, 1976 – Township Board approves special land use permit following tabled 6/7/76 Board and 6/2/76 Planning Commission meeting subject to the following conditions:

1. 30 year permit
2. Site plan review required for all improvements
3. No vehicle longer than 35 feet not wider than 8 feet
4. Park shall not exceed 340 units
5. Written notice of ownership changes
6. Written annual notice of officers and directors
7. No motor driven craft shall be launched or docked along the lake frontage
8. No snowmobile, trail bike or off road vehicles to be operated
9. Rubbish and garbage shall be provided by management and shall keep the premises neat, clean and sanitary
10. No firearms within park boundary during camping season
11. Permit not transferable without Township Board approval
12. Permit may be revoked for non-compliance after notice and hearing
13. No campsite to be used or occupied as a permanent residence.
14. Special Use Permit terminates upon determination that sewage treatment facility is municipal.
15. Permit is terminated if a.) Outdoor Resorts Development, Ltd ceases to be operating entity, or b.) If transfer to Outdoor Resorts on Lake Chemung Inc. does not transpire.

September 5, 1978 – Township Board tabled consideration of violations of special land use to October 2, 1978. 10/2/78 agenda includes this item but the minutes have nothing related.

June 18, 1979 – Township Manager Phillip Sitter provided the following points of clarification on the terms of the Special Use Permit:

- Tip-out and 5<sup>th</sup> wheel units are allowed provided they do not exceed the 35' length or 8' wide requirement when in "road-ready" condition.
- Off-road vehicles are further defined to include units which have their own motive power or are mounted on or drawn by another vehicle which is self-powered including but not limited to snowmobiles, motorcycles, trail bikes, mop-heads, all-terrain vehicles, dune buggies and similar.
- It was the intent that no water craft be launched or docked along or upon the lake frontage. This includes all types of water craft, boats, canoes, pontoons, etc.
- Structures and improvements refers to all buildings and uses for which building and land use permits are required having a permanent/ semi-permanent/seasonal nature and those structures and uses defined by outdoor Resorts in their written presentation of by-laws and regulations acted upon and approved as part of the Special Use Permit package. Such facilities may be erected only with the approval of the Township Board and Planning Commission following a complete site plan review defined by Township zoning Ordinance. This includes but is not limited to buildings, swimming pools, tennis

courts, recreational pavilions, enclosed patios and porches, docks, fences, underground utilities, roads, bridges, dikes, dams and like structures.

July 16, 1979 - Board discussed special use permit at call to public after letter was received in regard to docks for non-motor boats. Consensus was that docks not be constructed along the shoreline.

July 11, 1984 – Planning Commission denied request to amend special land use permit to allow a dock and boat launch.

July 15, 1988 – Township Manager Jim Stornant provides the following definition of temporary campsite: “Two seasons and or six months of consecutive use is considered the maximum time allowed. There must then be a thirty (30) day vacate period”.

July 20<sup>th</sup>, 1988 – Ronald Rymarz, President of LCORI requested clarification on the following:

- It is agreed that the resort is for camping and is to be used for temporary living. It is also agreed that permanent residency is not allowable. He requests a letter that defines permanent residency and sets a limitation on how long a member may stay without violating the permit.
- He requests approval to allow 12’ wide trailers without amending the special use permit.
- He requests approval for members to install aluminum awnings on their RV.

August 1, 1988 - Township Manager Jim Stornant responds to Mr. Rymarz as follows:

- Temporary camping is not more than three sessions and/or six consecutive months
- Attached non-permanent awnings are allowed.
- An amendment to the conditions of the Special Land Use must go through the Planning Commission and Township Board approval process.

**TERMINATION OF SPECIAL LAND USE PERMIT – the property was rezoned to PRF and a determination was made that the use did not require a special land use permit in the new zoning.**

July 19, 1989 – Planning Commission Tabled request to terminate Special Land Use asking for submittal of a site plan and impact assessment

January 3, 1990 – Planning Commission discussed with LCOR Attorney Kehoe the dispute over need for the site plan and impact assessment.

February 7, 1990 – Planning Commission removed from agenda request for termination of Special Land Use Permit due to failure to provide the required information.

May 1, 1991 – Planning Commission reviews request for recreational and maintenance building and termination of Special Use Permit

- PC recommends approval of the new recreation and maintenance facilities

- PC tables termination of Special Use Permit

June 5, 1991 – Planning Commission recommends termination of special use permit under the conditions outlined in the May 14, 1991 letter which required:

- The camp will not build a permanent or temporary dock.
- The camp will not expand the mooring of boats and will stay within state laws and maintain boats in an organized and safe manner.
- The camp will not provide launching facilities for motorized boats as long as the public launch is open.
- The camp will maintain present setbacks and greenbelts and will not expand beyond 340 sites without Township approval.

July 17, 1991 – Board affirms the recommendation by the Planning Commission and approves the request to terminate the special land use permit under the terms agreed to by Lake Chemung Outdoor Resorts.

#### **LAKE CHEMUNG USAGE HISTORY**

1966-1991 –Township Condition: No motor driven craft shall be launched or docked along the lake frontage. 1979 Clarifications - no water craft be launched or docked along or upon the lake frontage. This includes all types of water craft, boats, canoes, pontoons, etc. No docks shall be constructed along the shoreline.

1984 – Township Denied request to allow dock and Boat Launch

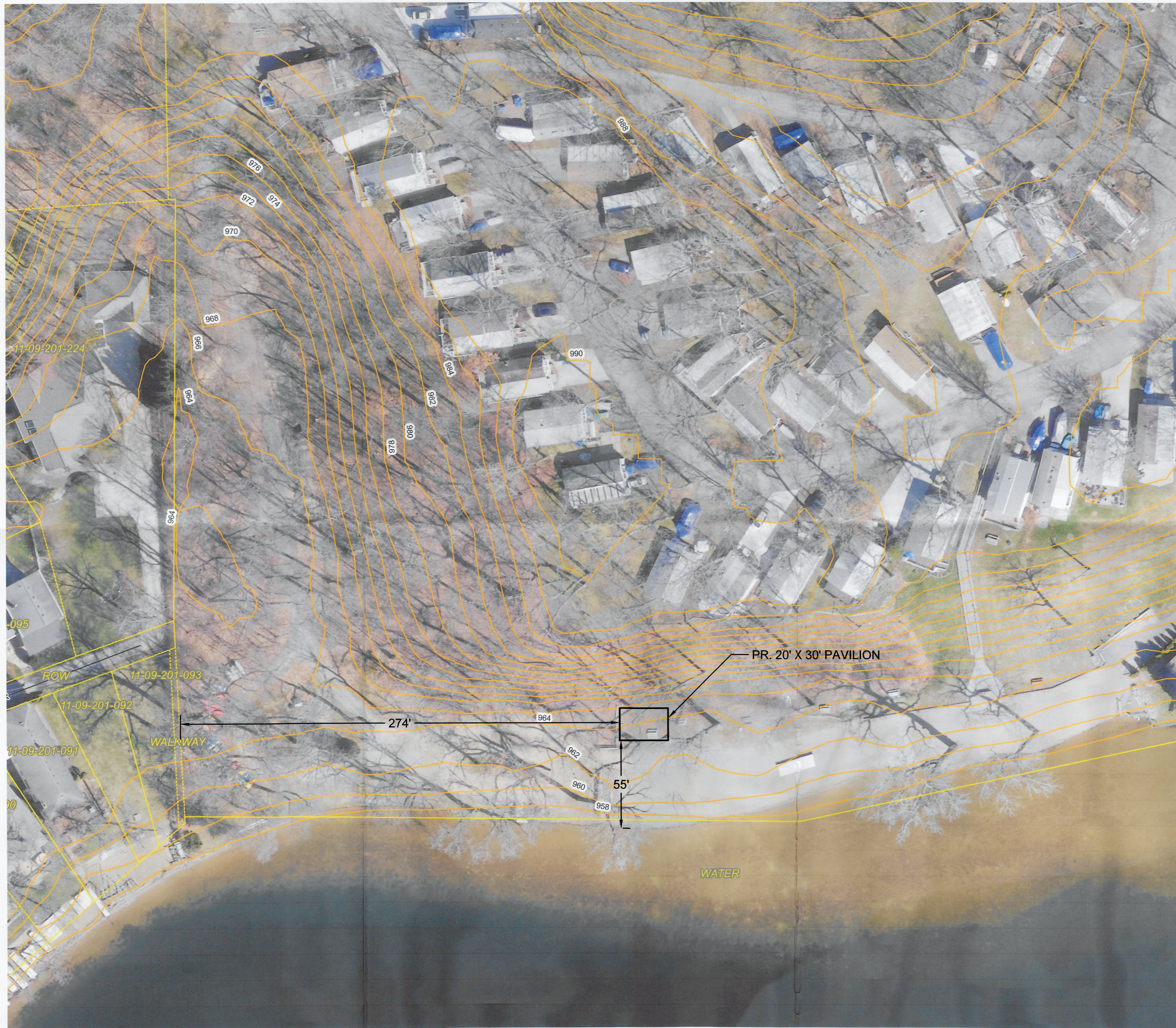
1989 – MDNR approves operating permit to moor a total of 32 Boats

1991 - Termination of Special Land Use on the following conditions:

- The camp will not build a permanent or temporary dock.
- The camp will not expand the mooring of boats and will stay within state laws and maintain boats in an organized and safe manner.
- The camp will not provide launching facilities for motorized boats as long as the public launch is open.

2007-2008 – There are multiple hearings on the status of the marina permit to moor 32 boats. There are complaints that there are over 100 boats moored while the marina permit only allowed 32. The state Attorney General was involved and the determination was made that the campground must obtain a marina permit to moor boats. The last correspondence in our file dated July 15, 2008 was that the DEQ was reviewing a request to operate a marina with 98 moorings.





SCALE: 1 INCH = 30 FEET

PROPOSED (PR)	EXISTING (EX)	LEGEND
FF	FF	CONTOUR
FG	FG	SPOT ELEVATION
T/A	T/A	FINISHED FLOOR ELEVATION
T/C	T/C	FINISHED GRADE ELEVATION
T/W	T/W	TOP OF ASPHALT
F/L	F/L	TOP OF CURB / CONCRETE
T/P	T/P	TOP OF WALK
B/P	B/P	FLOW LINE
RM	RM	TOP OF PIPE
RV	RV	BOTTOM OF PIPE
MH	MH	RIM ELEVATION
IN	IN	INVERT ELEVATION
CB	CB	MANHOLE STRUCTURE
RY	RY	INLET STRUCTURE
ES	ES	CATCHBASIN STRUCTURE
OV	OV	REARWARD STRUCTURE
HY	HY	END-SECTION
UP	UP	GATEVALVE STRUCTURE
SN	SN	HYDRANT
SL	SL	UTILITY POLE
FM	FM	SANITARY SEWER
PS	PS	SANITARY LEAD
ST	ST	FORCE MAIN
WM	WM	PRESSURE SEWER
WL	WL	STORM SEWER
FO	FO	WATER MAIN
OH	OH	WATER LEAD
C	C	FIBER OPTIC
E	E	OVERHEAD WIRE
T	T	CABLE
X	X	ELECTRIC
		TELEPHONE
		FENCE
		SILT FENCE
		WETLAND BOUNDARY
		LIMITS OF GRADING/CLEARING
		MANHOLE
		INLET / CATCHBASIN
		FLARED END-SECTION
		GATE VALVE
		HYDRANT
		UTILITY POLE
		SIGN
		NOT FIELD VERIFIED TO BE REMOVED
		SANITARY SEWER LABEL
		STORM SEWER LABEL
		WATER MAIN LABEL
		SOIL EROSION CONTROL MEASURE (P=PERMANENT, T=TEMPORARY)
		CONCRETE
		ASPHALT
		MODIFIED CURB

NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE OR UNDERGROUND UTILITIES AS SHOWN ON THESE PLANS UNLESS THE EXACT LOCATION AND DEPTH OF ALL UTILITIES HAS BEEN GUARANTEED BY OTHER EXPRESSED OR IMPLIED AS TO THE EXACT LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND DEPTH OF ALL UTILITIES AND PROPOSED UTILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE FOUND FROM THE PLANS. THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

3 WORKING DAYS BEFORE YOU DIG 1-800-482-7171

STATE OF MICHIGAN  
BRENT W. LAVANWAY  
ENGINEER  
NO. 38211  
LICENSED PROFESSIONAL ENGINEER

**BEBOSS**  
Engineering  
Engineers Surveyors Planners Landscape Architects  
3121 E. GRAND RIVER AVE.  
HOWELL, MI. 48843  
517.546.4836 FAX 517.548.1670

**PAVILION NOTES:**

1. THE PAVILION WILL ONLY BE USED FOR DAYTIME FUNCTIONS. THERE SHALL BE NO PROVISIONS FOR LIGHTING.

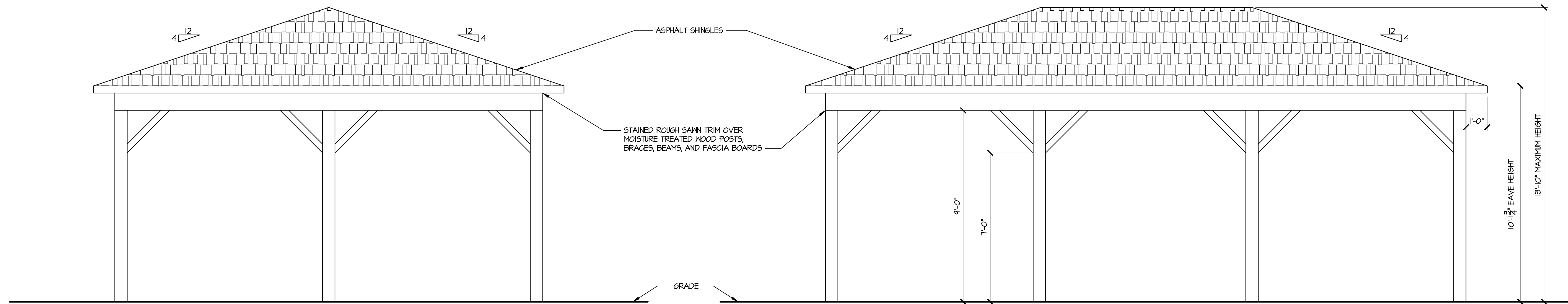
LAKE CHEMUNG OUTDOOR RESORT IS LOCATED IN GENOA TOWNSHIP, LIVINGSTON COUNTY, MI. THE SITE HAS A TOTAL AREA OF 42.29 ACRES AND IS ZONED PRF (PUBLIC AND RECREATIONAL FACILITIES). THE PRINCIPAL USE OF THIS PROPERTY IS RECREATIONAL.

PROJECT: LAKE CHEMUNG OUTDOOR RESORT  
PREPARED FOR: LAKE CHEMUNG OUTDOOR RESORT, INC.  
320 SOUTH HUGHES ROAD  
HOWELL, MI 48843  
517.672.1431

NO.	BY	REVISION PER	DATE
DESIGNED BY:	BL		
DRAWN BY:	NL		
CHECKED BY:			
SCALE:	1" = 30'		
JOB NO:	21-553		
DATE:	7/13/2022		
SHEET NO.	1		

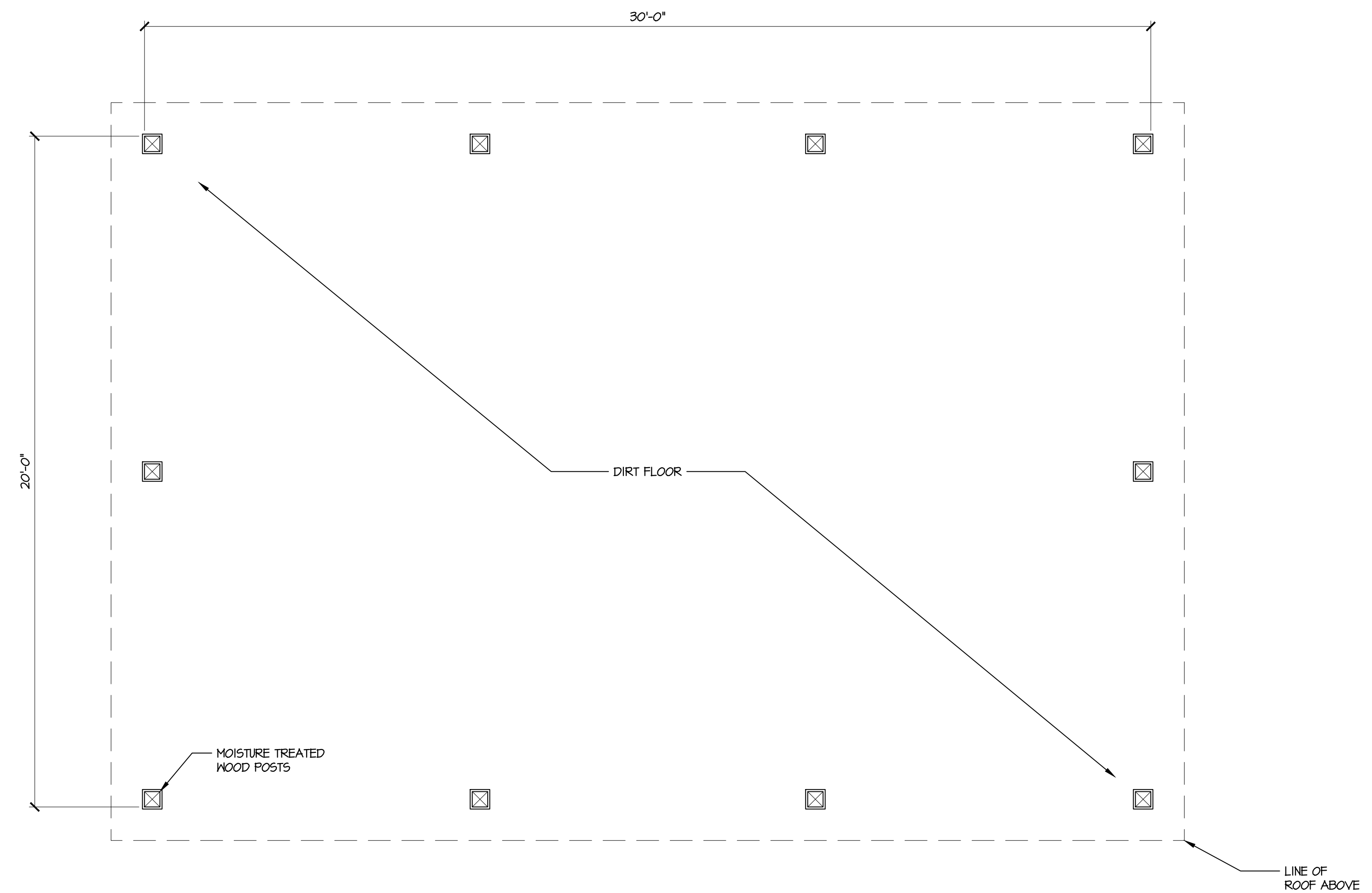






**EAST AND WEST ELEVATIONS**  
SCALE: 3/8" = 1'-0"

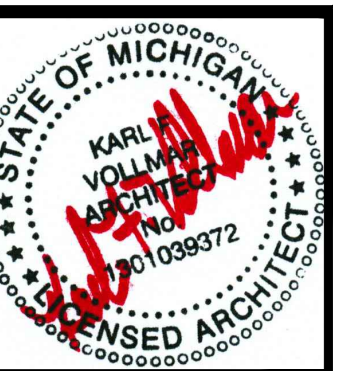
**NORTH AND SOUTH ELEVATIONS**  
SCALE: 3/8" = 1'-0"



**PAVILION PLAN**  
SCALE: 3/8" = 1'-0"



**PUCCI + VOLLMAR ARCHITECTS, PC**  
ARCHITECTURE + DESIGN + PLANNING  
508 E. GRAND RIVER AVE., SUITE 100B, BRIGHTON, MI 48116-1566  
PHONE: (810) 225-2930  
www.pv-a.com



PROJECT: LAKE CHEMUNG OUTDOOR RESORTS  
SHEET TITLE: PAVILION PLAN AND ELEVATIONS  
320 SOUTH HUGHES  
GENOA TOWNSHIP, MICHIGAN  
DATE: T-24-2022  
ISSUED FOR: TOWNSHIP SUBMITTAL

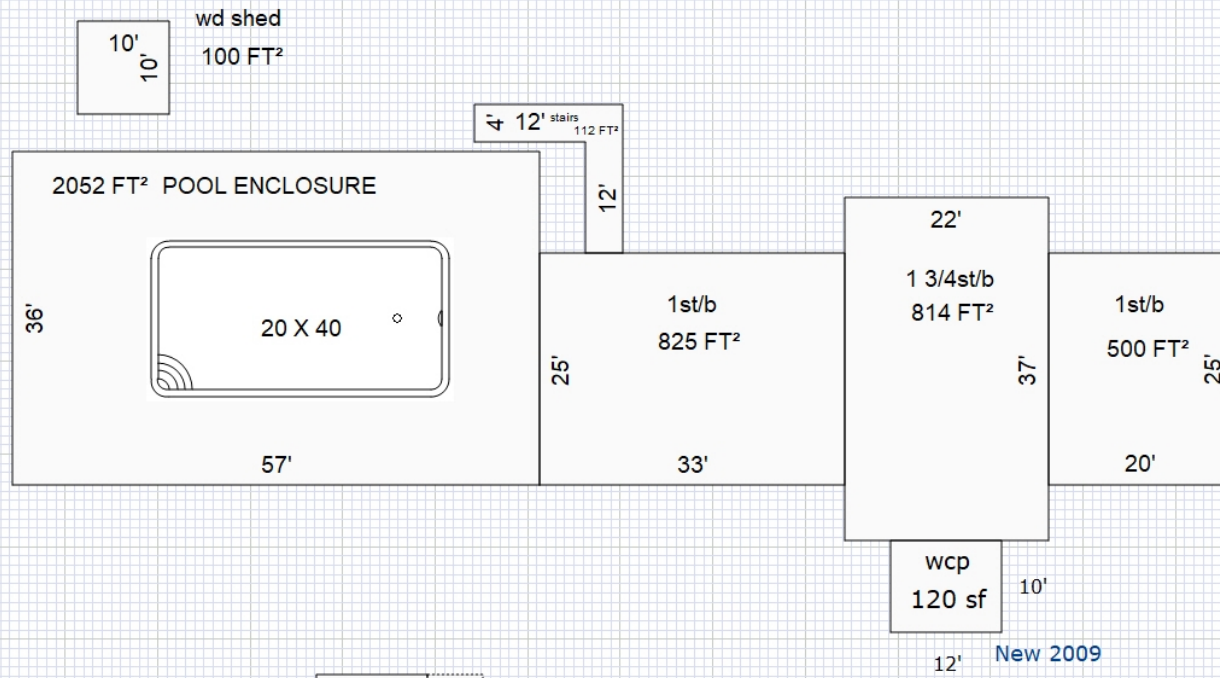

DO NOT SCALE THIS PRINT, USE DIMENSIONS SHOWN ONLY  
DRAWN BY: KV  
APPROVED BY: KV  
PROJECT: 2210  
SHEET: **A1**

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
Property Address		Class: COMMERCIAL-IMPROVE		Zoning: PRF	Building Permit(s)	Date	Number	Status	
320 S HUGHES RD		School: HOWELL PUBLIC SCHOOLS			COMM MISCEL	01/06/2009	09-003	NO START	
Owner's Name/Address		P.R.E. 0%			REROOF	11/06/2008	W08-113B	NO START	
LAKE CHEMUNG OUTDOOR RESORT, 320 S HUGHES RD HOWELL MI 48843-9178		MAP #: V22-23			COMM MISCEL	07/12/2000	00-399	NO START	
Tax Description		2023 Est TCV Tentative		Land Value Estimates for Land Table 2002.APARTMENTS/MOBILE HOME					
		X	Improved	Vacant					
		Public Improvements		* Factors *					
		Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj. Reason	Value
		Gravel Road		APT. PER U OUTDOOR RESORTS	42.070	Acres	0	100	0
		Paved Road		* denotes lines that do not contribute to the total acreage calculation.					
		Storm Sewer		42.07	Total Acres	Total Est. Land Value =		1,020,000	
		Sidewalk							
		Water		Land Improvement Cost Estimates					
		Sewer		Description	Rate	Size	% Good	Cash Value	
		Electric		Ad-Hoc Unit-In-Place Items					
		Gas		Description	Rate	Size	% Good	Cash Value	
		Curb		SITES 340 @ 4500	1.00	1530000	80	1,224,000	
		Street Lights		Total Estimated Land Improvements True Cash Value =					
		Standard Utilities		1,224,000					
		Underground Utils.							
		Topography of Site							
		Level							
		Rolling							
		Low							
		High							
		Landscaped							
		Swamp							
		Wooded							
		Pond							
		Waterfront							
		Ravine							
		Wetland							
		Flood Plain							
Comments/Influences		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		Who	When	What	2023	Tentative	Tentative	Tentative	
					2022	510,000	780,000	1,290,000	
					2021	510,000	770,600	1,280,600	
					2020	425,000	767,500	1,192,500	
								1,130,800C	
								1,094,676C	
								1,079,563C	

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

Desc. of Bldg/Section: Calculator Occupancy: Clubhouses				<<<<<< Calculator Cost Computations >>>>>>															
Class: D Floor Area: 2,749 Gross Bldg Area: 2,749 Stories Above Grd: 1 Average Sty Hght : 8 Bsmnt Wall Hght : 10				Construction Cost				Class: D Quality: Average Stories: 1 Story Height: 8 Perimeter: 224											
Depr. Table : 1.5% Effective Age : 28 Physical %Good: 65 Func. %Good : 100 Economic %Good: 100				High Above Ave. Ave. X Low				Base Rate for Upper Floors = 116.20 Utility Basement Basement, Base Rate for Basement = 47.74 (Basement Fireproofing Rate = 0.00)											
Year Built Remodeled				** ** Calculator Cost Data ** ** Quality: Average Heat#1: Package Heating & Cooling 100% Heat#2: Heat Pump System 0%				(10) Heating system: Package Heating & Cooling Cost/SqFt: 20.53 100% Bsmnt Heating system: Hot Water, Radiant Floor Cost/SqFt: 23.54 Adjusted Square Foot Cost for Upper Floors = 136.73 Adjusted Square Foot Cost for Basement = 71.28											
Overall Bldg Height				*** Basement Info *** Area: 2139 Perimeter: 224 Type: Utility Basement Heat: Hot Water, Radiant Floor				Total Floor Area: 2,749 Base Cost New of Upper Floors = 375,870 Basement Area: 2,139 Base Cost New of Basement = 152,468 Reproduction/Replacement Cost = 528,338 Eff.Age:28 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 65 /100/100/100/65.0 Total Depreciated Cost = 343,420											
Comments:				* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:				Unit in Place Items Rate Quantity Arch %Good Depr.Cost BASEMENT FINISH ADD 8.22 2139 1.00 65 11,429 POOL ENCL. 24.00 2052 1.00 50 24,624											
* Sprinkler Info * Area: Type: Average				ECF (2007 APARTMENTS/MOBILEHOME) 1.020 => TCV of Bldg: 1 = 387,062 Replacement Cost/Floor Area= 216.50 Est. TCV/Floor Area= 140.80															
(1) Excavation/Site Prep:				(7) Interior:				(11) Electric and Lighting:				(39) Miscellaneous:							
(2) Foundation:				(8) Plumbing:				Outlets:				Fixtures:							
X Poured Conc. Brick/Stone Block				Many Above Ave. Average Typical Few None				Few Average Many Unfinished Typical				Few Average Many Unfinished Typical							
(3) Frame:				Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets				Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners				Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct				Incandescent Fluorescent Mercury Sodium Vapor Transformer			
(4) Floor Structure:				(9) Sprinklers:				(13) Roof Structure: Slope=0				(40) Exterior Wall:							
(5) Floor Cover:				(10) Heating and Cooling:				(14) Roof Cover:				Thickness Bsmnt Insul.							
(6) Ceiling:				Gas Oil Coal Stoker Hand Fired Boiler															

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



Sketch by Alex Sketch

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
November 15, 2022 - 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, Michelle Kreutzberg, Bill Rockwell, Marianne McCreary, Jean Ledford, and Amy Ruthig, Planning Director.

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

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

**Approval of the Agenda:**

Chairman Rassel noted that the applicant for Case #22-23 has requested that his item be postponed.

**Moved** by Board Member Ledford, seconded by Board Member Rockwell, to approve the agenda with the removal of Case #22-23 until the December 13, 2022 ZBA meeting. **The motion carried unanimously.**

**Call to the Public:**

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

**Old Business:**

1. 22-20...A request by Joseph Anzalone, 5964 Glen Echo, for variances to allow a detached accessory building (gazebo) to remain within the required waterfront yard and for a shoreline setback variance.

Mr. Anzalone, the applicant, and Mr. Roger Myers, the applicant's legal counsel, were present.

Mr. Meyers stated the plat map shows the property lines for each of the properties as well as the park. Judge Hatty ruled that Mr. Anzlaone owns the property up to the lake and all of the residents have the rights to use that property, which would include where the gazebo was built. The question is still where the side lot lines are. He noted that he requested to have this item tabled and leave the issue open until there is a further determination by the Court.

Board Member McCreary noted that the Township Attorney has advised the Board that they are able to make a decision on Mr. Anzalone's request. She does not feel comfortable ruling on this item without the property lines being determined. Mr. Meyers stated that at last month's meeting, the neighbors were present and they do not object to the gazebo. He would like to have this tabled until the Court makes a decision and it can be revisited at that time.



Board Member Rockwell believes the lot lines could be assumed based on the plat; however, he is concerned that this request does not meet two of the four required criteria for granting a variance. The gazebo is right on the water.

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

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to deny Case #22-20, for a waterfront yard setback variance of 121.5 feet from the required 131.5 feet for a setback of 10 feet for Joseph Anzalone of 5964 Glen Echo to allow a detached accessory building to remain within the required waterfront yard, based on the following findings of fact:

- Strict compliance with the zoning ordinance would prevent the request for the detached accessory building to remain; however, will not prevent the use of the property. While other structures around the lake do exist, it is not a predominant right in this district or vicinity.
- The owner placed the structure on the proposed location that is out of compliance with current ordinance. This is, at face value, self-created by the applicant. In addition, there are no legal descriptions noting the revised riparian descriptions that would guide staff and this board to know what lot lines areas related to this property or any other.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would set a precedent to allow waterfront structures on shoreline in this area and could impact the appropriate development, continued use in the surrounding neighborhood.

This denial is conditioned on the following:

1. The gazebo must be removed or relocated to a location that meets the Township ordinance within 21 days.
2. The two of the three docks that are shown on the site plan must be removed and not reestablished.

**The motion carried unanimously.**

**New Business:**

2. 22-24... A request by Tim Chouinard and Nadar Abouzenni, 564 Black Oaks Trail, for a variance to allow a detached accessory structure on a vacant lot, retaining wall height and setback variance and a lot coverage variance to construct a new garage.

Mr. Tim Chouinard was present. He was having difficulty designing the house to have a two car garage as well as to allow for additional guest parking. He has designed the garage so it is side-facing to allow for safety of vehicles backing out of the property. He noted that he will be using the garage as part of the retaining wall.

Ms. Ruthig asked Mr. Chouinard what the front setback will be. He stated it will be seven feet at the closest point.

The call to the public was opened at 7:00 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member Lreutzberg, to approve Case #22-24 for Tim Chouinard and Nadar Abouzenni of 1320 Kinmore St. Dearborn Heights to construct a detached accessory structure on the vacant lot without a principal residence and a retaining wall height variance of 6 feet from the required 6 feet for a retaining wall height of 12 feet and a retaining wall setback variance of two feet from the required two feet for a setback of 0 feet for, based on the following findings of fact:

- Strict compliance with the zoning requirements would prevent the applicant from constructing the proposed accessory structure. Granting the variances would give the applicant substantial justice due to other accessory structures in the area on lots without principal dwellings.
- The exceptional or extraordinary condition of the property is the shallowness of the lot, topography of the lot, and that the parcel where the corresponding house is located cannot be combined to this parcel. Granting of the variances would make it consistent with other properties in the vicinity and the need for the variance is not self-created.
- The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little to no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The approval is conditioned on the following:

1. The applicant must demonstrate on site plan that the slope of the property meets Section 11.04.03 (j) Retaining Walls (1) of the Township Zoning Ordinance prior to land use permit issuance.
2. Structure must be guttered with downspouts.
3. Grading and soil erosion plan by civil engineer to ensure stabilization of slopes and avoid impacts on adjacent parcels.
4. The accessory structure cannot be used for living purposes.
5. If a fence is required by Livingston County Building Department then the applicant must follow Section 11.04.03 (j) Retaining Walls (6) of the Township Zoning Ordinance.
6. The retaining wall construction plans must be certified by a license engineer.
7. No outside storage is allowed on the lot.
8. The applicant shall remove all of the large fallen trees on the Hilltop side of the property.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the October 18, 2022 Zoning Board of Appeals meeting.

Genoa Township Zoning Board of Appeals Meeting  
November 15, 2022  
Unapproved Minutes

**Moved** by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve the minutes of the October 18, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be one item on the December 13, 2022 meeting.

Ms. Ruthig stated that the Township Board has a two-minute limit for each person at the call to the public. It was used at the Planning Commission meeting last night. She asked if the Board would like to implement this as well. All Board members agree that it should also be used at ZBA meetings for consistency.

3. Member Discussion

There were no items to discuss.

4. Adjournment

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:19 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary