

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
FEBRUARY 21, 2023  
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)*

Old Business:

1. 23-03...A request by Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance to construct a zip line.( Requested to be postponed to the March 21, 2023 ZBA meeting)

New Business:

2. 23-05... A request by Jeffery Parkkila, 1776 S. Hughes Road, for front and waterfront yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.
3. 23-06...A request by Yvette Whiteside, 5780 Glen Echo, for a front yard setback and lot coverage variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a roof over existing patios.
4. 23-07...A request by Derek MacCallum, 7901 Birkenstock Dr., for a front yard setback variance and a fence height variance and any other variance deemed necessary by the Zoning Board of Appeals to allow an inground pool in the front yard.
5. 23-08...A request by Jason Jacobs, 6094 Brighton Road, for a front yard, side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to allow a detached accessory building in the front yard.

Administrative Business:

1. Approval of minutes for the January 17, 2023 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment



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

## MEMORANDUM

**TO:** Zoning Board of Appeals Members  
**FROM:** Amy Ruthig, Planning Director  
**DATE:** February 15, 2023  
**RE:** Our Lady of the Fields Camp – Dimensional variance request

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At the January 17, 2023 Zoning Board of Appeals meeting, the ZBA members postponed the above-mentioned request for further information in regards to the history and property usage of the camp. The Township attorney is reviewing the information to make a determination on the property usage. Unfortunately, the determination will not be submitted before the February 21, 2023 Zoning Board of Appeals meeting.

Staff has requested that the Our Lady of the Fields Camp variance request be postponed until the March 21, 2023 Zoning Board of Appeals meeting.

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

Sincerely,

Amy Ruthig  
Planning Director

**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





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

Case # 23-05 Meeting Date: FEB 21, 2023 @ 6:30pm  
 PAID Variance Application Fee

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

Applicant/Owner: JEFFREY PARKKILA Email: JDPAKKILA@GMAIL.COM  
 BROOKEBITTNERDC@GMAIL.COM

Property Address: 1776 S. HUGHES RD. Phone: 810 599 -9203

Present Zoning: LRR Tax Code: 11-11-302-022

**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:

- Variance requested/intended property modifications: \_\_\_\_\_  
FRONTYARD VARIANCE OF 10'-7"  
REARYARD VARIANCE OF 7'-9"

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.

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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.

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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.

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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.

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**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: 1/17/23 Signature: 

*PLEASE SEE ATTACHED.*

## 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.

Lots of record before 1/1/91 are required to be a minimum of 12,800 sq. ft., our lot is 8,963 sq. ft., a 30% deficiency. To manage that deficiency, we are asking to expand toward the front, the roadside, by 10'-7", and to the rear, the lakeside by 7'-8". It is important to note that the lakeside variance simply continues the existing rear wall of the existing home. Our building envelope, measured front to back, is 17'-1" at it's largest and 10'-4" at it's smallest. Managing those tiny dimensions in this manner would do substantial justice to the Parkkilas as it would provide a substantial property right similar to that possessed by other properties in the same zoning district.

## Extraordinary Circumstances

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

This condition existed before the Parkillas purchased the property, certainly not a self-made circumstance. All of the dimensional shortcomings listed above clearly define the differences between our lot and other properties in the LRR zoning district and, we think, deserve the ZBA's consideration.

## Public Safety and Welfare

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

Our request is for a front and rear yard variance only, imposing no restriction between our property and our neighbor. Our 191 sq. ft. addition complies, despite our dimensional challenges, with every other ordinance. We observe our sideyard setback and preserve the dimesional requirements by Genoa's zoning ordinance. The removal of an existing shed, adjacent our variance requests, will improve access for emergency vehicles between the two houses. As a result, the public safety and welfare of neighboring properties will be improved rather than imparied.

## 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.

Our variance appeal is an attempt to overcome the allowable building envelope measuring just 17'-1" at one side and 10'-4" at the other. As the exterior sketches describe, our proposal is intended to continue the style, scale, and design language of the existing home. Our home's style and size being very much in keeping with the surrounding neighborhood.



February 13, 2023

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

<b>Attention:</b>	Amy Ruthig, Planning Director
<b>Subject:</b>	1776 S. Hughes Road – Dimensional Variance Review
<b>Location:</b>	1776 S. Hughes Road – waterfront lot on the west side of Hughes, north of Grand River Avenue
<b>Zoning:</b>	LRR Lakeshore Resort Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking dimensional variance to expand the existing residence at 1776 S. Hughes Road.

The property is nonconforming due to its deficient lot width and area. The residence is also nonconforming due to deficient street front and waterfront setbacks.

The proposal entails an approximately 370 square foot addition on the north side of the residence.

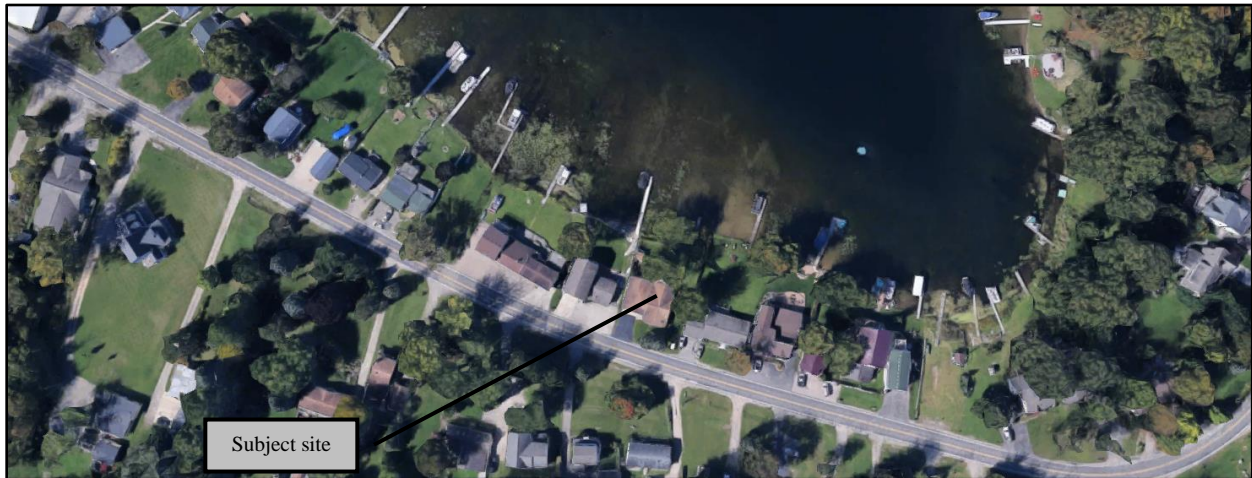
Per Section 3.04, the following variances are needed from the dimensional requirements of the LRR District:

- A street front setback of 25’ (where a minimum of 35’ is required); and
- A waterfront setback of 60’ (where a minimum of 67’ is required).

## SUMMARY

1. Deficient lot width and area create difficulty for strict compliance with LRR setback requirements (practical difficulty).
2. Compliant (or more compliant) alternatives do not appear reasonable/functional given the nature of the property (substantial justice).
3. The Board could view strict compliance as unnecessarily burdensome (practical difficulty).
4. The property is relatively small (lot area) and narrow (lot width) in comparison to a conventional LRR property (extraordinary circumstance).
5. Given the nature of the project and property, we do not anticipate issues with the supply of light and air or to traffic and public safety (public safety and welfare).
6. The proposed addition is within the outer limits of the existing street front and waterfront yard setbacks (impact on surrounding neighborhood).





*Aerial view of site and surroundings (looking west)*

## VARIANCE REVIEW

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

- 1. Practical Difficulty/Substantial Justice.** Variances are not necessary to maintain the existing residence; however, the nonconforming lot width and area create difficulty for a building expansion.

Strict compliance would result in a much smaller addition that may not prove functional.

Accordingly, the Board could view strict compliance as unnecessarily burdensome to the applicant.

- 2. Extraordinary Circumstances.** The deficient lot width and area combine to greatly limit the buildable area of the property.

As noted in the submittal (and referenced above), the depth of a compliant building envelope ranges from 10' to 17', which is not generally considered reasonable/functional.

The circumstances driving the need for variance were not created by the owner.

- 3. Public Safety and Welfare.** Given the nature of the proposal, granting of the variances will not impair the supply of light and air to adjacent properties, nor will it unreasonably impact traffic or public safety.

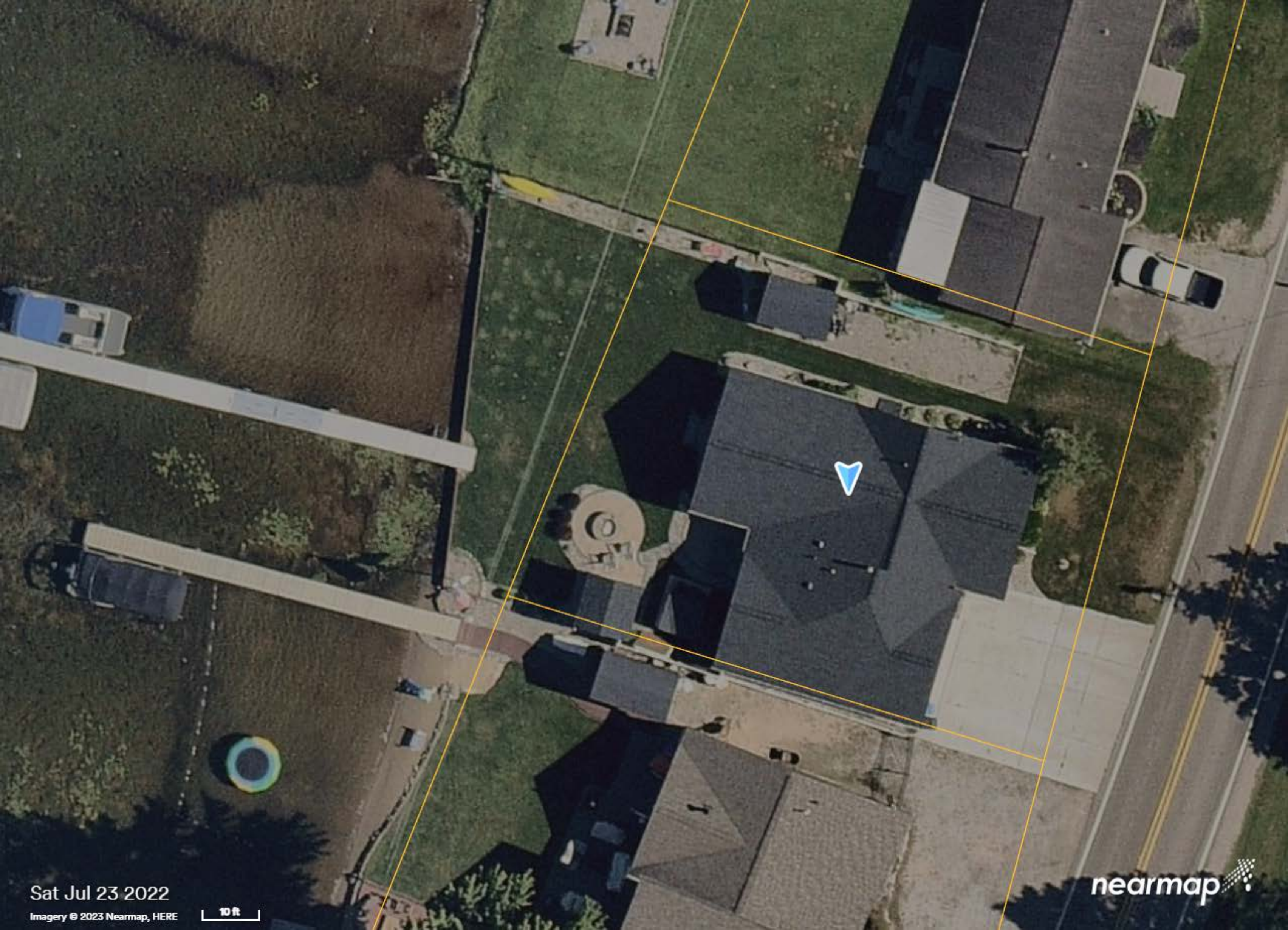
- 4. Impact on Surrounding Neighborhood.** Based on review of aerial photos, the neighborhood appears to contain several residences that do not fully comply with current setback requirements.

It is also worth noting that the proposed addition will be within the outer limits of the existing nonconforming setbacks (i.e., it is not closer to the road or shoreline than the existing residence).

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

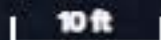
Respectfully,  
SAFE BUILT

Brian V. Borden, AICP  
Michigan Planning Manager

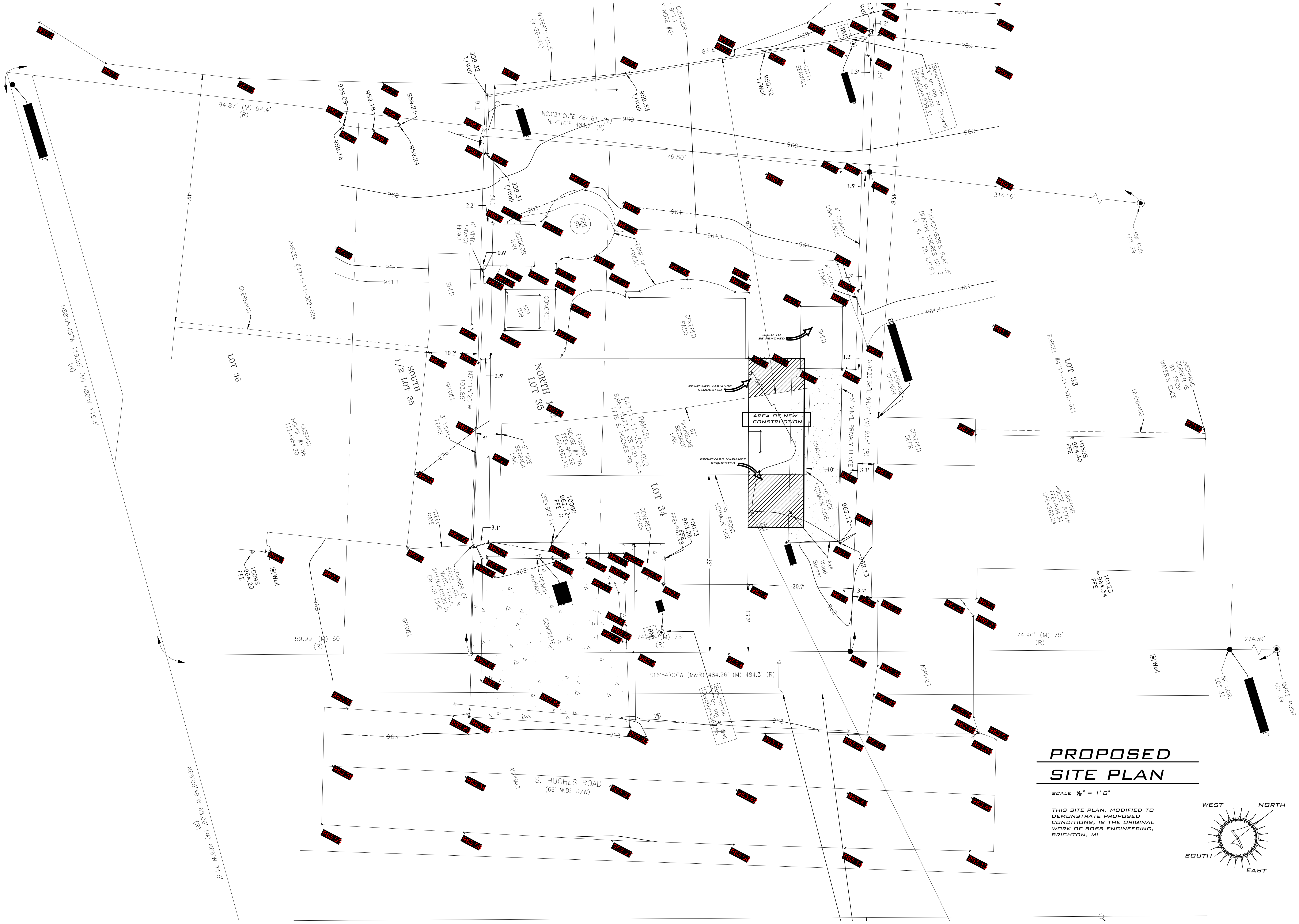


Sat Jul 23 2022

Imagery © 2023 Nearmap, HERE



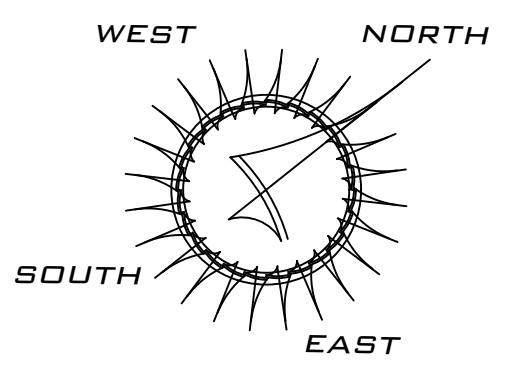
nearmap



# PROPOSED SITE PLAN

SCALE 1/8" = 1'-0"

THIS SITE PLAN, MODIFIED TO DEMONSTRATE PROPOSED CONDITIONS, IS THE ORIGINAL WORK OF BOSS ENGINEERING, BRIGHTON, MI



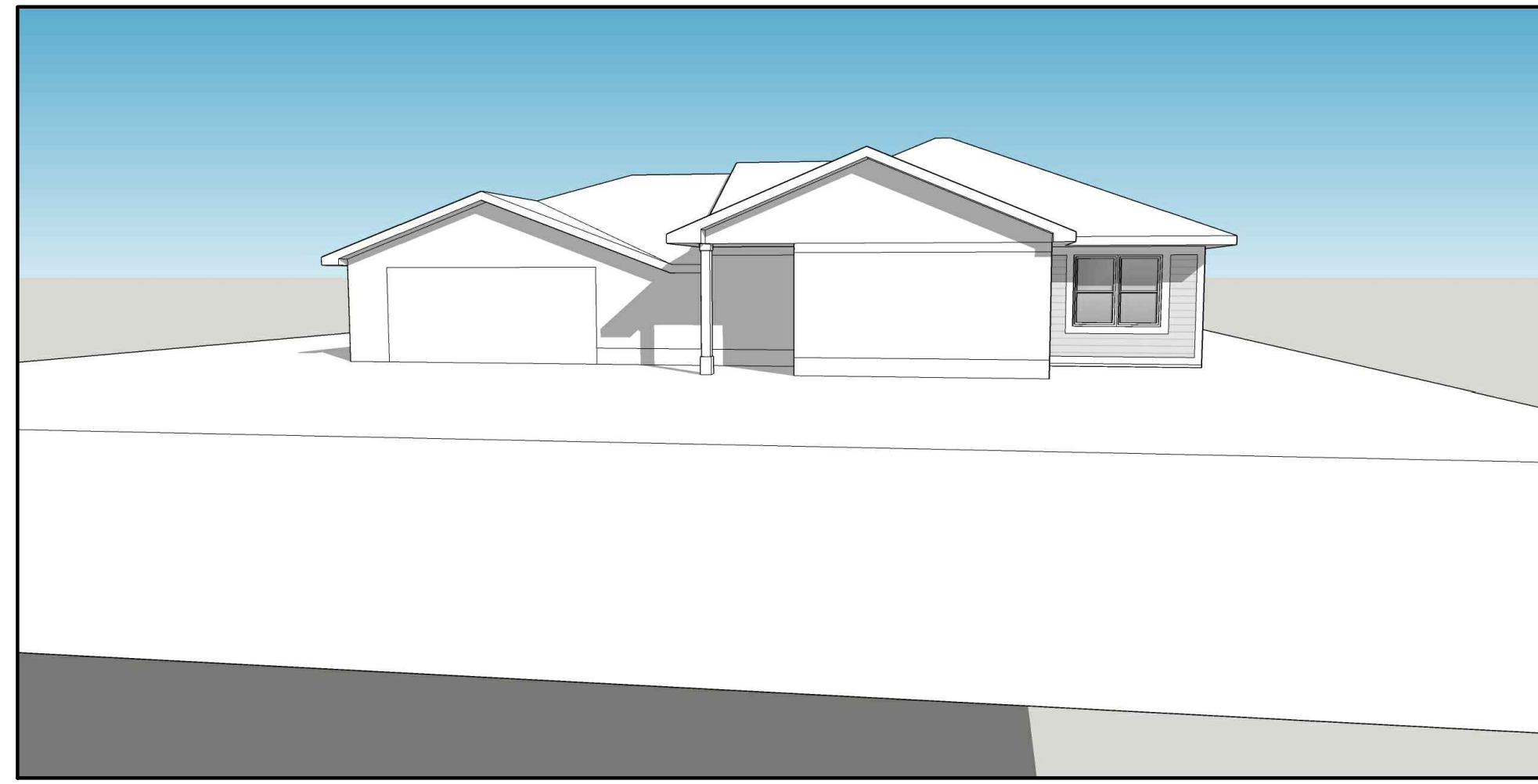
PARKKILA RESIDENCE



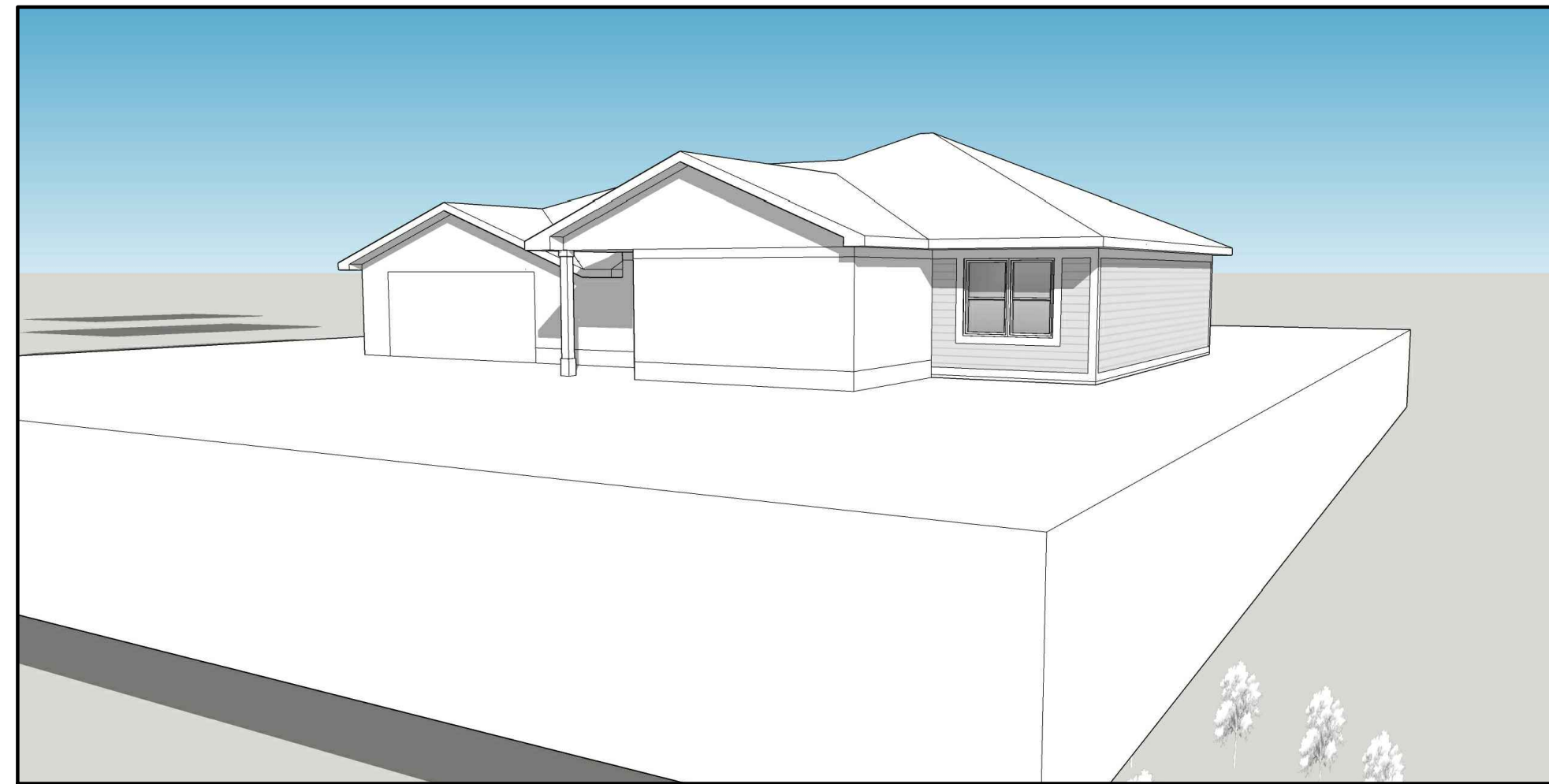
DENNIS DINSER  
7091 Augustine Court  
Fenton, MI 48430  
517-540-9960  
www.arcadiandesign.net

DRAWN	DD
CHECKED	
DATE	
SHEET NUMBER	1 of 2
PROJECT NUMBER	220000

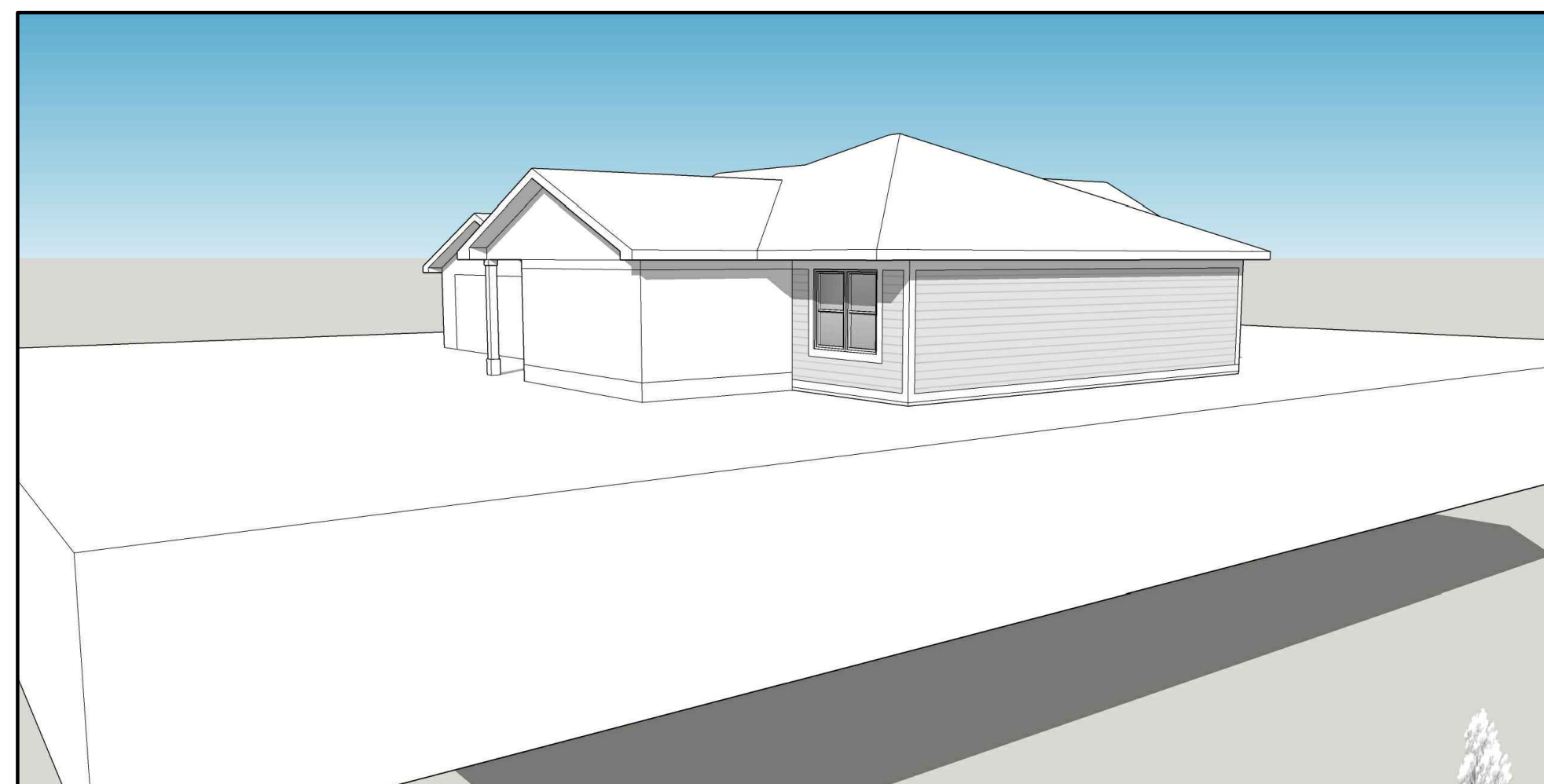
When directed from Washington when to sow and when to reap, we should soon want bread  
Thomas Jefferson



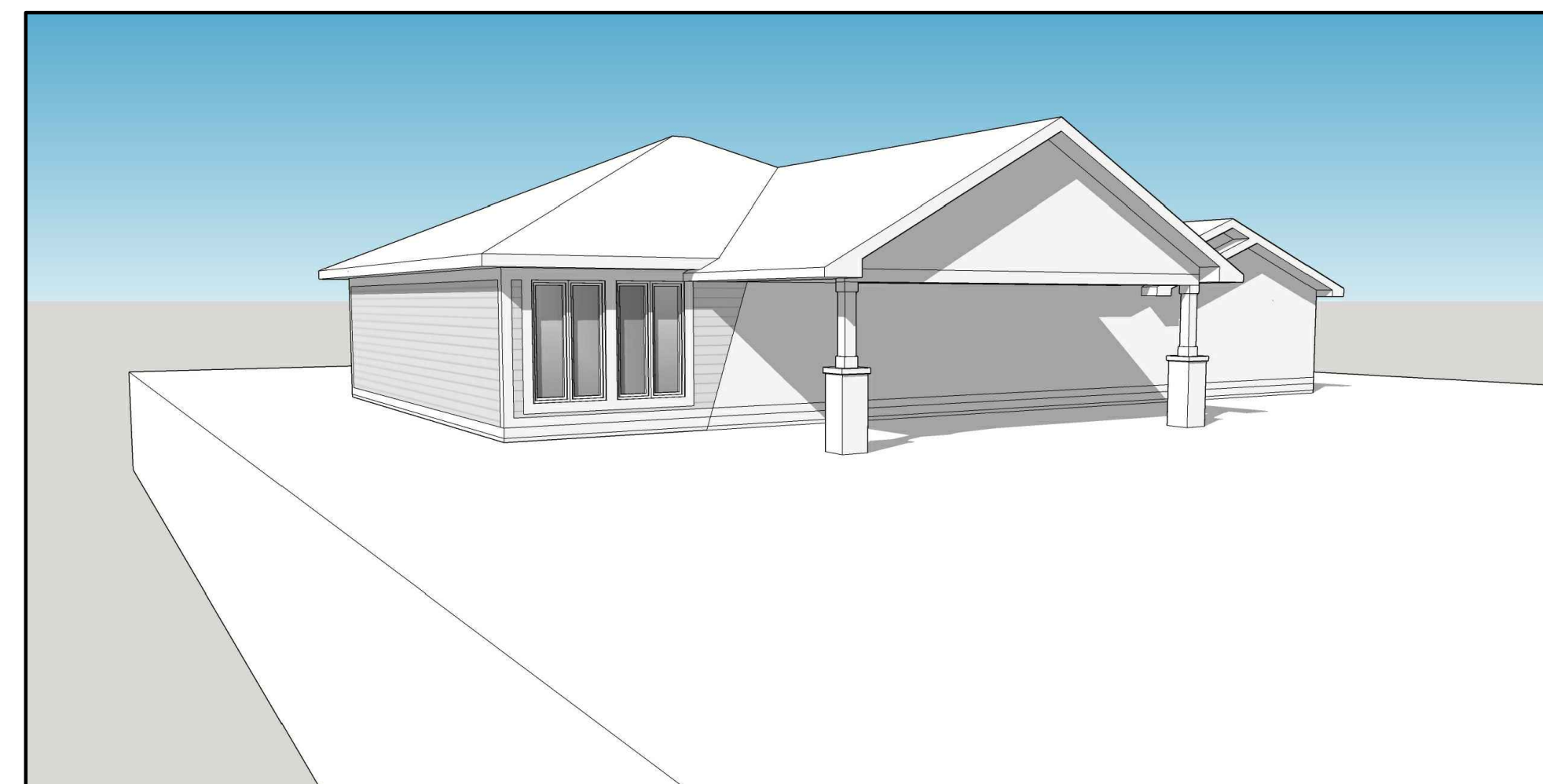
ELEVATION 1



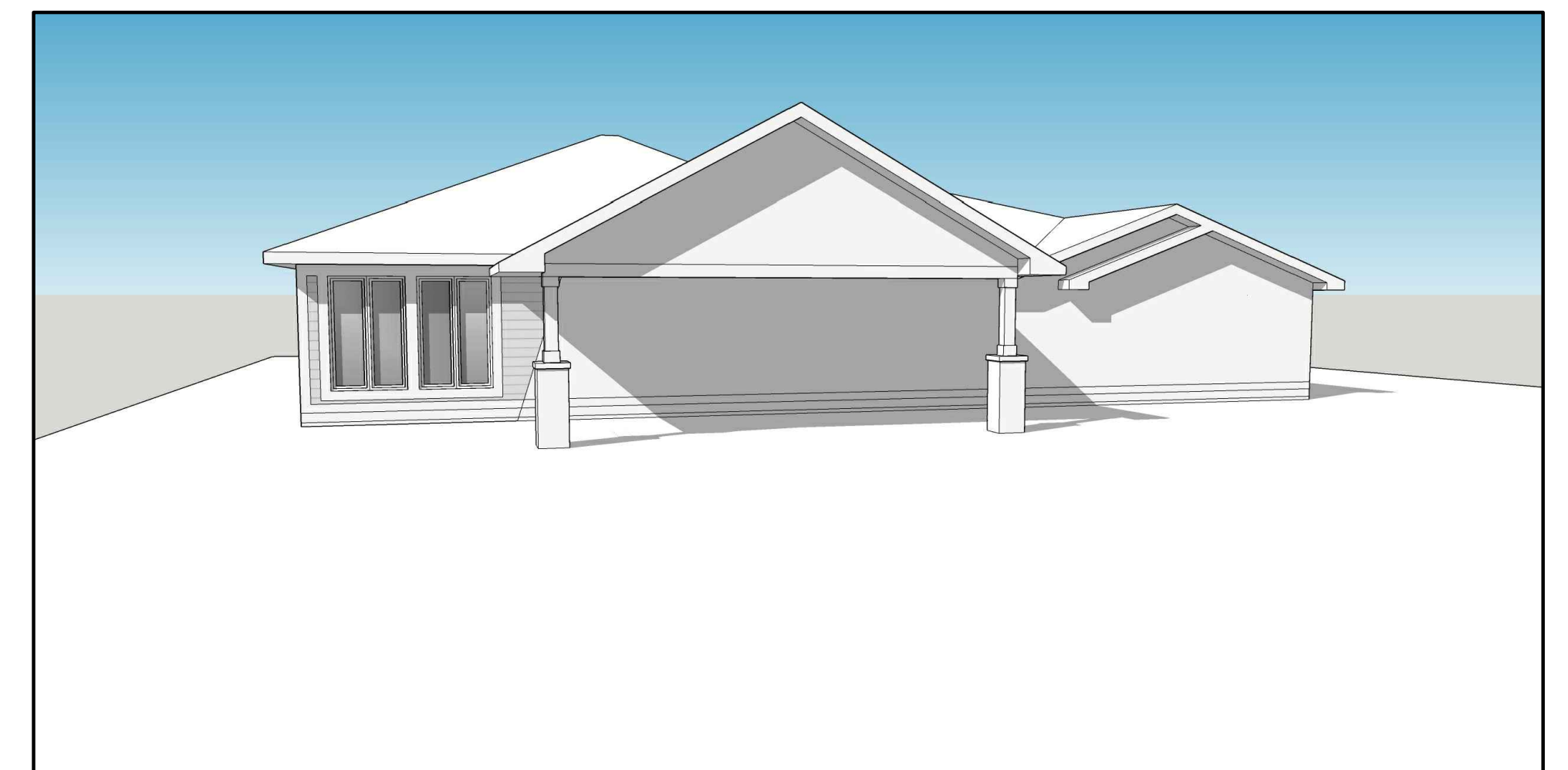
ELEVATION 2



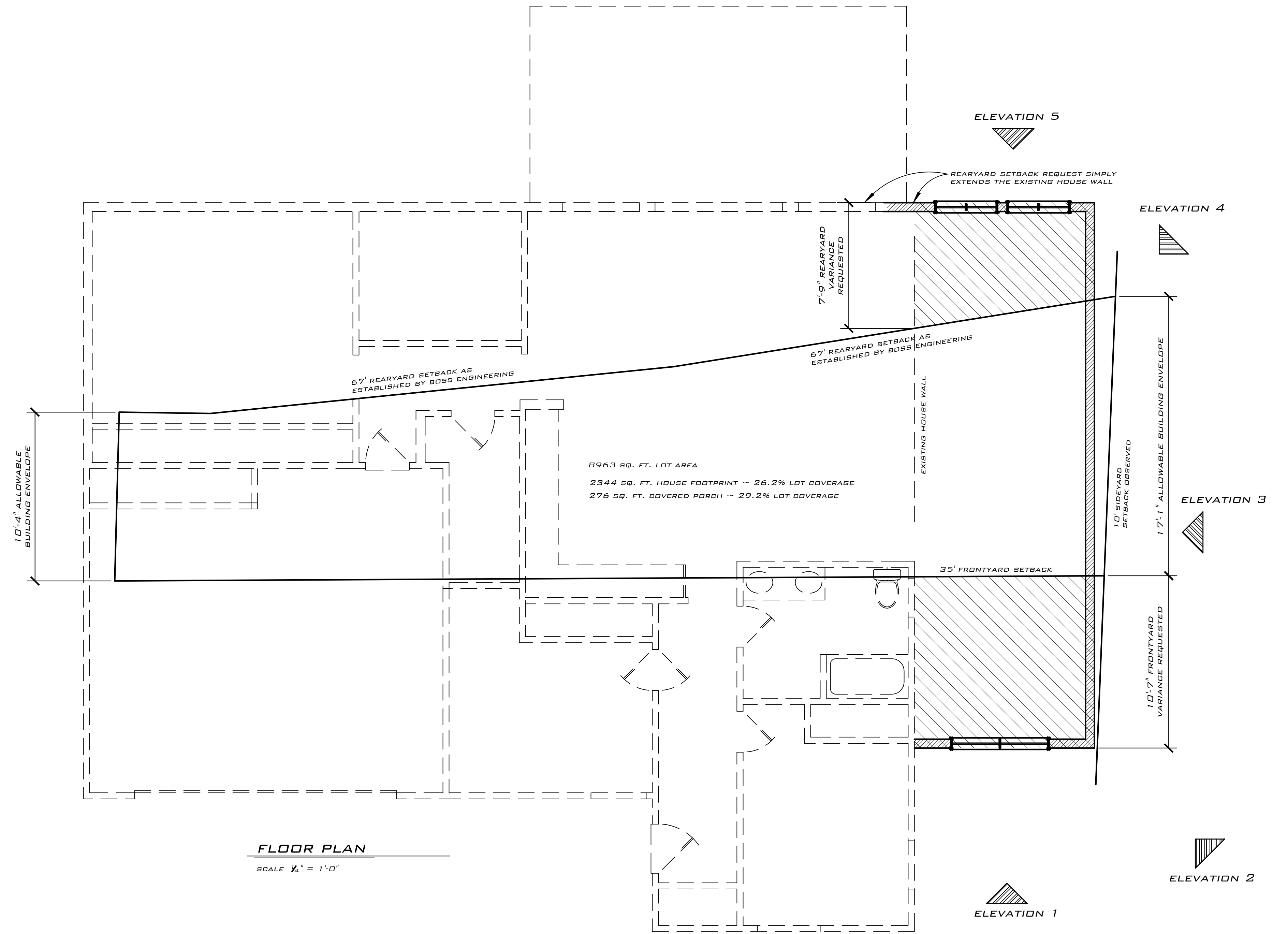
ELEVATION 3



ELEVATION 4



ELEVATION 5

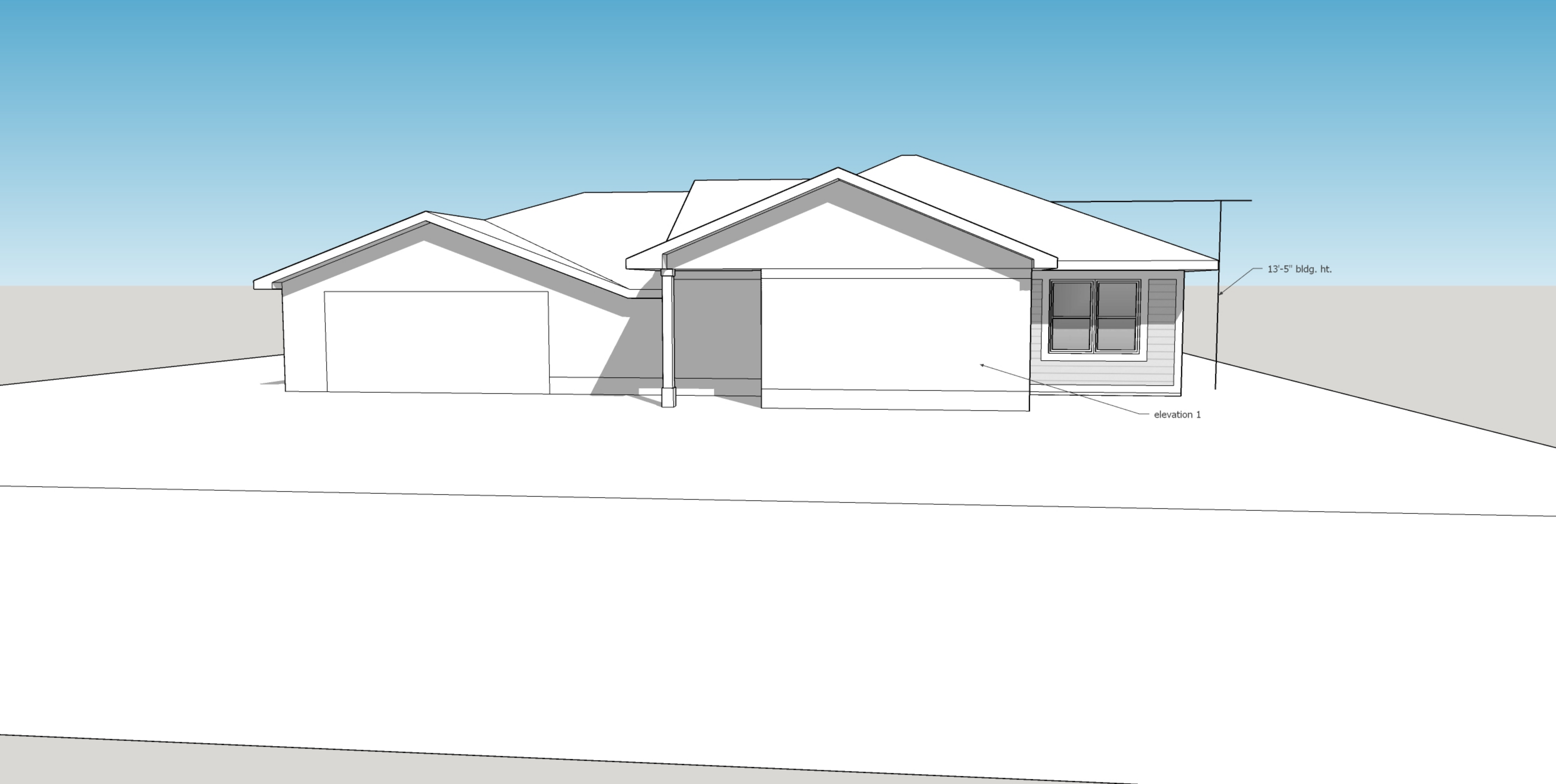


PARKKILA  
 RESIDENCE



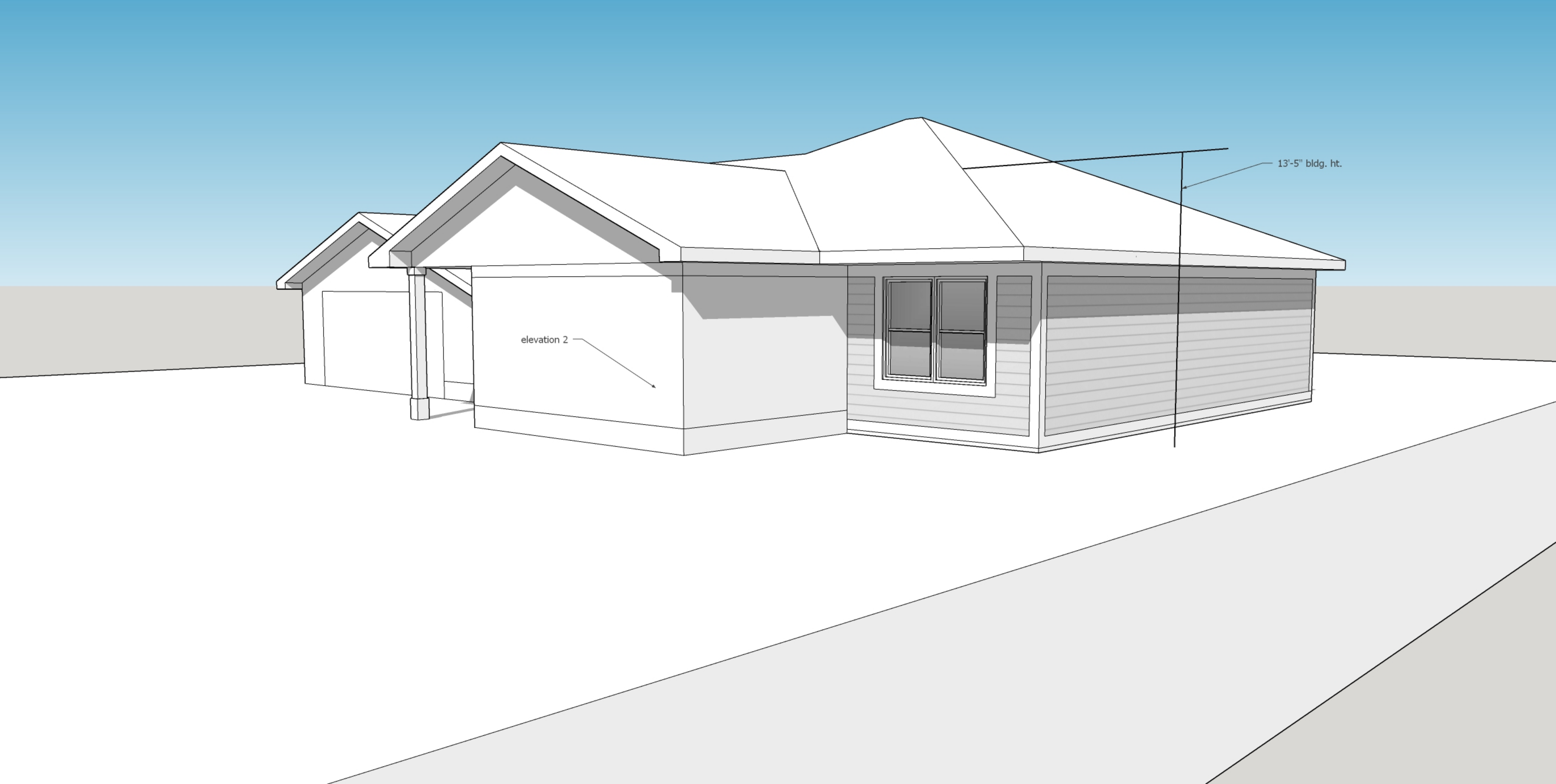
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 DATE  
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 PROJECT NUMBER  
 220000



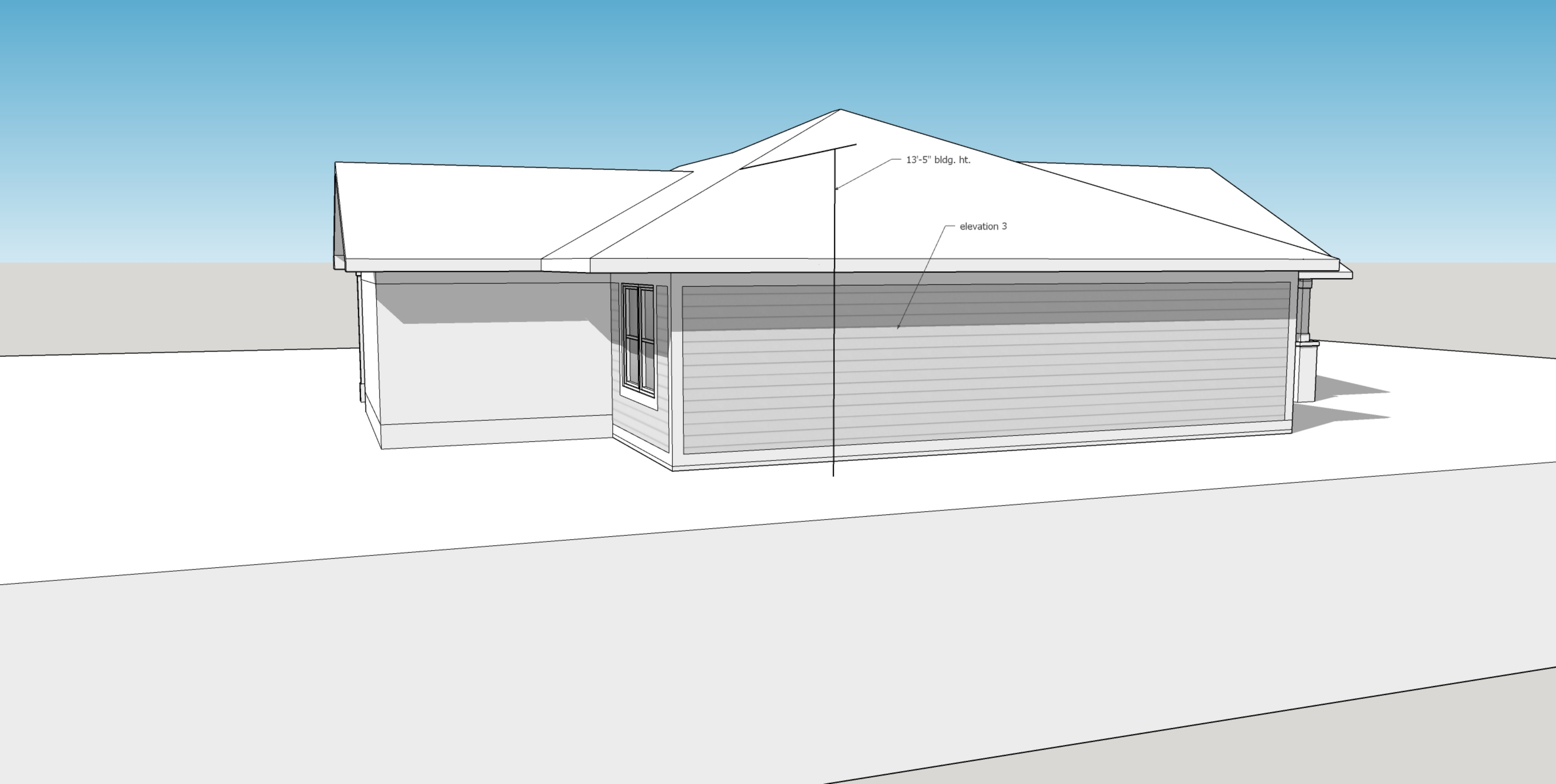
elevation 1

13'-5" bldg. ht.



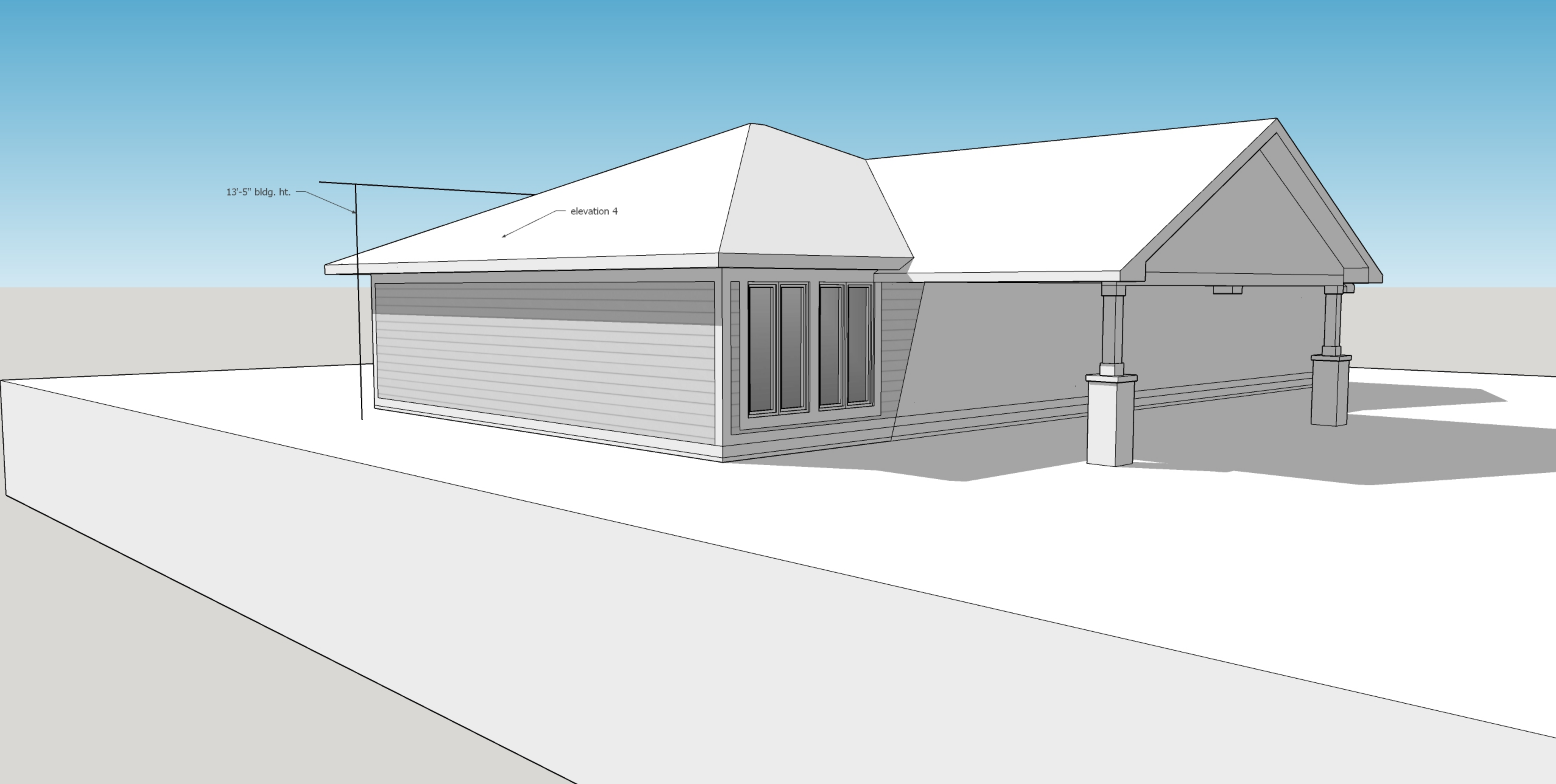
13'-5" bldg. ht.

elevation 2



13'-5" bldg. ht.

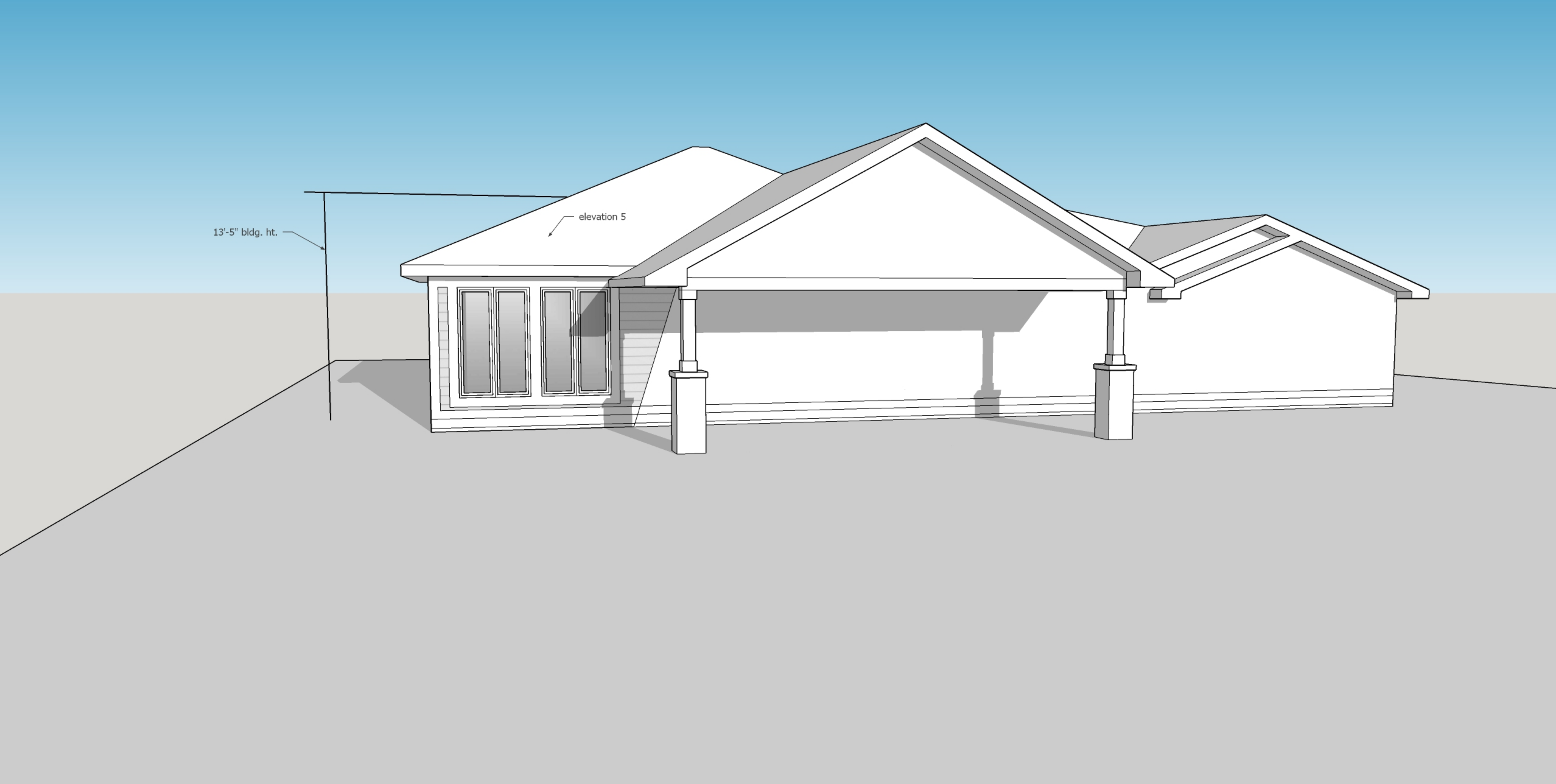
elevation 3



13'-5" bldg. ht.

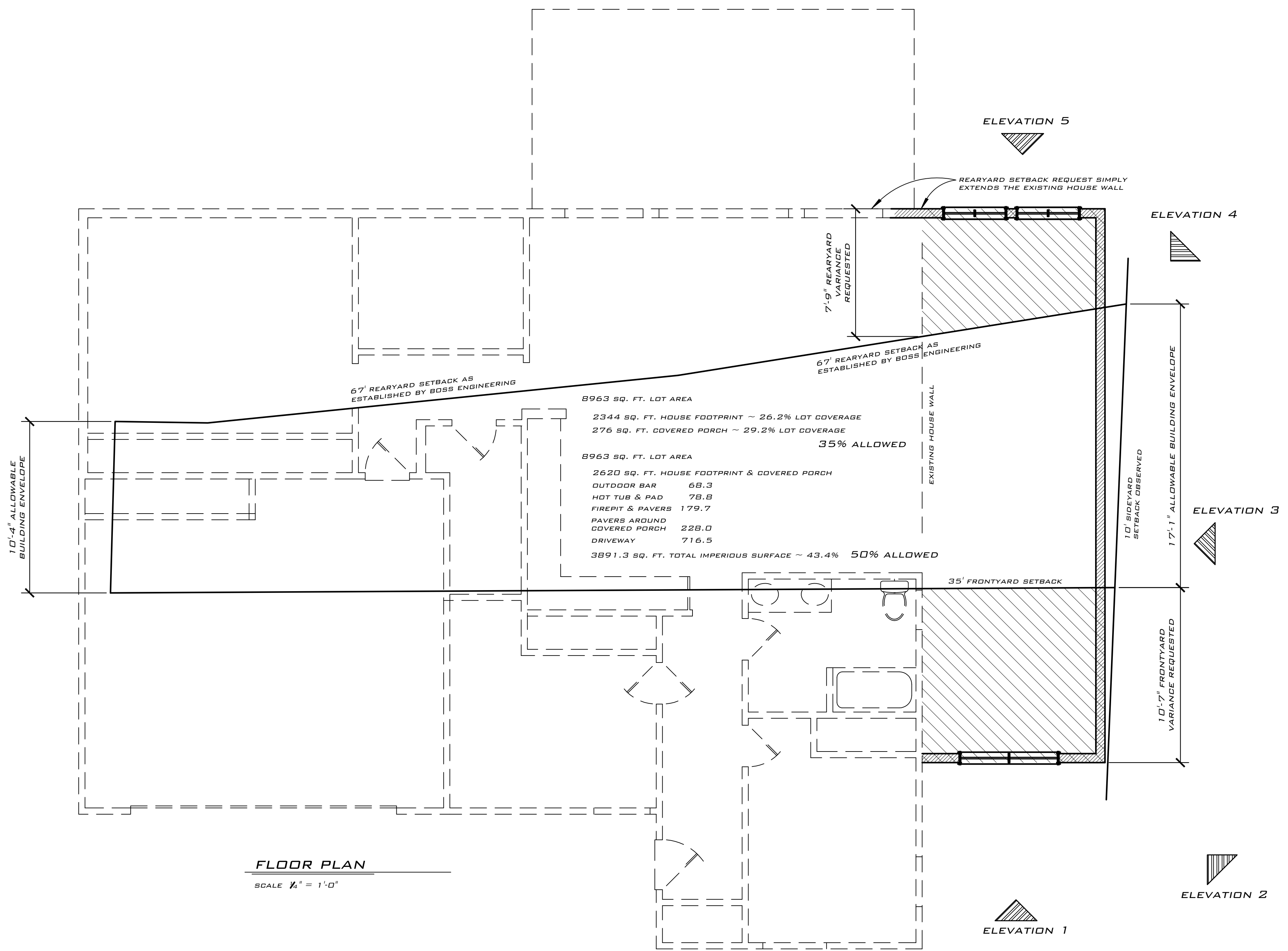
elevation 4





13'-5" bldg. ht.

elevation 5



PARKKILA  
RESIDENCE



Residential  
Design

DENNIS DINSER

7091 Augustine Court  
Fenton, MI 48430

517-540-9960

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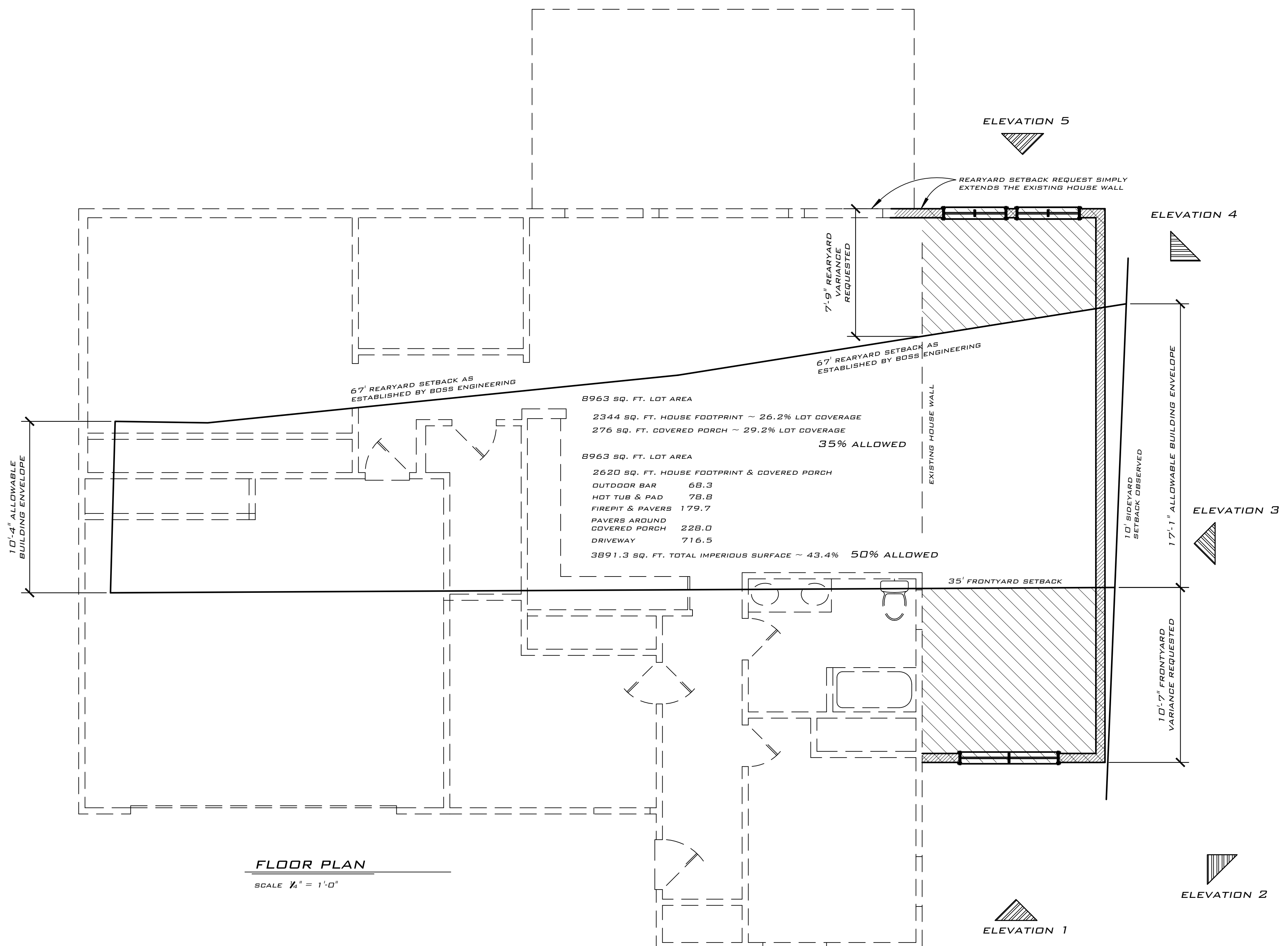
DATE

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2 of 2

PROJECT NUMBER

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PARKKILA  
RESIDENCE



Residential  
Design

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7091 Augustine Court  
Fenton, MI 48430

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DATE

SHEET NUMBER

2 of 2

PROJECT NUMBER

220000

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.											
RUTHIG COREY M & KARI R	BITTNER BRITTANY & PARKKII	480,000	09/01/2020	WD	03-ARM'S LENGTH	2020R-030315	BUYER/SELLER	100.0											
STAMBERSKY, LINDA M.	RUTHIG COREY M & KARI R	311,500	01/21/2016	WD	03-ARM'S LENGTH	2016R-002976	BUYER/SELLER	100.0											
STAMBERSKY, LINDA M.		0	10/08/1996	WD	16-LC PAYOFF	2105-0528	BUYER/SELLER	0.0											
WAGNER		0	08/29/1995	LC	04-BUYERS INTEREST IN A L	1961-0241	BUYER/SELLER	0.0											
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status									
1776 S HUGHES RD		School: HOWELL PUBLIC SCHOOLS		RES MISCEL		04/24/2017		P17-059	NO START										
Owner's Name/Address		P.R.E. 100% 10/09/2020		RES MISCEL		02/22/2016		W16-031	NO START										
BITTNER BROOKE E & PARKKILA JEFFREY 1776 S HUGHES RD BRIGHTON MI 48114-9333		MAP #: V23-05		2023 Est TCV Tentative															
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4300.LAKE CHEMUNG													
SEC. 11 T2N, R5E, SUPERVISOR'S PLAT OF BEACON SHORES NO. 2 LOT 34 AND N 1/2 OF LOT 35		Public Improvements		* Factors *															
Comments/Influences		Dirt Road		Description		Frontage		Depth		Front		Depth		Rate %Adj.		Reason		Value	
		Gravel Road		B LAKE FRONT		40.00		98.00		1.0000		1.0000		3000 100				120,000	
		Paved Road		G SURPLUS LF		35.00		98.00		1.0000		1.0000		1500 100				52,500	
		Storm Sewer		75 Actual Front Feet, 0.17 Total Acres										Total Est. Land Value =				172,500	
		Sidewalk		Land Improvement Cost Estimates															
		Water		Description		Rate		Size		% Good		Cash Value							
		Sewer		D/W/P: 3.5 Concrete		6.44		108		49		341							
		Electric		D/W/P: 3.5 Concrete		6.44		276		49		871							
		Gas		Wood Frame/Conc.		33.85		120		50		2,031							
		Curb		Total Estimated Land Improvements True Cash Value =								3,243							
		Street Lights																	
		Standard Utilities																	
		Underground Utils.																	
		Topography of Site																	
		Level																	
		Rolling																	
		Low																	
		High																	
		Landscaped																	
		Swamp																	
		Wooded																	
		Pond																	
		Waterfront																	
		Ravine																	
		Wetland																	
		Flood Plain																	
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value									
		Who	When	What	2023	Tentative	Tentative	Tentative			Tentative								
		JB	10/19/2020	SALES REVI	2022	89,000	146,200	235,200			235,200S								
		JB	09/27/2017	INSPECTED	2021	87,500	142,700	230,200			230,200S								
		CG	06/07/2016	REVIEWED R	2020	82,500	142,200	224,700			178,389C								

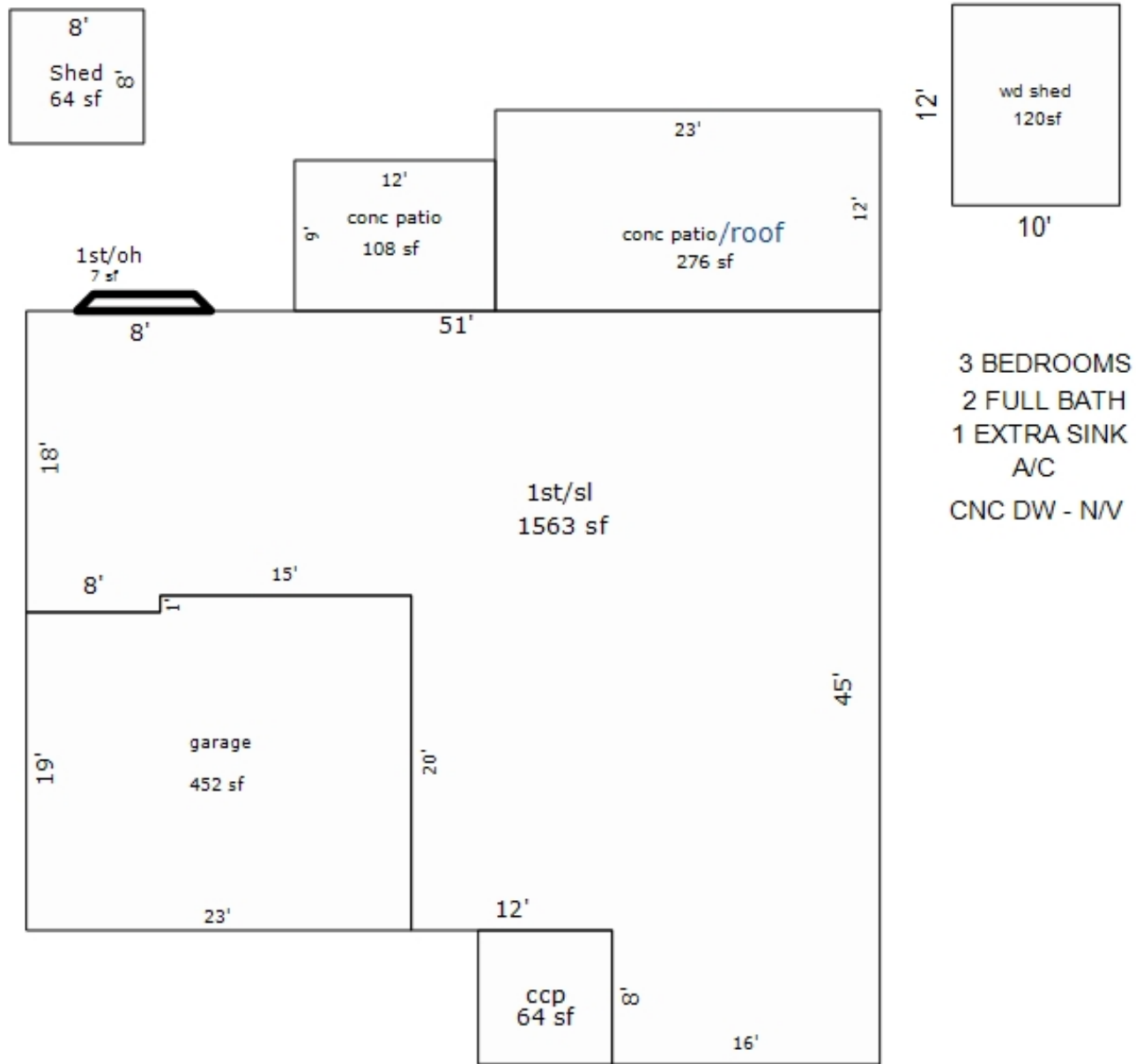


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

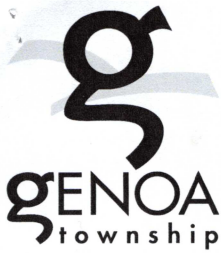
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 1 Direct-Vented Gas	Area 64 276	Type CCP (1 Story) Roof Cover Onl	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 2 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 452 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame	(4) Interior		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			X			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Building Style: C		Drywall Paneled	Plaster Wood T&G	Trim & Decoration			X			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Yr Built 1972	Remodeled 2016	Ex	X	Ord		Min	Size of Closets			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Condition: Good		Lg	X	Ord		Small	Central Air Wood Furnace			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Room List		Doors:		Solid	X	H.C.	(5) Floors			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
	Basement 1st Floor 2nd Floor 3 Bedrooms	(5) Floors		(12) Electric			0 Amps Service			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
(1) Exterior		Kitchen: Other: Other:		No./Qual. of Fixtures			No. of Elec. Outlets			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
	Wood/Shingle X Aluminum/Vinyl Brick  Insulation	(6) Ceilings		Ex. X Ord. Min			Many X Ave. Few			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
(2) Windows		(7) Excavation		(13) Plumbing			Average Fixture(s)			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 0 S.F. Slab: 1563 S.F. Height to Joists: 0.0			2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 2 Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement		(14) Water/Sewer			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
(3) Roof		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		Lump Sum Items:			Notes:			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
X	Gable Hip Flat		Gambrel Mansard Shed	(9) Basement Finish			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
X	Asphalt Shingle	(10) Floor Support		Joists: Unsupported Len: Cntr.Sup:			Notes:			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:		Notes:			Notes:			Class: C +5 Effec. Age: 10 Floor Area: 1,570 Total Base New : 246,515 Total Depr Cost: 222,178 Estimated T.C.V: 315,493			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		

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



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



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

Case # 23-06

Meeting Date: Feb 21, 2023 @ 6:30pm

PAID Variance Application Fee

\$215.00 for Residential

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

Applicant/Owner: Yvette Whiteside Email: yvette.kidder@yahoo.com

Property Address: 5780 Glen Echo Dr. Phone: 810-599-1681

Present Zoning: LRR Tax Code: 4711-10-301-098

**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:

- Variance requested/intended property modifications: Add a roof covering to existing Front Porch & Front patio

**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.

There is already a variance on this lot & without a variance it would not be buildable as a residence due to the size of the lot. This variance would provide similar rights to owner as others in the area and is not self-created. There are other homes in the area with reduced setbacks.

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

The exceptional or extraordinary condition of the property is the small and shallow lot size and the need was not self created as it would make things consistent with others.

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.

Covering the porch/patio would not impair supply of light or air to the surrounding properties or increase congestion or increase fire & danger to the public in any way.

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.

It would have little or no impact on ~~the~~ the development, continued use, or value of adjacent properties & surrounding area but would add to the overall appeal of the area.

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: 1/20/23 Signature: [Signature]



February 13, 2023

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

<b>Attention:</b>	Amy Ruthig, Planning Director
<b>Subject:</b>	5780 Glen Echo Drive – Dimensional Variance Review
<b>Location:</b>	5780 Glen Echo Drive – south side of Glen Echo Drive, west of Dorr Road
<b>Zoning:</b>	LRR Lakeshore Resort Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking dimensional variance to expand the existing residence at 5780 Glen Echo Drive.

The existing residence has deficient front and rear yard setbacks. The original residence appears to be nonconforming, though two additions were granted by variance in 2019 and 2021.

The property is also nonconforming due to deficient lot area.

The proposal entails roof extensions over an existing porch and an existing patio, both of which are in the front yard and encroach into the required setback.

In accordance with LRR requirements (Section 3.04.01), dimensional variances are needed for the following:

- A front yard setback of 24’ for a covered porch (where a minimum of 35’ is required); and
- A front yard setback of 14’ for a covered patio (where a minimum of 35’ is required).

## SUMMARY

1. Given the nonconforming conditions of the property and residence, the Board may view strict compliance as unnecessarily burdensome (practical difficulty).
2. Strict compliance cannot be achieved, as the property is only 69’ deep and the combination of front and rear setbacks is 75’ (practical difficulty).
3. There are no compliant alternatives, as the residence cannot be expanded without a variance (practical difficulty/substantial justice).
4. The property is deficient in lot area and relatively shallow in comparison to its width (extraordinary circumstance).
5. Given the nature of the property and project, we do not anticipate issues with the supply of light and air or to traffic and public safety (public safety and welfare).
6. The project is not expected to adversely impact surrounding properties, as the neighborhood includes other residences with deficient front yard setbacks (impact on surrounding neighborhood).
7. The applicant must provide lot coverage calculations demonstrating compliance with both the building and impervious limitations of the LRR District (35%, and 50%, respectively).





*Aerial view of site and surroundings (looking south)*

## **VARIANCE REVIEW**

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

- 1. Practical Difficulty/Substantial Justice.** Variances are not necessary to maintain the existing residence; however, no expansion is allowed without variance(s).

In fact, strict compliance with front and rear yard setbacks would render the property unbuildable. More specifically, the property provides a depth of 69', while the combination of front and rear yard setbacks is 75'.

Given the presence of nonconformities (lot and residence), strict compliance could be viewed as unnecessarily burdensome to the applicant.

- 2. Extraordinary Circumstances.** As previously noted, the property itself is deficient in area from a conventional LRR lot. Additionally, the property is relatively shallow in comparison to its width (100' wide; 69' deep).

These factors, along with Ordinance setback requirements, preclude compliant construction in the front or rear yard.

- 3. Public Safety and Welfare.** The existing residence provides side yard setbacks well in excess of minimum requirements, with no changes proposed to either side.

Given the nature of the proposal (with front yard encroachments), granting of the variances will not impair the supply of light and air to adjacent properties.

Additionally, we have no reason to believe that the project will unreasonably impact traffic or public safety.

- 4. Impact on Surrounding Neighborhood.** The submittal materials note other residences in the neighborhood with deficient front yard setbacks. Review of aerial photos generally supports this statement.

As such, the Board may view the proposal as consistent with the established character of the neighborhood.

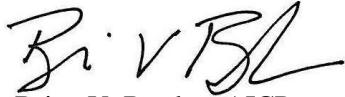
With that being said, we request the applicant provide the Township with lot coverage calculations to help ensure that the property is not being overbuilt.

For the applicant's reference, the LRR District allows a maximum building coverage of 35% and maximum impervious surface coverage of 50%

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

Respectfully,

**SAFE BUILT**

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and cursive.

Brian V. Borden, AICP  
Michigan Planning Manager



Sat Jul 23 2022

Imagery © 2023 Nearmap, HERE

20 ft

nearmap

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 19, 2021 - 6:30 PM  
Via ZOOM**

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:33 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michelle Kreutzberg, Jean Ledford, Craig Fons, and Amy Ruthig, Zoning Official. Absent were Marianne McCreary and Bill Rockwell.

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

**Election of Officers:**

Chairman Rassel noted that there are two Board Members absent today. **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to postpone the Election of Officers until the February 16, 2021 meeting.

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

**Approval of the Agenda:**

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

**Call to the Public:**

The call to the public was made at 6:36 pm with no response.

1. 21-01... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a rear yard setback variance to add an addition to an existing single family home.

Mr. and Mrs. Whiteside were present. Ms. Whiteside stated they would like to build an addition approximately 10 feet from the back of the dwelling. There is already a variance on this lot and without a variance, it would not be buildable as a residence due to the size of the lot. This addition would allow them to store items inside instead of having them outside.

Board Member Kreutzberg asked for details on the addition. Ms. Whiteside stated they will be putting a concrete slab and a lean-to in order to avoid having to add additional trusses and add to the roof line. They would like to keep the existing shed.

Board Member Ledford noted that when the applicant was before the Board previously, they were not the legal owner of the property. Ms. Whiteside said they are now the legal owners.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the neighboring property behind them and there is a lifetime easement for access to this well.

Board Member Fons asked if the addition will be enclosed. Ms. Whiteside stated it would be closed on all sides. It will not be accessible from inside the dwelling. He questioned the stairs shown on the plans. Ms. Whiteside stated the stairs will lead from the addition down to the crawl space.

The call to the public was made at 6:54 pm.

Mr. Alan Walblay of 5741 East Grand River, Howell stated he is not in favor of the new owner encroaching onto his property. Ms. Ruthig explained that the structure would be four feet from the property line on the applicant's property and not encroaching into the public walkway or Mr. Walblay's property. After hearing the clarification, he is in favor of granting the request.

The call to the public was closed at 6:57 pm.

**Moved** by Board Member Kreutzberg, seconded by Board Member to Ledford, to approve Case #21-01 for Yvette Whiteside of 5780 Glen Echo Drive for a rear yard variance of 36 feet for a setback of four feet to build a 10 x 64 addition to an existing structure.

- Strict compliance with the setback would unreasonably prevent or restrict the use of the property or cause it to be unbuildable. This variance would provide substantial justice in granting the applicant similar rights as others in the area and is not self-created. There are other homes in the area with reduced rear setbacks.
- The exceptional or extraordinary condition of the property is the small and shallow lot size. The rear lot line of the property is bordered by a six-foot platted walkway for the subdivision.
- The granting of the variance will not impair adequate light or air to adjacent properties or increase congestion or increase fire or threaten the public safety, comfort, morals or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. An easement shall be recorded for the use of the well on a separate lot.
2. Structure shall be guttered with downspouts.
3. Parking must be maintained on the lot and shall not impede the access to the sewer pump station.

4. Applicant should verify that if the current well fails, there is room on the lot to install a new well meeting the required setbacks from the sewer required by the Livingston County Environmental Health Dept.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the December 15, 2020 Zoning Board of Appeals meetings.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve the minutes of the December 15, 2020 ZBA meeting as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be a meeting in February and there will be at least two items on the agenda.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 7:04 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

1. 19-25... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a variance to construct a deck in the front yard and front and rear yard variances to construct a second-story addition.

Ms. Whiteside and Mr. John Liogas were present. Ms. Whiteside stated that the existing structure is already non-conforming. They are wishing to add a second story, a deck under the second story and a porch on the front of the home. There is currently a 4x4 stoop on the front of the home and that will be expanded to a larger porch. The second story will not be larger than the first story, except for the deck. The deck will also be used as a carport. She believes remodeling this home would be a benefit to the neighborhood and the community. Most of the homes in the area are two stories and have decks. It is not beyond what is already existing in the neighborhood.

It was noted that the applicant is not the owner of the property. Staff did receive an email authorizing the applicants to apply for the variance; however, it was not sent by the property owner. Staff will verify that the sender of the email has the right to grant the applicant permission to apply for the variances.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the property to the rear of hers. There is a legal easement on file for this.

Board Member Ledford questioned if the shed will be removed. Ms. Whiteside stated the shed will remain.

Vice- Chairman McCreary is concerned with the proposed deck on the second story and that it would be used for a carport. The cars will be very close to the road. There is a curve in Glen Echo right at this property. Ms. Whiteside stated the existing two-car garage will remain and that will be used for parking also. She added that they will be expanding the driveway so they can use that area for extra parking.

The call to the public was made at 6:54 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg to approve Case #19--25 for 5780 Glen Echo Drive by applicant Yvette Whiteside and property owner A.V. Doris Life Estate for a front yard variance of 16 feet from the required 35 feet to 19 feet and a rear yard variance of 26 feet from the required 40 feet to 14 feet to construct a second story addition with two covered porches and a 12 x 22 carport with a deck above, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent the use of the property since it would cause the lot to be unbuildable as shown on the submitted

## Zoning Board of Appeals

July 16, 2019 Approved Minutes

site plan. Granting of the variance would offer substantial justice and is necessary for the preservation and enjoyment of property rights similar to that possessed by other properties in the same zoning and vicinity.

- The exceptional or extraordinary condition of the property is the small and shallow lot size. The variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance is not self-created and is least necessary.
- Granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances would not increase the congestion in public streets and increase the danger of fire and public safety.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is based on the following condition:

1. An easement shall be recorded for the use of the well on a separate lot.
2. The applicant shall confirm authorization from the property owner that the applicant can apply for the variances.
3. Additional parking shall be installed east of the existing driveway.
4. The proposed carport shall remain open with no sides

**The motion carried unanimously.**

2. 19-26... A request by Jon and Danielle Wloderczak, 4183 Homestead, for a waterfront variance to enclose an existing deck.

Mr. Wloderczak was present. He stated that due to the location of the existing home and the fact that the lot is only 45 feet wide, there is no other location on his property to build a three-season porch. The previous owner obtained a variance for the existing deck, which is included as part of the main structure. He is proposing to enclose the area under the existing deck. He will not be going out any further. The construction is already underway. He hired a contractor who pulled a deck permit and not a permit to build the enclosure. When the Township went out to do an inspection, they noticed what was being done. This will not restrict the views of the homes on either side of his property. He submitted letters from his two next door neighbors at 4177 Homestead and 4195 Homestead, who are both in favor of granting this request. Both of these homes are further back from the lake than his. There is a similar structure at 4165 Homestead that has an enclosed deck and there is no variance for this on file. This will not impair the light or the views of the lake for any properties in the area.

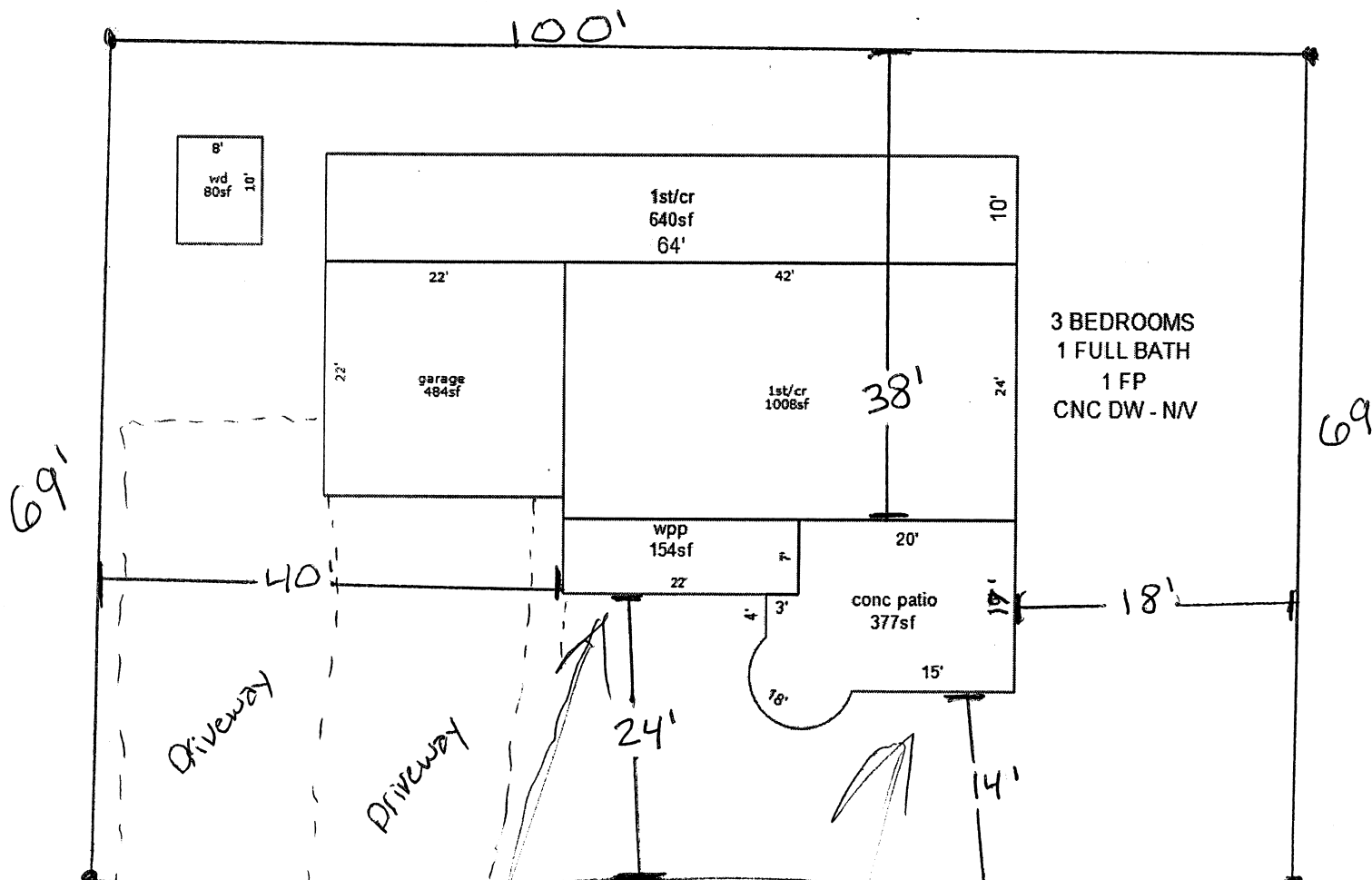
Vice-Chairperson McCreary noted that enclosing this area will bring the home closer to the water and could impede the views of his neighbors. Mr. Wloderczak reviewed



# Site plan

Well Esmt.

Image/Sketch for Parcel: 4711-10-301-098



Disclaimer: BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

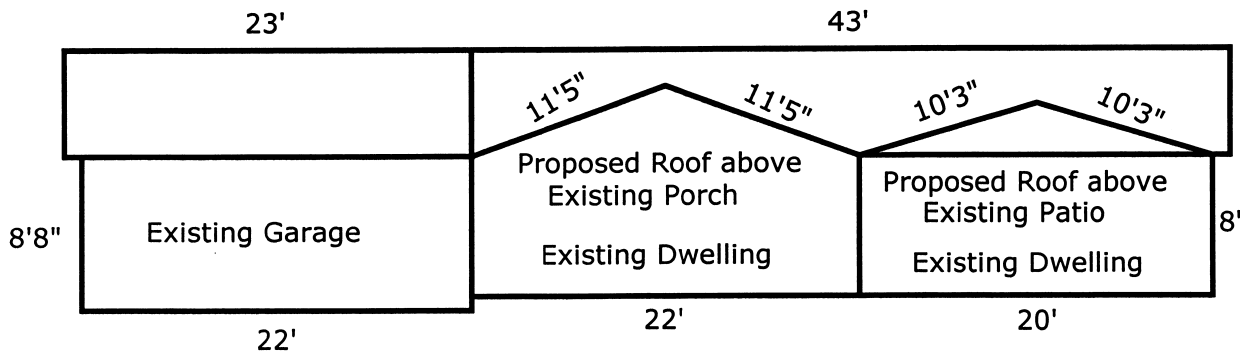
Glen Echo DR. Copyright © 2023 BS&A Software, Inc.

Proposed Roof Above Existing porch & patio

LK Chemung

## Building Sketch (Page - 2)

Borrower			
Property Address 5780 Glen Echo Dr			
City	Howell	County	State MI Zip Code 48843
Lender/Client			



### Front Elevation

TOTAL Sketch by a la mode, Inc.

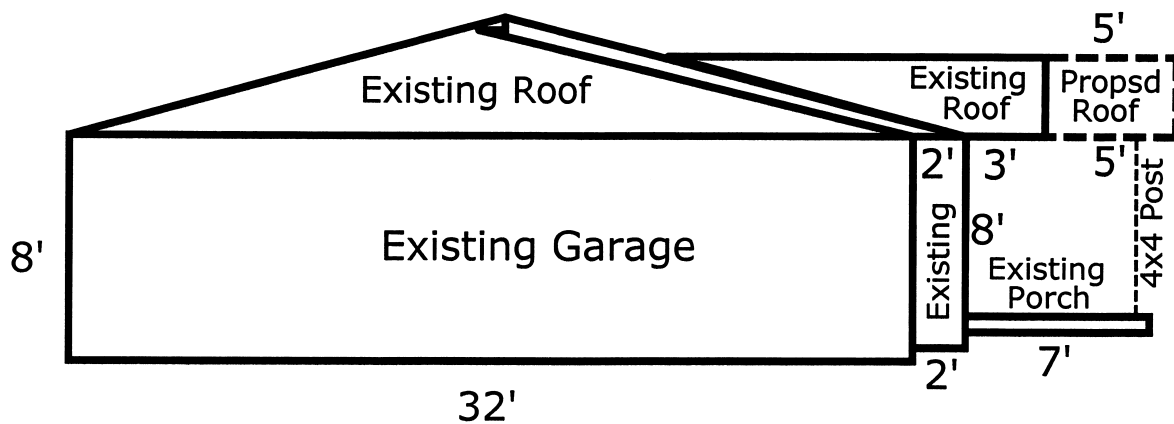
#### Area Calculations Summary

#### Calculation Details

Living Area	220 Sq ft	
Undefined Area		
Main Level	184 Sq ft	
		$22 \times 8 = 176$
		$0.5 \times 22 \times 4 = 44$
		$43 \times 2 = 86$
		$0.5 \times 1 \times 2.75 = 1.38$
		$29.25 \times 1 = 29.25$
		$0.5 \times 18.25 \times 3 = 27.38$
		$0.5 \times 3 \times 10 = 15$

### Building Sketch (Page - 3)

Borrower				
Property Address 5780 Glen Echo Dr				
City	Howell	County	State MI	Zip Code 48843
Lender/Client				



## Left Elevation

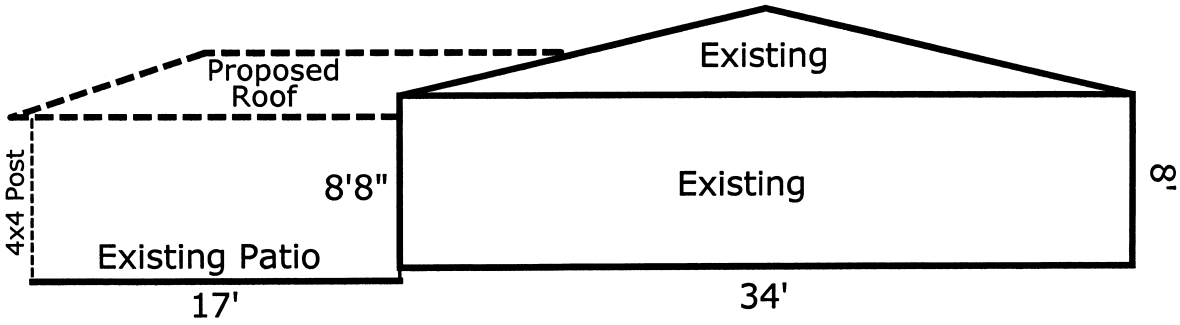
TOTAL Sketch by a la mode, inc.

#### Area Calculations Summary

Living Area	Area Calculations Summary	Calculation Details
Main Level	66.13 Sq ft	$0.83 \times 4 = 3.33$ $0.5 \times 16.5 \times 4 = 33$ $0.5 \times 4 \times 14.67 = 29.33$ $0.5 \times 1.83 \times 0.5 = 0.46$

**Building Sketch (Page - 4)**

Borrower				
Property Address	5780 Glen Echo Dr			
City	Howell	County	State	MI Zip Code 48843
Lender/Client				



**Right Elevation**

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WHITESIDE YVETTE & LIOGAS	WHITESIDE YVETTE	0	08/08/2019	QC	QUIT CLAIM	2019R-020822	BUYER	0.0
AVEY DORIS LIFE ESTATE	WHITESIDE YVETTE & LIOGAS	232,800	07/31/2019	WD	ESTATE	2019R-019861	BUYER	100.0
AVEY DORIS M.	AVEY DORIS LIFE ESTATE	0	03/26/2018	WD	LIFE ESTATE	2018R-009690	BUYER	0.0

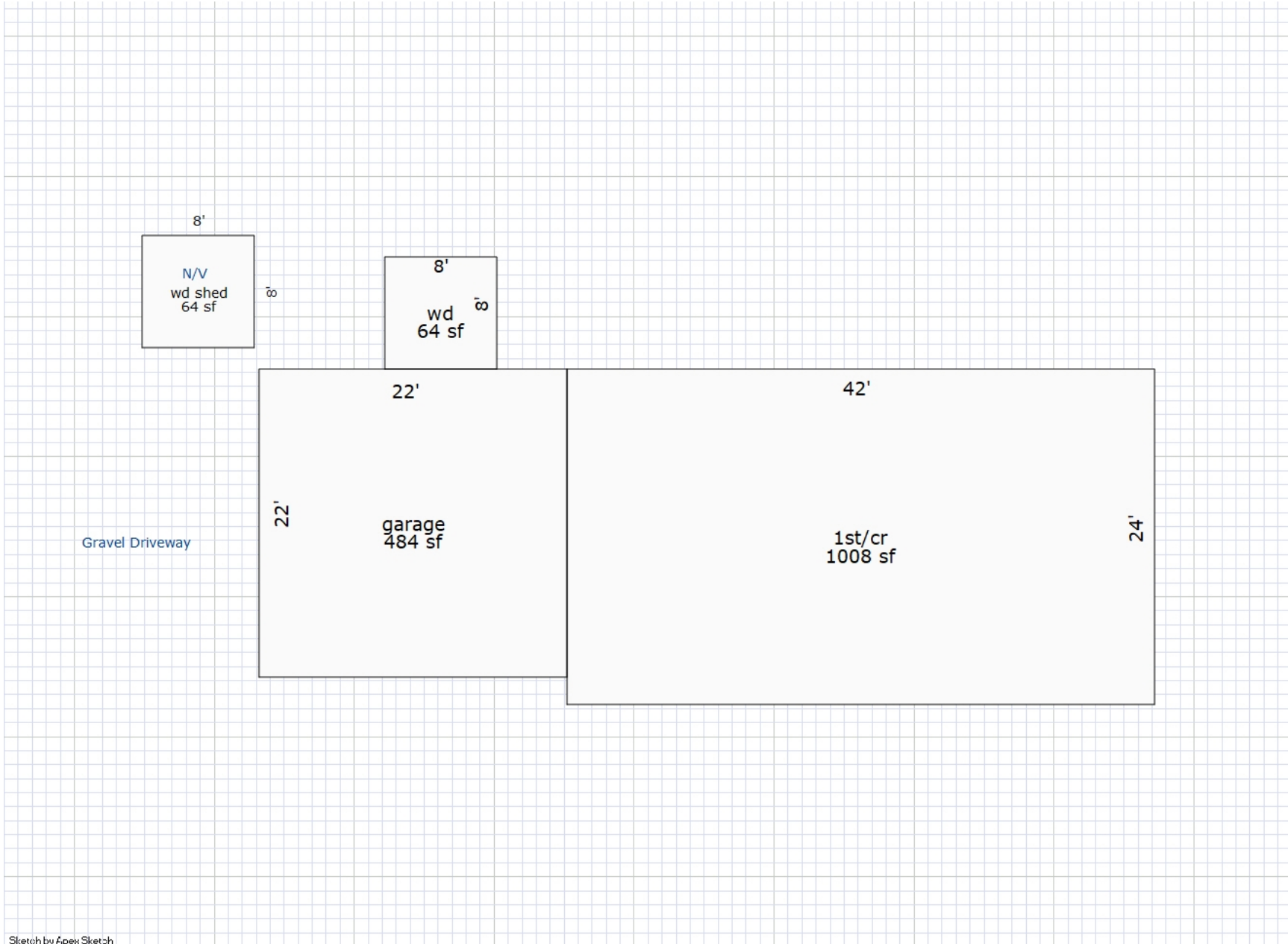
Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status			
5780 GLEN ECHO	School: HOWELL PUBLIC SCHOOLS		Residential Addition	08/28/2019	P19-133				
	P.R.E. 100% 11/15/2019								
Owner's Name/Address	MAP #: V21-01								
WHITESIDE YVETTE 5780 GLEN ECHO HOWELL MI 48843	2021 Est TCV Tentative								
	X Improved	Vacant	Land Value Estimates for Land Table 4301.WEST LAKE CHEMUNG						
	Public Improvements		* Factors *						
			Description	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
			A LV WEST	100.00	69.00	1.0000	1.0000	2000 70	SOIL ISN'T GOOD FOR ADDITIO
			100 Actual Front Feet, 0.16 Total Acres				Total Est. Land Value =	140,000	
Tax Description	X	Dirt Road							
SEC 10 T2N R5E GLEN ECHO, LOTS 98 & 99	X	Gravel Road							
Comments/Influences		Paved Road							
		Storm Sewer							
		Sidewalk							
		Water							
		Sewer							
		Electric							
		Gas							
		Curb							
		Street Lights							
		Standard Utilities							
		Underground Utils.							
		Topography of Site							
		Level							
		Rolling							
		Low							
		High							
		Landscaped							
		Swamp							
		Wooded							
		Pond							
		Waterfront							
		Ravine							
		Wetland							
		Flood Plain							
	X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Who	When	What	2021	Tentative	Tentative	Tentative		Tentative
	JB	10/02/2020	INSPECTED	2020	70,000	79,300	149,300	119,200M	119,200S
	JB	11/05/2019	INSPECTED	2019	100,000	55,400	155,400		84,932C
	JB	08/27/2019	SALES REVI	2018	100,000	49,200	149,200		82,942C



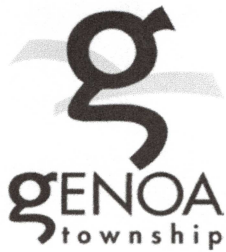
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Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage					
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 64	Type Pine	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 484 % Good: 0 Storage Area: 0 No Conc. Floor: 0				
X	Wood Frame		Drywall Paneled		Plaster Wood T&G	X Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			Class: C Effec. Age: 30 Floor Area: 1,008 Total Base New : 139,176 Total Depr Cost: 97,424 Estimated T.C.V: 120,319			E.C.F. X 1.235		Bsmnt Garage: Carport Area: Roof:						
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Cost Est. for Res. Bldg: 1 Single Family C			Cls C		Blt 1977					
Yr Built 1977	Remodeled 0	Ex	X	Ord	Min	0 Amps Service			No. of Elec. Outlets			Ground Area = 1008 SF Floor Area = 1008 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/100/70								
Condition: Good		Lg	X	Ord	Small	(13) Plumbing			Building Areas			Stories Exterior Foundation Size Cost New Depr. Cost								
Room List		(5) Floors		Kitchen: Other: Other:			No./Qual. of Fixtures			1 Story Siding Crawl Space			1,008							
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(6) Ceilings			Average Fixture(s)			Other Additions/Adjustments			Deck Pine			64 1,344 941				
(1) Exterior		Ex. X Ord. Min		Basement: 0 S.F. Crawl: 1008 S.F. Slab: 0 S.F. Height to Joists: 0.0			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 484 18,310 Common Wall: 1 Wall 1 -2,228 -1,560 Water/Sewer Public Sewer 1 1,240 868 Water Well, 200 Feet 1 8,914 6,240			Totals: 139,176 97,424							
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		(8) Basement			(14) Water/Sewer			Notes:			ECF (4301 W. LK CHEMUNG NON LK FRONT) 1.235 => TCV: 120,319							
	Insulation	Basement: 0 S.F. Crawl: 1008 S.F. Slab: 0 S.F. Height to Joists: 0.0		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic													
(2) Windows		Many Avg. Few	X	Large Avg. Small	(9) Basement Finish			Lump Sum Items:												
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Recreation SF Living SF Walkout Doors No Floor SF		(10) Floor Support																
(3) Roof		Gable Hip Flat		Gambrel Mansard Shed		Joists: Unsupported Len: Cntr.Sup:														
X	Asphalt Shingle	Chimney: Brick																		

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



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



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

Case # 23-07

Meeting Date: Feb 21, 2023 @ 6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: Derek MacCallum Email: dmac75287@gmail.com

Property Address: 7901 Birkenstock Dr. Brighton 48114 Phone: 214-566-0656

Present Zoning: LDR Tax Code: 11-12-402-035

**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:** \_\_\_\_\_

I am writing to seek a pool & fence height variance for our single-family home at 7901 Birkenstock Dr, Brighton (LOT 35).

Pool: 45' distance to water's edge from street lot ling and 40' distance to fence from street lot line.

Fence: Asking for a 48" fence height to satisfy pool requirements.

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.

Placement of the septic field is located in the center left of our backyard, therefore forcing the pool/fence to be built off-centered and extending past the 50' Setback line

Other Lots in the Subdivision extend past the established Setback Lines:

1965 Claiborne Dr, Brighton, MI & 7828 Spring Trace Rd. Brighton MI

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.

Septic Field Location

Variance was not self-created by the applicant.

Placement of the pool/fence is the only location we could place the pool/fence. All other alternatives have been exhausted

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.

Correct, the approval of the variance will not be an issue.

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.

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

**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: \_\_\_\_\_ Signature: \_\_\_\_\_



February 13, 2023

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

<b>Attention:</b>	Amy Ruthig, Planning Director
<b>Subject:</b>	7901 Birkenstock Drive – Dimensional Variance Review
<b>Location:</b>	7901 Birkenstock Drive – northwest corner of Birkenstock Drive and Windhaven Lane
<b>Zoning:</b>	LDR Low Density Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking dimensional variance to construct a pool for the existing residence at 7901 Birkenstock Drive.

The existing residence and property comply with the dimensional requirements for the LDR District.

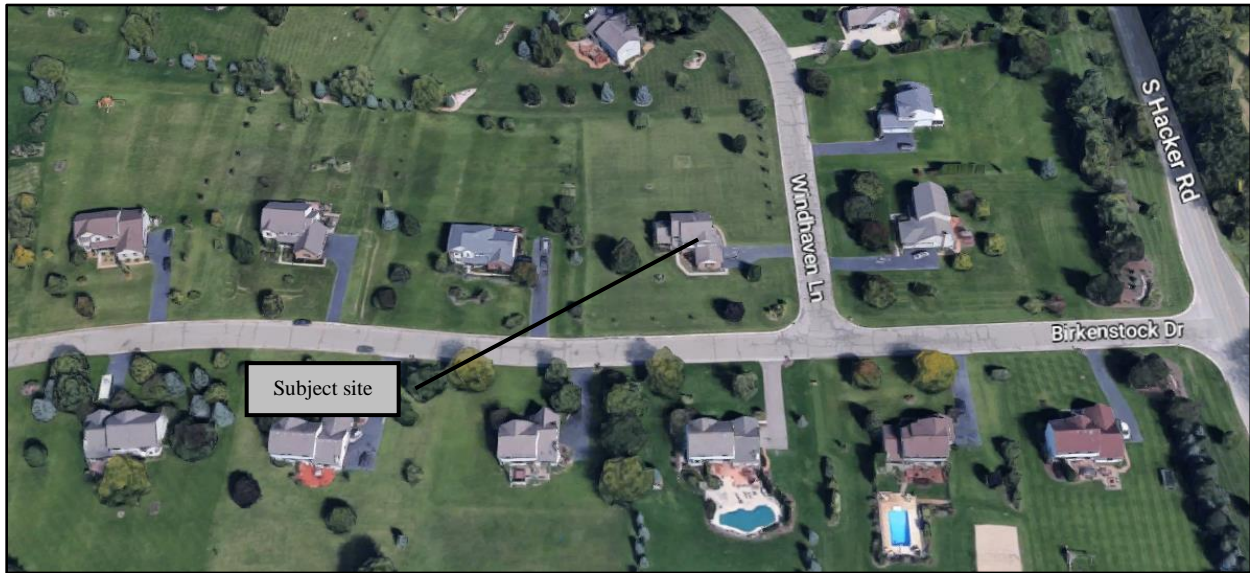
The proposal entails a new pool and fence enclosure that encroaches into the Windham Lane front yard. The fencing proposed has a height of 48” (as required for pools), which exceeds the allowable height for fencing in a front yard.

In accordance with Sections 11.04.03(b) and (c), dimensional variances are needed for the following:

- A pool and enclosure partially in the front yard (where such structures are not permitted); and
- A fence with a height of 48” in the front yard (where such structures are limited to a maximum of 36”).

**SUMMARY**

1. The location of the septic field presents difficulty for compliance with pool regulations (practical difficulty).
2. We request the applicant explain to the Board why the size/shape of the pool cannot be altered in an attempt to gain compliance (substantial justice).
3. Depending on the reasonableness of an alternative pool design, the Board could view strict compliance as unnecessarily burdensome (practical difficulty).
4. While it certainly creates difficulty, the location of a septic field is not necessarily a unique property condition (extraordinary circumstance).
5. Given the nature of the project, we do not foresee issues with the supply of light and air or to traffic and public safety (public safety and welfare).
6. If the Board considers favorable action, we suggest a condition that the applicant install landscape screening to reduce the impacts of the front yard encroachment (impact on surrounding neighborhood).



*Aerial view of site and surroundings (looking north)*

## **VARIANCE REVIEW**

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

- 1. Practical Difficulty/Substantial Justice.** Variances are not necessary to maintain the existing residence; however, the location of the septic field does make pool location difficult.

Alternatives include relocation immediately west of the residence or in the northwest corner of the property. We request the applicant explain to the Board why such options are unreasonable.

Additionally, we request the applicant explain to the Board why the size/shape of the pool cannot be altered in an attempt to gain compliance (or greater compliance).

If the Board finds these alternatives unreasonable, they may view strict compliance as unnecessarily burdensome to the applicant.

- 2. Extraordinary Circumstances.** While it is not necessarily a unique property condition, the location of the septic field does create difficulty for pool placement.

However, as noted above, alternatives should be explored prior to granting of variances.

- 3. Public Safety and Welfare.** Given the nature of the proposal, granting of the variances will not impair the supply of light and air to adjacent properties.

Furthermore, the granting of the variances will not unreasonably impact traffic or public safety.

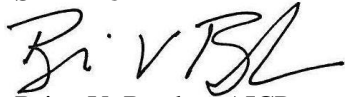
- 4. Impact on Surrounding Neighborhood.** Based on review of aerial photos, there are other residences with pools in this neighborhood. However, none appear to encroach into a front yard.

If the Board is amenable to granting the variances based on practical difficulty and substantial justice, we suggest a condition that landscape screening be provided to soften the visual impacts of the front yard encroachment.

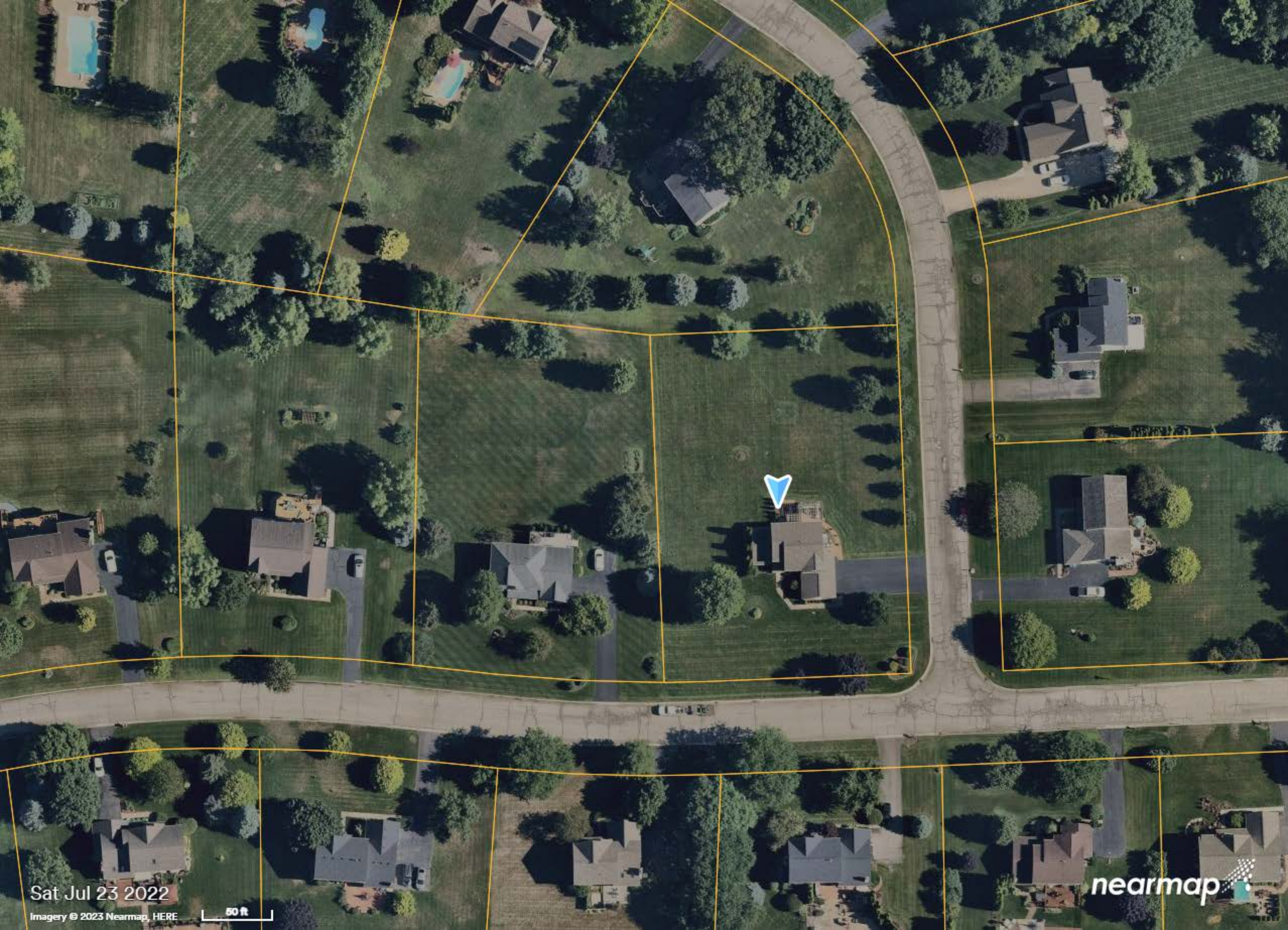
Genoa Township ZBA  
**7901 Birkenstock Drive**  
Dimensional Variance Review  
Page 3

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

Respectfully,  
**SAFEBUILT**

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and cursive.

Brian V. Borden, AICP  
Michigan Planning Manager



Sat Jul 23 2022

Imagery © 2023 Nearmap, HERE

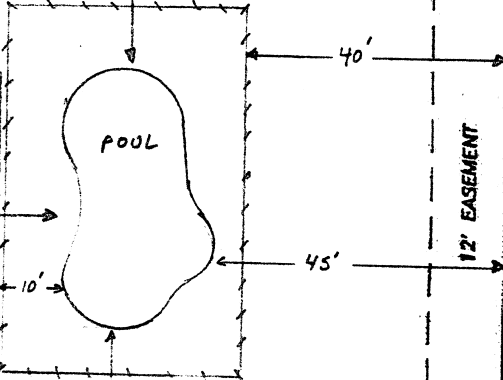
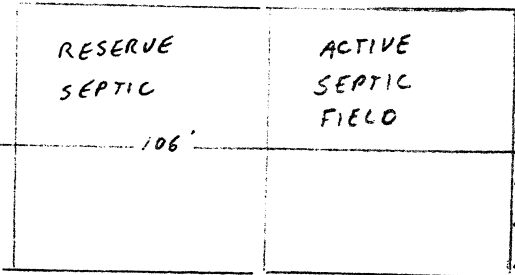


REC. 177.29

15' EASEMENT

**LOT 35**

48" Fence

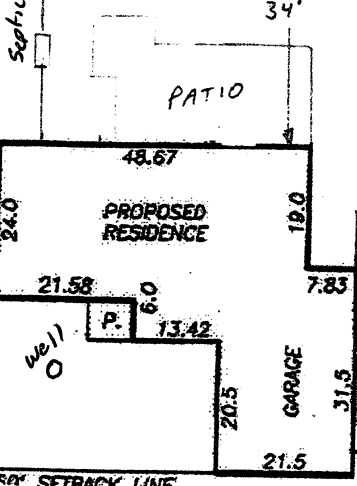


REC. 248.54

REC. 269.93

Windhaven

70.79



DEREK & LINDSEY  
 MacCALLUM  
 7901 BIRKENSTOCK DR  
 BRIGHTON M148114

60' SETBACK LINE

PROPOSED WELL  
 30' MINIMUM  
 TO SEPTIC FIELD

12' EASEMENT

ARC 31.40

REC. 145.90

← Birkenstock Drive →

7901

**BIRKENSTOCK DRIVE (66' R.O.W.)**

36

**STEEL WALL POOL SYSTEM**

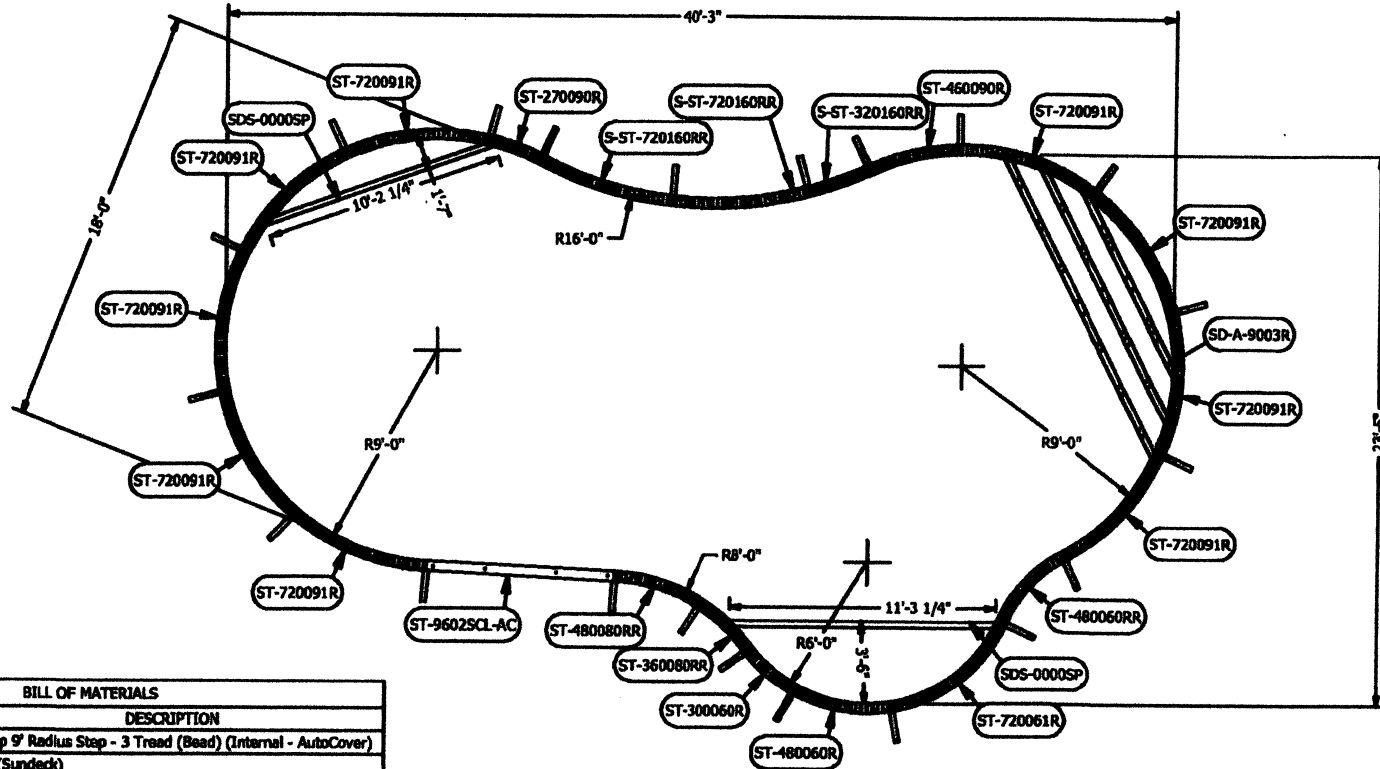
**23'-5" X 40'-3" FREE-FORM**

DWG #: GS-21368    DATE: 12/16/2022    REV: -    PAGE 1 OF 5  
 AREA (SqFt): 680    PERIMETER: 107'    EST. VOL (US Gal): 23,460

CUSTOMER: 3R POOLS INC. - SOUTH LYON  
 TAG: MACALLUM

\*THIS DRAWING REPRESENTS CUSTOMER SPECIFICATIONS.  
 \*YOUR SIGNATURE ACKNOWLEDGES ACCEPTANCE.

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_



**BILL OF MATERIALS**


QTY	PART NUMBER	DESCRIPTION
1	SD-A-9003R	Std Stp 9" Radius Step - 3 Tread (Bead) (Internal - AutoCover)
1	SDS-0000SP	TBD (Sundeck)
1	SDS-0000SP	TBD (Bench)
1	S-ST-320160RR	Std Prl 32" x 16'R Reverse
2	S-ST-720160RR	Std Prl 72" x 16'R Reverse
1	ST-9602SCL-AC	Std Prl 96"x42" - Skim Cntr (1085) (Auto Cover-1.125) 2 Rib
1	ST-270090R	Std Prl 27" x 9'R
1	ST-300060R	Std Prl 30" x 6'R
1	ST-360080RR	Std Prl 36" x 8'R Reverse
1	ST-460090R	Std Prl 46" x 9'R
1	ST-480060R	Std Prl 48" x 6'R
1	ST-480060RR	Std Prl 48" x 6'R Reverse
1	ST-480080RR	Std Prl 48" x 8'R Reverse
1	ST-720061R	Std Prl 72" x 6'R - 1 Rib
9	ST-720091R	Std Prl 72" x 9'R - 1 Rib

**BRACE / HARDWARE OPTIONS**

QTY	PART NUMBER	DESCRIPTION
21	ST-1002CCB	Std Brc C-Channel Tumbuckle Brace + Drive Stake
36	ST-1006DS	Std Brc Deck Support
1	HW-2002	Hdw Steel/Rnd Kit
1	HW-2013	Hdw Steel Add-on Kit (3/8" Bolts-100, 3/8" Nuts-100)

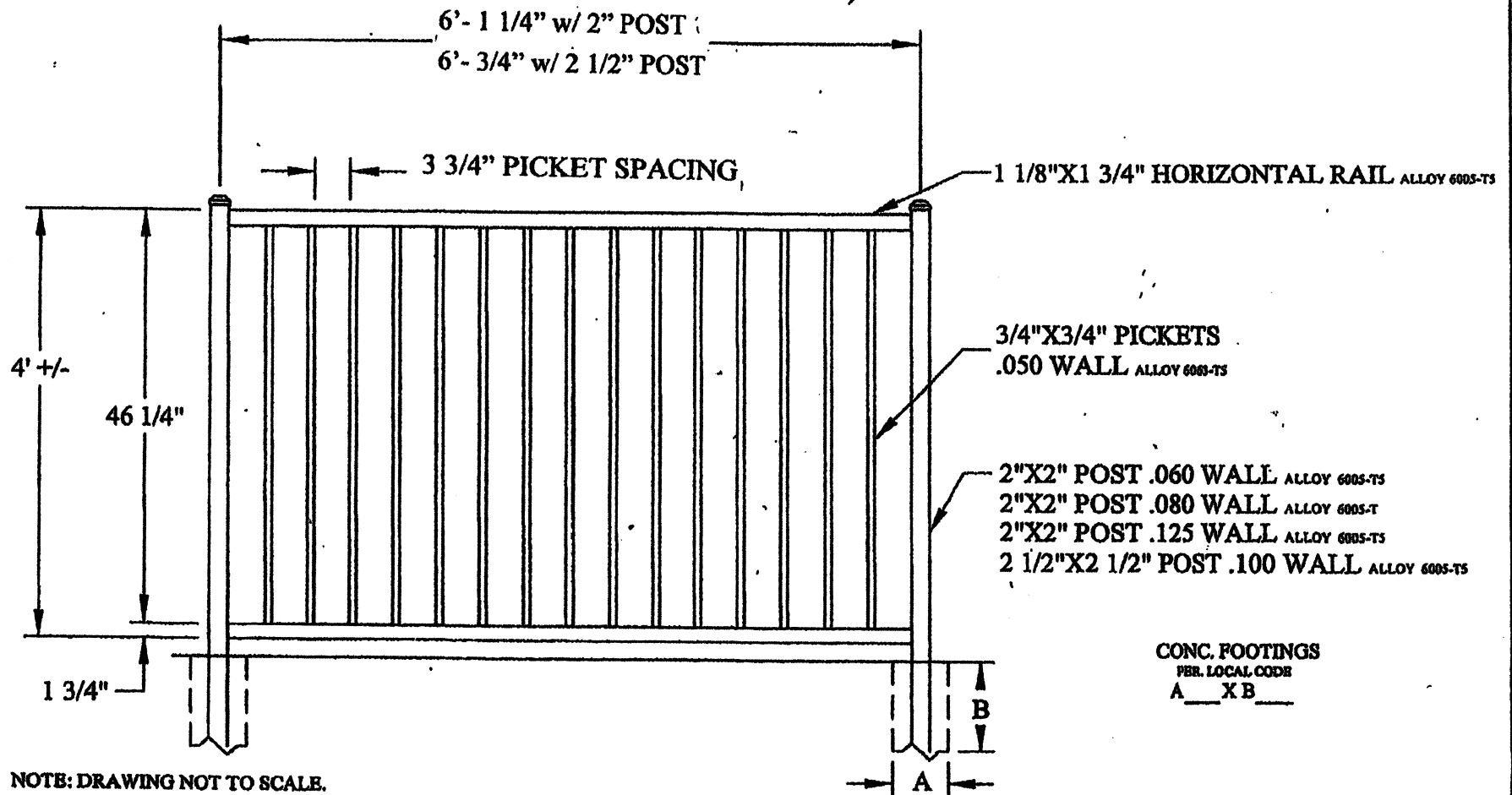
**COPING**

QTY	PART NUMBER	DESCRIPTION
1	HW-2018	Hdw Auto-Cover, No-Diving Platz(7/Bag)

**NO DIVING**   
 Signage must be permanently attached around the perimeter of the pool.

**THIS DOCUMENT IS FOR ILLUSTRATIVE PURPOSES ONLY.**  
 Only Alpha Pool Products make only those representations which are stated in its written warranty. Any other representations, statements, or contracts made by the dealer/contractor to the customer regarding any components produced by Only Alpha Pool Products are attributable to the dealer/contractor only. The dealer or contractor who sells or installs your pool is an independent contractor and is not an agent or employee of Only Alpha Pool Products. The construction methods illustrated here are suggestions and apply only to normal ground conditions. There may be additional precautions and/or methods of construction. The responsibility is to the contractor's. -A safety line, with buoys, is to be permanently situated 1'-0" to the shallow side of the point of that slope change. -Different methods and precautions may be dictated by various ground conditions. This is to be determined by and is the responsibility of the contractor who is not an agent of the manufacturer of the component parts. -Installation is to be done in accordance with all federal, state and local building codes, as well as A.N.S.I./I.S.P.I. suggested standards. -BOTTOM SPECIFICATIONS MUST MEET OR EXCEED A.N.S.I./I.S.P.I./A.P.S.P. RECOMMENDED STANDARDS -NO DIVING! Signage must be permanently attached to the entire perimeter of the pool. See instructions with signage. -IT IS RECOMMENDED TO NOT INSTALL DIVING BOARDS AND/OR BLEEDING EQUIPMENT ON RESIDENTIAL POOLS. If diving boards and/or sliding equipment is installed by the contractor, such diving boards and sliding equipment MUST BE INSTALLED WITHIN THE GUIDELINES ESTABLISHED BY ANSI/NSFP/ASFA RECOMMENDED STANDARDS, AND IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL CODES AND REGULATIONS.

Only  
**Alpha**  
 Pool Products



<b>LIFEGARD</b> COMMERCIAL	COLOR	PROJECT	OWNER/CONTRACTOR	DATE



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SAUNDERS TERRANCE	MACCALLUM DEREK	309,900	07/02/2018	WD	03-ARM'S LENGTH	2018R-018388	BUYER/SELLER	100.0
DEBAKER LAWRENCE E & DEANN	SAUNDERS TERRANCE	289,900	03/06/2017	WD	03-ARM'S LENGTH	2017R-007561	BUYER/SELLER	100.0
CHASE HOME FINANCE LLC	DEBAKER LAWRENCE E & DEANN	180,000	01/06/2012	WD	10-FORECLOSURE	2012R-002696	BUYER/SELLER	100.0
COLESON KENNETH A & DANA M	CHASE HOME FINANCE LLC	182,750	11/12/2010	PTA	10-FORECLOSURE		BUYER/SELLER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LDR	Building Permit(s)	Date	Number	Status
7901 BIRKENSTOCK DR	School: HOWELL PUBLIC SCHOOLS		WOOD DECK	04/07/1998	98-121	NO START
	P.R.E. 100% 07/09/2018		HOME	03/17/1997	97-068	50%
Owner's Name/Address	MAP #: V23-07					
MACCALLUM DEREK 7901 BIRKENSTOCK DR BRIGHTON MI 48114-7322	2023 Est TCV Tentative					

Tax Description	X	Improved		Vacant	Land Value Estimates for Land Table 4029.BIRKENSTOCK FARMS					
		Public	Improvements		Description	Frontage	Depth	Front	Depth	Rate %Adj.
SEC 12 T2N R5E BIRKENSTOCK FARMS LOT 35					<Site Value B> 'B' STANDARD					65,000
Comments/Influences					0.00 Total Acres Total Est. Land Value =					65,000

Comments/Influences	X	Improved		Vacant	Land Improvement Cost Estimates				
		Description	Rate		Size	% Good	Cash Value		
		Dirt Road							
		Gravel Road							
		Paved Road							
		Storm Sewer							
		Sidewalk							
		Water			D/W/P: 3.5 Concrete	8.06	192	50	774
		Sewer			D/W/P: 3.5 Concrete	8.06	64	50	258
		Electric			Total Estimated Land Improvements True Cash Value =				1,032
		Gas							
		Curb							
		Street Lights							
		Standard Utilities							
		Underground Utils.							

Topography of Site	X	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level		2023	Tentative	Tentative	Tentative			Tentative
Rolling		2022	32,500	137,300	169,800			155,300C
Low		2021	32,500	132,800	165,300			150,339C
High		2020	32,500	131,300	163,800			148,264C
Landscaped								
Swamp								
Wooded								
Pond								
Waterfront								
Ravine								
Wetland								
Flood Plain								
REFUSE								

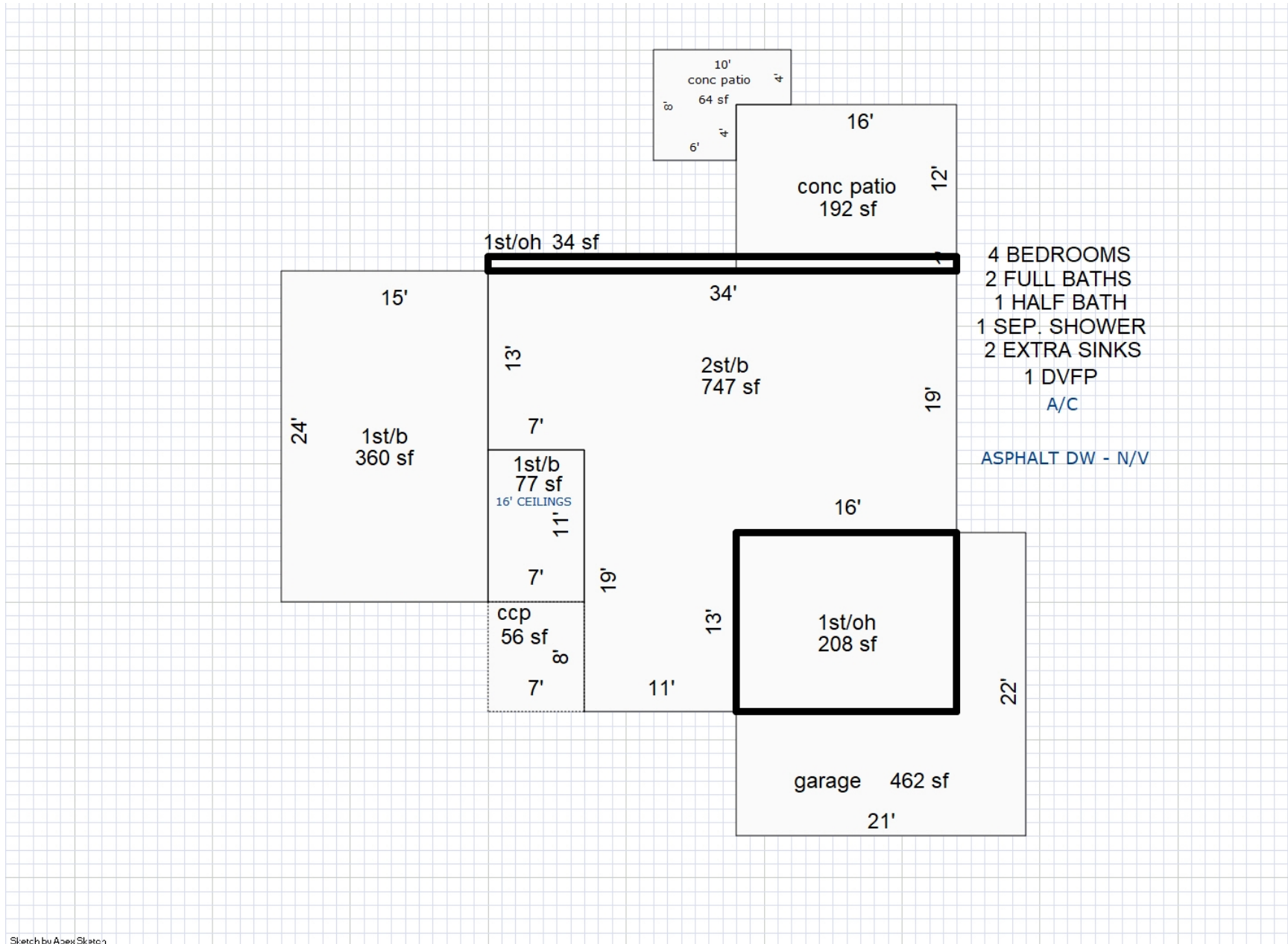


The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage					
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 1 Direct-Vented Gas	Area 56	Type CCP (1 Story)	Year Built: Car Capacity: Class: B Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 462 % Good: 0 Storage Area: 0 No Conc. Floor: 0					
X	Wood Frame	(4) Interior		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: B Effec. Age: 22 Floor Area: 2,173 Total Base New : 557,679 Total Depr Cost: 434,990 Estimated T.C.V: 304,493			E.C.F. X 0.700			Bsmnt Garage: Carport Area: Roof:					
Building Style: B		Trim & Decoration		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family B			Cls B			Blt 1997								
Yr Built 1997	Remodeled 0	Ex	X Ord	Min	X Ex. Ord. Min			Ground Area = 1184 SF Floor Area = 2173 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=78/100/100/100/78			Building Areas										
Condition: Good		Size of Closets		No. of Elec. Outlets			Building Areas			Stories			Size			Cost New			Depr. Cost		
Room List		Doors: Solid X H.C.		(12) Electric			Plumbing			Other Additions/Adjustments			Basement Living Area			Plumbing			Garages		
Basement	1st Floor	(5) Floors		0 Amps Service			Average Fixture(s)			Basement			Plumbing			Garages			Class: B Exterior: Siding Foundation: 42 Inch (Unfinished)		
2nd Floor	4 Bedrooms	Kitchen: Other: Other:		X Ex. Ord. Min			2 3 Fixture Bath			Plumbing			Plumbing			Garages			Base Cost		
(1) Exterior		(6) Ceilings		Many X Ave. Few			1 2 Fixture Bath			Plumbing			Plumbing			Garages			Common Wall: 1 Wall		
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		(13) Plumbing			Softener, Auto			Plumbing			Plumbing			Garages			Fireplaces		
	Insulation	Basement: 1184 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		2 Extra Sink			Softener, Manual			Plumbing			Plumbing			Garages			Direct-Vented Gas		
(2) Windows		(8) Basement		2 Extra Sink			Solar Water Heat			Plumbing			Plumbing			Garages			<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>		
X	Many Avg. Few	X	Large Avg. Small	1 Separate Shower			No Plumbing			Plumbing			Plumbing			Garages					
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish		1 Separate Shower			Extra Toilet			Plumbing			Plumbing			Garages					
(3) Roof		Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)		Ceramic Tile Floor			No Plumbing			Plumbing			Plumbing			Garages					
X	Gable Hip Flat		Gambrel Mansard Shed	Ceramic Tile Wains			Extra Toilet			Plumbing			Plumbing			Garages					
X	Asphalt Shingle	(10) Floor Support		Ceramic Tub Alcove			Extra Toilet			Plumbing			Plumbing			Garages					
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:		Vent Fan			Solar Water Heat			Plumbing			Plumbing			Garages					

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



Sketch by Apex Sketch

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



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

Case # 23-08 Meeting Date: Feb. 21, 2023  
@ 6:30pm  
 PAID Variance Application Fee

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

Applicant/Owner: Jason Jacobs Email: jsj\_24@yahoo.com  
Property Address: 6094 Brighton Road, Brighton, MI 48116 Phone: (810) 599-5664  
Present Zoning: Low Density Residential Tax Code: 4711-35-100-008

**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: \*\* SEE ATTACHED \*\*
- 
- 
- 

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.

**\*\* 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 \*\***

**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: 01/23/2023 Signature: *M.A. [Signature]*

**GENOA CHARTER TOWNSHIP  
VARIANCE APPLICATION**

**Applicant/Owner:** Jason Jacobs  
6094 Brighton Road  
Brighton, MI 48116  
(810) 599-5664  
jsj\_24@yahoo.com

**Present Zoning:** Low Density Residential  
**Parcel Number:** 4711-35-100-008

**Variance requested/intended property modification:**

The intended property modification is a 240 square foot detached accessory building (24 x 10) situated on the northwest corner of Applicant's property with a front setback of approximately seventy-nine (79) feet and a side set back of approximately twenty-two (22) feet.

The detached accessory building is located more than ten (10) feet from the principal building and is constructed for personal storage directly related to Applicant's use and enjoyment of the principal building as a primary family residence. Applicant's lot is approximately 1.03 acres in size and is zoned low density residential.

Applicant is requesting a variance from the following requirements of the Genoa Township Zoning Ordinance:

- A. 11.04.02: Prohibition against detached accessory buildings being erected in a front yard.
- B. 11.04.02(c)(1): Required side setback for a detached accessory building over two hundred (200) square feet in total floor area located on a lot greater than one acre. Specifically, that the detached accessory structure meets the 30-foot side setback requirement for principal buildings under 3.04.01.

**Criteria Applicable to Dimensional Variances:**

- o Practical Difficulty/Substantial Justice

The hilly topography of Applicant's property makes compliance with the strict letter of the ordinance restriction impossible and unreasonably impairs Applicant's use of the property.

Granting of the variance would do substantial justice to Applicant and allow Applicant to have a much-needed accessory building of usable size similar to other homeowners with similar lot dimensions. This would allow Applicant the enjoyment of a substantial property right possessed by other similarly sized properties in the same zoning district of

the subject parcel. Without the variance, due to the hilly nature of the lot, Applicant will be unable to have a shed or an auxiliary storage building suitable for his family's needs.

Applicant's home is built into a significant hill that slopes drastically down from the back of the property to Brighton Road - which serves as Applicant's only access to the property. Applicant has no means of accessing his back yard without traversing the steep incline on either side of the home. Although the home has a lower-level garage, the tri-level construction of the home and diminutive nature of the garage has left Applicant's growing family with limited storage. Applicant has constructed the accessory structure to store household items, yard tools, patio furniture, and children's toys. Given the topography of the property, access from a busy road with limited driveway space, and the location of Applicant's septic field, Applicant does not possess the option to construct an addition to the home or a traditional detached garage. The construction of the accessory building in its current location allows a vehicle to park in the garage and safely/easily load and unload children and household supplies. The accessory building also allows for the orderly and out-of-view storage of normal household items and yard tools to ensure a clean and presentable aesthetic for the property. Additionally, the current location and dimensions of the accessory building allows for vehicles to turn around and safely exit the property in a forward-facing direction.

Simply put, the location and dimensions of the accessory building is the only location that will work with the hilly nature of the property. Applicant has no means of constructing or accessing an accessory building in the back or side yards of the property without significant and cost prohibitive excavation. The requested variance would provide substantial justice to Applicant in his ability to maximize the use and enjoyment of the property for his family.

- Extraordinary Circumstances

There are extraordinary circumstances and conditions surrounding Applicants one-acre lot. Specifically, the topography of the property, the location of the home and septic field on the property, and the position of the driveway on a busy section of Brighton Road makes the property very unique. As such, the current location of the accessory building is the only location that logically allows for a structure to supply additional enclosed space and storage for Applicant's family.

The hilly nature of the property will not allow for an accessory building to be built in either the back yard or side yards of the property. The only "flat" space on Applicant's property is in his limited front yard. Due to the location of Applicant's septic field, the construction of an addition to the home or a traditional detached garage would drastically reduce the size of Applicant's driveway making it very difficult, if not impossible, for vehicles to turnaround and safely exit the driveway in a forward-facing direction. The current location and dimensions of the accessory building allows for a suitable driveway for vehicles to turnaround. Any further reduction of the "flat" area in the front yard or to Applicant's driveway, would cause vehicles leaving the property to back out onto

Brighton Road which is dangerous for the Applicant, his family, guests and the public at large.

Due to the extraordinary nature of the property, Applicant simply has no other location to construct an accessory building.

○ Public Safety and Welfare

Applicant's accessory building, as currently constructed, has no impact on public safety and welfare. It does not impair an adequate supply of light and air to adjacent properties and is constructed a significant distance from any neighboring dwellings. The accessory building is also shielded by trees and shrubbery and is barely visible from the road or surrounding properties. The accessory building is located on a one-acre lot well beyond the front set back requirement and does not increase congestion on public streets/roadways or impact the flow of traffic. The accessory building does not impair the visibility of drivers passing the property or impair the visibility of those entering or exiting the property. Due to its location on a one-acre residential lot, the accessory building will not increase the danger of fire or public safety, or impact the comfort, morals or welfare of the inhabitants of the Township of Genoa.

○ Impact on Surrounding Neighborhood

The location of the accessory building on Applicant's one-acre parcel does not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The accessory building is set back off the road a safe and appropriate distance and is camouflaged by trees and shrubbery a great part of the year. Applicant has constructed the accessory building in a manner that matches the home and aesthetics of the property and significantly increases the value of the home to Applicant, his family, and future homeowners. An increase in the value of Applicant's property is surely a benefit, not a detriment, to surrounding property owners. As a testament to the aesthetically pleasing nature of the accessory building and the lack of impact on surrounding properties, Applicant has attached letters from all of the surrounding property owners – none of which oppose the location or construction of the accessory building.

**Exhibits:**

- 1) **Site/Plot Plan**
- 2) **Architectural Drawing**
- 3) **Letter from David Damusis – 6056 Brighton Road**
- 4) **Letter from Gary Deroche – 6132 Brighton Road**
- 5) **Letter from Polly Staggs – 5130 Old Hickory Drive**
- 6) **Letter from Tom Dutcher – 5015 Timberline Lane**
- 7) **Letter from Celia Pienkosz – 5032 Old Hickory Drive**
- 8) **Photographs of Property and Accessory Building**





February 13, 2023

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

<b>Attention:</b>	Amy Ruthig, Planning Director
<b>Subject:</b>	6094 Brighton Road – Dimensional Variance Review
<b>Location:</b>	6094 Brighton Road – south side of Brighton Road, between Timberline Lane and Old Hickory Drive
<b>Zoning:</b>	LDR Low Density Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking dimensional variance to construct a detached accessory building for the existing residence at 6904 Brighton Road.

The existing residence and property appear to comply with the dimensional requirements of the LDR District.

The proposal entails a 240 square foot detached accessory building located in the front yard.

In accordance with Section 11.04.02, dimensional variances are needed for the following:

- A detached accessory building within the front yard (where such structures are not permitted); and
- A detached accessory building with a 22’ side yard setback (where a minimum setback of 30’ is required).

## SUMMARY

1. Steep topography creates difficulty for strict compliance with accessory building regulations (practical difficulty).
2. Side or rear yard alternatives are not reasonable given the steep slope from rear to front (substantial justice).
3. The Board could view strict compliance as unnecessarily burdensome (practical difficulty).
4. The steep topography from rear to front is a relatively unique property condition that impacts the applicant’s ability to comply with Ordinance requirements (extraordinary circumstance).
5. Given the nature of the project and property, we do not anticipate issues with the supply of light and air or to traffic and public safety (public safety and welfare).
6. If the Board considers favorable action, we suggest a condition that the applicant must maintain (or even supplement) the existing vegetative screening to reduce impacts of the front yard placement and side yard setback encroachment (impact on surrounding neighborhood).



*Aerial view of site and surroundings (looking north)*

## **VARIANCE REVIEW**

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

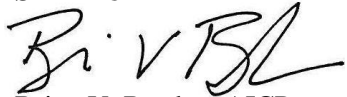
- 1. Practical Difficulty/Substantial Justice.** Variances are not necessary to maintain the existing residence; however, site topography does create difficulty for locating a detached accessory building.  
  
Side or rear yard placement would be the typical alternatives, but the site's topography will not allow such placement without significant grading.  
  
Additionally, the proposed location is adjacent to a septic field, which sits between the driveway and west side lot line and precludes a compliant side yard setback in this area of the property.  
  
Based on these conditions, the Board could view strict compliance as unnecessarily burdensome to the applicant.
- 2. Extraordinary Circumstances.** The steep topography of the site from rear to front (south to north towards Brighton Road) restricts the owner's ability to locate a detached accessory building, and is a relatively unusual property condition.
- 3. Public Safety and Welfare.** Given the nature of the proposal and the surrounding area, granting of the variances will not impair the supply of light and air to adjacent properties, nor will it unreasonably impact traffic or public safety.
- 4. Impact on Surrounding Neighborhood.** Based on the photos included with the submittal, the combination of setback from the roadway and presence of existing vegetation will greatly limit views of the accessory building.

If the Board considers favorable action, we suggest a condition that existing vegetative screening must be maintained (and/or supplemented) to help mitigate impacts of front yard placement and reduced side yard setback.

Genoa Township ZBA  
**6094 Brighton Road**  
Dimensional Variance Review  
Page 3

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

Respectfully,  
**SAFEBUILT**

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and fluid, with the first letters of each name being prominent.

Brian V. Borden, AICP  
Michigan Planning Manager



Sat Jul 23 2022

Imagery © 2023 Nearmap, HERE

20 ft

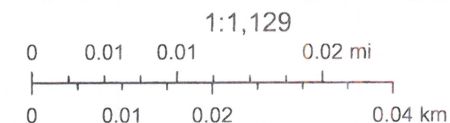
**nearmap** 

# Livingston County GIS Map



12/12/2022, 1:31:51 PM

- |                           |                    |             |              |
|---------------------------|--------------------|-------------|--------------|
| Tax Parcel                | Roads              | State Route | PLSS Section |
| Parcel Dimensions         | Interstate Highway | Major Road  | Municipality |
| Subdivision / Condominium | U.S. Highway       | Minor Road  |              |



SEMCOG, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, Livingston County IT/GIS

Livingston County IT/GIS

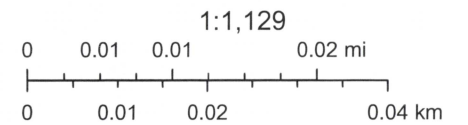
Map information depicted is not intended to replace or substitute for any official or primary source. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.

# Livingston County GIS Map



12/12/2022, 1:31:51 PM

- |                           |                    |             |              |
|---------------------------|--------------------|-------------|--------------|
| Tax Parcel                | Roads              | State Route | PLSS Section |
| Parcel Dimensions         | Interstate Highway | Major Road  | Municipality |
| Subdivision / Condominium | U.S. Highway       | Minor Road  |              |



SEMCOG, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, Livingston County IT/GIS

Livingston County IT/GIS

Map information depicted is not intended to replace or substitute for any official or primary source. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.









































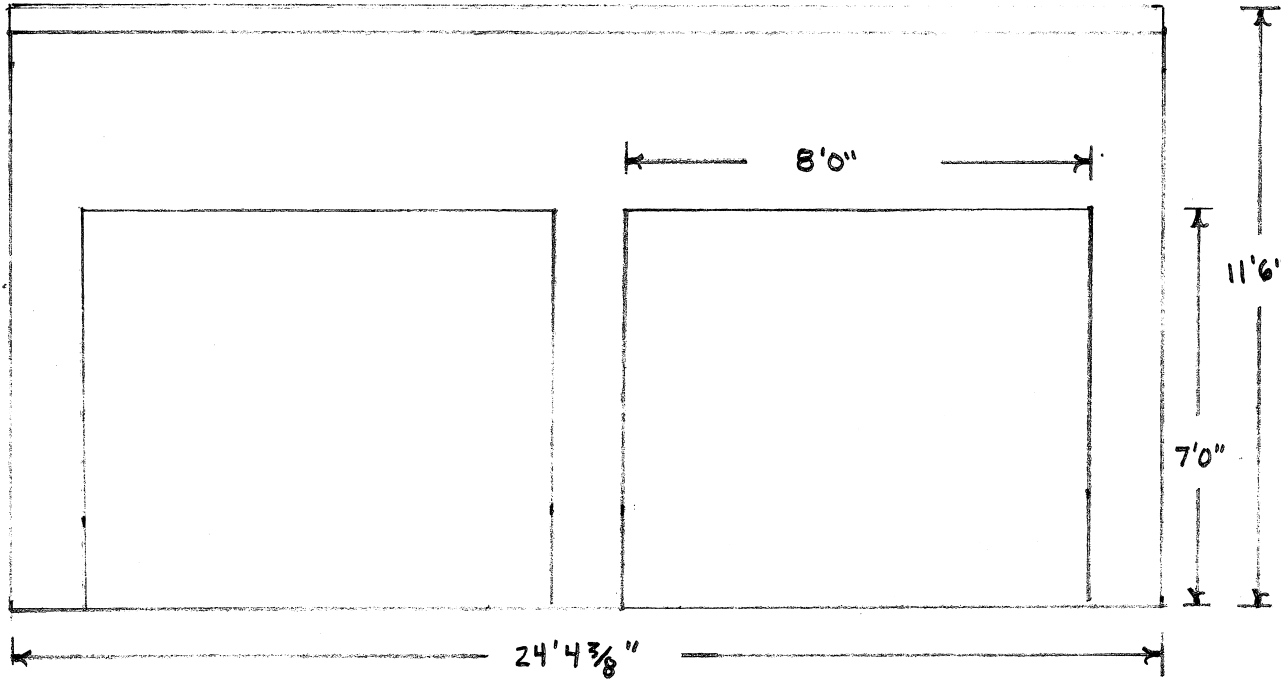




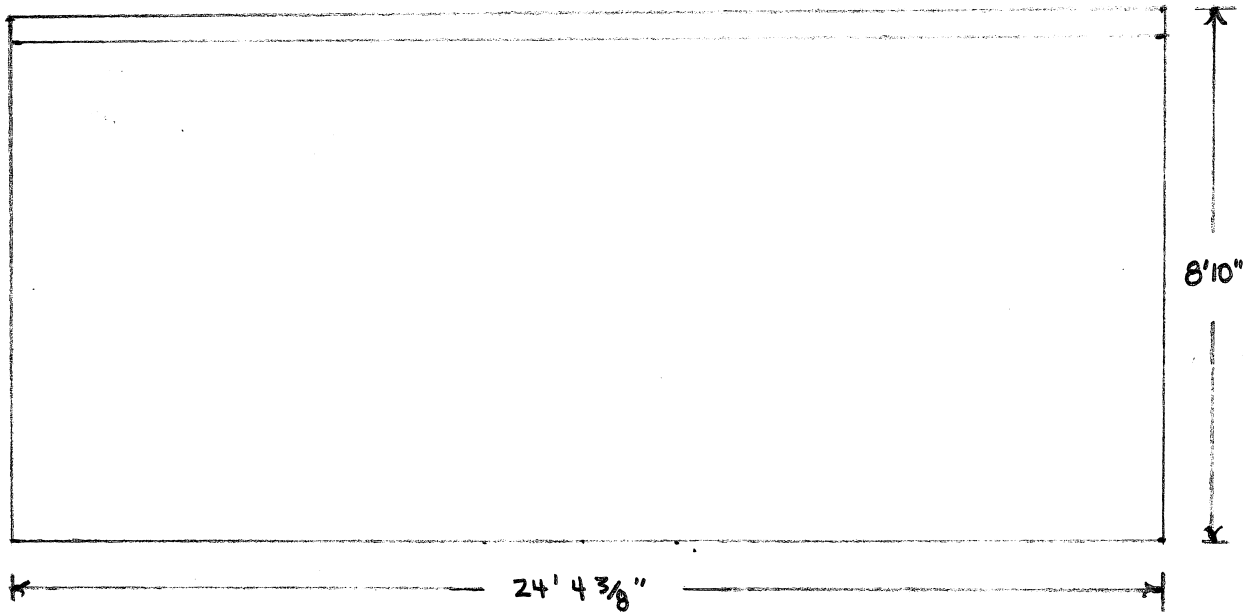




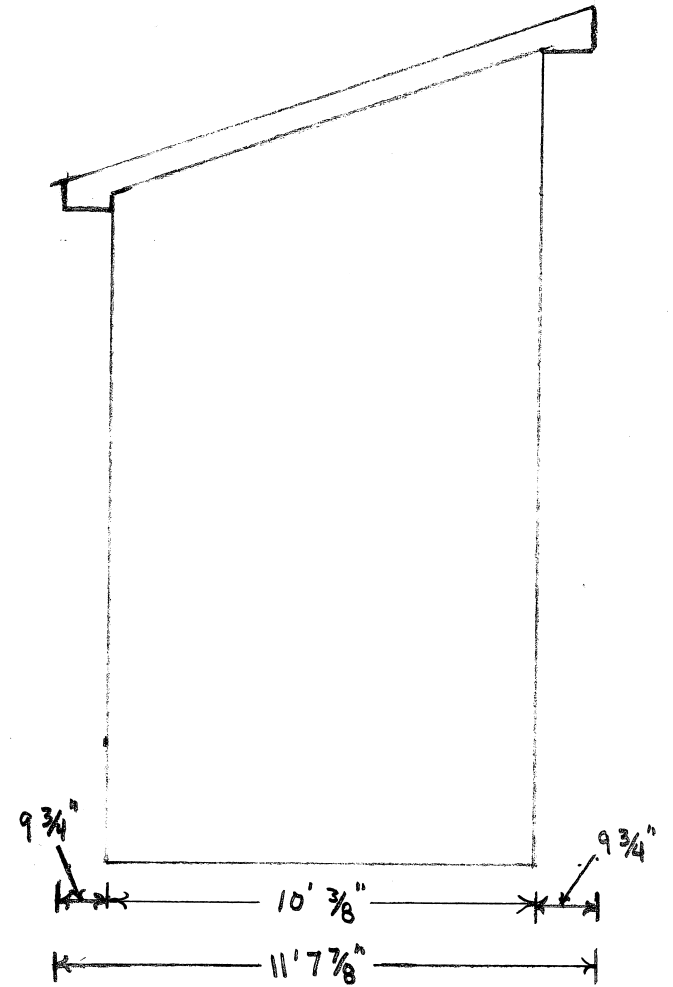
FRONT



BACK



SIDE



**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284

**December 9, 2022**

**Dear Zoning Board of Appeals,**

I am writing regarding the Zoning Variance requested by Jason and Kristen Jacobs 6094 Brighton Rd. Brighton, MI 48116. I am the Jacobs' next door neighbor (Just to the West 6056 Brighton Rd.)

Jason has spoke to me in regards to the 24'4"x10'0" as built shed. I have no issues with the shed, its location or the Zoning Board of Appeals granting the Variance.

See attached photos of shed and site location.

Best Regards,

*David Damusis*

David Damusis

**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284



**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284



**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284





**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284



**DAVID DAMUSIS**

6056 Brighton Rd.  
Brighton, MI 48116  
(810) 623-3284



DEAR SIRs:

12/9/2022

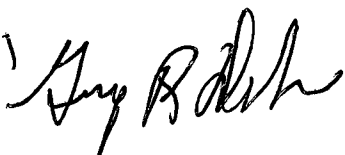
JASON JACOBS IS MY NEIGHBOR  
TO THE WEST. I AM PROBABLY  
THE ONLY ONE THAT CAN SEE THE  
SHED.

HE HAS CONSTRUCTED IT TO MATCH  
HIS HOME.

THIS STRUCTURE WILL ALLOW HIS  
WIFE AND FAMILY TO SAFELY PARK  
IN THE GARAGE.

I HAVE NO ISSUES WITH THE  
SHED AND ITS LOCATION.

SINCERELY,



GARY R. DEROCHE  
6132 BRIGHTON RD.  
BRIGHTON, MI 48116

(810) 360-9502

To Whom It May Concern:

I am writing to establish that I have no issues with the shed that my neighbors, Jason and Kristen Jacobs, at 6094 Brighton Rd, have added to their property.

Our yards adjoin, and I honestly have not even known of its existence until asked to write this letter of support. I can not see their shed from my home, or yard.

My address is 5130 Old Hickory Drive, and my phone number is 517-861-0584, if you have any need of additional communication

Thank you-

Sincerely,

Danny Stuey  
5130 OLD HICKORY DR  
BRIGHTON, MI 48116  
517-861-0584

Tom Dutcher  
5015 Timberline Lane  
Brighton, MI 48116

December 10, 2022

To whom it may concern:

I live 2 homes to the west  
of Jason + Kristen Jacobs, ~~at~~ have  
no issues with shed that was  
built and no issues with the  
location of the shed.

Call me if you have any questions.

Thank you!

Sincerely,



Tom Dutcher  
Cell - 989-277-8149

December 11, 2022

To whom it may concern:

My name is Celia Pienkosz. I live at 5032 Old Hickory Drive, Brighton, Michigan 48116. I live 2 houses to the East of Jason Jacobs property.

Regarding the property of Jason Jacobs at 6094 Brighton Road, Brighton, Michigan 48116. I have no issues with the new white shed to the front/side of this house and have no wish for it To be removed.

A handwritten signature in black ink, appearing to be 'Celia Pienkosz', with a long horizontal line extending to the right.

Celia Pienkosz  
5032 Old Hickory Drive  
Brighton, MI 48116  
810-360-9778

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
CHUNG KYUNG JIN & KYUNGSUN	JACOBS JASON	140,000	09/04/2015	WD	03-ARM'S LENGTH	2015R-029697	BUYER/SELLER	100.0
CHUNG, CHUNG HO & CHAN EUK	CHUNG KYUNG JIN & KYUNGSUN	0	08/01/2006	QC	21-NOT USED/OTHER	2006R-014860	BUYER/SELLER	100.0
		139,000	05/01/1990	WD	03-ARM'S LENGTH		BUYER/SELLER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LDR	Building Permit(s)	Date	Number	Status			
6094 BRIGHTON RD	School: BRIGHTON AREA SCHOOLS								
	P.R.E. 100% 09/04/2015								
Owner's Name/Address	MAP #: V23-08								
JACOBS JASON 6094 BRIGHTON RD BRIGHTON MI 48116-7721	2023 Est TCV Tentative								
Tax Description	X Improved	Vacant	Land Value Estimates for Land Table 4501.BRIGHTON M & B						
SEC 35 T2N R5E BEG AT A POINT ON THE N LINE OF SAID SEC 35, N 87* 17'50"E 380 FT FROM THE NW COR OF SAID SEC 35, TH N 87*17'50"E ALONG SAID N LINE OF SEC 35, WHICH IS ALSO THE C.L. OF BRIGHTON RD R/W 180 FT, TH S 2*10'40"E 242 FT, TH S 87*17'50"W 180 FT, TH N 2*10'40"W 242 FT TO THE POB, 1.0AC M/L, SPLIT FR 036	Public Improvements		* Factors *						
Comments/Influences	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		Description	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
			TABLE A			1.000 Acres	57,000	100	57,000
						1.00 Total Acres		Total Est. Land Value =	57,000
	Topography of Site								
	Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
			2023	Tentative	Tentative	Tentative			Tentative
	Who When What		2022	28,500	89,000	117,500			113,673C
	LLG 03/26/2021 INSPECTED		2021	30,000	82,800	112,800			110,042C
	LM 08/27/2015 REVIEWED R		2020	28,500	83,800	112,300			108,523C



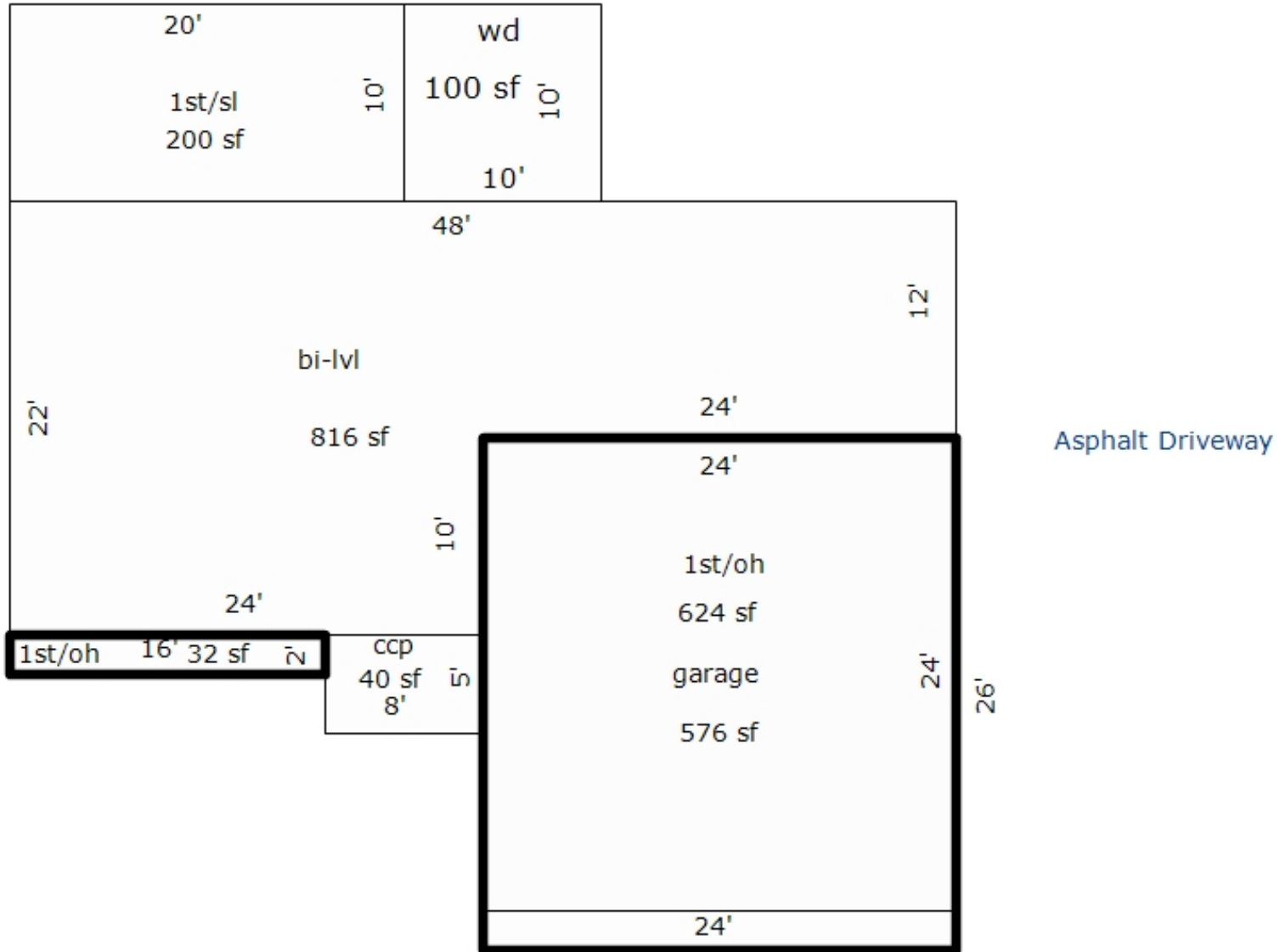
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces		(16) Porches/Decks		(17) Garage						
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 40 100	Type CCP (1 Story) Treated Wood	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 576 % Good: 0 Storage Area: 0 No Conc. Floor: 0				
X	Wood Frame	(4) Interior			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling															
Building Style: C		Drywall Paneled	Plaster Wood T&G	Trim & Decoration																
Yr Built 1987	Remodeled 0	Ex	X Ord		Min															
Condition: Good		Size of Closets			Lg	X Ord		Small												
Room List		Doors:	Solid	X	H.C.	Central Air Wood Furnace														
	Basement 1st Floor 2nd Floor 3 Bedrooms	(5) Floors			(12) Electric															
(1) Exterior		Kitchen: Other: Other:			0 Amps Service			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C		Cls C		Blt 1987					
X	Wood/Shingle Aluminum/Vinyl Brick	(6) Ceilings			Ex.	X Ord.		Min	No. of Elec. Outlets			(11) Heating System: Forced Heat & Cool		Ground Area = 1640 SF Floor Area = 1998 SF.		Phy/Ab.Phy/Func/Econ/Comb. % Good=71/100/100/100/71				
	Insulation					Many	X Ave.		Few	(13) Plumbing			Building Areas							
(2) Windows		(7) Excavation			Average Fixture(s)						Stories		Exterior		Foundation		Size			
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 0 S.F. Slab: 200 S.F. Height to Joists: 0.0			2	3	Fixture Bath	1	2	Fixture Bath	1	Story	Siding/Brick	Bi-Lev. 40%	816	Cost New	Depr. Cost	
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(8) Basement			Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			1	Story	Siding/Brick	Overhang	624	1	Story	Siding	Overhang	32	Total:	236,149	167,668
(3) Roof		(9) Basement Finish			(14) Water/Sewer						Other Additions/Adjustments		Plumbing		Water/Sewer					
X	Gable Hip Flat		Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)			1	1	Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic	1	1000 Gal Septic	3	Fixture Bath	1	Story	Siding/Brick	Slab	200		
X	Asphalt Shingle	(10) Floor Support			Lump Sum Items:						Plumbing		Water/Sewer		Porches		Deck			
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:			Notes:						Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)		Garages		Fireplaces		Totals:			
					ECF (4501 (47010) BRIGHTON M & B) 1.030 => TCV:													212,642		

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





**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
January 17, 2023 - 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: Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Bill Rockwell, Craig Fons, and Amy Ruthig, Planning Director. Absent was Greg Rassel.

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

**Election of Officers:**

Vice-Chairperson McCreary recommended tabling this item until there is a full board present.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to table the Election of Officers until the February 21, 2023 ZBA meeting. **The motion carried unanimously.**

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

**Conflict of Interest:** None

**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 opened at 6:33 pm with no response.

1. 23-02... A request by Tim McCotter, 4041 Homestead, for two waterfront variances and a front yard variance to demolish an existing home and construct a new home.

Mr. McCotter, the architect for the project, and Carter and Lisa Carpenter of 4138 St. Andrews in Howell were present. Mr. McCotter provided the restraints of the property, which are that the lot is very skinny, and this property is on a canal so there are two waterfront setbacks. If they were to meet all setbacks, it would make the buildable area very small. They are proposing to move the home closer to the road to make it more compatible with the homes in the area.

Ms. Ruthig stated that Staff advised Mr. McCotter to move the home closer to the road so the waterfront setback variance would be less.

Vice-Chairperson McCreary asked if a certified survey was done. Mr. McCotter stated yes.

Genoa Township Zoning Board of Appeals Meeting  
January 17, 2023  
Unapproved Minutes

Board Member Rockwell questioned the steeple that is shown on the plans. Ms. Ruthig stated this will be removed as Mr. McCotter did not wish to pursue a variance for it.

Ms. Ruthig stated Staff has been discussing revising the front yard setbacks in this zoning from 35 feet to 25 feet; however, this project is subject to the current setback requirement.

There was a discussion regarding the possible need for a retaining wall. Mr. McCotter advised they will not need one. Ms. Ruthig reminded the applicant the Township has a retaining wall ordinance.

The call to the public was opened at 6:47 pm.

Mr. Blair Bowman of 4252 Highcrest, who lives across the lake, is in very strong support of these variance requests. This is a very challenging lot.

Mr. Matt McCord of 4065 Homestead is in strong support of these variance requests.

Ms. Debbie Leek of 3997 Homestead is also in strong support of these variances. The home is beautiful and will enhance the lot.

Mr. Pete Wood of 220 N. Fifth Street, Brighton, is in support of these variances. It will enhance the area.

The call to the public was closed at 6:51 pm

Vice-Chairperson McCreary stated a letter of support was received from Curt Brown of 4001 Homestead.

**Moved** by Board Member Rockwell, seconded by Board Member Kreutzberg, to approve Case #23-02 for Tim McCotter, 4041 Homestead, for a front yard variance of 13 feet from the required 35 feet for a setback of 22 feet, one shoreline variance of 15.8 feet from the required 40 feet for a setback along the canal of 24.2 feet, and a second shoreline variance of 29.1 foot from the required 64 feet averaged requirement for a setback along the lake of 34.9 feet, based on the following findings of fact:

- Strict compliance with the ordinance would prevent the construction of the proposed structure on the vacant lot. The variances would support substantial justice and are 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.
- The exceptional or extraordinary condition of the property is the secondary shoreline setback due to the canal and the lot's irregular shape. The need for the variances 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 on 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 variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

Genoa Township Zoning Board of Appeals Meeting

January 17, 2023

Unapproved Minutes

1. Final architectural design shall not exceed the 25-foot height requirement, including any steeple feature.
2. The structure must be guttered with downspouts and drainage must be maintained on the lot.
3. Any retaining walls will require a land use permit to be obtained.
4. Silt fencing will be in place during construction.
5. The applicant shall seek approval from MHOG for grinder pump movement prior to construction.

**The motion carried unanimously.**

2. 23-03...A request by Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance to construct a zipline.

Mr. Wayne Perry of Desine Engineering and Jim Berigan of Our Lady of the Field Campground were present.

Vice-Chairperson McCreary noted the Planning Commission approved the sketch plan for the zipline with a condition that the applicant obtain height variances.

Mr. Perry stated the camp would like to add additional amenities, specifically a zipline with a climbing tower and a giant swing. The tower is proposed to be 45 feet high, the terminating pole is proposed to be 25 feet high, and the giant swing would be 36 feet high. The ordinance does not speak to these types of structures. Township Staff has interpreted these structures as accessory structures, so the maximum height allowed is 18 feet. These structures will be on the north side of the lake. Ms. Ruthig stated accessory structures in this zoning district shall not exceed 35 feet.

Mr. Berigan provided a description of the giant swing, including the reason for the structures to be so high. There was a discussion regarding the safety of the participants. Mr. Berigan stated it is very safe. The people who operate it are highly trained. It will not be open to the public. It is locked when not being used.

Board Member Kreutzberg questioned if the height and distance recommended by the manufacturer is being used. Mr. Berigan stated yes. He noted that the Howell Nature Center has a zipline whose tower is 60 feet high.

The call to the public was opened at 7:15 pm.

Mr. Patrick Spence of 1838 Euler Road asked for a review of the four criteria that must be met to grant a variance. Vice-Chairperson McCreary provided that information. Mr. Spence stated this will negatively affect the value of his property. He is opposed to the variance. He feels there are plenty of activities at the camp and there is no need for anymore. The 45-foot tower would overlook his property. He is concerned that the poles drilled into the ground could affect the groundwater. This does not fit in this area. It will bring in more people and more noise.

Mr. Fred Berean of 1121 Euler Road is opposed to this.

Genoa Township Zoning Board of Appeals Meeting  
January 17, 2023  
Unapproved Minutes

Mr. Mike Berean of 1237 Euler Road stated his wife, who was unable to be here tonight, is opposed to this request. This camp is destroying their residential neighborhood. He reviewed prior Township meeting minutes regarding the grandfathering of the zoning of this property. Because it had sat vacant for more than 12 months, it should have lost its grandfather status and should revert to the current zoning. He submitted a packet to the Board with documentation regarding this. They request that the zoning be returned to the current zoning and all expansion requests be denied.

Mr. Berean read a letter from Mrs. Berean of 1121 Euler Road who is opposed to this request.

Charles Saliba of 1829 Kellogg Road agrees with Mr. Berean. He is concerned with the noise. There will be yelling from people on the zipline and the swing. He does not agree with the variance request.

Mr. John Connely owns property on Euler Road. He is in support of the residents who are against this variance. His property was used previously to store vehicles, trailers, etc. and since it sat vacant for 12 months, he lost his grandfather status, and the Township returned it to its current zoning.

Mr. Bill Maniaci of 1866 Euler Road, who is a real estate agent, sold a property on Euler Road to someone who chose to buy a home, tear it down, and build a new one instead of purchasing a livable home on a property that would be close to the camp. He is concerned that there will be more requests from the church. He is opposed to these variances.

Ms. Patty Kopicko of 6843 Felice stated the existing rope course never received a variance. Vice-Chairperson McCreary stated the Township was not aware it was installed. The owners of the camp have purchased additional property. They will be listening to kids scream on the zipline and swing. The people that use the camp pay and it is not open to everyone.

Mr. James Drouillard of 6781 Felice agrees with his neighbors. He would like this variance to be denied.

Mr. Robert Kopicko of 6843 Felice stated the traffic is deteriorating the roads in this area. He asked if the swing and zipline will be open at night? Will there be lights? Will there be speakers? This is a residential neighborhood in the country.

Ms. Kate Baker at 1780 Euler Road agrees with her neighbors. Her home is her retirement, so she does not want it to lose value.

The call to the public was closed at 7:44 pm.

Board Member Kreutzberg asked how long has this been a camp and how many acres is the property. Mr. Berigan stated it has been a camp since at least 1920 and it is 164 acres.

There was a discussion regarding the information provided at the call to the public.

Genoa Township Zoning Board of Appeals Meeting  
January 17, 2023  
Unapproved Minutes

Mr. Fons stated the issue before the Board is the height of the structures. Mr. Rockwell agrees; however, he does not see how the request has met all four of the requirements to grant a variance.

Vice-Chairperson McCreary suggested having this item tabled this evening to review the information that was given at the call to the public in order to make a decision knowing all of the facts.

Board Member Ledford stated many requests have been approved for this property and asked if more requests are coming.

Mr. Fons stated the property is being used how it is zoned.

Board Member Ledford would not want to have this in her neighborhood. She would not want her property values to decrease because of it. She would like to investigate the information presented this evening.

Board Member Kreutzberg understands all comments made by the Board members; however, change happens. There are many places in Livingston County that used to be farmland that are now homes. She agrees with Board Member Fons that the Board is asked to review the request for the height of the poles.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to table Case #23-03 until the February 21, 2023 ZBA meeting for the Caldean Catholic Church until further information can be uncovered regarding property usage and history. **The motion carried (Ledford - yes; McCreary - yes; Kreutzberg - yes; Rockwell - yes; Fons - no).**

3. 23-04...A request by Peter Wood, 4021 Homestead, for a side, front and waterfront variance to construct an addition to an existing single-family home.

Mr. Peter Wood and Mr. David Hazen, who designed the home, were present. Mr. Wood stated his hardship is that he does not have a garage and would like a first-floor master bedroom. It is a very unique, non-conforming lot. His lot was originally two lots that were split and sold separately. This addition will add value to the neighborhood.

Mr. Hazen provided a review of the proposed changes to the home. He stated the minimum lot size allowed per the ordinance is 80 feet; however, this property is only 30 feet. The location of the home to the road is consistent with the homes on either side of this property. They are proposing the side-entry garage so vehicles will fit in front of the garage.

The call to the public was opened at 8:15 pm with no response.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve Case #23-04 for Peter Wood, 4021 Homestead, for a 25 foot front yard variance from the required 35 feet for a 10 foot setback, a 1.5 foot side yard variance from the required 10 feet for an 8.5 foot setback, and a 21.20 foot shoreline variance from the required 36.5 feet for a setback of 36.5 feet, to construct an addition to the existing residence, which would include a covered patio,

attached two-car garage and the removal of the existing shed, based on the following findings of fact:

- Strict compliance with the setback requirements would unreasonably restrict the use of the property. Granting these variances will provide substantial justice and would make the property consistent with other properties in the area.
- The variances are necessary due to the extraordinary circumstances such as the irregular shape of the lot.
- The granting of the variances will not impair adequate light or air to adjacent property, increase congestion or increase the danger of fire or public safety, comfort, morals or welfare of the inhabitants of the Genoa Township.
- The proposed variances would have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The grinder pump location shall approve by MHOG prior to land use permit issuance.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the December 13, 2022 Zoning Board of Appeals meeting.

**Moved** by Board Member Kreuzberg, seconded by Board Member Fons, to approve the minutes of the November 15, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be at least one case at the February meeting.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

**Moved** by Board Member Fons, seconded by Board Member Ledford, to adjourn the meeting at 8:31 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary