

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 18, 2023
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

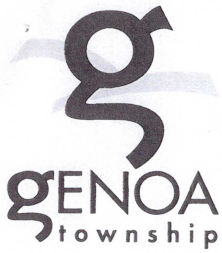
Approval of Agenda:

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

1. 23-12... A request by Mark Morra, 5610 Mountain Road, for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a detached accessory structure.
2. 23-13...A request by Johnathon Wyatt, 4158 Highercrest Drive, for front and side yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.
3. 23-14...A request by Bradley Holmes, 4095 Rose Creek Lane, for a height and waterfront setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a retaining wall.

Administrative Business:

1. Approval of minutes for the March 21, 2023 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment



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

Case # 23-12

Meeting Date: April 18, 2023
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: MARIC MORRA Email: M.A.MORRA@COMCAST.NET

Property Address: 5610 MOUNTAIN RD Phone: 248-396-8039

Present Zoning: _____ Tax Code: 11-34-401-105

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: REQUESTING DEVIATION
FROM SIDE SETBACK OF 30' TO 19' FOR CONSTRUCTION
OF 1 STORY GARAGE, 22' x 28'.

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.

TOPOGRAPHY PREVENTS GARAGE PLACEMENT MORE REARWARD ON LOT, LOCATION OF SEPTIC DRYWELL ALSO LIMITS PLACEMENT. MEETING SIDE SETBACK, SETBACK FROM HOUSE & SEPTIC WOULD LIMIT GARAGE TO 20' WIDE, MAKE APPROACH ANGLE WITH VEHICLE DIFFICULT & DESTROY CURRENT GARDEN, (SEE PAGE 7-OF-PKG.)
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.

THIS HOUSE WAS ORIGINALLY LOCATED TO PRESERVE NEIGHBORHOOD WOODEDNESS, AND TO TAKE ADVANTAGE OF GRADE FOR WALKOUT BASEMENT. THIS POSITIONED HOUSE REARWARD AND CLOSE TO ONE SIDE OF LOT. THIS LIMITS ACCESS TO MUCH OF PROPERTY FOR AN OUT-BUILDING.

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.

BUILDING WILL HAVE MINOR IMPACT TO ALL OF ITEMS LISTED ABOVE, PLAN IS TO PRESERVE ALL BUT ONE TREE ON OUR PROPERTY.

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

HOUSES ON ALL SIDES HAVE WOODED BUFFERS THAT LIMIT VISIBILITY OR OBTRUSIVENESS OF THE ADDED STRUCTURE. THE BUILDING EXTERIOR WILL MATCH HOUSE EXTERIOR.

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: 03 MAR 2023 Signature: Mark A. Monna



April 10, 2023

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

Attention:	Amy Ruthig, Planning Director
Subject:	5610 Mountain Road – Dimensional Variance Review
Location:	5610 Mountain Road – south side of Mountain Road, west of Sundance Trail
Zoning:	LDR Low Density Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking a dimensional variance for the construction of a new detached accessory building for the existing residence at 5610 Mountain Road.

The subject site is a conforming LDR lot containing a compliant single-family residence.

The proposal entails a 616 square foot (22’ x 28’) single story detached garage in the rear yard of the site.

In accordance with Section 11.04.02, one dimensional variance is needed for the following:

- A detached accessory building with a 19.5’ side yard setback (where a minimum setback of 30’ is required).

SUMMARY

1. Steep topography creates difficulty for locating a fully compliant detached accessory building (practical difficulty).
2. Alternative locations are not functional and the variance sought is the minimum needed to grant relief (substantial justice).
3. The Board could view strict compliance as unnecessarily burdensome (practical difficulty).
4. The steep topography from front to rear impacts the applicant’s ability to locate a detached accessory building (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 supplement, if deemed necessary) the existing vegetation in the westerly side yard to mitigate potential impacts of the reduced setback upon the adjacent residence (impact on surrounding neighborhood).



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.** Variance from the Zoning Ordinance is not necessary to maintain the existing residence; however, site topography and septic location create difficulty for locating a fully compliant detached accessory building.

Given the layout of the existing residence, alternative locations (such as the east side of the property) are not functional.

Furthermore, the request minimizes the variance sought, as all other dimensional requirements (yard, height, coverage, spacing, etc.) of the Ordinance are met.

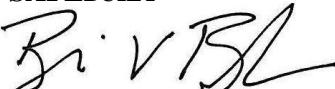
Based on site conditions, the Board could view strict compliance as unnecessarily burdensome to the applicant.

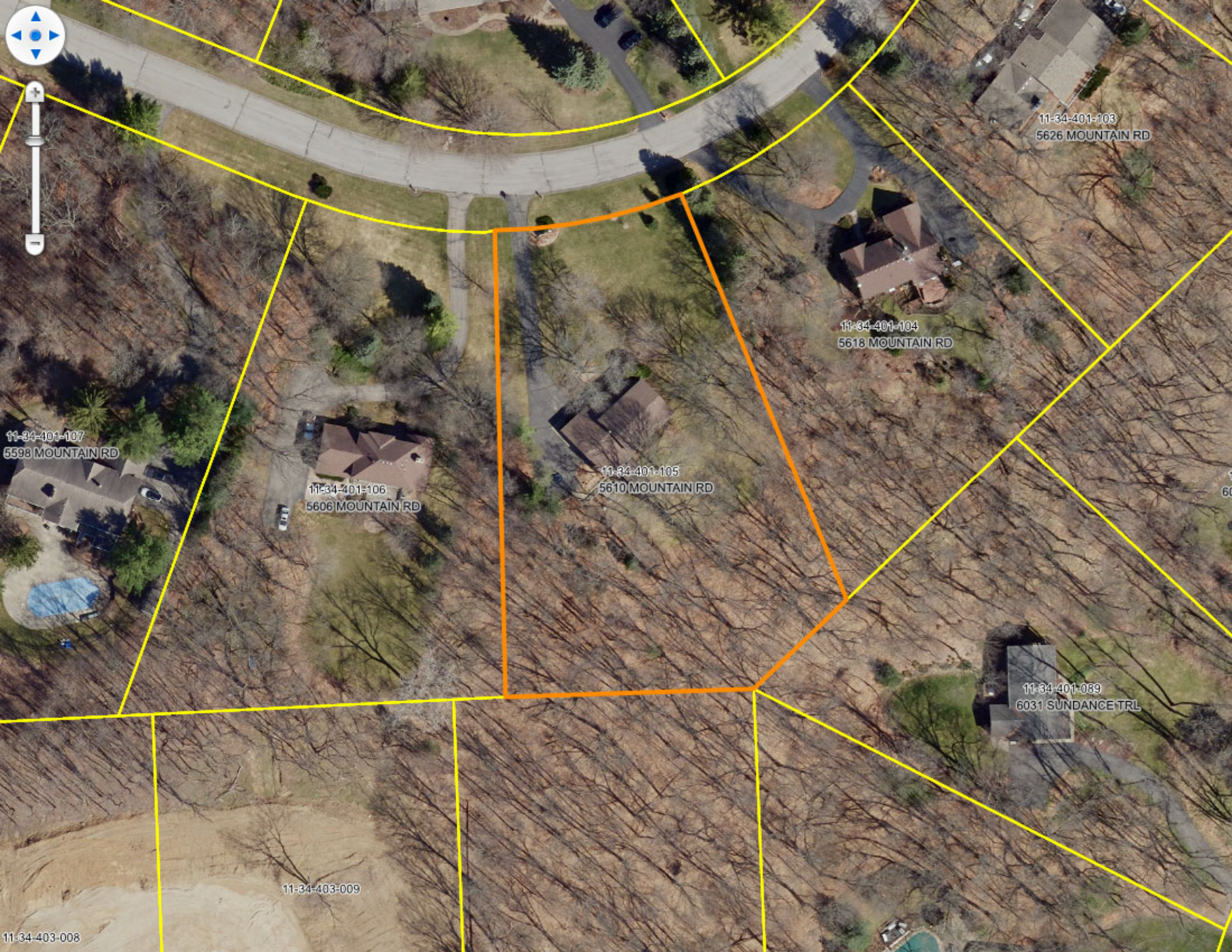
- 2. Extraordinary Circumstances.** The steep topography of the site from front to rear (north to south) impacts the owner's ability to locate a detached accessory building.
- 3. Public Safety and Welfare.** Given the nature of the proposal and the surrounding area, granting of the variance will not 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 presence of existing vegetation will limit views of the accessory building and provide screening for the adjacent residence.

The project will require the removal of 1 tree, though we suggest a condition that the remainder of the existing vegetation must be maintained (and/or supplemented) to mitigate impacts of the reduced setback (if favorable action is taken).

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



11-34-401-103
5626 MOUNTAIN RD

11-34-401-104
5618 MOUNTAIN RD

11-34-401-107
5598 MOUNTAIN RD

11-34-401-106
5606 MOUNTAIN RD

11-34-401-105
5610 MOUNTAIN RD

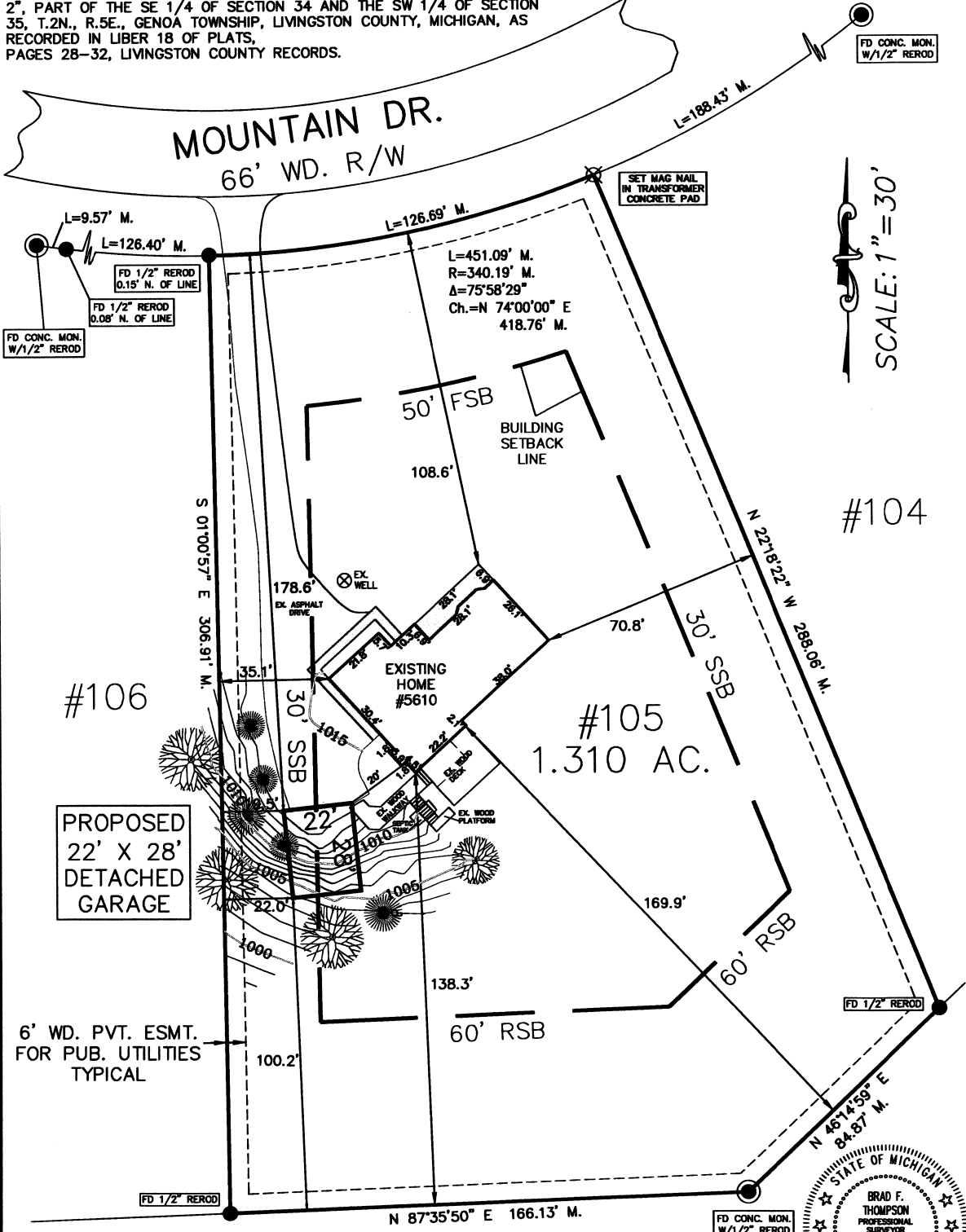
11-34-401-089
6031 SUNDANCE TRL

11-34-403-009

11-34-403-008

SKETCH FOR ZBA VARIANCE SUBMITTAL FOR MR. MARK MORRA TAX ID #11-34-401-105

LEGAL DESCRIPTION: LOT #105 OF "MYSTIC LAKE HILLS SUBDIVISION NO. 2", PART OF THE SE 1/4 OF SECTION 34 AND THE SW 1/4 OF SECTION 35, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 18 OF PLATS, PAGES 28-32, LIVINGSTON COUNTY RECORDS.



SCALE: 1" = 30'



SH. 1 of 1

Brad F. Thompson, P.E., P.S.#23828

DATE: 3-3-23 B.F. THOMPSON, P.C. Registered Professional Engineer & Land Surveyor
 JOB# 21-4317 517/ 548-3142 1520 Gully Road, Howell, Michigan 48843



EXISTING HOME

EX. ASPHALT DRIVE

WOOD WALKWAY

SSB

22' X 28'
2 CAR GARAGE

35.1'

30'

20'

SEWAGE BANK
EX. WOOD WALKWAY
PLATE WORK

2048 2047
1011 1010.86
GR GR

2081 2080
1012 1011.38
GR GR

2085 2085
1009 1009.33
GR GR

2088 2088
1009 1009.68
GR GR

2050 2050
1007 1007.58
GR GR

1006

2044 2044
1003 1003.55
GR GR

204 204
100 100.
GR GR

1004 1004
1003 1003

2087 2087
1003 1003.99
GR GR

2088 2088
1002 1002.31
GR GR

2052 2052
1003 1003.00
GR GR

2052 2052
1005 1005.42
GR GR

2051 2051
1008 1008.12
GR GR

2083 2083
1010 1010.81
GR GR

2083 2083
1010 1010.14
GR GR

2079 2079
1015 1015
GR GR

2079 2079
1014 1014
GR GR

2079 2079
1013 1013
GR GR

2079 2079
1018 1018
GR GR

1011 1011
1010 1010

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1009 1009

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1007 1007

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1006 1006

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1005 1005

1005 1005
1004 1004

1004 1004
1003 1003

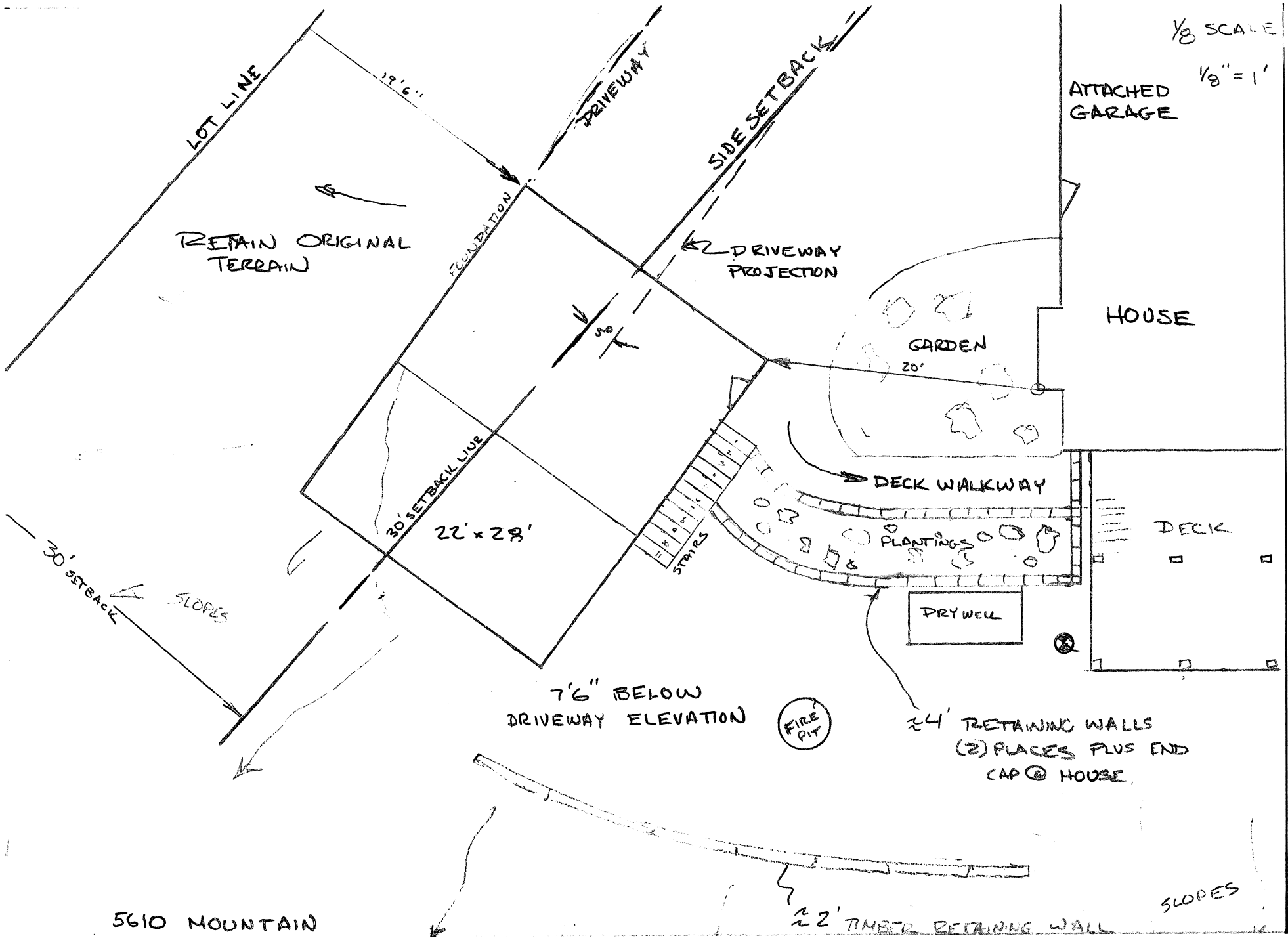
1001 1001
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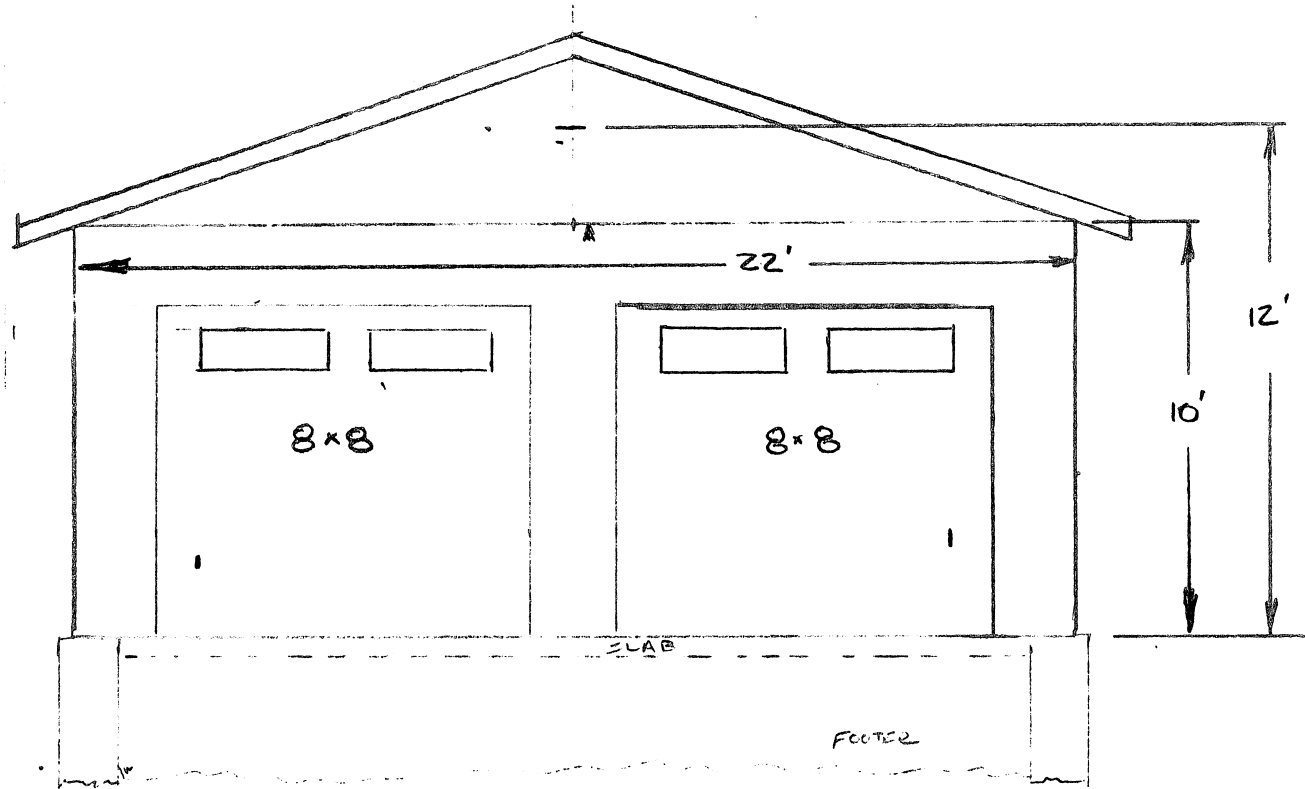
1/8" SCALE

1/8" = 1'

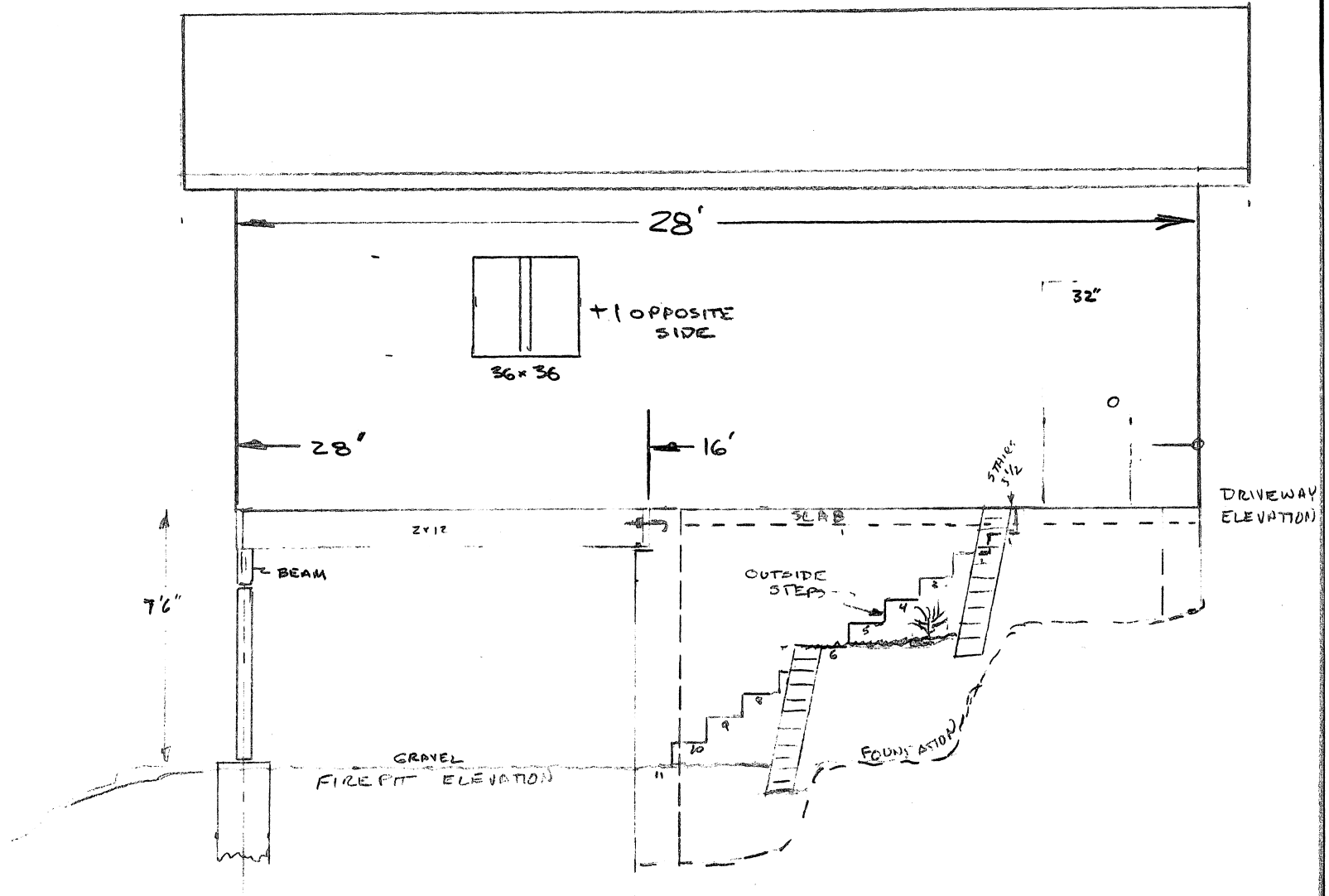


5610 MOUNTAIN

FRONT
VIEW FROM DRIVEWAY



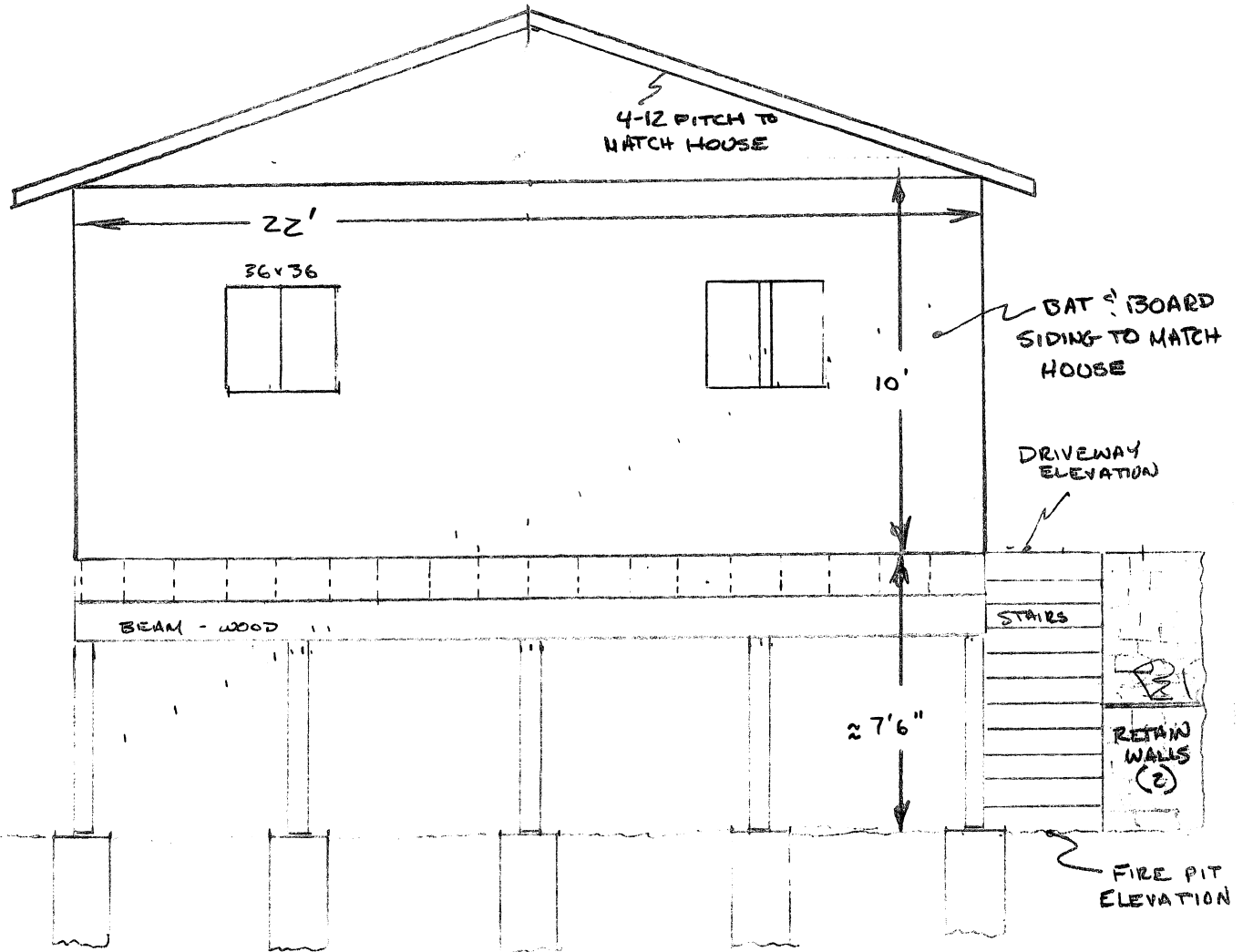
SIDE
VIEW FROM HOUSE



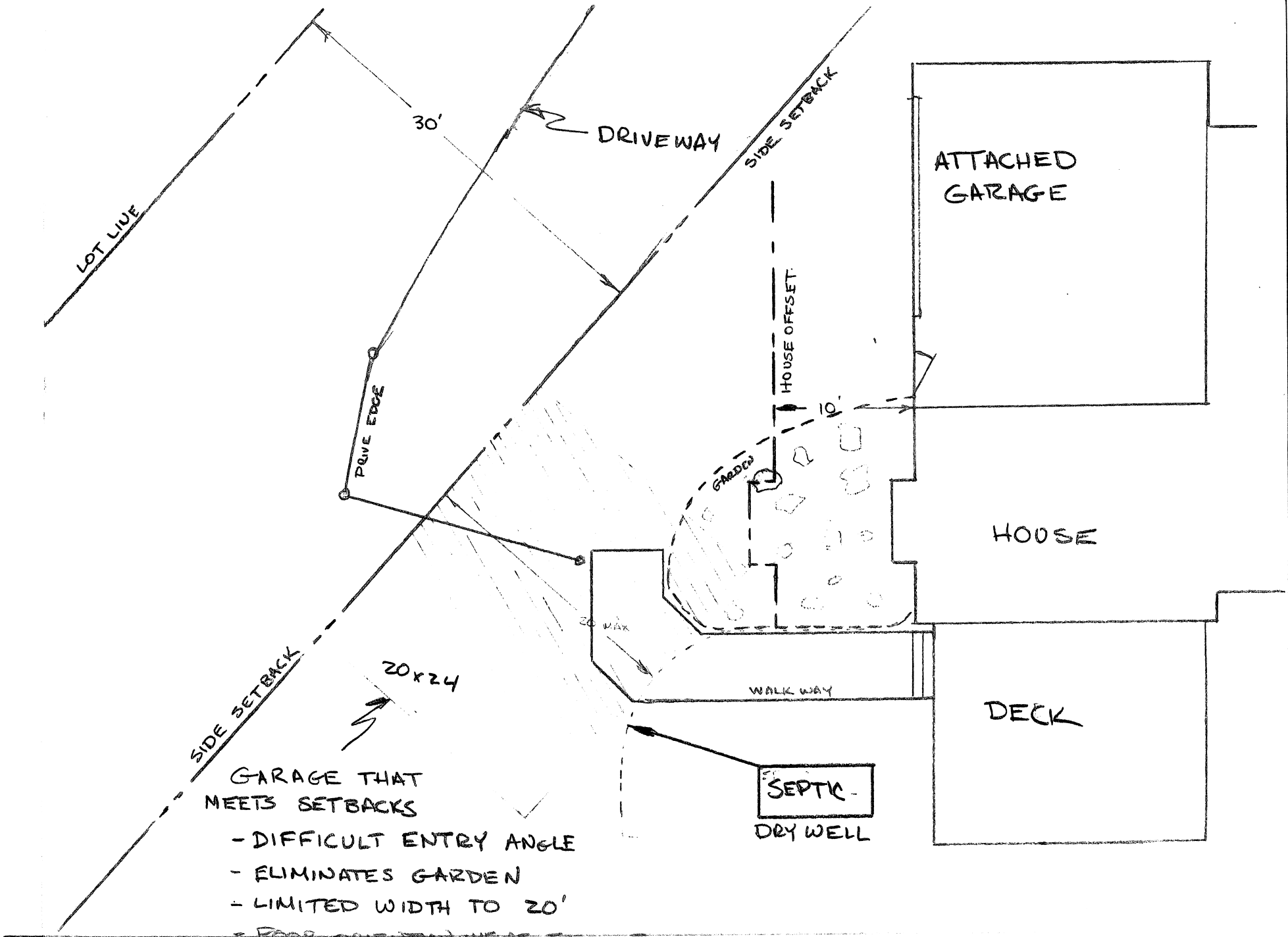
5610 MOUNTAIN

SCALE 1/4" = 1'

BACK
VIEW FROM WOODS



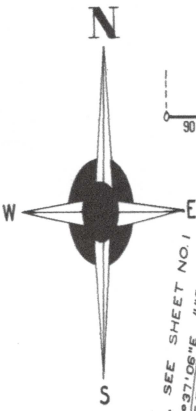
5610 MOUNTAIN



UNPLATTED

EAST 1/4 COR, SEC. 34
T.2N, R.5E.

E.&W. 1/4 LINE OF SECTION 35

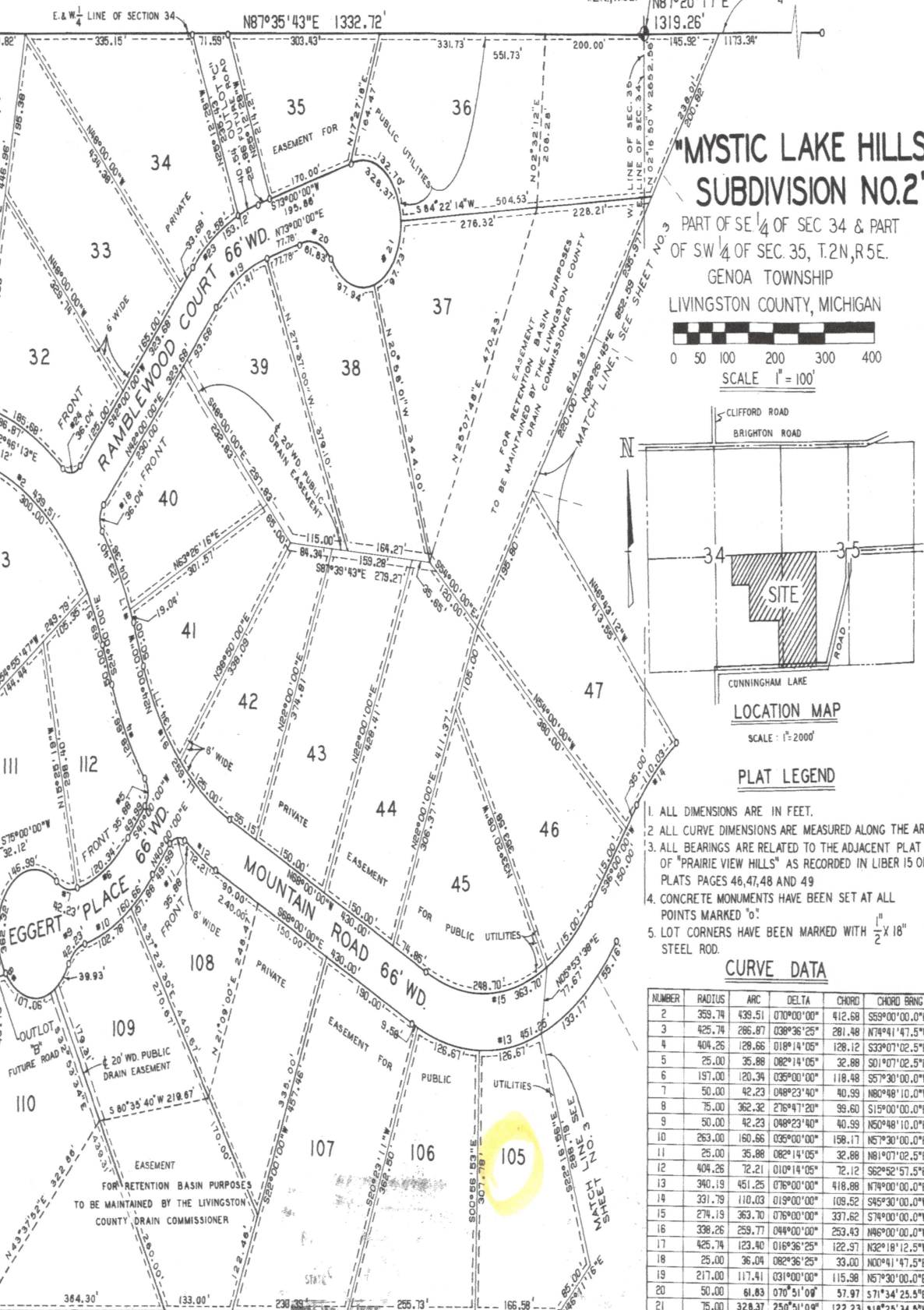


MATCH LINE, SEE SHEET NO. 1
N08°37'06"E 446.96'
287.58'

UNPLATTED
S86°52'43"W 650.00'
583.32' 466.68'

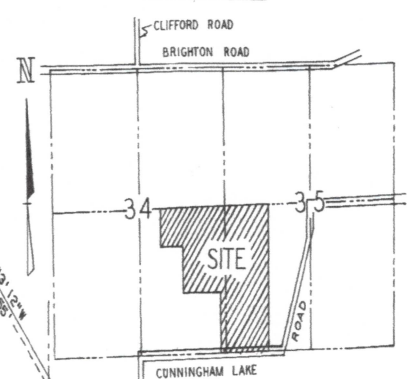
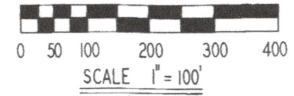


UNPLATTED



"MYSTIC LAKE HILLS SUBDIVISION NO.2"

PART OF SE 1/4 OF SEC 34 & PART
OF SW 1/4 OF SEC 35, T.2N, R.5E.
GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN



LOCATION MAP

SCALE: 1" = 200'

PLAT LEGEND

1. ALL DIMENSIONS ARE IN FEET.
2. ALL CURVE DIMENSIONS ARE MEASURED ALONG THE ARC.
3. ALL BEARINGS ARE RELATED TO THE ADJACENT PLAT OF "PRAIRIE VIEW HILLS" AS RECORDED IN LIBER 15 OF PLATS PAGES 46, 47, 48 AND 49
4. CONCRETE MONUMENTS HAVE BEEN SET AT ALL POINTS MARKED 'o'.
5. LOT CORNERS HAVE BEEN MARKED WITH 1/2" X 18" STEEL ROD.

CURVE DATA

NUMBER	RADIUS	ARC	DELTA	CHORD	CHORD BRNG
2	359.74	439.51	070°00'00"	412.68	S59°00'00.0"E
3	425.74	286.87	038°36'25"	281.48	N74°41'47.5"W
4	404.26	128.66	018°14'05"	128.12	S33°07'02.5"E
5	25.00	35.88	082°14'05"	32.88	S01°07'02.5"E
6	157.00	120.34	036°00'00"	118.48	S57°30'00.0"W
7	50.00	42.23	048°23'40"	40.39	N80°48'10.0"W
8	75.00	362.32	276°41'20"	99.60	S15°00'00.0"E
9	50.00	42.23	048°23'40"	40.39	N50°48'10.0"E
10	263.00	160.66	036°00'00"	158.17	N57°30'00.0"E
11	25.00	35.88	082°14'05"	32.88	N81°07'02.5"E
12	404.26	72.21	010°14'05"	72.12	S62°52'57.5"E
13	340.19	451.25	076°00'00"	418.88	N74°00'00.0"E
14	331.79	110.03	019°00'00"	109.52	S45°30'00.0"W
15	274.19	363.70	076°00'00"	337.62	S74°00'00.0"E
16	338.26	259.77	044°00'00"	253.43	N46°00'00.0"W
17	425.74	123.40	016°36'25"	122.57	N32°18'12.5"W
18	25.00	36.04	082°36'25"	33.00	N00°41'47.5"E
19	217.00	117.41	031°00'00"	115.98	N57°30'00.0"E
20	50.00	61.83	070°51'08"	57.97	S71°34'25.5"E
21	75.00	324.37	250°51'09"	122.23	S18°25'34.5"W
22	DELETED FROM PLAT				
23	283.00	153.12	031°00'00"	151.26	S57°30'00.0"W
24	25.00	36.04	082°36'25"	33.00	S89°18'12.5"W

S87°34'57"W 1150.00'



EGGERT

TIMBER BEND

MOUNTAIN

5957 CUNNIGHAM LK

5606

5610

WAGON

VAN DANCE
CUNN

From: [David Clark](#)
To: [Amy Ruthig](#)
Cc: [Hagaman-Clark, Danielle \(AG\)](#)
Subject: Fw: 5610 Mountain Road - Proposed Variance
Date: Wednesday, April 5, 2023 9:35:51 AM
Attachments: [23-12 App. plans, site.pdf](#)

Goodmorning Amy,

I spoke with my wife last night regarding the proposed variance. We don't have any foreseen objections to the building of the garage as proposed in the attached plans. We will leave the final decision up to the review committee. Do we still need to appear at the scheduled hearing date? Thank you.

David Clark
313-204-8046

From: Amy Ruthig <amy@genoa.org>
Sent: Tuesday, April 4, 2023 2:04 PM
To: David Clark
Subject: RE: 5610 Mountain Road - Proposed Variance

Good Afternoon,

I have attached the application and site plan that was provided by the neighbor. He is proposing to construct a detached garage 19.5 feet from the side property line where there is a required 30 foot setback.

Please contact me if you should have any questions.

Thank You,

Amy Ruthig
Planning Director

Genoa Charter Township
2911 Dorr Road, Brighton, Michigan 48116
Office: 810-227-5225 Ext. 114 Direct: 810-224-5824
E-mail: amy@genoa.org, Url: www.genoa.org

-----Original Message-----

From: David Clark <Dclark@waynecounty.com>
Sent: Tuesday, April 4, 2023 12:03 PM
To: Amy Ruthig <amy@genoa.org>
Subject: 5610 Mountain Road - Proposed Variance

Amy,

I am in receipt of a letter from the Township stating my neighbor is trying to get approval for a "Side yard setback variance" at 5610 Mountain Road. Can you explain what this means to me. I have spoken to my neighbor several times since we moved in, but he has never mentioned anything to me. Thank you for your time.

David Clark
5623 Mountain Road
313-204-8064

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.													
STYLES, THOMAS & MARTHA	MORRA MARK & MORELLO LEA	287,000	05/14/2014	WD	03-ARM'S LENGTH	2014R-016292	BUYER/SELLER	100.0													
		170,000	11/01/1992	WD	03-ARM'S LENGTH	16390549	BUYER/SELLER	0.0													
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LDR		Building Permit(s)		Date	Number	Status											
5610 MOUNTAIN RD		School: BRIGHTON AREA SCHOOLS		REROOF		08/17/2015		W15-137	NO START												
Owner's Name/Address		P.R.E. 100% 09/06/2014		MAP #: V23-12		2024 Est TCV Tentative															
MORRA MARK & MORELLO LEA 5610 MOUNTAIN RD BRIGHTON MI 48116-9732		X Improved		Vacant		Land Value Estimates for Land Table 4018.MYSTIC															
Tax Description		Public Improvements		* Factors *																	
SEC 34/35 T2N R5E MYSTIC LAKE HILLS SUB NO. 2, LOT 105		Dirt Road		Description		Frontage		Depth		Front Depth		Rate %Adj.		Reason		Value					
Comments/Influences		Gravel Road		<Site Value A>		A STANDARD		75000		100						75,000					
		Paved Road		180 Actual Front Feet,		1.30 Total Acres		Total Est. Land Value =								75,000					
		Storm Sewer																			
		Sidewalk																			
		Water																			
		Sewer																			
		Electric																			
		Gas																			
		Curb																			
		Street Lights																			
		Standard Utilities																			
		Underground Utils.																			
		Topography of Site																			
		Level																			
		Rolling																			
		Low																			
		High																			
		Landscaped																			
		Swamp																			
		Wooded																			
		Pond																			
		Waterfront																			
		Ravine																			
		Wetland																			
		Flood Plain																			
		X REFUSE																			
		Who		When		What		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
		LM		05/29/2014		REVIEWED R		2024		Tentative		Tentative		Tentative						Tentative	
								2023		37,500		153,500		191,000						155,340C	
								2022		37,500		127,600		165,100						147,943C	
								2021		37,500		123,300		160,800						143,217C	

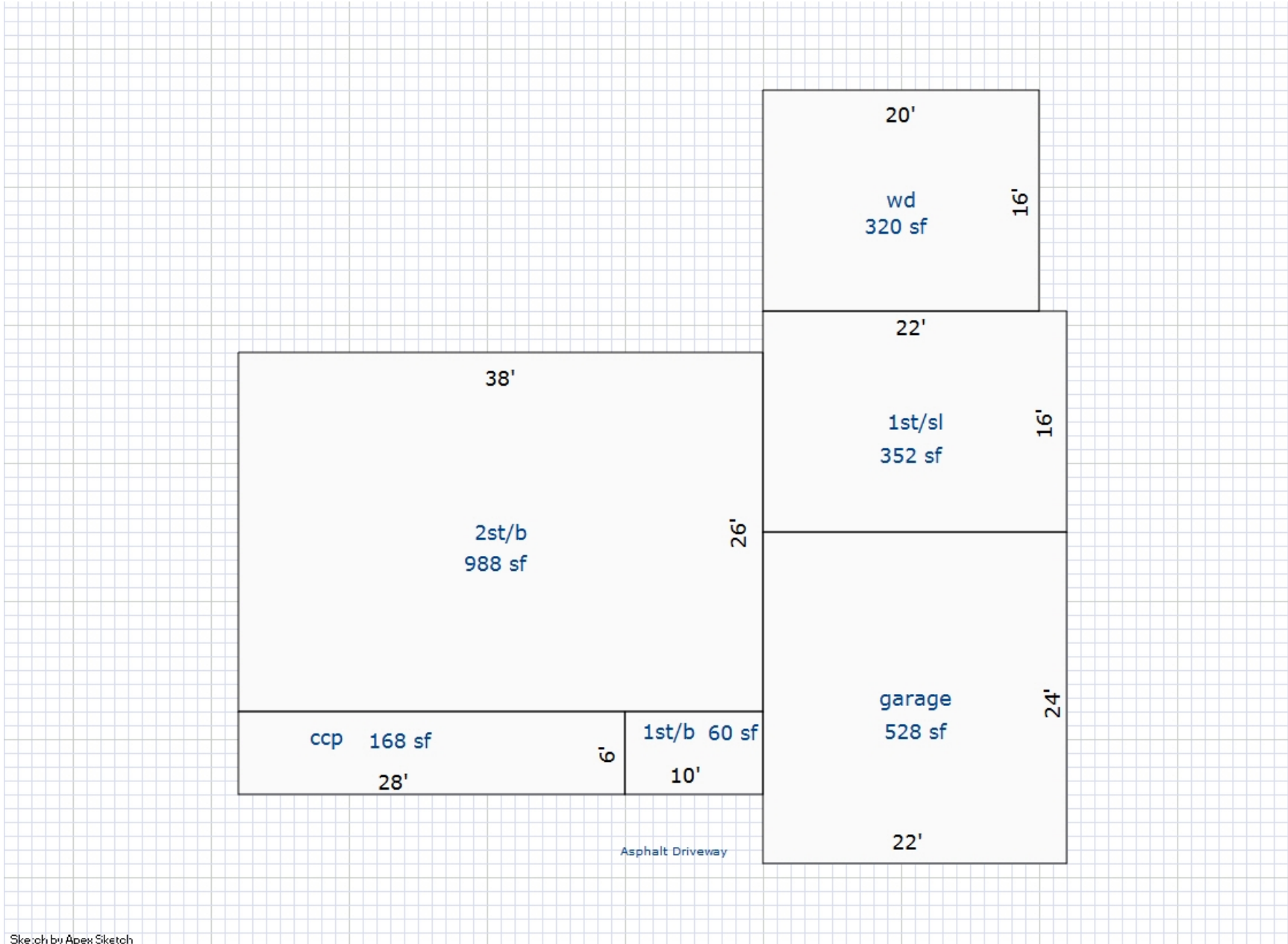
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*** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage																													
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 168 320	Type CCP (1 Story) Pine	Year Built: Car Capacity: Class: B Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1.5 Wal Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 528 % 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: B		Drywall Paneled	Plaster Wood T&G	Trim & Decoration																																								
Yr Built 1977	Remodeled 0	Ex	X Ord	Min	Size of Closets																																							
Condition: Good		Lg	X Ord	Small	Central Air Wood Furnace																																							
Room List		Doors:	Solid X	H.C.	(5) Floors																																							
	Basement 1st Floor 2nd Floor 4 Bedrooms				Kitchen: Other: Other:																																							
(1) Exterior					(12) Electric																																							
X	Wood/Shingle Aluminum/Vinyl Brick	(6) Ceilings			No./Qual. of Fixtures																																							
	Insulation	Ex.	X Ord.	Min	No. of Elec. Outlets																																							
(2) Windows		(7) Excavation			(13) Plumbing																																							
X	Many Avg. Few	X	Large Avg. Small	Basement: 1048 S.F. Crawl: 0 S.F. Slab: 352 S.F. Height to Joists: 0.0			Average Fixture(s) 2 3 Fixture Bath 1 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																																					
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement			(14) Water/Sewer																																							
(3) Roof		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic																																							
X	Gable Hip Flat	Gambrel Mansard Shed	470 Living SF 1 Walkout Doors (B) No Floor SF Walkout Doors (A)			Lump Sum Items:																																						
X	Asphalt Shingle	(10) Floor Support			Joists: Unsupported Len: Cntr.Sup:																																							
Chimney: Brick																																												
Cost Est. for Res. Bldg: 1 Single Family B (11) Heating System: Forced Heat & Cool Ground Area = 1400 SF Floor Area = 2388 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=74/100/100/100/74 Building Areas <table border="1"> <thead> <tr> <th>Stories</th> <th>Exterior</th> <th>Foundation</th> <th>Size</th> <th>Cost New</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>1 Story</td> <td>Siding/Brick</td> <td>Basement</td> <td>60</td> <td></td> <td></td> </tr> <tr> <td>2 Story</td> <td>Siding/Brick</td> <td>Basement</td> <td>988</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding/Brick</td> <td>Slab</td> <td>352</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>400,900</td> <td>296,660</td> </tr> </tbody> </table> Other Additions/Adjustments Basement Living Area 470 26,903 19,908 Basement, Outside Entrance, Below Grade 1 4,167 3,084 Plumbing 3 Fixture Bath 1 10,230 7,570 2 Fixture Bath 1 6,820 5,047 Water/Sewer 1000 Gal Septic 1 5,984 4,428 Water Well, 200 Feet 1 12,091 8,947 Porches CCP (1 Story) 168 6,334 4,687 Deck Pine 320 4,877 3,609 Garages Class: B Exterior: Siding Foundation: 42 Inch (Finished) Base Cost 528 41,411 30,644 Common Wall: 1.5 Wall 1 -5,352 -3,960 Fireplaces Prefab 1 Story 1 4,271 3,161 Totals: 518,636 383,785															Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding/Brick	Basement	60			2 Story	Siding/Brick	Basement	988			1 Story	Siding/Brick	Slab	352			Total:				400,900	296,660
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																							
1 Story	Siding/Brick	Basement	60																																									
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Total:				400,900	296,660																																							
<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>																																												

*** 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 # 23-13 Meeting Date: April 18, 2023
@ 6:30 pm

PAID Variance Application Fee

\$215.00 for Residential

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

Applicant/Owner: Jonathan Wyatt Email: JONATHANWYATT@YAHOO.COM

Property Address: 4156 Highcrest Drive Phone: 248-437-4254

Present Zoning: RLL- Lakeshore Residential Tax Code: 4711-22-302-170

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: _____

We are requesting a variance to the east (front) and north (side) yard for a proposed addition to the existing residence.

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.

_____ **Due to the current position of the house on the lot, there is no room to add toward the street in compliance with current zoning setbacks. The existing northeast corner of the house and basement encroaches into the required north side yard, and is very close to the required east yard. Under these inherited conditions, compliance with the ordinance would put this property at a disadvantage relative to neighboring properties, with regards to its position and visibility from the street.** _____

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 existing house is set back significantly further from the street than neighboring properties, and still encroaches into the required east/ street facing yard.** _____

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.

_____ **The goal is to NOT built any closer to the waterfront than the house currently is positioned. This will maintain existing open yard area and patios along the water, and will preserve the lakefront.** _____

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.

_____ **In addition to reasons stated for Public Safety and Welfare, the proposed maintaining of the house position relative to the waterfront will not impede on the neighbor's views.** _____
_____ **The proposed position relative to the street will enhance the consistency of the neighborhood density and streetscape.** _____

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: 3/20/23 Signature: 



April 12, 2023

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

Attention:	Amy Ruthig, Planning Director
Subject:	4158 Highcrest Drive – Dimensional Variance Review
Location:	4158 Highcrest Drive – waterfront lot on the west side of Highcrest Drive,
Zoning:	LRR Lakeshore Resort Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking dimensional variances to expand the existing residence at 4158 Highcrest Drive.

The existing residence is nonconforming due to deficient street front and north side yard setbacks; though the property itself is a compliant LRR lot. The property also contains a nonconforming boat house that encroaches onto the adjacent property to the south.

The proposal entails removal of a portion of the existing residence and a sizable expansion with a 2-story addition, a 3 car garage (attached), boat storage (attached), a covered porch towards the street front and a deck towards the waterfront yard.

The proposed addition encroaches into required setbacks for the street front yard and northerly side yard (to a greater extent than the existing nonconforming setbacks).

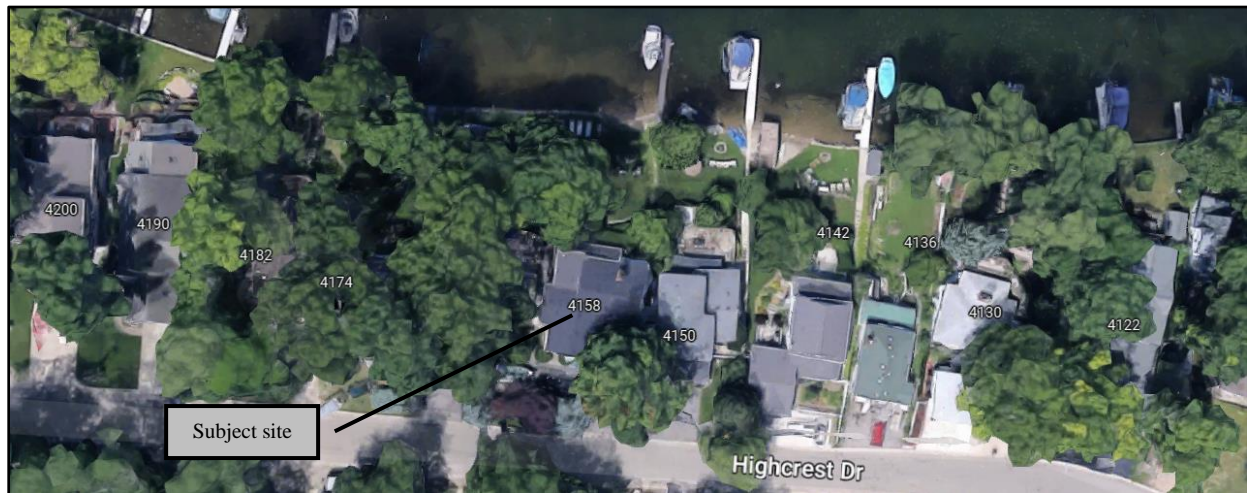
Per LRR requirements (Section 3.04.01), dimensional variances are needed for the following:

- A minimum street front yard setback of 13’-2” (where a minimum of 35’ is required); and
- A side yard setback of 1’-3” (where a minimum of 5’ is required).

Additionally, the applicant must identify the deck encroachment into the required waterfront yard. More specifically, Section 11.04.03(a)(2)d allows uncovered decks to extend a maximum of 15’ into the required waterfront yard. If the proposed deck does not comply, the applicant either needs to modify the plan or request a 3rd variance.

SUMMARY

1. Given the location of the nonconforming residence and a relatively limited building envelope, strict compliance could be viewed as unnecessarily burdensome to the applicant (practical difficulty).
2. We request the applicant explain to the Board the need for a new attached boat storage “garage” given the presence of the nonconforming boat house (substantial justice).
3. The Board may wish to require removal or relocation of the nonconforming boat house and/or disallow the new attached boat storage “garage” (substantial justice).
4. The limited building envelope and placement of the existing residence combine to restrict expansion opportunities (extraordinary circumstance).
5. We are somewhat concerned with the further reduction of the north side setback and a general lack of spacing between residences (public safety and welfare).
6. We request the applicant identify the spacing between buildings (as proposed) and the Board may wish to seek input from the Brighton Area Fire Authority (public safety and welfare).
7. The neighborhood includes other residences with deficient front yard setbacks; however, concern is related to the reduced north side setback and spacing between residences (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. A modest expansion could also be accommodated; however, the lot has a relatively limited building envelope that is wide, but shallow.

The building envelope and placement of the existing residence combine to restrict the owners' ability to expand the residence.

Given the location of the nonconforming residence and a relatively limited building envelope, strict compliance could be viewed as unnecessarily burdensome to the applicant.

With that being said, we request the applicant explain to the Board the need for a new attached boat storage "garage" given the presence of the nonconforming boat house. If the Board considers favorable action, they may wish to consider requiring removal or relocation of the boat house.

Alternatively, the new attached boat storage "garage," which encroaches into the street front yard, may not be necessary.

- 2. Extraordinary Circumstances.** As previously noted, the property is a compliant LRR lot, though the building envelope is somewhat restrictive. In this instance, the unusual condition is tied to the placement of the existing residence.

These factors impact the owners' ability to construct a compliant addition.

- 3. Public Safety and Welfare.** The proposal is not expected to impact traffic or public safety; however, we are somewhat concerned with the further reduction of the north side setback and a general lack of spacing between residences.

More specifically, the proposal entails a 1'-3" side yard setback and the adjacent residence to the north also encroaches into the required side yard setback.

We request the applicant identify the spacing between buildings (as proposed) and the Board may wish to seek input from the Brighton Area Fire Authority to ensure compliance with this standard.

- 4. Impact on Surrounding Neighborhood.** Review of aerial photos identifies several properties with deficient street front setbacks, and the proposal is generally consistent with the 2 abutting residences.

Similar to the comments above, the primary concern under this standard is the further reduction of the north side setback and limited spacing between residences.

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

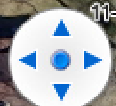
Respectfully,

SAFE BUILT

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

Brian V. Borden, AICP
Michigan Planning Manager

11-28-200-003



11-22-302-165
4122 HIGHCREST DR

11-22-302-135
4117 HIGHCREST DR

11-22-302-166
4130 HIGHCREST DR

11-22-302-136
4129 HIGHCREST DR

11-22-302-167
4136 HIGHCREST DR

11-22-302-137
4133 HIGHCREST DR

11-22-302-168
4142 HIGHCREST DR

11-22-302-138
4137 HIGHCREST DR

11-22-302-169
4150 HIGHCREST DR

11-22-302-139
4143 HIGHCREST DR

11-22-302-170
4158 HIGHCREST DR

11-22-302-140
4149 HIGHCREST DR

11-22-302-172
4174 HIGHCREST DR

11-22-302-141
4159 HIGHCREST DR

11-22-302-173
4182 HIGHCREST DR

11-22-302-142
4165 HIGHCREST DR

11-22-302-174
4190 HIGHCREST DR

11-22-302-143
4177 HIGHCREST DR

11-22-302-175
4200 HIGHCREST DR

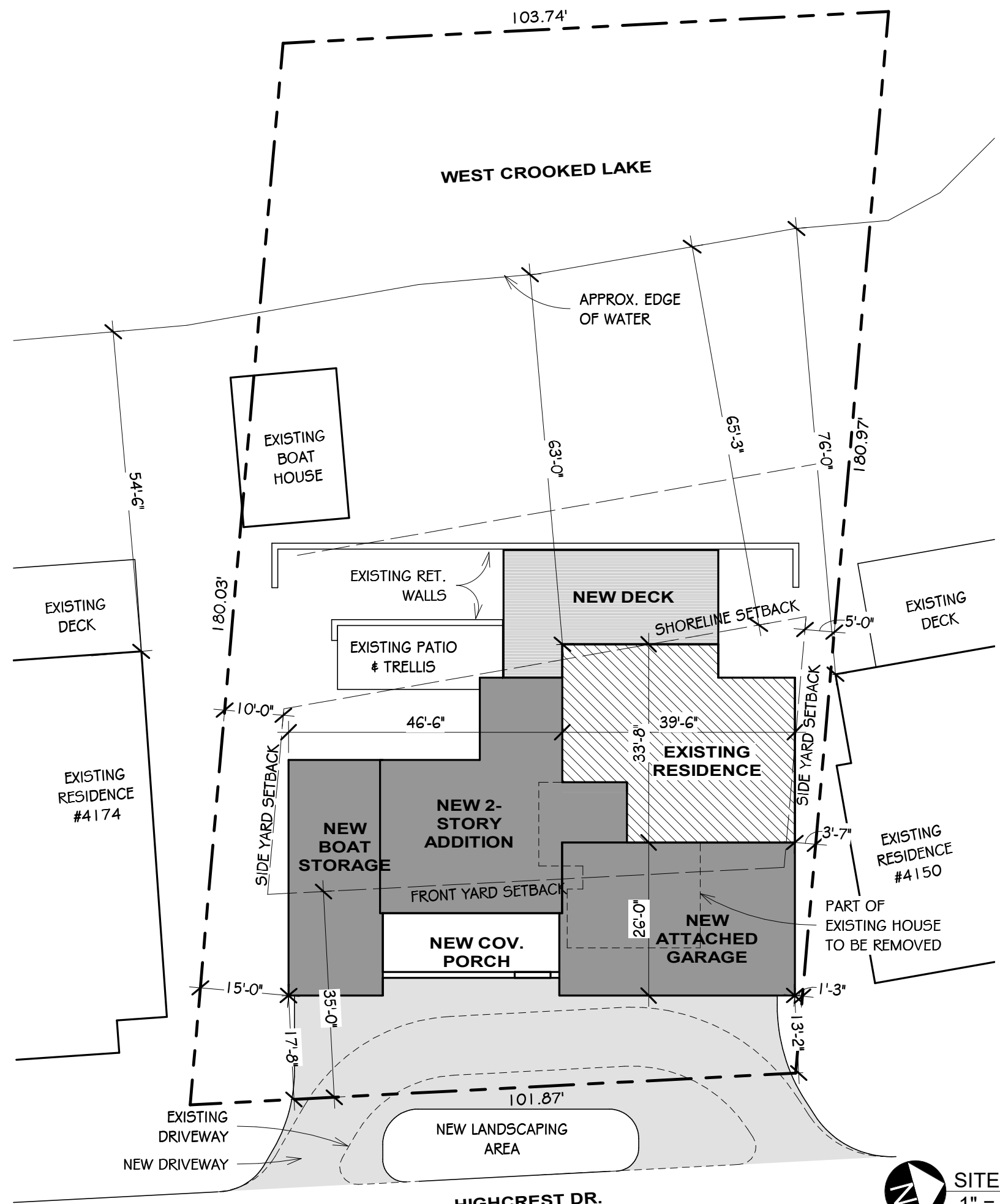
11-22-302-144
4191 HIGHCREST DR

11-22-302-176
4206 HIGHCREST DR

11-22-302-146
0 VACANT

11-22-302-147
0 VACANT

11-22-302-177



ZONING DATA

ZONING DISTRICT: LRR- LAKESHORE RESIDENTIAL
GENOA TOWNSHIP, MI

MIN. LOT AREA: 12,800 SF
ACTUAL LOT AREA: 18,462 SF (0.43 ACRES)

MIN. LOT WIDTH: 80.00'
ACTUAL LOT WIDTH: 101.87'

MAX. BUILDING COVERAGE: 35%

NEW BUILDING COVERAGE:

EXISTING HOUSE FOOTPRINT	= 1,144 SF
EXISTING BOAT HOUSE	= 432 SF
NEW 2-STORY ADDITION FOOTPRINT	= 1,085 SF
NEW GARAGE ADDITION	= 1,040 SF
NEW BOAT STORAGE ADDITION	= 640 SF
NEW DECK	= 660 SF
NEW COVERED FRONT PORCH	= 300 SF
TOTAL BUILDING AREA ON LOT	= 5,301 SF
TOTAL LOT COVERAGE (5,301 / 18,462)	= 29%

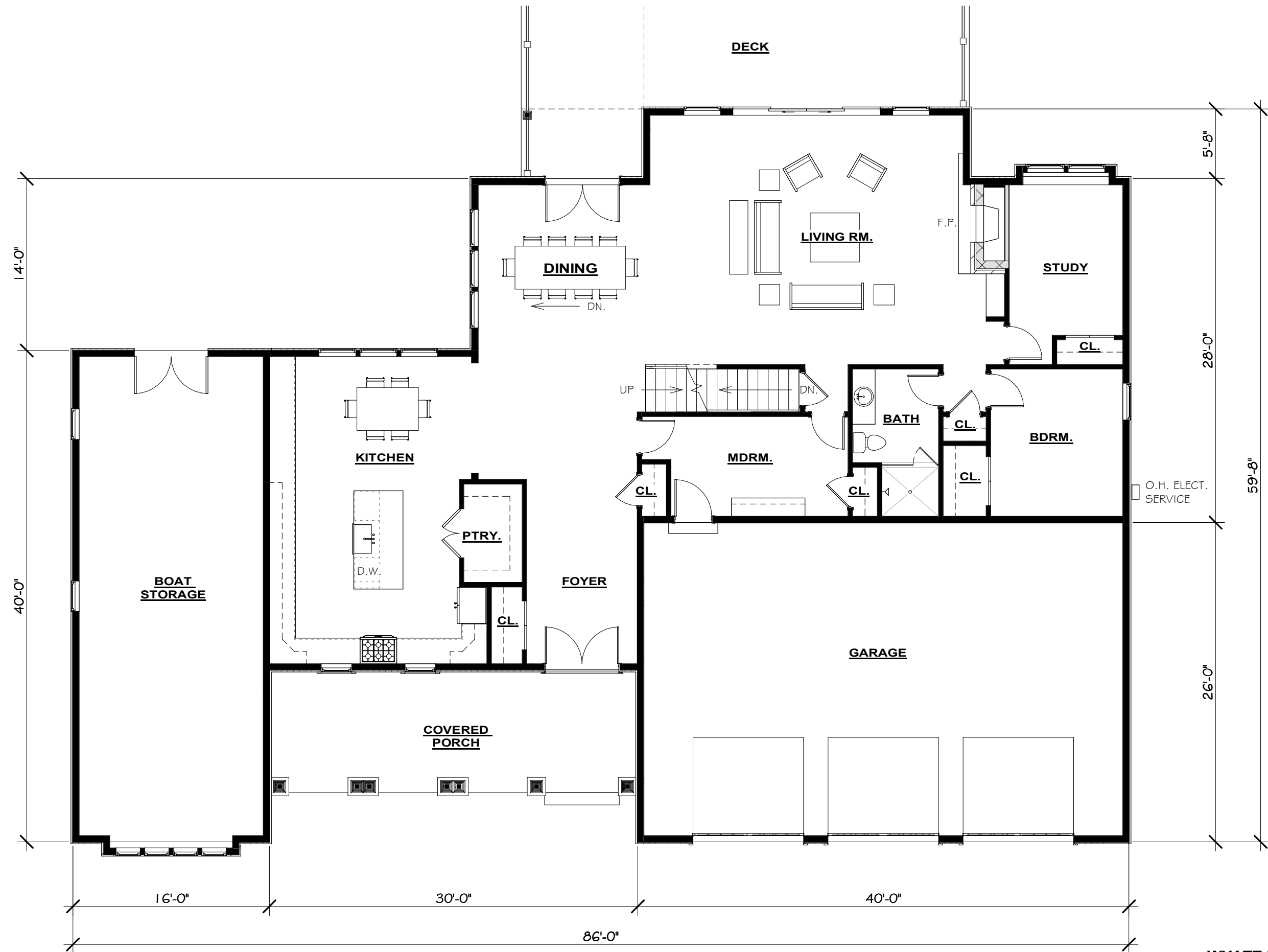
MAX. IMPERVIOUS COVERAGE: 50%

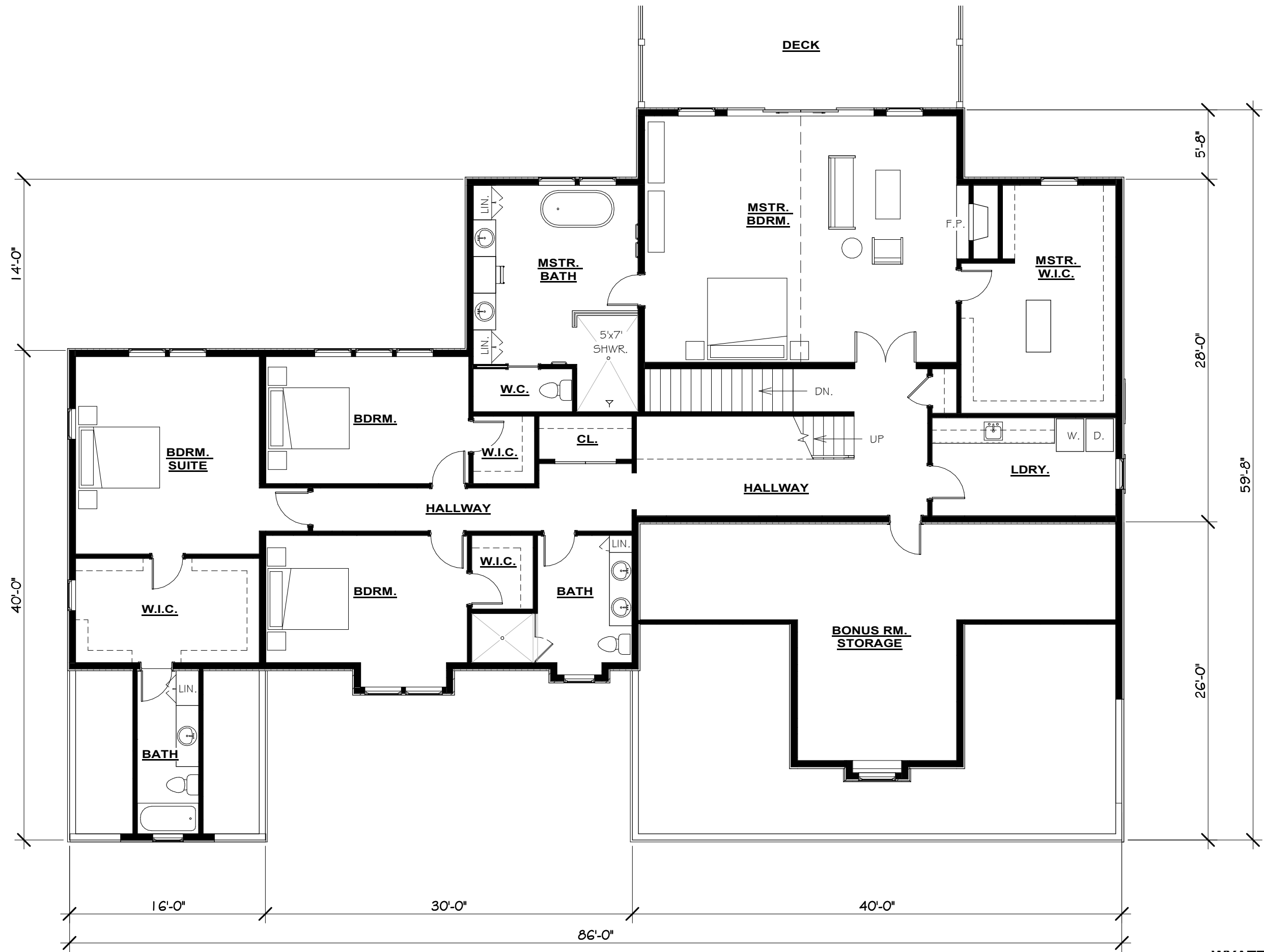
NEW IMPERVIOUS COVERAGE:

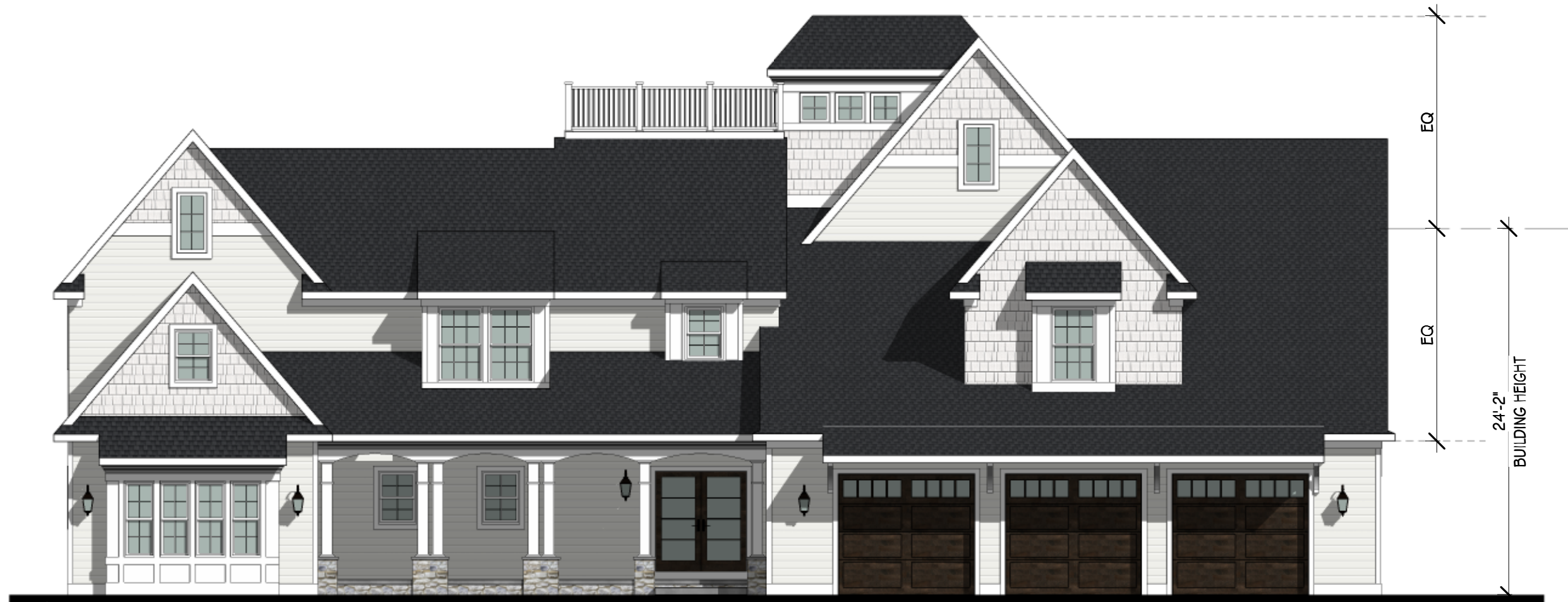
TOTAL BUILDING AREA ON LOT	= 5,301 SF
EXISTING PATIO	= 400 SF
NEW DRIVEWAY	= 2,290 SF
TOTAL IMPERVIOUS SURFACE	= 7,991 SF
TOTAL COVERAGE (7,991 / 18,642)	= 43%

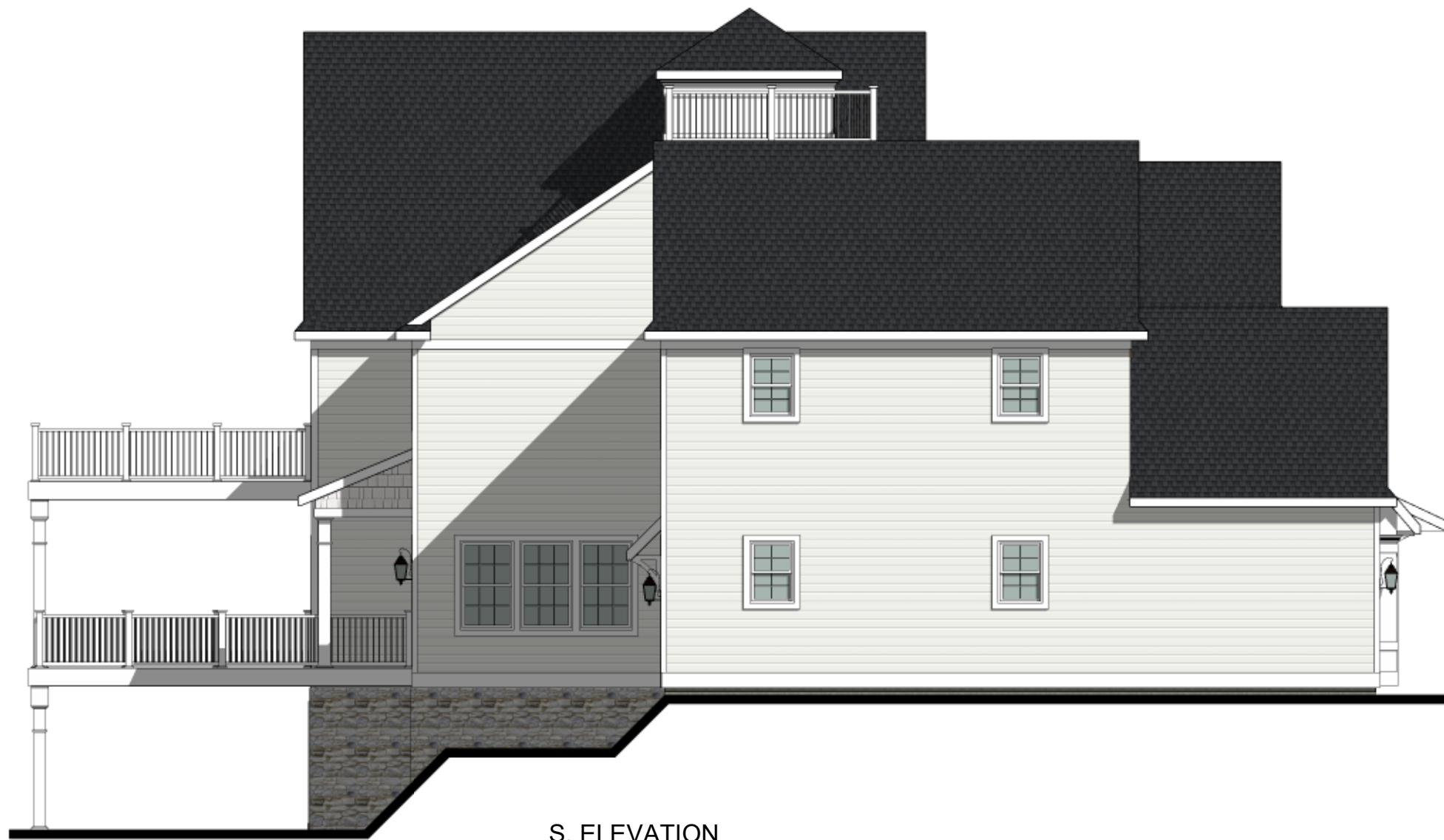
SETBACKS:
 FRONT = 35'-0"
 MIN. SIDE = 5'-0"
 TOTAL SIDE = 15'-0"
 REAR/ SHORELINE = 40'-0"

VARIANCES REQUESTED:
 1) FRONT YARD SETBACK VARIANCE OF 21'-10"
 2) NORTH SIDE YARD SETBACK VARIANCE OF 3'-9"



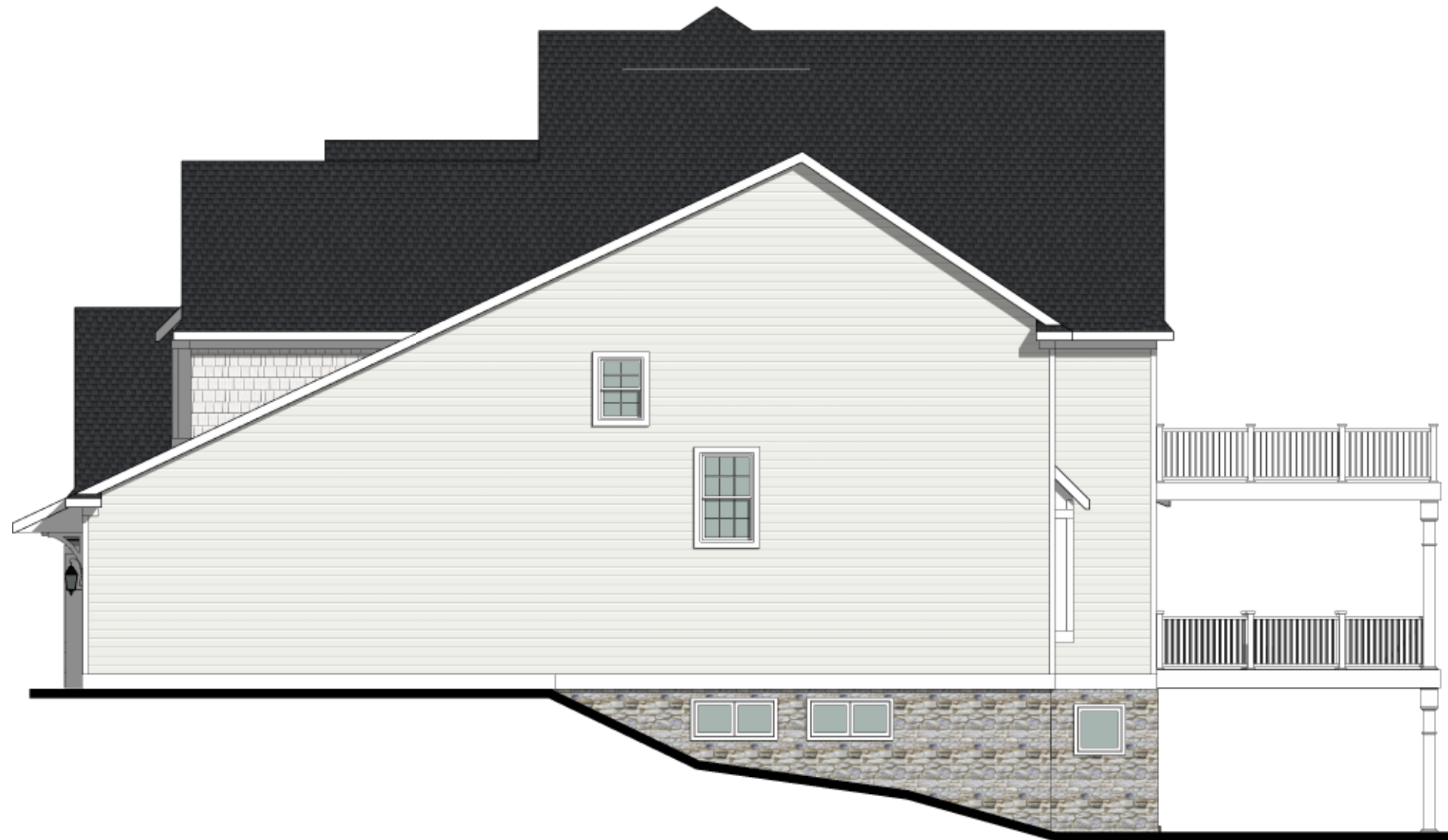






S. ELEVATION
1/8" = 1'-0"





N. ELEVATION
1/8" = 1'-0"

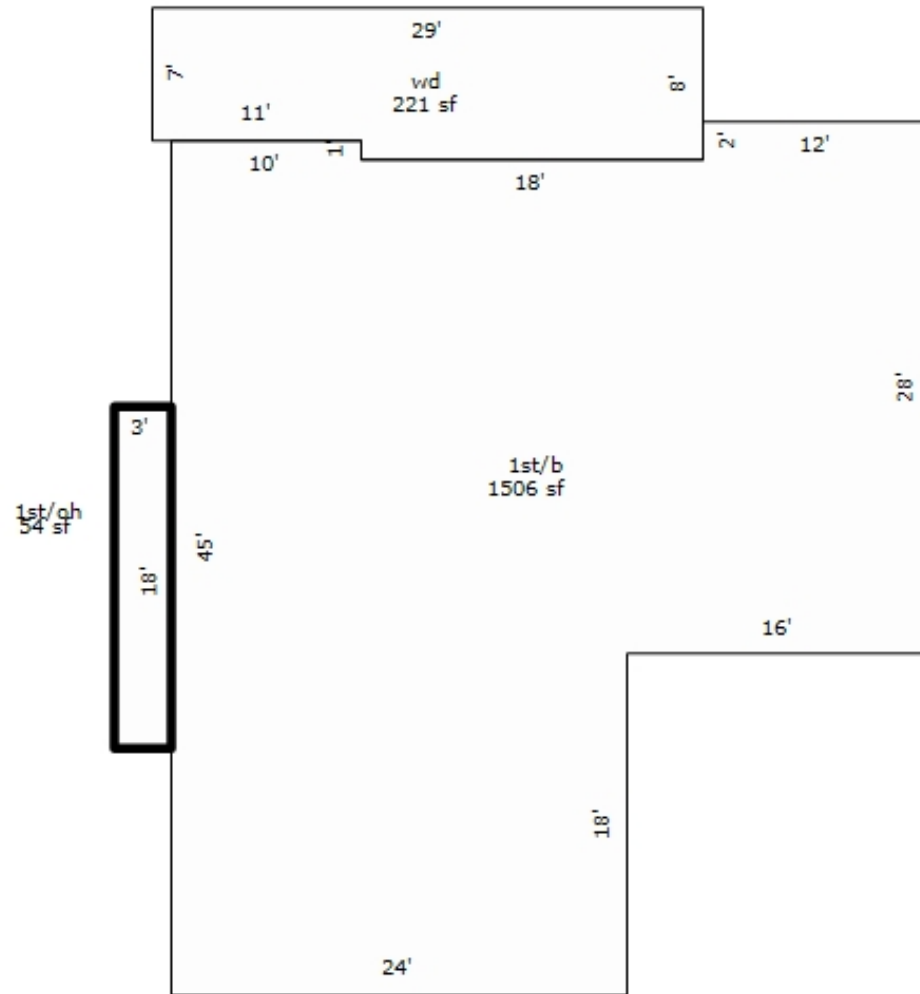
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.													
WYATT JOHNATHAN J & VICTOR	WYATT JOHNATHAN	0	02/13/2013	QC	21-NOT USED/OTHER	2013R-007828	BUYER/SELLER	0.0													
RAYMO MURIEL I & MICHAEL	WYATT JOHNATHAN J & VICTOR	295,000	09/28/2007	PTA	03-ARM'S LENGTH	2007R-033436	BUYER/SELLER	100.0													
RAYMO MURIEL	RAYMO MURIEL I & MICHAEL	0	06/10/2004	QC	21-NOT USED/OTHER	4492/0299	BUYER/SELLER	0.0													
ZINK, MURIEL B. - TRUST	RAYMO MURIEL	0	03/23/2004	WD	21-NOT USED/OTHER	4378/0155	BUYER/SELLER	100.0													
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status											
4158 HIGHCREST DR		School: BRIGHTON AREA SCHOOLS		Fence		06/19/2020		P20-083	7 FINAL BL												
Owner's Name/Address		P.R.E. 100% 09/28/2007		MAP #: V23-13		2024 Est TCV Tentative															
WYATT JOHNATHAN 4158 HIGHCREST DR BRIGHTON MI 48116-7708		X Improved		Vacant		Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT															
Tax Description		Public Improvements		* Factors *																	
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOTS 90 AND 91		X		Dirt Road		Description		Frontage		Depth		Front		Depth		Rate %Adj.		Reason		Value	
Comments/Influences		X		Gravel Road		A LAKE FRONT		50.00		180.00		1.0000		1.0000		4300		100		215,000	
		X		Paved Road		B SURPLUS LF		53.00		180.00		1.0000		1.0000		1600		100		84,800	
		X		Storm Sewer		103 Actual Front Feet, 0.43 Total Acres														Total Est. Land Value = 299,800	
		X		Sidewalk		Land Improvement Cost Estimates															
		X		Water		Description		Rate		Size		% Good		Cash Value							
		X		Sewer		Wood Frame		17.53		440		49		3,779							
		X		Electric		Total Estimated Land Improvements True Cash Value =					3,779										
		X		Gas																	
		X		Curb																	
		X		Street Lights																	
		X		Standard Utilities																	
		X		Underground Utils.																	
		X		Topography of Site																	
		X		Level																	
		X		Rolling																	
		X		Low																	
		X		High																	
		X		Landscaped																	
		X		Swamp																	
		X		Wooded																	
		X		Pond																	
		X		Waterfront																	
		X		Ravine																	
		X		Wetland																	
		X		Flood Plain																	
		X		REFUSE																	
4711-22-302-170		10/21/2020		JB 10/21/2020 INSPECTED		2023		149,900		66,200		216,100								115,790C	
The Equalizer. Copyright (c) 1999 - 2009.				CG 07/28/2016 REVIEWED R		2022		149,900		59,500		209,400								110,277C	
Licensed To: Township of Genoa, County of Livingston, Michigan						2021		149,900		55,900		205,800								106,755C	

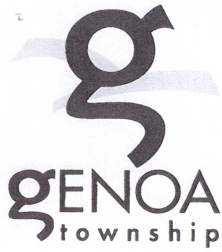


Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage																							
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance 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	1	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 221	Type Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:																						
X	Wood Frame	(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																																	
Building Style: D		Drywall Paneled	Plaster Wood T&G	Central Air Wood Furnace																																		
Yr Built 1940	Remodeled 0	Ex	X Ord	Min																																		
Condition: Good		Size of Closets																																				
Room List		Doors:	Solid X	H.C.																																		
	Basement 1st Floor 2nd Floor 3 Bedrooms	(5) Floors																																				
(1) Exterior		Kitchen: Other: Other:																																				
X	Wood/Shingle Aluminum/Vinyl Brick Insulation	(6) Ceilings																																				
(2) Windows		(7) Excavation																																				
X	Many Avg. Few	X	Large Avg. Small	Basement: 1506 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0																																		
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement																																				
(3) Roof		(9) Basement Finish																																				
X	Gable Hip Flat	Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)																																			
X	Asphalt Shingle	(10) Floor Support																																				
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:																																				
(12) Electric 0 Amps Service No./Qual. of Fixtures Ex. X Ord. Min No. of Elec. Outlets Many X Ave. Few (13) Plumbing Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan (14) Water/Sewer Public Water Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:																																						
Cost Est. for Res. Bldg: 1 Single Family D (11) Heating System: Forced Air w/ Ducts Ground Area = 1506 SF Floor Area = 1560 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=45/100/100/100/45 Building Areas <table border="1"> <thead> <tr> <th>Stories</th> <th>Exterior</th> <th>Foundation</th> <th>Size</th> <th>Cost New</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>1 Story</td> <td>Siding</td> <td>Basement</td> <td>1,506</td> <td></td> <td></td> </tr> <tr> <td>1 Story</td> <td>Siding</td> <td>Overhang</td> <td>54</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>170,306</td> <td>76,637</td> </tr> </tbody> </table> Other Additions/Adjustments Deck Treated Wood 221 4,142 1,864 Water/Sewer Public Sewer 1 1,150 517 Water Well, 200 Feet 1 9,791 4,406 Fireplaces Interior 2 Story 1 5,093 2,292 Totals: 190,482 85,716 Notes: ECF (4306 TRI LAKES LAKE FRONT) 1.500 => TCV: 128,574															Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding	Basement	1,506			1 Story	Siding	Overhang	54			Total:				170,306	76,637
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																	
1 Story	Siding	Basement	1,506																																			
1 Story	Siding	Overhang	54																																			
Total:				170,306	76,637																																	
Class: D Effec. Age: 56 Floor Area: 1,560 Total Base New : 190,482 Total Depr Cost: 85,716 Estimated T.C.V: 128,574 E.C.F. X 1.500 Cls D Blt 1940																																						

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

20*22 Shed by Water





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

Case # 23-14

Meeting Date: April 18, 2023
@ 6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: Bradley Holmes Email: BradH111@hotmail.com
 Property Address: 4095 Rose Creek Lane Phone: 810.923.0555
 Present Zoning: Residential URR Tax Code: 11-28-100-025

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.

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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: South property line wall
6' increased variance over max height per ordinance.

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.

Due to the steep slope conditions on site, the retaining walls need to be tall in order to control erosion between my lot and address 4123 Rose Creek Lane. This wall will also allow us to have a "ramp effect" grade providing access to the back HHO utilities if necessary.

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 severely sloped topography of the lot limits usability. The existing drop off needs retaining at these heights to fully control erosion and stabilize the ground.

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

There are no harms to neighbors view or air flow. The wall will improve property conditions, safety and erosion. There will be a constructed fence along the top of the wall. Neighbor at 4123 Rose Creek will provide a letter of support.

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.

No negative impact on surrounding area. Neighbor at 4123 knows the importance of this and has interest in this being completed as well.

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: 3/21/23 Signature: Bradley Hales



April 10, 2023

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

Attention:	Amy Ruthig, Planning Director
Subject:	4095 Rose Creek Lane – Dimensional Variance Review
Location:	4095 Rose Creek Lane – waterfront lot on the east side of Rose Creek Lane
Zoning:	LRR Lakeshore Resort Residential District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking a dimensional variance for the construction of a retaining wall for the existing residence at 4095 Rose Creek Lane.

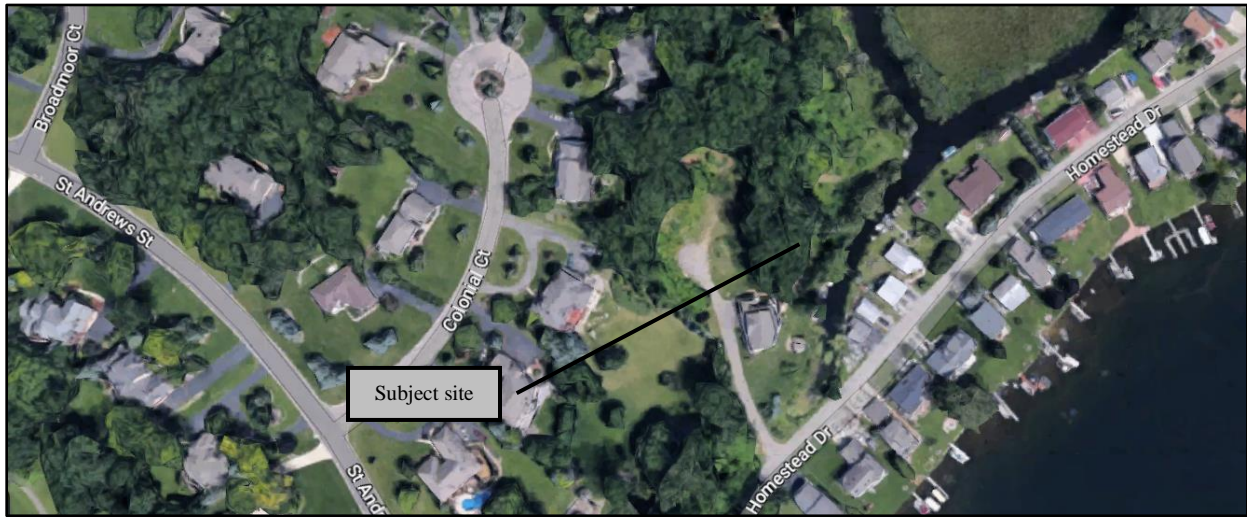
The proposal entails a retaining wall in the southerly side yard with a maximum height of 12’-6”.

Per Section 11.04.03(j), the following variance is needed from the retaining wall regulations of the Zoning Ordinance:

- A retaining wall in the side yard with a height of 12’-6” (where a maximum of 6’ is allowed).

SUMMARY

1. Severe topographic changes create difficulty for strict compliance with retaining wall regulations (practical difficulty).
2. The applicant needs to explain to the Board the need for the extent of the variance sought (substantial justice).
3. Pending justification for the extent of the variance sought, the Board could view strict compliance as unnecessarily burdensome (practical difficulty).
4. The property contains severe topographic changes, with slopes of upwards of 49% (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 project will provide MHOG with necessary access to the grinder pump in the waterfront yard (public safety and welfare).
7. There are other retaining walls in this neighborhood; however, it is unclear whether any are as tall as that proposed (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 significant topographic changes impact the owner's ability to utilize their waterfront yard.

Additionally, the topography impacts MHOGs ability to access the grinder pump in the waterfront yard.

At its tallest point, the proposed retaining wall is 6'-6" above the maximum allowed by Ordinance.

Given the extent of the variance sought, we request the applicant explain to the Board why a retaining wall of this height is necessary. Any reasonable height reductions should be considered under the test for substantial justice.

Pending the applicant's explanation of the need for the extent of the variance requested, the Board could view strict compliance as unnecessarily burdensome.

- 2. Extraordinary Circumstances.** The property contains severe topographic changes, with upwards of 49% slope in the southerly side yard (project area).
- 3. Public Safety and Welfare.** Given the nature of the proposal, granting of the variance will not impair the supply of light and air to adjacent properties, nor will it unreasonably impact traffic or public safety.

Additionally, MHOG has indicated that the retaining wall will provide necessary access to the grinder pump in the waterfront yard.

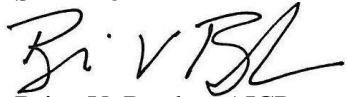
- 4. Impact on Surrounding Neighborhood.** Surrounding properties also have significant topographic changes, and there are other retaining walls present. However, we are unaware of any as tall as that proposed.

Similar to the previous comment under "substantial justice," the applicant needs to provide the Board with justification for the extent of the variance sought.

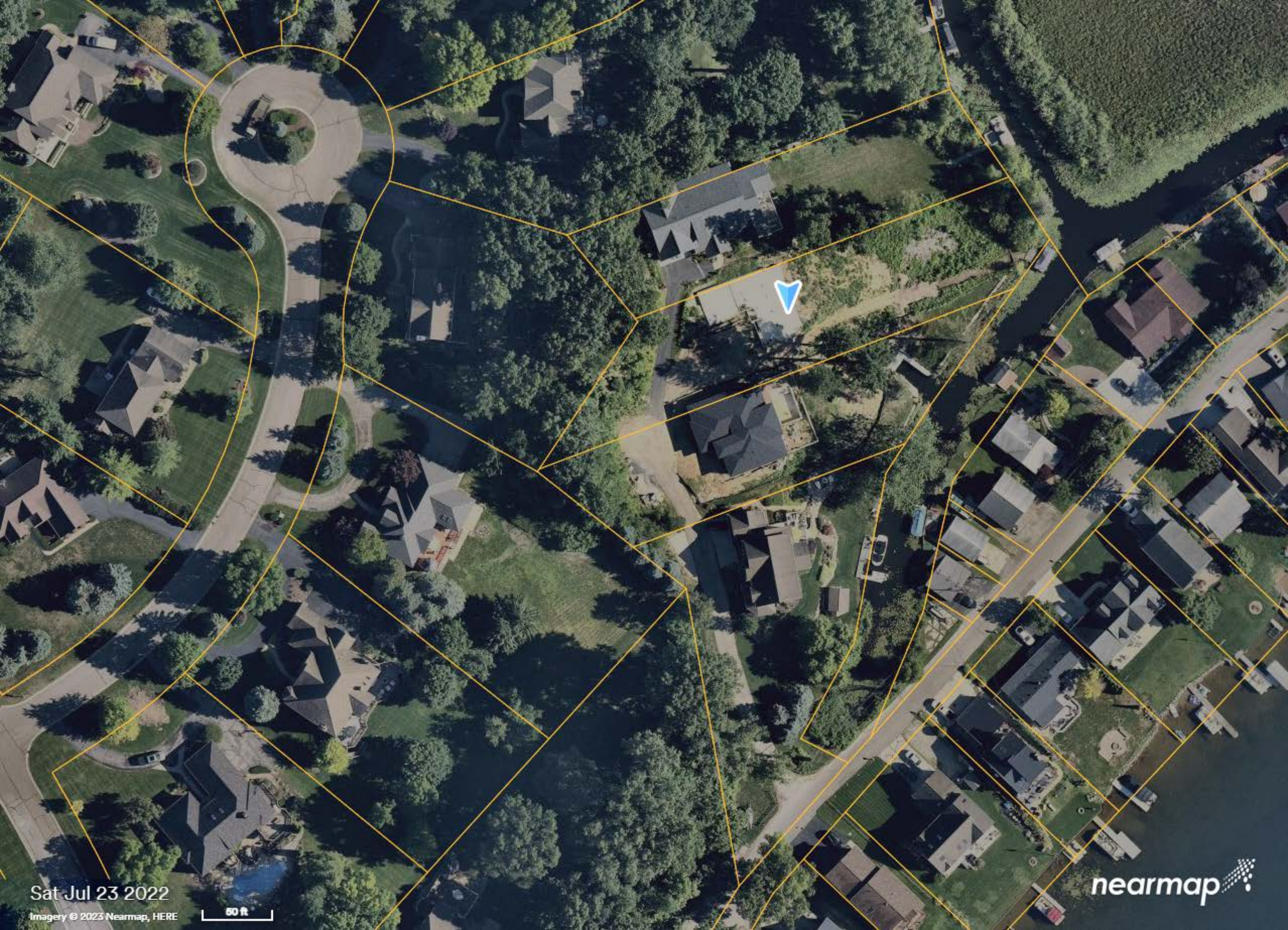
Genoa Township ZBA
4095 Rose Creek Lane
Dimensional Variance Review
Page 3

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 written in a cursive-like font.

Brian V. Borden, AICP
Michigan Planning Manager

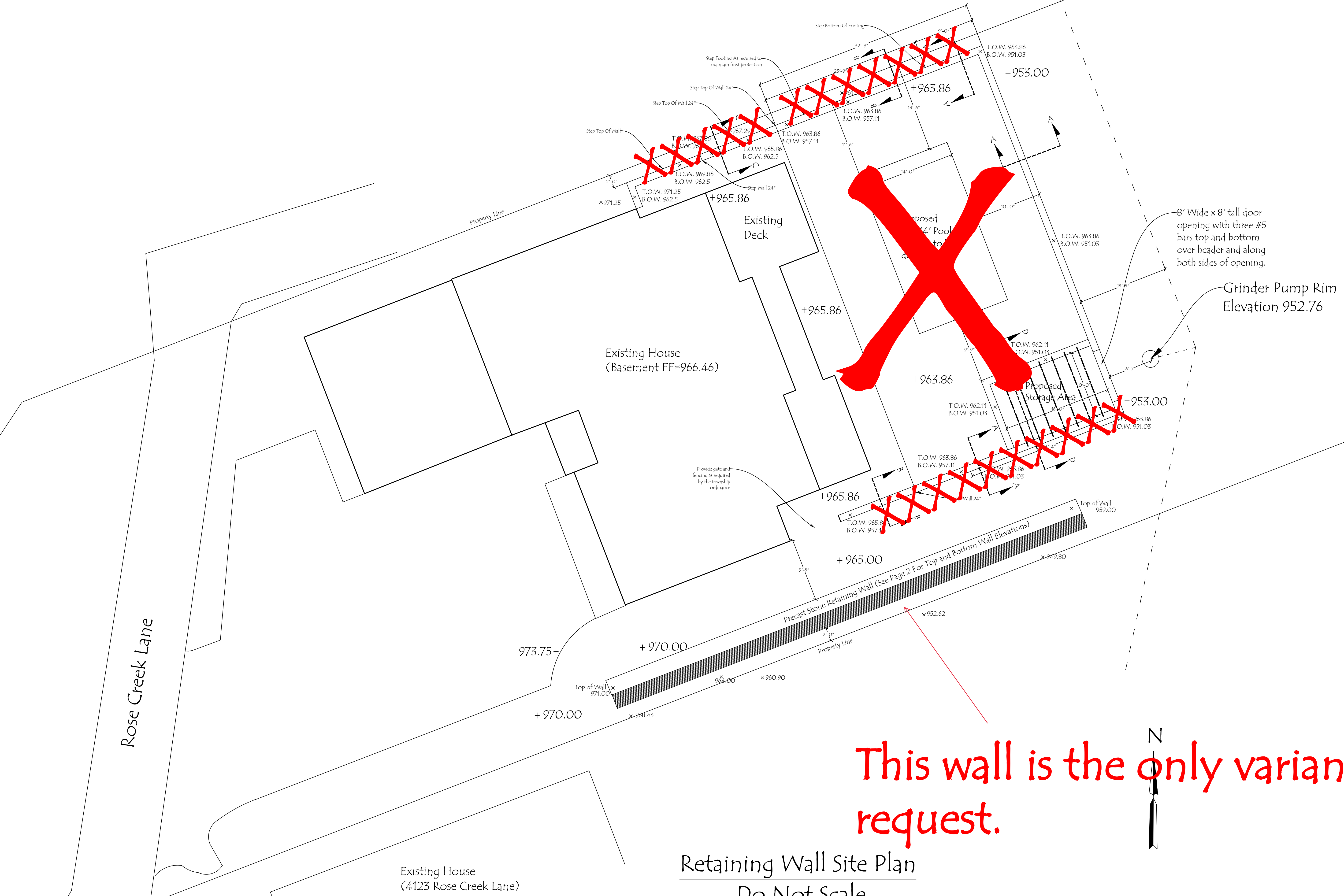


Sat Jul 23 2022

Imagery © 2023 Nearmap, HERE

50 ft

nearmap

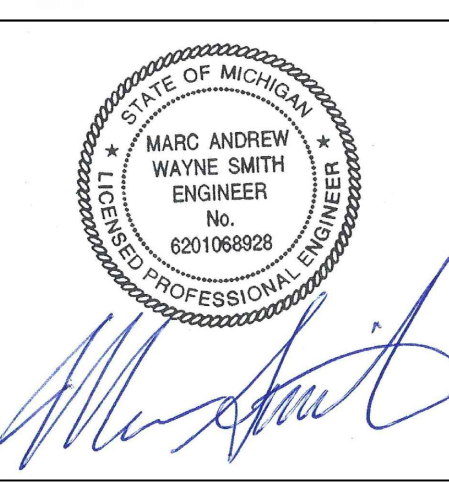


This wall is the only variance request.

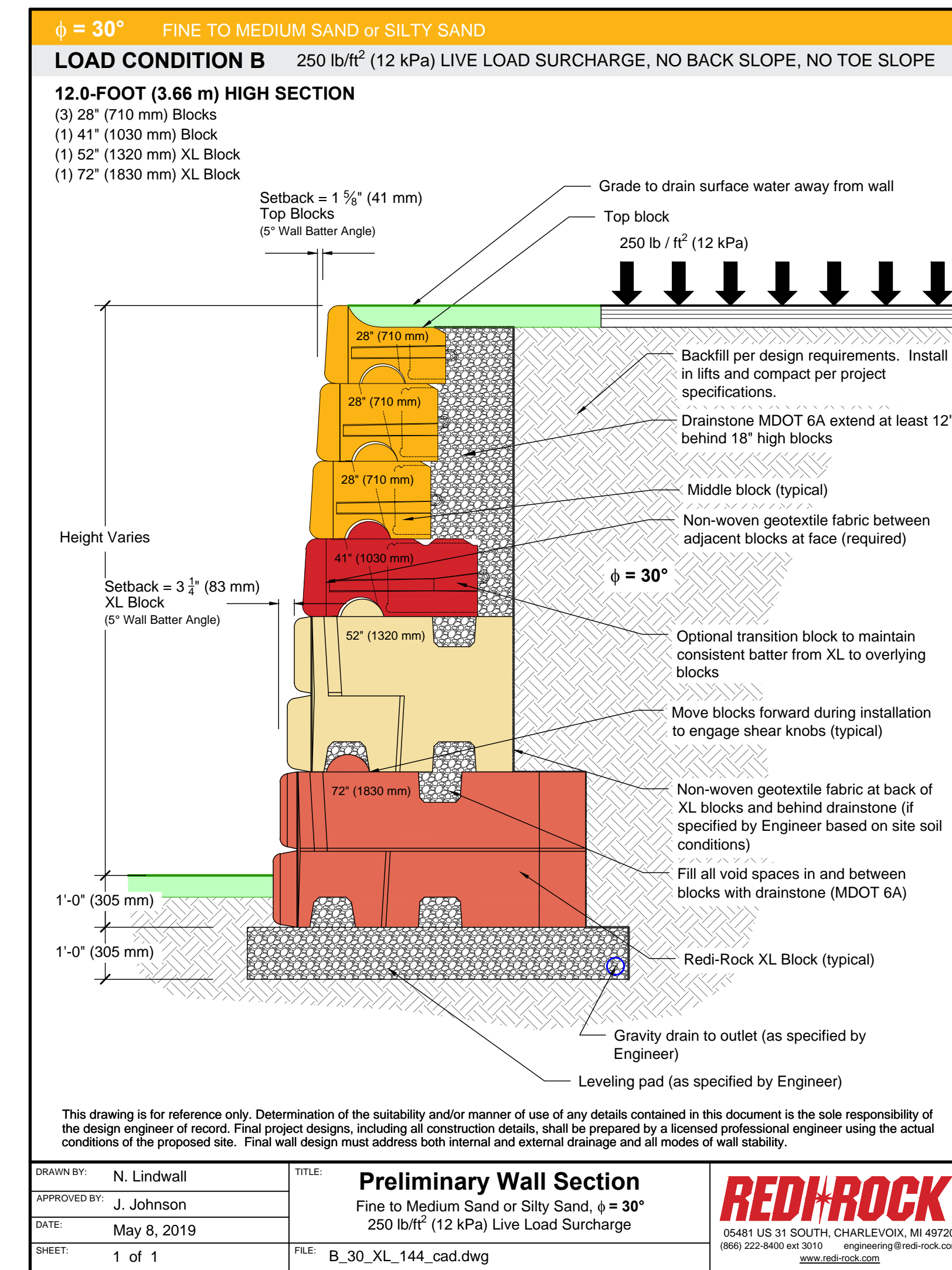
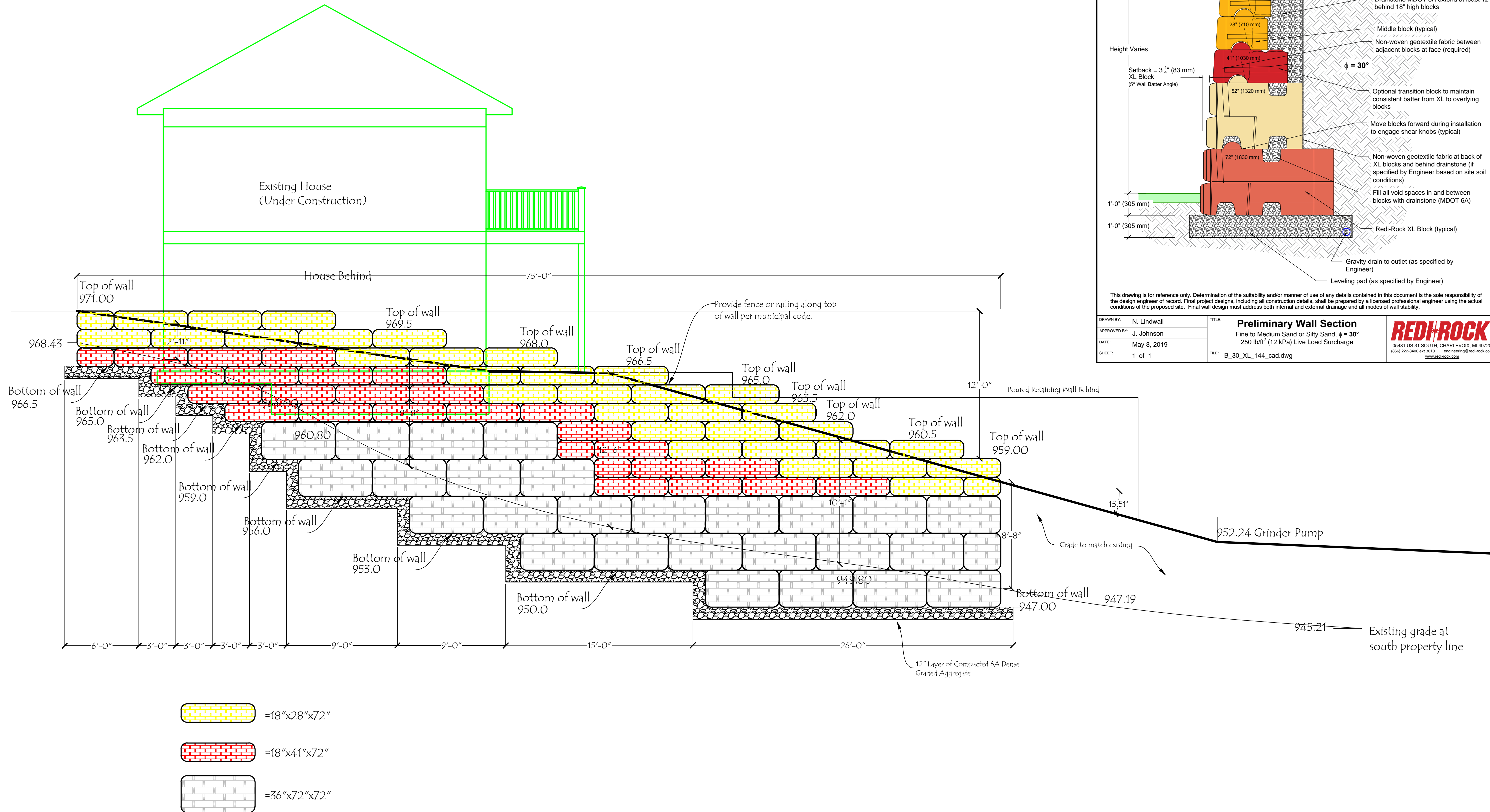
Retaining Wall Site Plan
Do Not Scale

PROJECT : Holmes Residence
4095 Rose Creek Lane, Genoa Township, MI
Retaining Wall Plan
Drawn By: M.S. Date: 03/21/2023 Page 1 of 4

(517) 546-6121
FAX (517) 546-1478
HASTINGS TESTING ENGINEERS AND ENVIRONMENTAL INC.
"Testing to keep America on a firm foundation"
4841 GOLF CLUB ROAD • HOWELL, MI 48843



Marc Andrew Wayne Smith



Precast Stone Retaining Wall Elevation Plan
Do Not Scale

PROJECT: Holmes Residence
4095 Rose Creek Lane, Genoa Township, MI

Retaining Wall Plan

Drawn By: M.S. Date: 03/21/2023 Page 2 of 4

(517) 546-6121
FAX (517) 546-1478

HASTINGS TESTING ENGINEERS AND ENVIRONMENTAL INC.
"Testing to keep America on a firm foundation"
4841 GOLF CLUB ROAD • HOWELL, MI 48843

MARC ANDREW WAYNE SMITH
ENGINEER
No. 6201088828
PROFESSIONAL ENGINEER

SITE PLAN

PREPARED FOR:

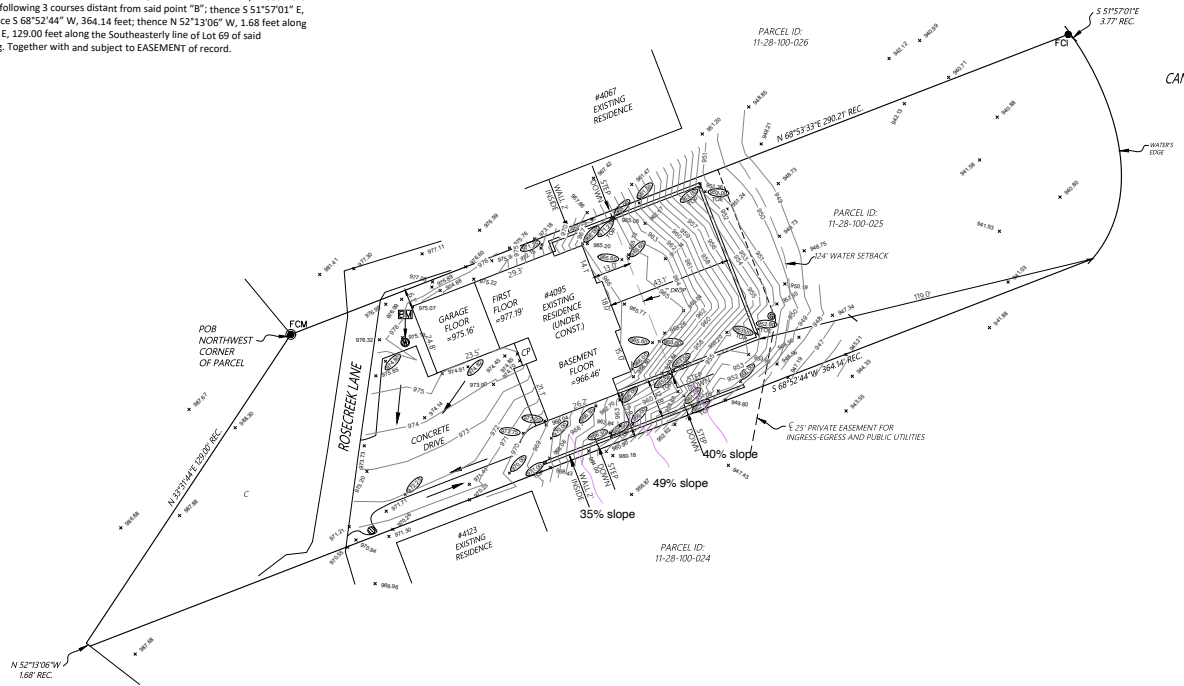
BRAD HOLMES

LEGAL DESCRIPTION:

A part of the North 1/4 of Section 28, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, being more particularly described as: Commencing at the North 1/4 corner of said Section 28, thence S 02°06'10" E, 78.06 feet along the North-South 1/4 line of said Section as shown on the plat of OAK POINTE HIGHLANDS NO. 3, according to the plat thereof recorded in Liber 29 of Plats, pages 41-44 of Livingston County Records; thence the following 5 course along the Easterly line of said subdivision; S 68°28'11" E, 91.62 feet; S 51°47'19" E, 71.65 feet; S 47°47'49" E, 70.34 feet; S 40°58'14" E, 134.85 feet and S 13°15'41" E, 145.52 feet to point "A", a point located on a reference traverse line along the Westerly bank of a Canal; thence following 2 courses along said reference traverse line; S 26°52'20" E, 47.56 feet and S 51°57'01" E, 33.31 feet to point "B", a point on said reference traverse line and the place of beginning; thence S 68°53'33" E, 2 feet more or less to the Westerly shoreline of said canal; thence Southerly 90 feet more or less along said shoreline; thence S 68°52'44" W, 7 feet more or less to point "C", a point on said reference traverse line that lies the following 3 courses distant from said point "B"; thence S 54°57'01" E, 3.77 feet; S 12°04'58" E, 58.17 feet and S 35°26'54" W, 27.81 feet; thence S 68°52'44" W, 364.14 feet; thence N 52°13'06" W, 1.65 feet along the Northeasterly line of Lot 68 of said subdivision; thence N 33°31'44" E, 129.00 feet along the Southeasterly line of Lot 69 of said subdivision; thence N 68°53'33" E, 290.21 feet to the place of beginning. Together with and subject to EASEMENT of record.

BENCH MARK

TOP OF WELL (AS SHOWN)
ELEVATION = 977.1' (NAVD88)



LEGEND:

	STORM SEWER & MANHOLE		DRAINAGE ARROW
	SANITARY SEWER & MANHOLE		EXISTING ELEVATION
	WATERMAIN, HYDRANT, & VALVE		PROPOSED ELEVATION
	GAS MAIN & VALVE		PROPOSED WELL
	BURIED TELEPHONE & MANHOLE		EXISTING POLE TEST
	UNDERGROUND ELECTRIC & MANHOLE		SILT FENCE
	OVERHEAD ELECTRIC POLE & HOT WIRE		FLOOD ZONE LINE
	CATCH BASIN (CURB & ROAD)		
	GUARD RAIL		
	NEW GRINDER PUMP		
	BENCHMARK		

(M&A) - MEASURED	(R) - RISK SET	(FC) - FOUND CAPPED IRON
(REC) - RECORDED	(FR) - FOUND IRON ROD	
(CALC) - CALCULATED	(S) - WORKMAN SET	
(F) - SET CORNER FOUND	(M) - WORKMAN FOUND	

SURVEYOR'S NOTES:

NO TITLEWORK WAS SUPPLIED BY CLIENT THEREFORE ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

HELD BEARING BASIS AS PER PLAT OF RECORD.

ALL ELEVATIONS ARE SHOWN IN NAVD 1988 DATUM.

THIS SURVEY WAS COMPLETED FOR FEMA 100-YEAR FLOOD ZONE ONLY. NO BOUNDARY IRONS HAVE BEEN SET.

FEMA 100-YEAR BASE FLOOD ELEVATION = 941.3' (NAVD 1988)

ADJACENT HOMES SETBACK TO WATER'S EDGE:

4067 ROSE CREEK LANE = 154'

4123 ROSE CREEK LANE = 42'



Karol L. Grove
 03-22-2023
 KAROL L. GROVE - MI L.P.S. #38075 DATE
 REVISED 01-30-2023 TO ADD NEW GRINDER PUMP
 REVISED 02-20-2023 TO ADD ADJACENT HOME DETAIL
 REVISED 02-21-2023 TO ADD WATER SETBACK
 REVISED 03-21-2023 TO ADD CONTOUR LINES



ALPINE
Land Surveying, Inc.

Drawn: as
Designed: as
Checked: as

SITE PLAN

Scale: 1"=10'
 Date: 09-15-2022
 Job No.: 22-5830
 Sht. No.: 1 of 1



2911 Dorr Road
Brighton, MI 48116
(810) 227-5225
(810) 227-3420 fax
genoa.org

March 29, 2023

Via E-mail

Amy Ruthig
Planning Director
Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116

Subject: Retaining Wall Installation at 4095 Rose Creek Lane

Dear Ms. Ruthig;

The Genoa Charter Township Utility Department (Utility Department) has evaluated the proposed retaining walls for a pool and patio area and an inter-lot grading support wall at 4095 Rose Creek Lane. Our evaluation focused what, if any, impact the proposed retaining walls would have on the existing 25-foot wide easement for the low pressure sanitary main, and the ability to get a mini excavator to access the sanitary main or grinder pump on the subject property

Regarding the location of the force main in relation to the proposed pool and patio retaining wall, we exposed the existing force main and determined, based on the dimension of the proposed improvements, that there will be no impact on the grinder pump or main on the property. Regarding the easement between the residence at 4095 Rose Creek Ln and 4123 Rose Creek Lane, the proposed retaining wall is acceptable provided it provides minimum of 6-foot clearance to accommodate the ingress – egress of a mini-excavator for service and terminates before the sanitary sewer easement. Grading over the sewer easement is permissible, provided cover is not removed. As a result, the Utility Department does not object the improvements as proposed.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Greg Tatara
Genoa Charter Township Utility Director

Copy: Bradley Holmes, 4095 Rose Creek Lane

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

Thomas Stone

4123 Rose Creek Lane
Howell, MI. 48843
517.672.6787

April 2, 2023

Genoa Township
2911 Door Rd
Brighton, MI. 48116

To Genoa Township ,

I am writing this letter in support of the neighbor , next to me at 4095 Rose Creek lane, building the retaining wall, per the plans provided for their requested variance. As our lots on Rose Creek Lane are both unique and challenging compared to other lots, the wall will secure both of our lots providing functionality and safety. Without the wall, it will be almost impossible to control the erosion of the steep slopes. There will be no disadvantage to me at 4123 Rose Creek due to how high of an elevation we have on our lots. The use of our property will have no negative effects. We have been forced to repeatedly correct silt fence and barriers, in order to retain the soils. Without the retaining wall, this will continue. I support and have interest that this variance can be approved as soon as possible. If you have any questions, please contact me.

Sincerely,



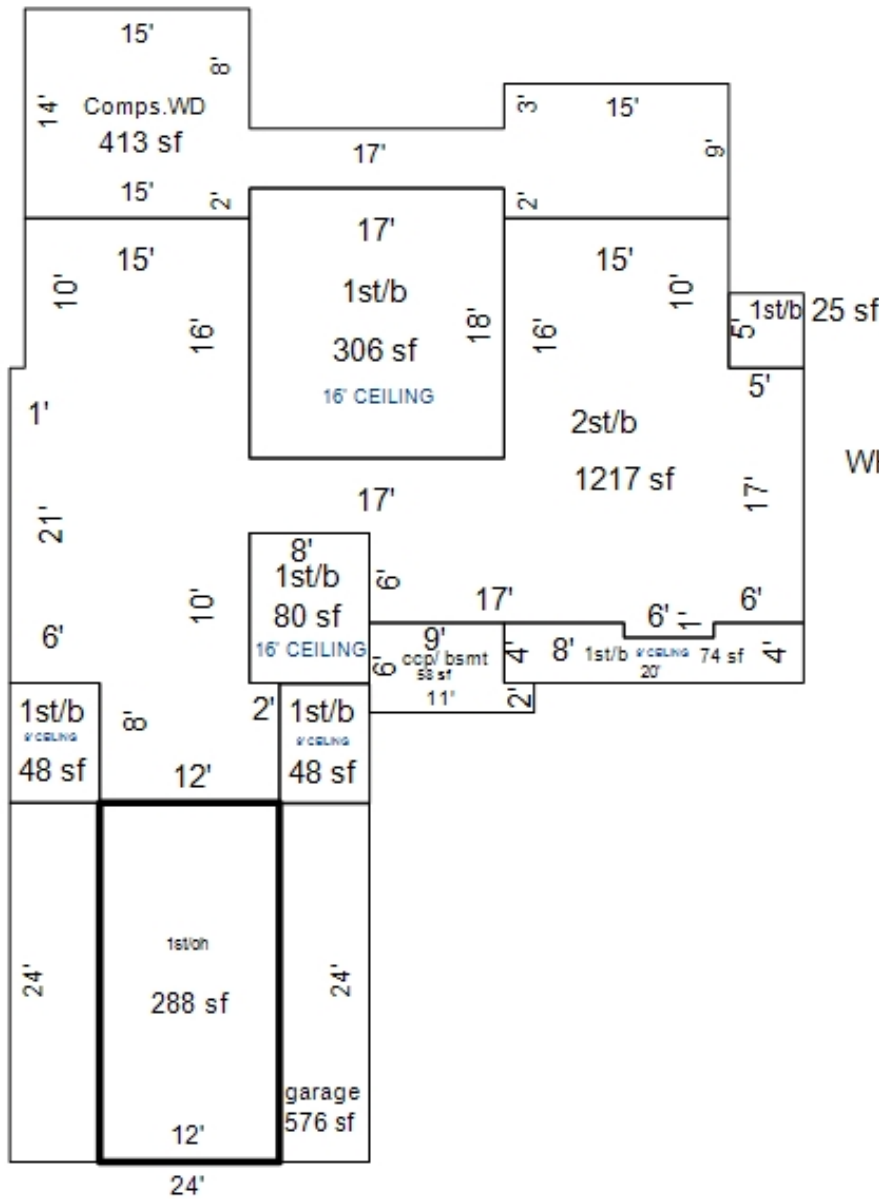
Thomas Stone

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
HOLMES BRADLEY	HOLMES BRADLEY & AMY	1	03/24/2022	QC	21-NOT USED/OTHER	2022R-010783	BUYER/SELLER	0.0		
2922 N KNIGHTSBRIDGE CIRCL	HOLMES BRADLEY	200,000	09/24/2021	WD	03-ARM'S LENGTH	2021R-039905	BUYER/SELLER	100.0		
LANCASTER BLAKE N & SAUNDR	2922 N KNIGHTSBRIDGE CIRCI	1	11/04/2020	WD	09-FAMILY	2021R-003325	BUYER/SELLER	0.0		
ROSE CREEK LANE LLC	LANCASTER BLAKE N & SAUNDR	150,000	04/04/2007	WD	03-ARM'S LENGTH	2007R-012872	BUYER/SELLER	100.0		
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status
4095 ROSECREEK LANE		School: BRIGHTON AREA SCHOOLS		Generator		10/14/2022		P22-255		
Owner's Name/Address		P.R.E. 0%		Residential New Constructi		02/16/2022		P22-015		
HOLMES BRADLEY & AMY 820 OCEOLA ST HOWELL MI 48843		MAP #: V23-10/11		2024 Est TCV Tentative						
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4014.OAK POINTE				
SEC 28 T2N R5E COMM AT N 1/4 COR TH S02*06'10"E 78.06 FT TH S68*28'11"E 91.62 FT TH S51*47'19"E 71.65 FT TH S47*47'49"E 70.34 FT TH S40*58'14"E 134.85 FT AND S13*15'41"E 145.52 FT ALONG TH WESTERLY BANK OF A CANAL TH S26*52'20"E 47.56 AND S51*57'01"E 33.31 FT TO POB TH N68*53'33"E 2 FT M/L TO WESTERLY SHORELINE OF SAID CANAL TH S51*57'01"E 3.77 FT TH S12*04'58"E 58.17 FT AND S35*26'54"W 27.81 FT TH S68*52'44"W 364.14 FT TH N52*13'06"W 1.68 FT TH N33*31'44"E 129 FT TH N68*53'33"E 290.21 FT TO POB CONT. .60 AC M/L SPLIT FR 021 10/00 CORR LEGAL 5/01 PARCEL "C"		Public Improvements		* Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value <Site Value A> A CANAL SITE 200000 100 200,000 0.600 Acres 0 100 0 0.60 Total Acres Total Est. Land Value = 200,000						
Comments/Influences		Topography of Site		Year Land Building Assessed Board of Tribunal/ Taxable Value Value Value Value Review Other Value Tentative Tentative Tentative Tentative 2024 Tentative Tentative Tentative 2023 100,000 61,800 161,800 101,175C 2022 37,500 0 37,500 37,500S 2021 37,500 0 37,500 37,500S						
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who When What		JB 10/24/2022 INSPECTED						

*** 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	X	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	1	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 58 413	Type CCP (1 Story) Composite	Year Built: Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 552 % Good: 0 Storage Area: 0 No Conc. Floor: 0 Bsmnt Garage: Carport Area: Roof:																																																							
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: BC		X	Drywall Paneled			Plaster Wood T&G																																																															
Yr Built 2022		Remodeled 0	Ex	X	Ord	Min																																																															
Condition: Good Part. Construct.: 30%			Lg	X	Ord	Small																																																															
Room List		Doors:		Solid	X	H.C.			Central Air Wood Furnace																																																												
	Basement 1st Floor 2nd Floor Bedrooms	(5) Floors							(12) Electric 0 Amps Service																																																												
(1) Exterior		Kitchen: Other: Other:							No./Qual. of Fixtures Ex. X Ord. Min																																																												
	Wood/Shingle Aluminum/Vinyl Brick X Vinyl X Insulation	(6) Ceilings							No. of Elec. Outlets Many X Ave. Few																																																												
(2) Windows		(7) Excavation							(13) Plumbing Average Fixture(s) 3 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan																																																												
X	Many Avg. Few	X	Large Avg. Small						(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic																																																												
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor																																																																			
(3) Roof		(9) Basement Finish																																																																			
X	Gable Hip Flat		Recreation SF Living SF 1 Walkout Doors (B) No Floor SF Walkout Doors (A)																																																																		
X	Asphalt Shingle	(10) Floor Support																																																																			
Chimney:		Joists: Unsupported Len: Cntr.Sup:							Lump Sum Items: Public Sewer Water Well, 200 Feet																																																												
<p>Cost Est. for Res. Bldg: 1 Single Family BC Cls BC Blt 2022 (11) Heating System: Forced Heat & Cool Ground Area = 1798 SF Floor Area = 3015 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=100/100/100/100/100 Building Areas</p> <table border="1"> <thead> <tr> <th>Stories</th> <th>Exterior</th> <th>Foundation</th> <th>Size</th> <th>Cost New</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>25</td><td></td><td></td></tr> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>48</td><td></td><td></td></tr> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>48</td><td></td><td></td></tr> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>74</td><td></td><td></td></tr> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>80</td><td></td><td></td></tr> <tr><td>1 Story</td><td>Siding/Brick</td><td>Basement</td><td>306</td><td></td><td></td></tr> <tr><td>2 Story</td><td>Siding/Brick</td><td>Basement</td><td>1,217</td><td></td><td></td></tr> <tr><td colspan="3">Total:</td><td></td><td>494,956</td><td>494,956</td></tr> </tbody> </table> <p>Other Additions/Adjustments Basement, Outside Entrance, Below Grade 1 3,517 3,517 Plumbing 3 Fixture Bath 2 13,373 13,373 2 Fixture Bath 1 4,480 4,480 Extra Sink 1 1,377 1,377 Separate Shower 1 2,708 2,708 Porches CCP (1 Story) 58 2,142 2,142 Garages Class: BC Exterior: Siding Foundation: 42 Inch (Finished) Base Cost 552 36,068 36,068 Common Wall: 1 Wall 1 -3,051 -3,051 Water/Sewer Public Sewer 1 1,873 1,873 Water Well, 200 Feet 1 11,467 11,467</p>																Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding/Brick	Basement	25			1 Story	Siding/Brick	Basement	48			1 Story	Siding/Brick	Basement	48			1 Story	Siding/Brick	Basement	74			1 Story	Siding/Brick	Basement	80			1 Story	Siding/Brick	Basement	306			2 Story	Siding/Brick	Basement	1,217			Total:				494,956	494,956
Stories	Exterior	Foundation	Size	Cost New	Depr. Cost																																																																
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<p><<<<< Calculations too long. See Valuation printout for complete pricing. >>>>></p>																																																																					

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



5 BEDROOMS
 3 FULL BATHS
 1 HALF BATH
 1 SEPERATE SHOWER
 1 EXTRA SINK
 DV Fireplace
 A/C

 Walk-out Basement
 Driveway CNC N/V
WHOLE HOME GENERATOR - N/V
 22 kW

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 21, 2023 - 6:30 PM**

MINUTES

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

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to nominate Greg Rassel as the Chairman of the Zoning Board of Appeals. **The motion carried unanimously.**

Moved by Board Member Ledford, seconded by Board Member Fons, to nominate Marianne McCreary as the Vice-chairperson of the Zoning Board of Appeals. **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 6:32 pm with no response.

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.

Mr. Wayne Perry of Desine, Inc. provided a review of the request. They have three items that require height variances. They are requesting to install a zipline with a climbing tower and a

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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.

Board Member McCreary asked if there is a minimum height required for a zip line. Mr. Perry stated the zip line company has designed it and recommended the height. Jim Berigan of Our Lady of the Field Campground stated what they are requesting is well within the height of climbing towers in camps. The Howell Nature Center has a 60-foot-high climbing tower. She asked for the width of the tower. Mr. Perry stated it is 12 feet wide.

The call to the public was opened at 6:40 pm.

Mr. Mike Berean of 1273 Euler Road stated these elements are outdoor entertainment and rides. He believes that if the church were to apply for a special use today, it would not be approved. He disagreed with the Township Attorney's review letter, stating that the City of Detroit essentially abandoned the camp from 1995 to 2007. This is a commercial use that can be rented and used by anyone who requests it. It is being used as a campground and not a religious retreat. They have purchased more land to expand their camp. Their patrons use Kellogg Road, which is a public road and is not paved. These amenities will cause the values of the surrounding properties to drop by at least 10 percent.

Mr. Bill Maniaci of 1866 Euler Road thanked the Board for the work that they do. The applicant continues to ask for more and more and he is concerned they will continue to ask for more. He is a realtor and he agrees that this will cause the decrease in property values and will not add value to the neighborhood.

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

Chairman Rassel stated that four emails were received in opposition to the request. They were received from Kay Baker, Steve Oliveri, Michael Baker, and Mike and Bradlynn Jusino.

Board Member McCreary stated that all property owners have the right to use their property within the confines and boundaries of the ordinance. The report from the attorney was very concise. She thanked the attorney and staff for providing the history of the property and it allows the Board to make a fair and informed decision. The zoning is Public Recreational Facilities with a private use for a campground and it has not changed since 1991. Recreational amenities change over time. This is a fair request by the applicant, and she does not believe it is excessive in nature. She empathizes with the surrounding neighbors' concerns.

Board Member Fons stated the item before the Board this evening is for a height variance for a zip line tower and large swing. He believes it is within the use of the property. The other issues raised this evening by the call to the public are not the decisions of this Board. He suggested some restrictions be placed on the approval to help the applicant be good neighbors.

Board Member Kreuzberg agrees with Mr. Fons and Ms. McCreary. The Board has been provided detailed information to assist them in making their decision.

Board Member Ledford appreciates receiving the history of this project. This was requested as a Chaldean Church, and it seems as though it is now a recreation camp. She will not be voting in favor of this. She asked if there will be other requests coming before the Township. Mr. Berigan stated that they would like to continue to expand the camp.

Chairman Rassel agrees with Mr. Fons. The request this evening is for a height variance for a property with the current zoning. The other issues are not the concern of this Board.

Board Member McCreary asked how these elements are part of the church's mission. Mr. Berigan stated their mission is to help people have the love of Christ in a camp setting. These elements give kids opportunities to grow and to go outside of their comfort zone.

Board Member Kreuzberg reiterated that the applicant has the right to use their property within the confines and boundaries of the ordinance. Board Member McCreary added that the applicant has the right to ask for a variance. Board Member Ledford stated the Township has a responsibility to protect the surrounding property owners. Property owners are not able to install whatever they want.

Moved by Board Member McCreary, seconded by Board Member Fons, to approve Case #23-03 by Chaldean Catholic Church of the United States, 7000 McClements, for a height variance of 27 feet from the maximum allowable height of 18 feet for a height of 45 feet to construct a zip line and a height variance of 7 feet from the maximum allowable height of 18 feet for a height of 25 feet for the termination pole, and a height variance of 18 feet from the maximum allowable height of 18 feet for a height of 18 feet to construct a swing, based on the following findings of fact:

- The property located at 7000 McClements Road is currently zoned as Public Recreational Facilities as detailed in the Table 6.02 of the Genoa Township Zoning Ordinances Schedule of Public and Recreational Uses and its use is private campgrounds. The use as a private campground has not been abandoned per review by the Township's legal counsel.
- Variances are not necessary for the use of the campground; however, the ordinance does not provide for accessory building structure regulations such as the ones requested. Both the hardship and practical difficulty lie in the lack of provision for these specific types of recreational structures currently.
- Granting these variance will provide substantial justice to the applicant whose property abuts zoning allowing accessory structures and buildings of a height allowance exceeding this accessory requirement of 18 feet. Those surrounding properties allow heights of 35 feet, thus granting substantial justice to the applicant. The zipline and tower are in the interior of the property and will not abut neighboring homes.
- There are no extraordinary circumstances specific to the property, the extraordinary circumstances are tied to the use of the structures that require the height requested.

- Given the nature of the project, granting of the variances will not impair the supply of light and air, nor will it unreasonably impact traffic or public safety.
- Though the structures are tall in relation to a conventional accessory structure, they are generally located where there is ample setback and screening by mature trees and the size of the accessory structures are less significant in scope to the size of a building or accessory building as traditionally considered.

This approval is conditioned upon the following:

1. The applicant must preserve and maintain the existing vegetation between the structure and Euler Road
2. Illumination of these structures is prohibited
3. Planning Commission's review and acceptance of the giant swing

The motion carried (Fons - Yes; Kreutzberg - Yes; McCreary - Yes; Ledford - No; Rassel - Yes)

2. 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.

Mr. MacCallum provided a review of his request, which is for a front yard setback and a fence height variance to install a pool. If they placed the pool in other locations on the property, it would not allow for any line of sight from the home and it would be closer to his neighbor. The HOA has approved the installation and location of the pool. He has spoken to all five of his neighbors and they are all in favor of granting this variance. They have provided letters to the Township.

At the last meeting, Board Member Fons requested that the location of the septic field be verified. Mr. MacCallum hired Howell Excavating and they confirmed the location of the septic field is the same as what is shown on the Livingston County Health Department's records.

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

Board Member Fons appreciates the applicant obtaining the information on the septic field.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #23-07 for Derek MacCallum of 7901 Birkenstock Drive for a variance to install a pool and fence in the front yard where structures are not permitted, and fence height variance of 12 feet from the maximum allowable height of 36 feet for a fence height of 48 feet, to place a 23 x 40 pool and fence, based on the following findings of fact:

- Strict compliance with setbacks would unreasonably prevent and restrict the use of the property.
- These variances will provide substantial justice as this is the least necessary and would make the property consistent with other properties and homes in the area.

- The variances are necessary due to the extraordinary circumstances and practical difficulty of the placement and location of the existing home on a corner lot along with the location of the septic field and the site is considered to have two front yards.
- Granting of these variances would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- These variances would have little or no impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

This approval is conditioned upon the applicant installing adequate landscape screening to reduce the impact on the surrounding neighborhood.

The motion carried unanimously.

New Business:

3. 23-09... A request by Daniel R. Grace, 4177 Homestead, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a new garage and an addition to an existing home.

Mr. Grace stated he would like to add an addition to the home and build a new garage. He meets the setback requirements on both sides of his property. If he installed a side-facing garage, he would have had to cement most of his entire front yard and then he would be over the maximum allowable impervious surface. He still has plenty of room to pull in and out of his driveway so it would not be a safety issue.

Board Member McCreary noted the site plan provided is a mortgage certificate. A mortgage survey is more precise and will provide the exact locations of the lot lines. Mr. Grace said he has located one of the pins. He is confident with the measurements.

The call to the public was opened at 7:31 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve/deny Case #23-09 for Daniel Grace of 4177 Homestead for a front yard setback variance of 9 feet 11 inches from the required 35 feet for a total setback of 25 feet 1 inch to expand an existing attached garage, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property.
- This variance will provide substantial justice and would make the property consistent with other properties and homes in the LRR Zoning District.
- This variance is necessary due to the deficient street front setback.
- Granting this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety or welfare.
- This variance would have little or no impact on appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the February 21, 2023 Zoning Board of Appeals meeting.

Moved by Board Member Ledford, seconded by Board Member Fons, to approve the minutes of the February 21, 2023 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be at least two cases on the April agenda.

3. Member Discussion

There were no items to discuss this evening.

4. Adjournment

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to adjourn the meeting at 7:36 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary