

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
FEBRUARY 20, 2024  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Conflict of Interest:

Approval of Agenda:

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

1. 24-08...A request by Robert Dow of Ventures Design, 5425 Wildwood Drive, for a side and waterfront yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow an existing covered patio on an existing home.
2. 24-09...A request by Nancy Dykema, 4053 Homestead Drive, for side yard setback variance and a height variance and any other variance deemed necessary by the Zoning Board of Appeals, to build a new home.
3. 24-10...A request by MITTS LLC, 5776 E. grand River Avenue, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals, to allow barrier-free parking near the building entrance.

Administrative Business:

1. Approval of minutes for the February 20, 2024 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment

\*Citizen’s Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented. Anyone speaking on an agenda item will be limited to 2 minutes.



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

Case # 24-08 Meeting Date: March 19, 2024  
@ 6:30 pm Boardroom  
 PAID Variance Application Fee

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

Applicant/Owner: ROBERT DOW Email: BOB DOW 2060 @ YAHOO.COM  
 Property Address: 5425 WELDLWOOD DR Phone: (734) 765-9300  
 Present Zoning: RESIDENTIAL Tax Code: 11-10-102-066

**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: it's a non conforming lot  
that I would like to extend the already small lot.

**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.

*property is limited space so the structure will be close to property edge. however it will remain within the same width of the house*

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.

*all homes in the area are lakefront and space is limited. I will not be adding anything that will be different or impeding others views*

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.

*no safety issues with the structure being added*

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

*the patio does not affect others around me*

**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: 1/30/24 Signature: *Blair*



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

# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Planning Director  
**DATE:** March 14, 2024

**RE:** ZBA 24-08

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## STAFF REPORT

**File Number:** ZBA#24-08  
**Site Address:** 5425 Wildwood Drive  
**Parcel Number:** 4711-10-102-066  
**Parcel Size:** 0.103 Acre  
**Applicant:** Dow, Robert and Renee 47125 Ashley Court Canton, 48187  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting a waterfront and side yard setback variance to allow an existing roof structure to remain over a patio.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.

**Other:**  
Public hearing was published in the Livingston County Press and Argus on Sunday March 3, 2024 and 300-foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

### Background

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

- Per assessing records the parcel has an existing single-family dwelling built in 1930, remodeled in 2006.
- In 2001, a land use permit was issued for a fence.
- The property utilizes a well and public sewer system.
- See Real Record Card.

### **SUPERVISOR**

Bill Rogers

### **CLERK**

Paulette A. Skolarus

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

### **MANAGER**

Kelly VanMarter

**Summary**

Applicant is seeking a waterfront and side yard setback variance to allow an existing roof to remain over a patio. The applicant requested a land use permit for solar panels to be installed on the existing roof structure which brought the roof structure to staff’s attention since a land use permit was not issued for the roof structure.

The property lines extend to the water’s edge per the Township Assessing Dept.

Applicant has indicated on the plans a proposed garage. However, the applicant is not seeking a variance to demolish a portion of the home to construct a garage. The parcel is not serviced with a grinder. No approval is required.

Applicant supplied adjacent properties waterfront setbacks from the decks of the homes however the Zoning Ordinance requires the measurements to be taken from the closest roofed portion of the home to the water’s edge. Staff used Township Assessing records to determine the size of the decks to determine the correct adjacent waterfront property setbacks based on applicant’s information.

**Variance Requests**

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

**Table 3.04.01 (LRR District)**

- (k) **LRR Side Yards:** In the LRR Zoning District one of the side yards may be reduced to a minimum of five (5) feet where all of the following are met:
  - (1) The other side yard must be at least ten (10) feet.
  - (2) The distance between the building and any building on the adjacent lot shall be no less than ten (10) feet.
  - (3) The roof shall have gutters. (as amended 3/5/10)

SINGLE FAMILY STRUCTURE	Side Yard Setback	Waterfront Setback
REQUIRED YARD SETBACK	10'	63'
PROPOSED YARD SETBACKS	3'	76'
REQUESTED YARD VARIANCES	7'	13'

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

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

- (a) **Practical Difficulty/Substantial Justice** –Strict compliance with the setbacks would cause the applicant to remove the illegal roof structure from the existing single-family home. There are other homes in the vicinity with reduced side yard and waterfront yard setbacks that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- (b) **Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot and it is a non-conforming lot in the LRR district. The angle of the property creates an irregular shoreline in

comparison to the neighbor to the south. It appears the need for the variances is not self-created however applicant should demonstrate that it is the least amount necessary for the waterfront setback variance request.

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

**(d) Impact on Surrounding Neighborhood** – The proposed variances would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

### **Recommended Conditions**

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

1. Structure must be guttered with downspouts if not already.
2. A land use permit and permit from Livingston County Building Dept. shall be applied for within 10 days of approval.

If the Zoning Board of Appeals grants the variance requests, staff recommends the following conditions be placed on the **denial**:

1. A land use waiver shall be applied for within 10 days of denial for the demolition of the roof structure.
2. The roof structure shall be demolished within 60 days of denial.



**Subject Property**

Mon Oct 2 2023

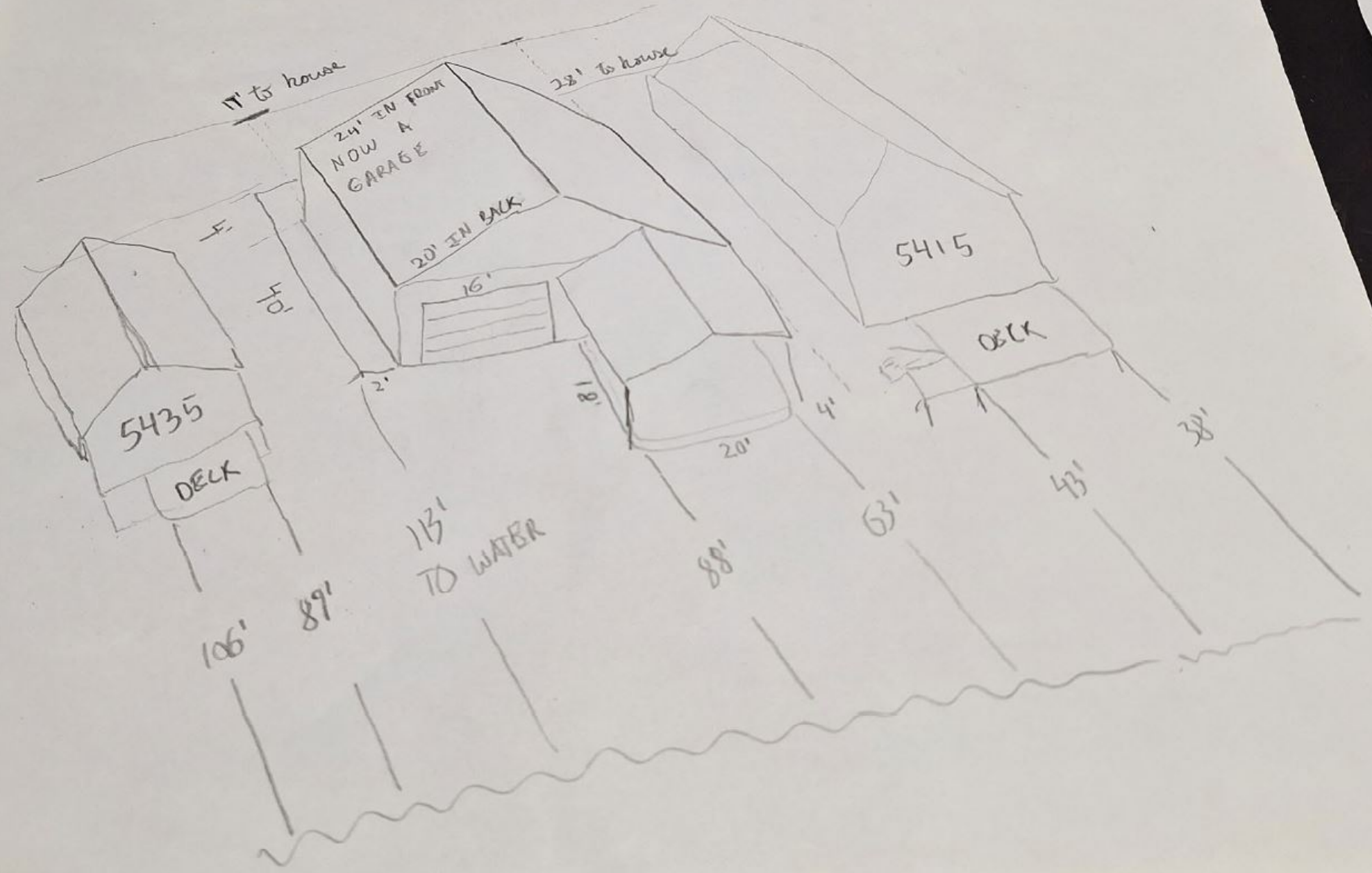
Imagery © 2024 Nearmap, HERE

20 ft

**nearmap**

# PLAN

8



8



**From:** [Karen Buckley](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Regarding case number ZBA 24-08, 5425 Wildwood Dr., Howell  
**Date:** Tuesday, March 12, 2024 12:59:23 PM

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Dear Ms.Ruthig:

We are willing to allow the existing covered patio on the single family home of Robert Dow.

However, we are opposed to any further additions to this patio or any further structures.

Thank you.

Karen A. Buckley  
John A. Benson  
5440 Wildwood Dr.  
Howell, MI 48843  
(517) 548-6702

Sent from my iPad

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
DOW ROBERT & RENEE, COMER	DOW ROBERT & RENEE	1	01/20/2022	QC	21-NOT USED/OTHER	2022R-003703	BUYER/SELLER	0.0
SMITH, THOMAS E. & BEVERLY	DOW ROBERT & RENEE, COMER	160,000	02/27/2013	WD	03-ARM'S LENGTH	2013R-009140	BUYER/SELLER	100.0
LEE, JOHN P.	SMITH, THOMAS E. & BEVERLY	178,000	09/06/2000	WD	03-ARM'S LENGTH	2837/0149	BUYER/SELLER	100.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status
5425 WILDWOOD	School: HOWELL PUBLIC SCHOOLS					
Owner's Name/Address	P.R.E. 0%					
DOW ROBERT & RENEE 47125 ASHLEY CT CANTON MI 48187-1407	MAP #: V24-08					
	2024 Est TCV 320,703 TCV/TFA: 242.96					

Tax Description	Improved	Vacant	Land Value Estimates for Land Table 4301.WEST LAKE CHEMUNG							
SEC. 10 T2N, R5E, KIRK'S LANDING LONG LAKE LOT 66	X		* Factors *							
			Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
			D LAKE FRONT	40.00	100.00	1.0000	1.0000	3000	100	120,000
			J SURPLUS LF	5.00	100.00	1.0000	1.0000	1500	100	7,500
			45 Actual Front Feet, 0.10 Total Acres			Total Est. Land Value =		127,500		

Comments/Influences	Land Improvement Cost Estimates			
	Description	Rate	Size % Good	Cash Value
	Sewer	6.47	288 50	931
	Electric			
	Gas			
	Ad-Hoc Unit-In-Place Items			
	Description	Rate	Size % Good	Cash Value
	/CI16/YARI/PATR/PICSA	30.35	288 50	4,370
	Total Estimated Land Improvements True Cash Value =			5,301

Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level							
Rolling							
Low							
High							
Landscaped							
Swamp							
Wooded							
Pond							
X Waterfront							
Ravine							
Wetland							
Flood Plain							
X REFUSE							
Who	When	What	2024	63,800	96,600	160,400	126,569C
JB	07/30/2019	INSPECTED	2023	63,800	90,200	154,000	120,542C
JB	05/23/2019	REVIEWED R	2022	64,000	81,800	145,800	114,802C
			2021	65,000	79,900	144,900	111,135C

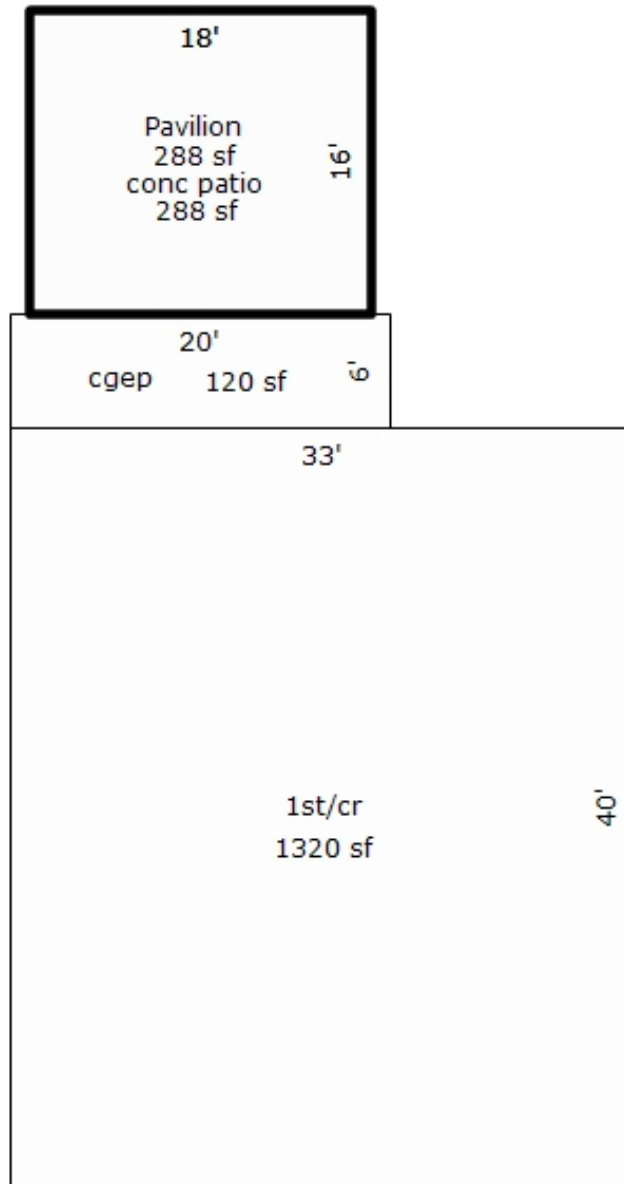


4711-10-102-066 07/30/2019  
The Equalizer. Copyright (c) 1999 - 2009.  
Licensed To: Township of Genoa, County of Livingston, Michigan

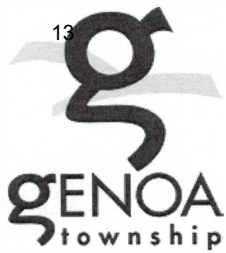
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

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 Direct-Vented Gas	Area 120	Type CGEP (1 Story)	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 X Forced Heat & Cool Heat Pump No Heating/Cooling																																																				
Building Style: CD		Drywall Paneled	Plaster Wood T&G	Trim & Decoration																																																					
Yr Built 1930	Remodeled 2006	Ex	X Ord	Min	Size of Closets																																																				
Condition: Good		Lg	X Ord	Small	Central Air Wood Furnace																																																				
Room List		Doors:	Solid X	H.C.	(12) Electric																																																				
	Basement 1st Floor 2nd Floor 4 Bedrooms	(5) Floors			0 Amps Service																																																				
		Kitchen: Other: Other:			No./Qual. of Fixtures																																																				
(1) Exterior		Ex.	X Ord.	Min	No. of Elec. Outlets																																																				
X	Wood/Shingle Aluminum/Vinyl Brick  Insulation	(6) Ceilings			Many X Ave. Few																																																				
		(13) Plumbing			Average Fixture(s) 2 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																																																				
(2) Windows		(7) Excavation			(14) Water/Sewer																																																				
X	Many Avg. Few	X	Large Avg. Small		Basement: 0 S.F. Crawl: 1320 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			Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic																																																				
		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Lump Sum Items:																																																				
(3) Roof		(9) Basement Finish			(10) Floor Support																																																				
X	Gable Hip Flat	Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)			Joists: Unsupported Len: Cntr.Sup:																																																			
X	Asphalt Shingle																																																								
Chimney: Brick																																																									
Cost Est. for Res. Bldg: 1 Single Family CD (11) Heating System: Forced Heat & Cool Ground Area = 1320 SF Floor Area = 1320 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=71/100/100/100/71 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>Crawl Space</td> <td>1,320</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total:</td> <td></td> <td>161,911</td> <td>114,957</td> </tr> </tbody> </table> Other Additions/Adjustments <table border="1"> <tbody> <tr> <td>Plumbing</td> <td>3 Fixture Bath</td> <td>1</td> <td>4,052</td> <td>2,877</td> </tr> <tr> <td>Porches</td> <td>CGEP (1 Story)</td> <td>120</td> <td>8,129</td> <td>5,772</td> </tr> <tr> <td>Water/Sewer</td> <td>Public Sewer</td> <td>1</td> <td>1,392</td> <td>988</td> </tr> <tr> <td></td> <td>Water Well, 200 Feet</td> <td>1</td> <td>10,889</td> <td>7,731</td> </tr> <tr> <td colspan="3">Totals:</td> <td>186,373</td> <td>132,325</td> </tr> </tbody> </table> Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.420 => TCv: 187,902															Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding	Crawl Space	1,320			Total:				161,911	114,957	Plumbing	3 Fixture Bath	1	4,052	2,877	Porches	CGEP (1 Story)	120	8,129	5,772	Water/Sewer	Public Sewer	1	1,392	988		Water Well, 200 Feet	1	10,889	7,731	Totals:			186,373	132,325
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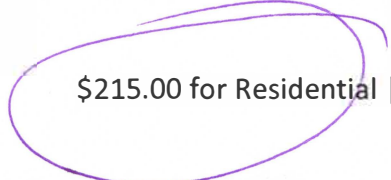
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**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**  
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 24-09 Meeting Date: March 19, 2024  
Boardroom @ 6:30pm

PAID Variance Application Fee



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

Applicant/Owner: Nancy Dykema Email: nmdykema@gmail.com

Property Address: 4053 Homestead Dr Phone: 517-388-8040

Present Zoning: \_\_\_\_\_ Tax Code: 11-28-201-013

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

Request variance for South side of house to be 6.7' instead of 10' from property line.

Request variance for height of 11.5" **Applicant is not requesting a height variance.**

**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.

~~Property is very narrow. Compliance to the side setback would result in an extremely narrow house & garage.~~

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 lot is extremely narrow, but deep. The variance is requested to allow for a comfortable home width and reasonable design making curb appeal better.

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.

By allowing a variance on the South side of the property, this will increase the distance of the new structure on the north side of the property to 5'. It is currently just over 2'. This increase will improve occupant safety in both homes in case of fire or other emergency, allowing for easier access for responders.

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.

Granting this variance will allow the construction of a new home with higher value than the current home.  
The new home will be more structurally sound and code compliant in safety features.

**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: 2/4/2024 Signature: Nancy Dykema



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Planning Director  
**DATE:** March 14, 2024  
**RE:** ZBA 24-09

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### STAFF REPORT

**File Number:** ZBA#24-09  
**Site Address:** 4053 Homestead Drive  
**Parcel Number:** 4711-28-201-013  
**Parcel Size:** 0.312 Acre  
**Applicant:** Dykema, Nancy, 4053 Homestead Drive, Howell  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variance  
**Project Description:** Applicant is requesting two side yard setback variances to construct a new home.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday March 3, 2024 and 300-foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

#### Background

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

- Per assessing records the parcel has an existing single-family dwelling built in 1945.
- The property utilizes a well and public sewer system.
- See Real Record Card.

#### **SUPERVISOR**

Bill Rogers

#### **CLERK**

Paulette A. Skolarus

#### **TREASURER**

Robin L. Hunt

#### **TRUSTEES**

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

#### **MANAGER**

Kelly VanMarter

### Summary

Applicant is seeking two side yard setback variances to demolish an existing single-family home and construct a new single-family home. Applicant is proposing to remove the front non-conforming shed. Applicant did receive approval from the Utility Director for the proposed grinder pump location. However, staff did not receive the approval letter from the Utility Director prior to the date of the packet.

Applicant withdrew the height variance request.

### Variance Requests

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

#### **Table 3.04.01 (LRR District)**

- (k) **LRR Side Yards:** In the LRR Zoning District one of the side yards may be reduced to a minimum of five (5) feet where all of the following are met:
- (1) The other side yard must be at least ten (10) feet.
  - (2) The distance between the building and any building on the adjacent lot shall be no less than ten (10) feet.
  - (3) The roof shall have gutters. (as amended 3/5/10)

<b>SINGLE FAMILY STRUCTURE</b>	<b>Side Yard Setback North</b>	<b>Side Yard Setback South</b>
<b>REQUIRED SIDE YARD SETBACK</b>	10'	10'
<b>PROPOSED SIDE YARD SETBACKS</b>	5'	6.7'
<b>REQUESTED SIDE YARD VARIANCE</b>	5'	3.3'

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

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

- (a) **Practical Difficulty/Substantial Justice** –Strict compliance with the setbacks would cause the applicant to be unable to construct the proposed single-family home. There are other homes in the vicinity with reduced side yard setbacks that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- (b) **Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrowness of the lot and it is a non-conforming lot in the LRR district. It appears the need for the variances is not self-created and is the least amount necessary.
- (c) **Public Safety and Welfare** – The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) **Impact on Surrounding Neighborhood** – The proposed variances would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.



**Recommended Conditions**

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

1. If retaining walls are required, they must adhere to the Township Zoning Ordinance and receive a land use permit.
2. Structure must be guttered downspouts.



18

11-28-201-011  
4045 HOMESTEAD DR

11-28-201-012  
4049 HOMESTEAD DR

11-28-201-013  
4053 HOMESTEAD DR

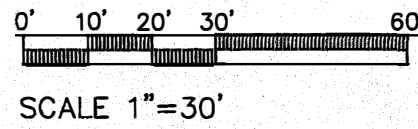
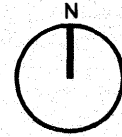
11-28-201-014  
4057 HOMESTEAD DR

11-28-201-055  
4065 HOMESTEAD DR

18

LEGAL DESCRIPTION:

LOT 13 OF OLD HOMESTEAD SUBDIVISION,  
 LOCATED IN THE SW ¼ OF SECTION 21, T2N,  
 R5E, GENOA TOWNSHIP, ACCORDING TO THE  
 PLAT THEREOF RECORDED IN LIVINGSTON  
 COUNTY RECORDS.

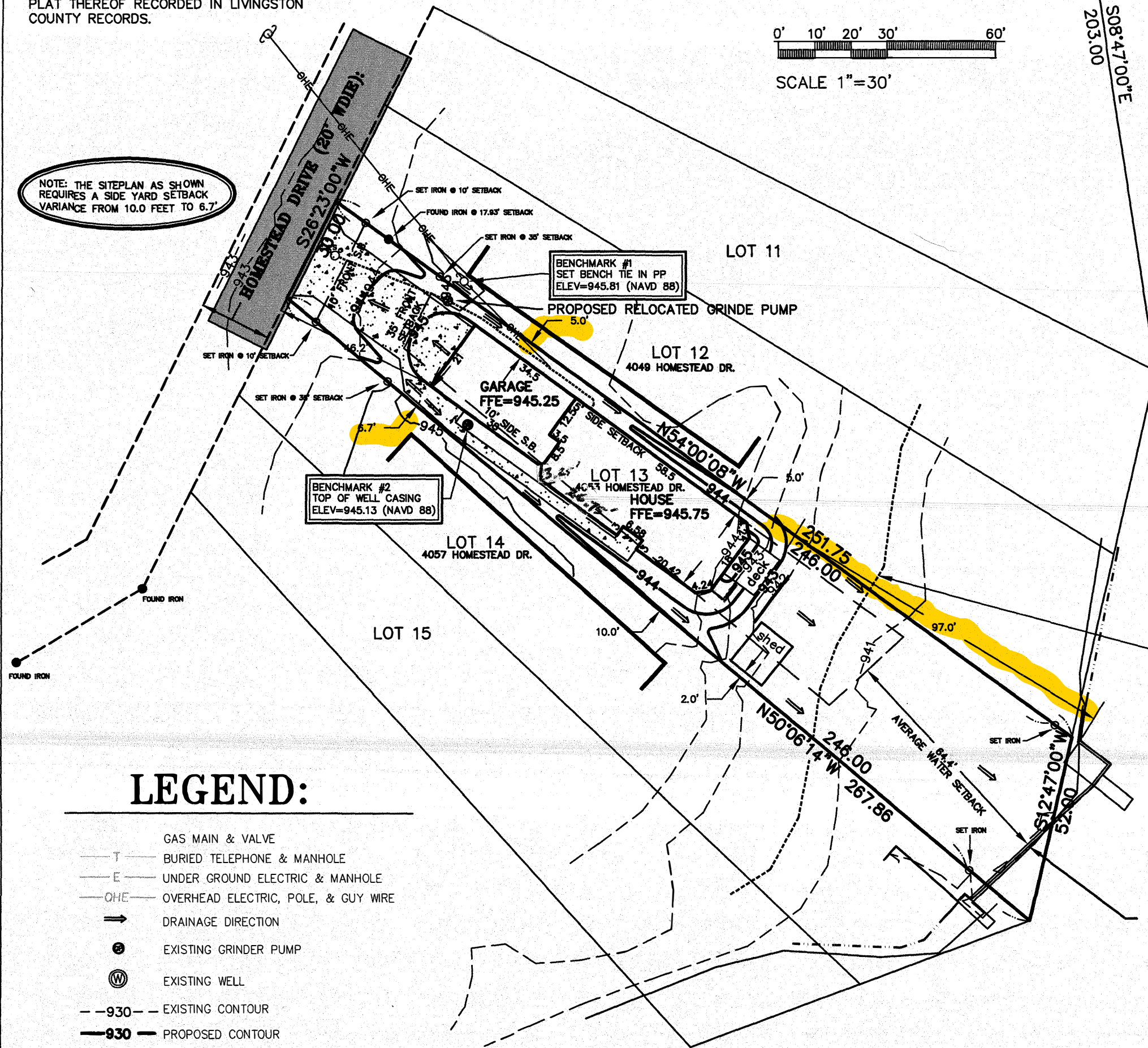


WATER SETBACK TABLE:

LOT NUMBER	DISTANCE TO WATER
23	47'
22	38'
21	44'
20	43'
19	41'
18	57'
17	58'
16-15	67'
14	88'
13 (SUBJECT LOT)	NA
12	106'
11	85'
10-9	66'
8-7	35'
6	49'
5	91'
4	108'
3	96'
2	60'
1	45'

AVERAGE SETBACK = 1224'/19 = 64.4'

NOTE: THE SITEPLAN AS SHOWN  
 REQUIRES A SIDE YARD SETBACK  
 VARIANCE FROM 10.0 FEET TO 6.7'



NOTE: 100 YEAR FLOODPLAIN ELEVATION TAKEN  
 FROM FEMA COMMUNITY NO: 26083, PANEL  
 NUMBER 26093C0340D WITH EFFECTIVE DATE OF  
 9-17-2008. ELEVATION 941.3 per LOMA Case  
 Number 14-05-1272A Dated 11-25-2013

100 YR. FLOODPLAIN ELEV=941.3 (NAVD88)

WEST CROOKED LAKE

WATERS EDGE  
 ELEV = 939.7± (8-21-23)

LEGEND:

- GAS MAIN & VALVE
- T — BURIED TELEPHONE & MANHOLE
- E — UNDER GROUND ELECTRIC & MANHOLE
- OHE — OVERHEAD ELECTRIC, POLE, & GUY WIRE
- DRAINAGE DIRECTION
- ⊙ EXISTING GRINDER PUMP
- ⊙ EXISTING WELL
- - 930 - - EXISTING CONTOUR
- 930 — PROPOSED CONTOUR

4053 HOMESTEAD DRIVE  
 PROPOSED SITE PLAN

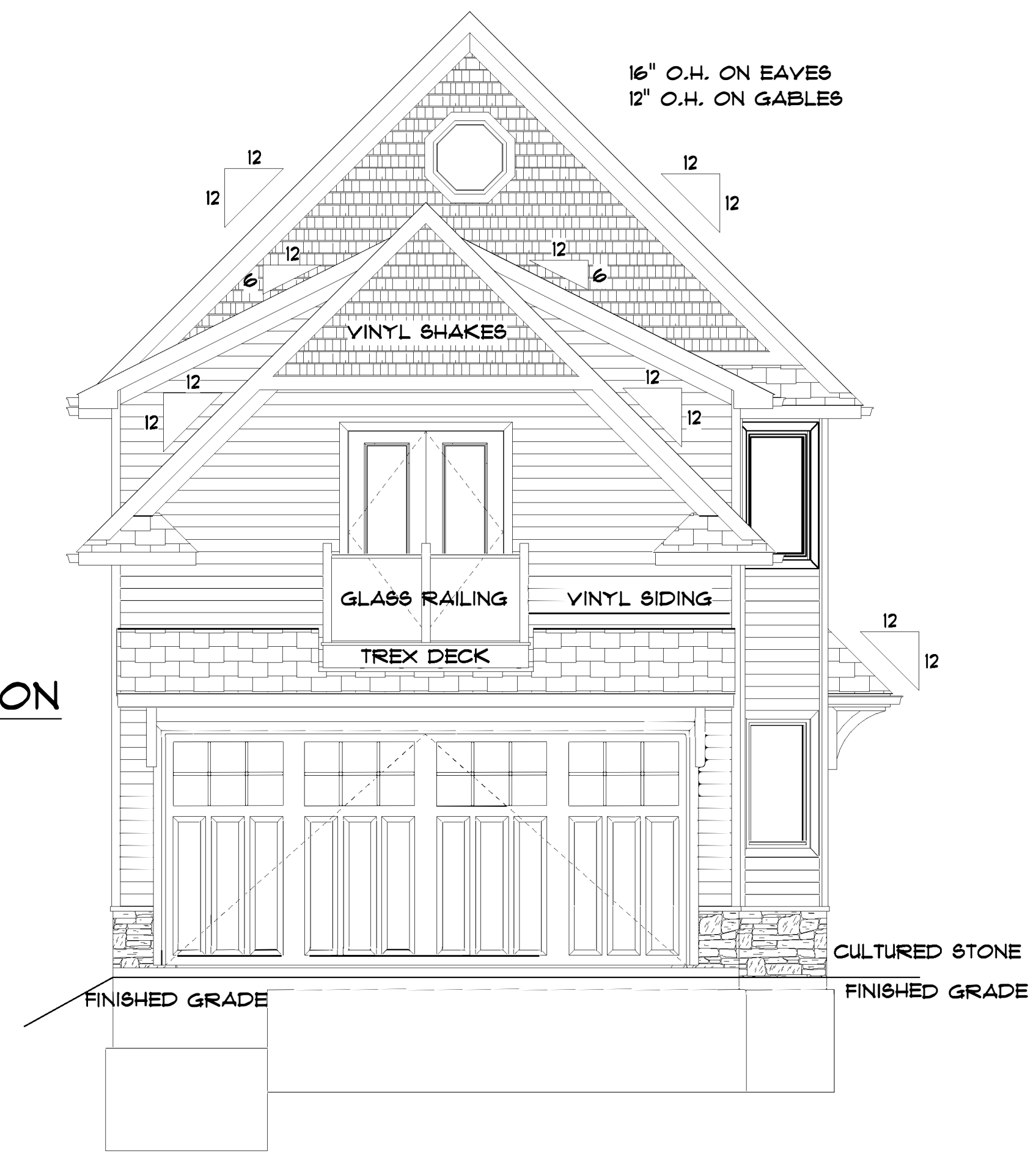
ACE CIVIL ENGINEERING  
 1000 W. LEXINGTON AVENUE, SUITE 100, ANN ARBOR, MI 48106-1000

DATE: 08-22-23  
 DRAWN BY: PCK  
 CHECKED BY: PCK  
 JOB No.: 23029  
 DRAWING No.:

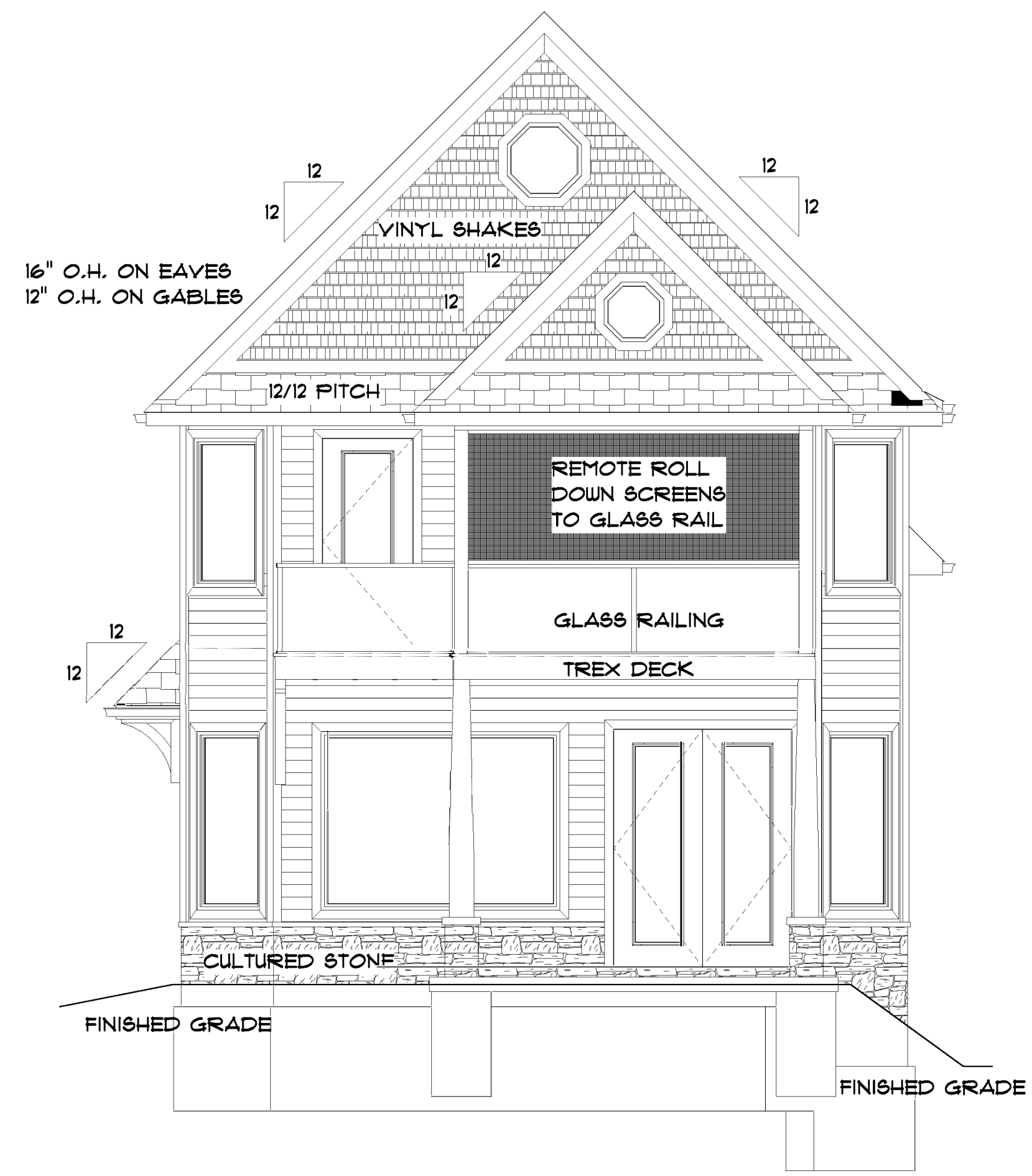
2



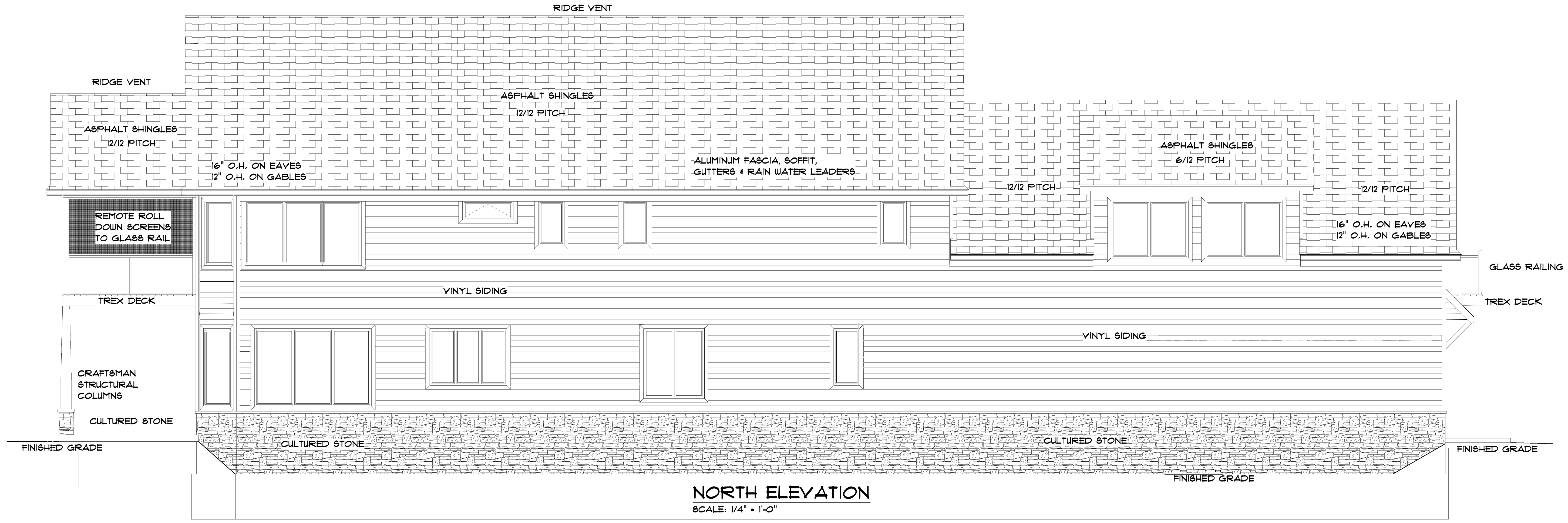
**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

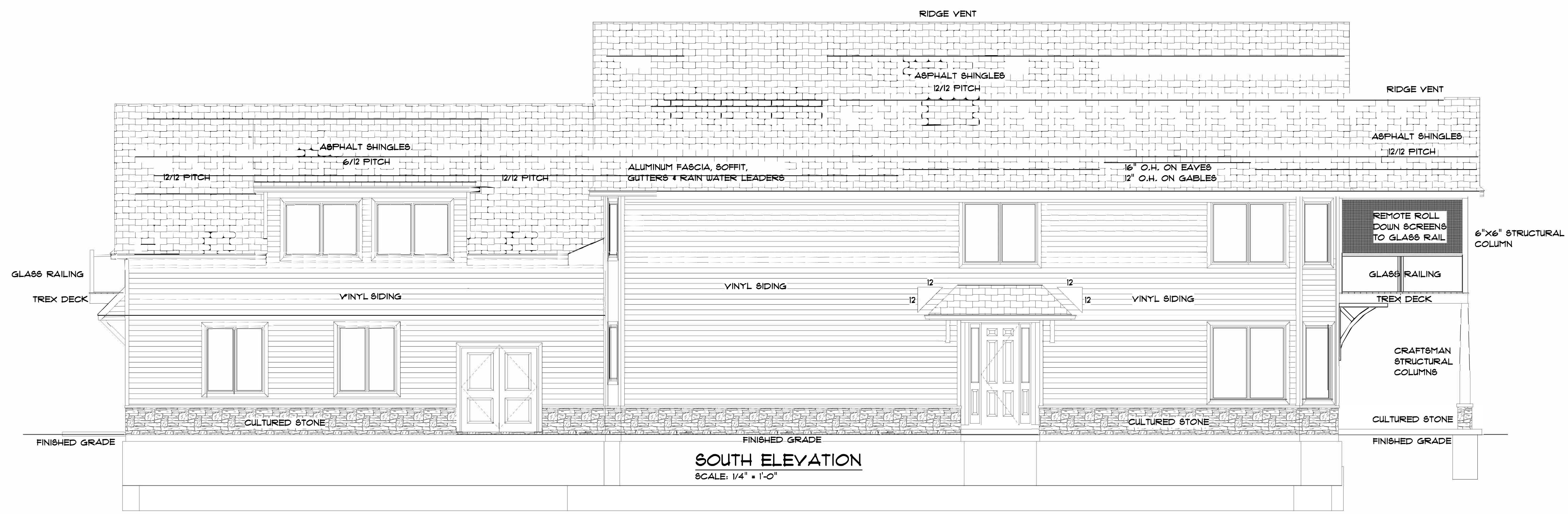


**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

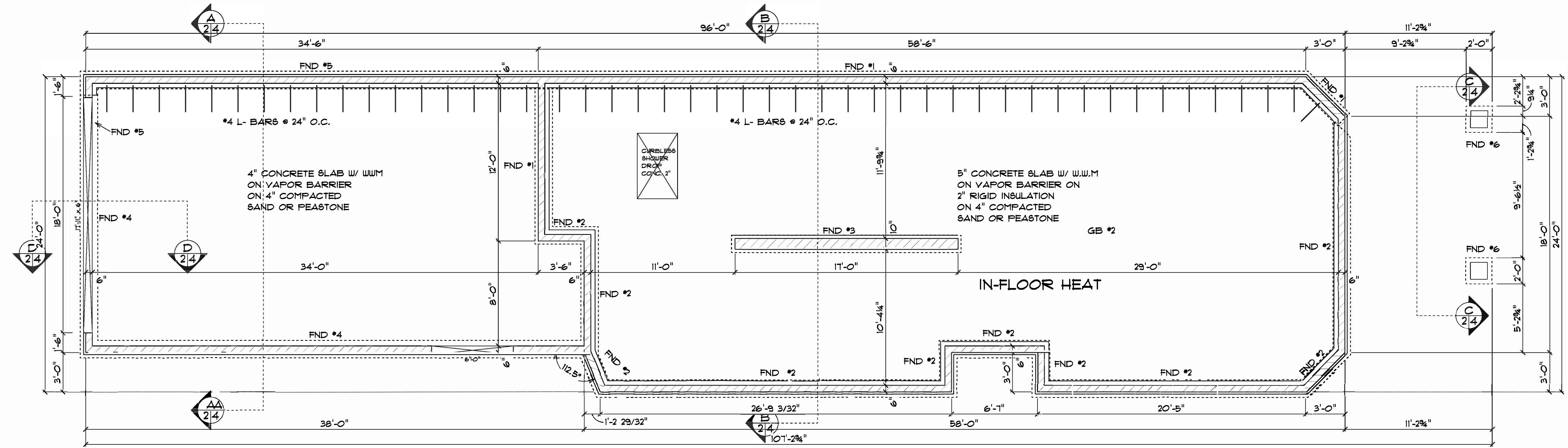


**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"





**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**NOTE:**  
ALL TOPS OF FOUNDATIONS  
ARE AT SAME ELEVATION.

**FND #1:**  
1 COURSE 6" BLOCK ON  
4 COURSE 10" BLOCK W/  
VERTICLE #4 BARS 32" O.C.  
W/ #4 L-BARS 32" O.C. INTO SLAB  
ON 16"X42" CONC. FTG W/  
2 #5 BARS TOP & BOTTOM

**FND #2:**  
1 COURSE 6" BLOCK ON  
1 COURSE 10" BLOCK W/  
VERTICLE #4 BARS 32" O.C.  
W/ #4 L-BARS 32" O.C. INTO SLAB  
ON 16"X42" CONC. FTG W/  
2 #5 BARS TOP & BOTTOM

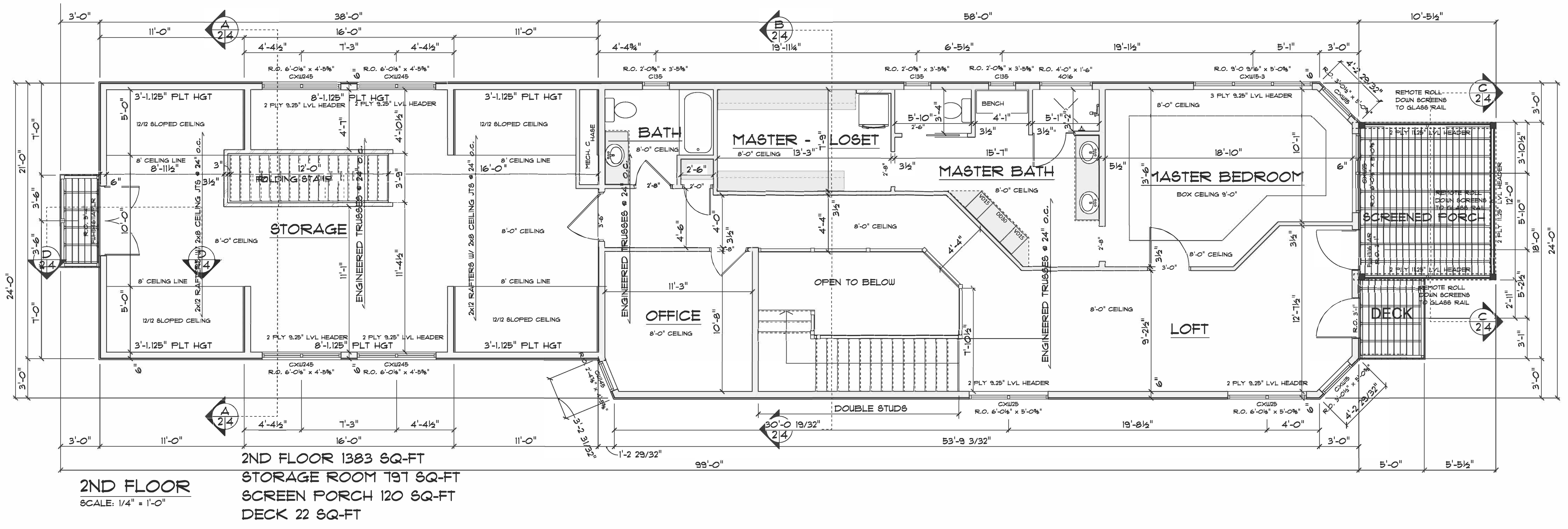
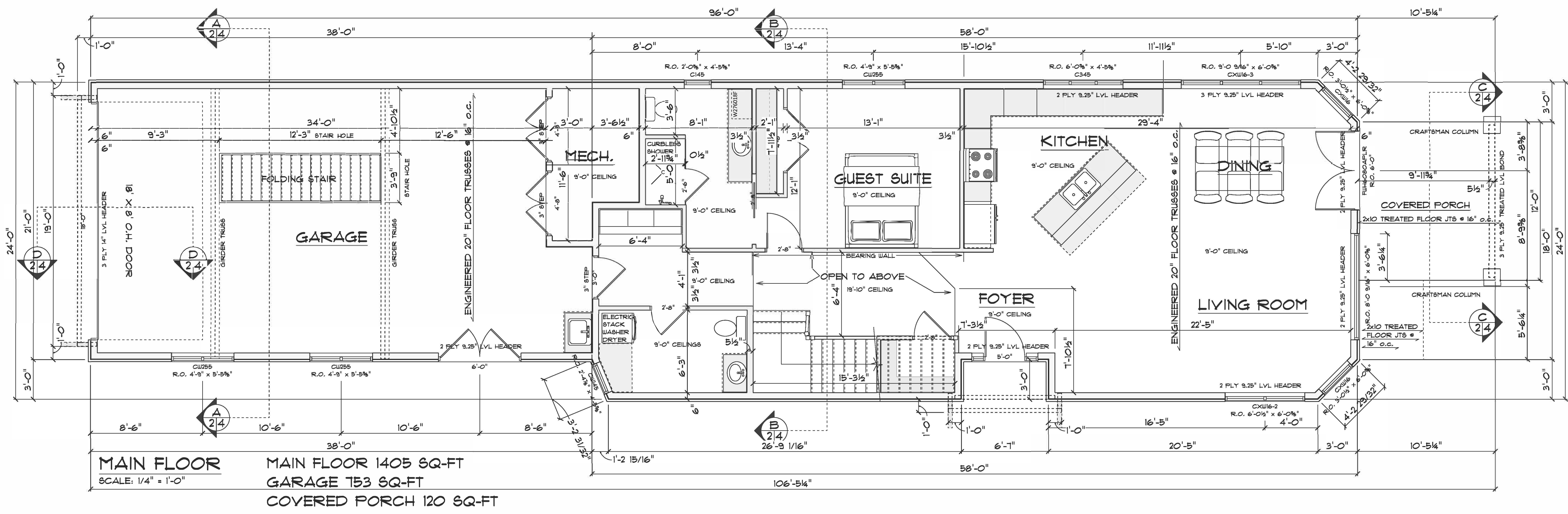
**FND #3:**  
1 COURSE 10" BLOCK ON  
16"X18" CONC. FTG  
W/ 2 #5 BARS TOP &  
2 #5 BARS BOTTOM

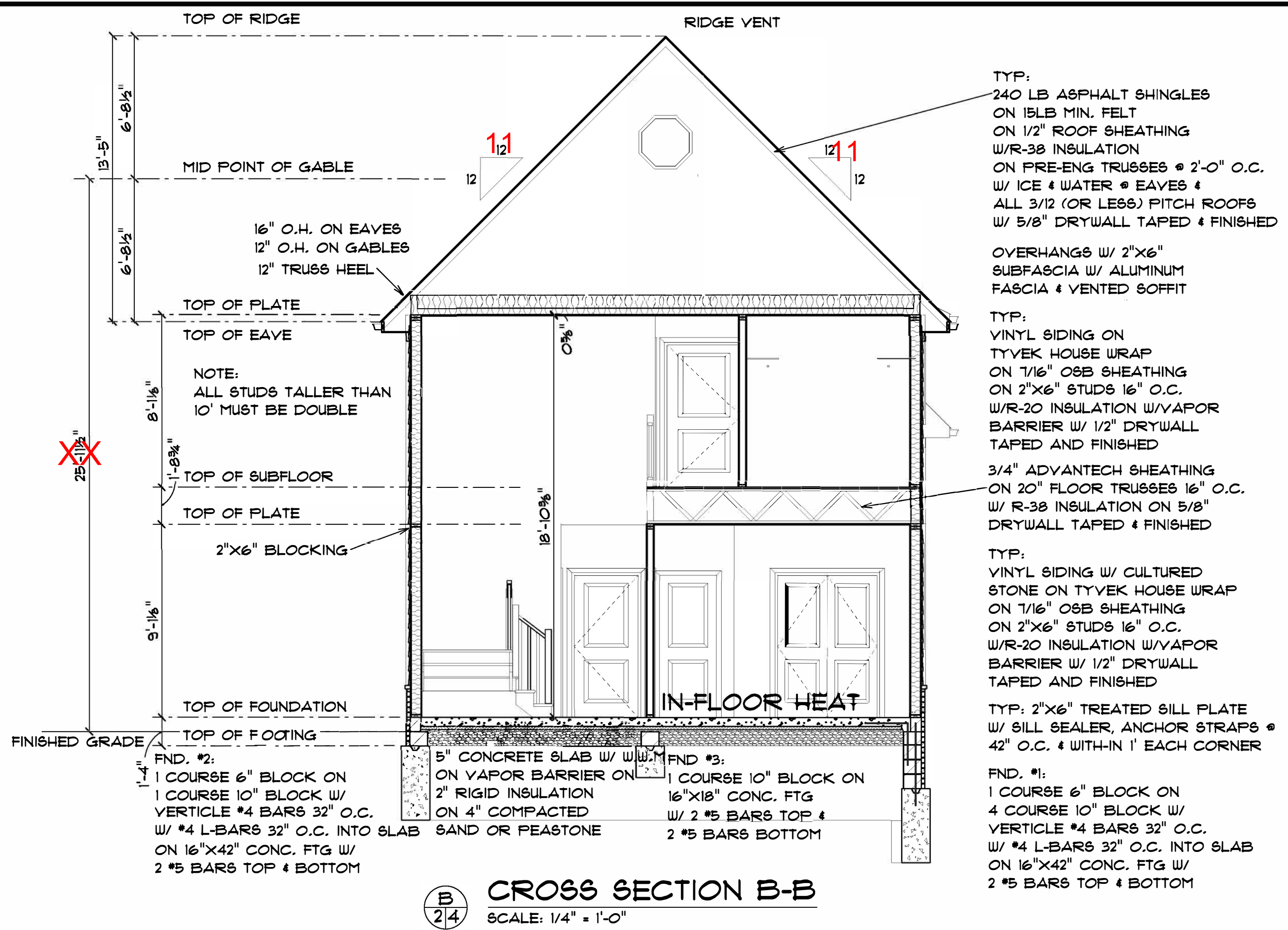
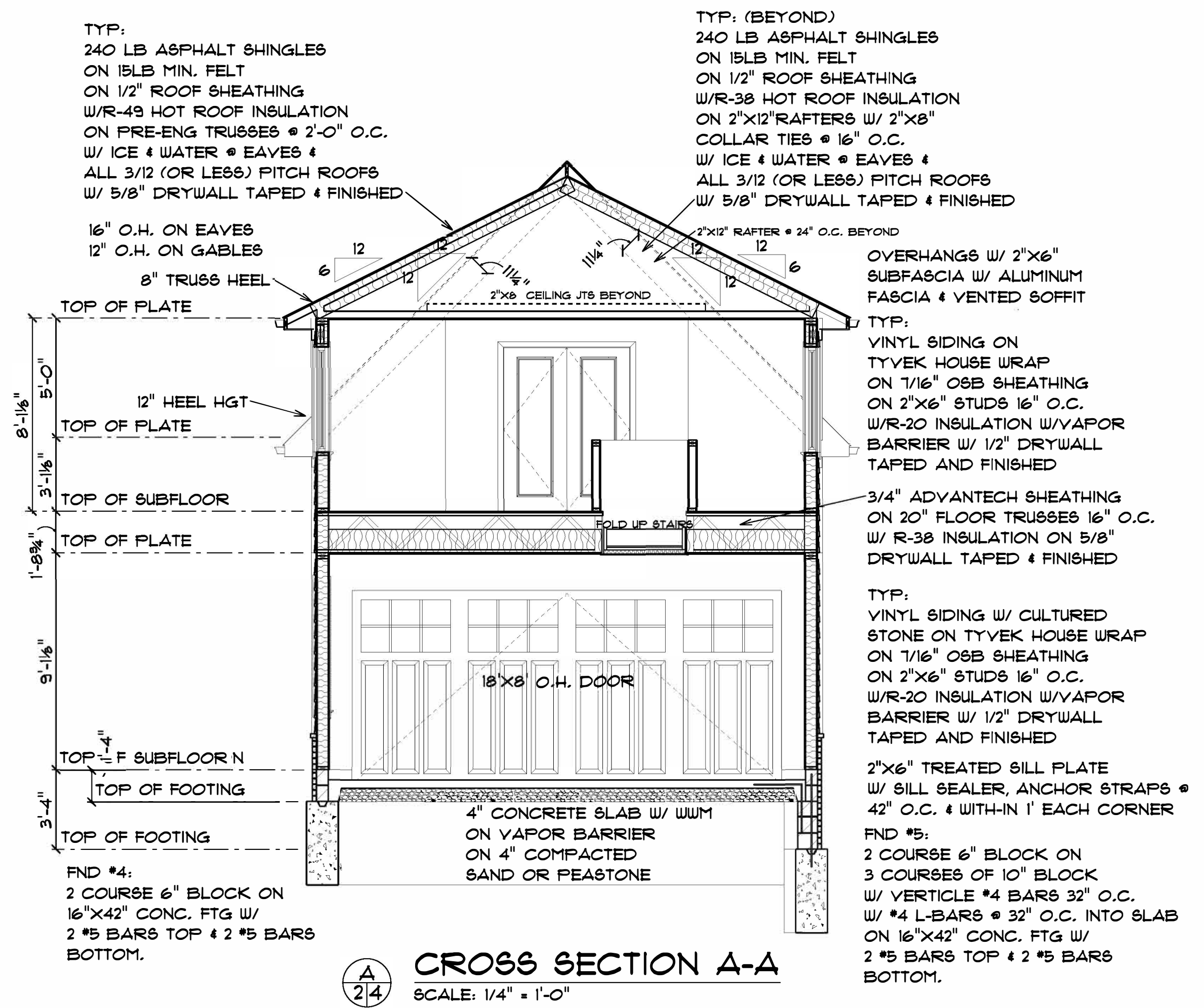
**FND #4:**  
2 COURSE 6" BLOCK ON  
16"X42" CONC. FTG W/  
2 #5 BARS TOP & 2 #5 BARS  
BOTTOM.

**FND #5:**  
2 COURSE 6" BLOCK ON  
3 COURSE 10" BLOCK  
W/ VERTICLE #4 BARS 32" O.C.  
W/ #4 L-BARS @ 32" O.C. INTO SLAB  
ON 16"X42" CONC. FTG W/  
2 #5 BARS TOP & 2 #5 BARS  
BOTTOM.

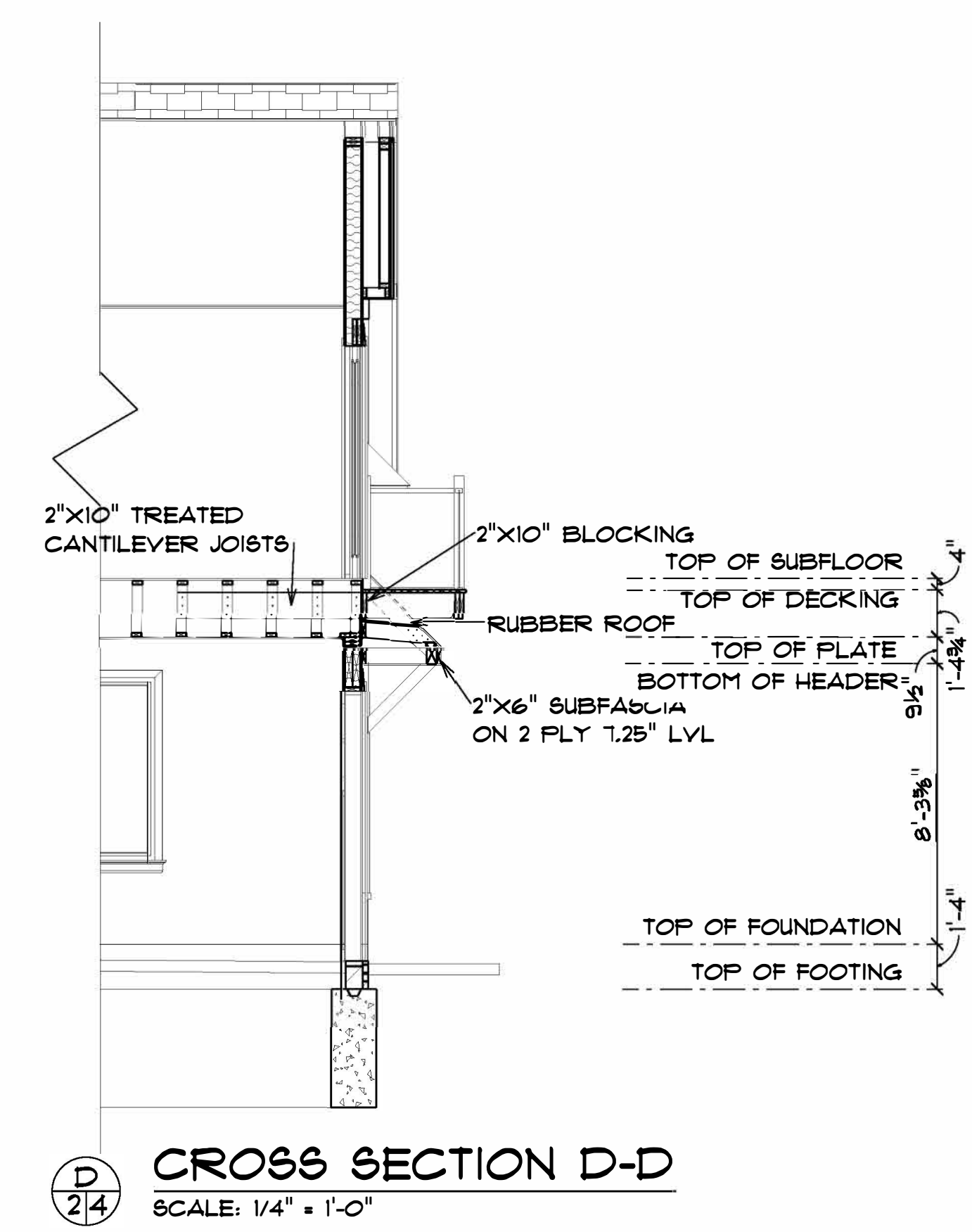
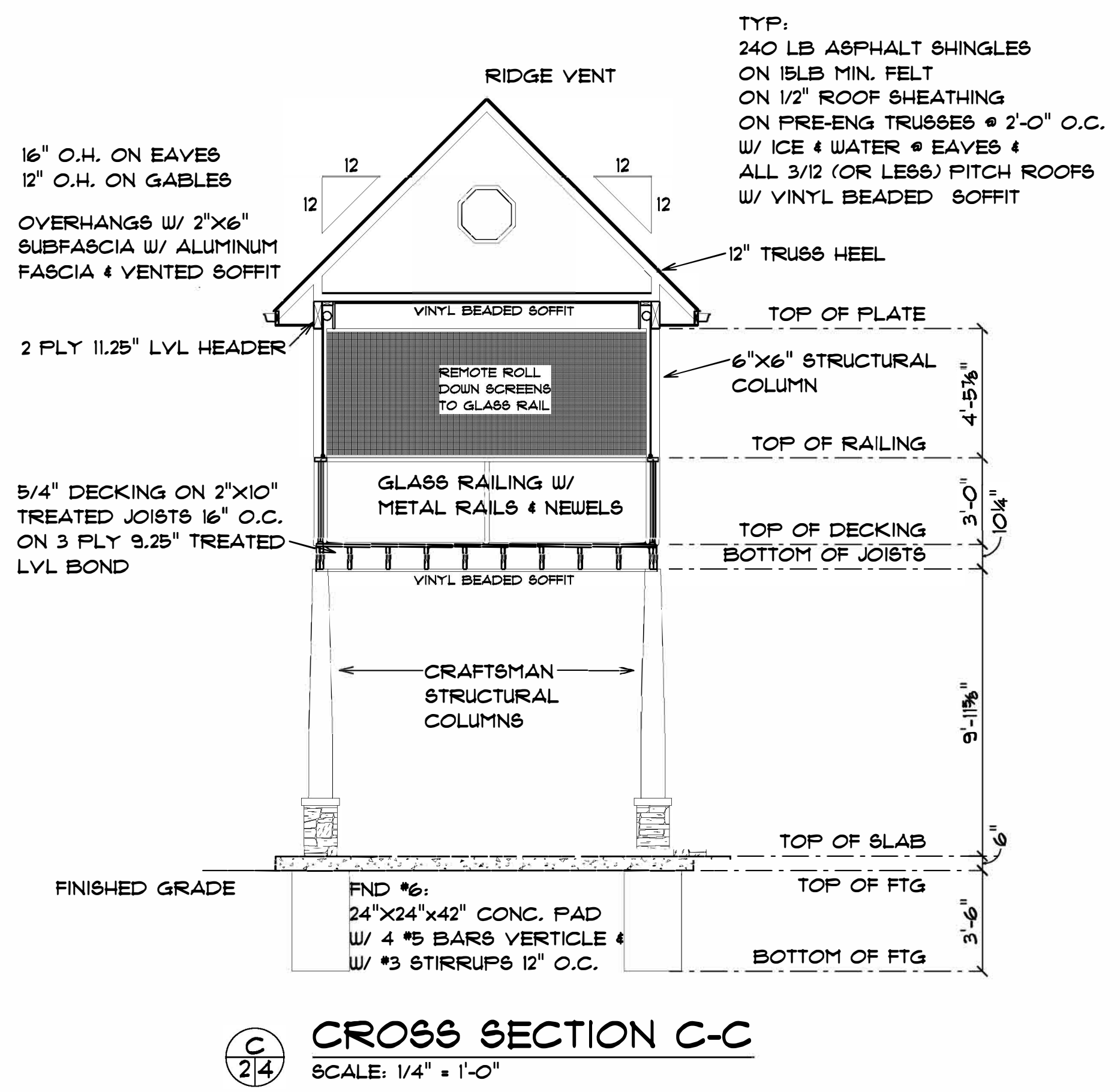
**FND #6:**  
24"X24"X42" CONC. PAD  
W/ 4 #5 BARS VERTICLE &  
W/ #3 STIRRUPS 12" O.C.

**FOUNDATION**  
SCALE: 1/4" = 1'-0"





Applicant has stated that the roof will be revised to an 11/12 pitch and is not requesting a height variance.



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
LANZON, OLIVER	DYKEMA NANCY	250,000	07/31/2018	WD	09-FAMILY	2018R-020937	BUYER/SELLER	0.0				
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR	Building Permit(s)		Date	Number	Status			
4053 HOMESTEAD DR		School: BRIGHTON AREA SCHOOLS		P.R.E. 100% 12/29/2021								
Owner's Name/Address		MAP #: V24-09		2024 Est TCV 367,654 TCV/TFA: 367.29								
DYKEMA NANCY 4053 HOMESTEAD DR HOWELL MI 48843		X Improved	Vacant	Land Value Estimates for Land Table 4304.OLD HOMESTEAD								
Tax Description		Public Improvements		* Factors *								
SEC. 28 T2N, R5E, OLD HOMESTEAD LOT 13		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
Comments/Influences		Gravel Road		A LAKE FRONT	50.00	261.00	1.0000	1.0000	4500	100		225,000
		Paved Road		C SURPLUS LF	2.00	261.00	1.0000	1.0000	2000	100		4,000
		Storm Sewer		52 Actual Front Feet, 0.31 Total Acres				Total Est. Land Value =		229,000		
		Sidewalk		Land Improvement Cost Estimates								
		Water		Description	Rate		Size		% Good	Cash Value		
		Sewer		Wood Frame	24.96		150		50	1,872		
		Electric		Wood Frame	25.82		128		50	1,652		
		Gas		Total Estimated Land Improvements True Cash Value = 3,524								
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
		Topography of Site										
		Level										
		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		X	Waterfront									
		Ravine										
		Wetland										
		Flood Plain										
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2024	114,500	69,300	183,800			66,606C	
		JB	01/30/2020	INSPECTED	2023	109,100	57,500	166,600			63,435C	
				2022	111,800	39,900	151,700			60,415C		
				2021	111,800	37,700	149,500			58,485C		



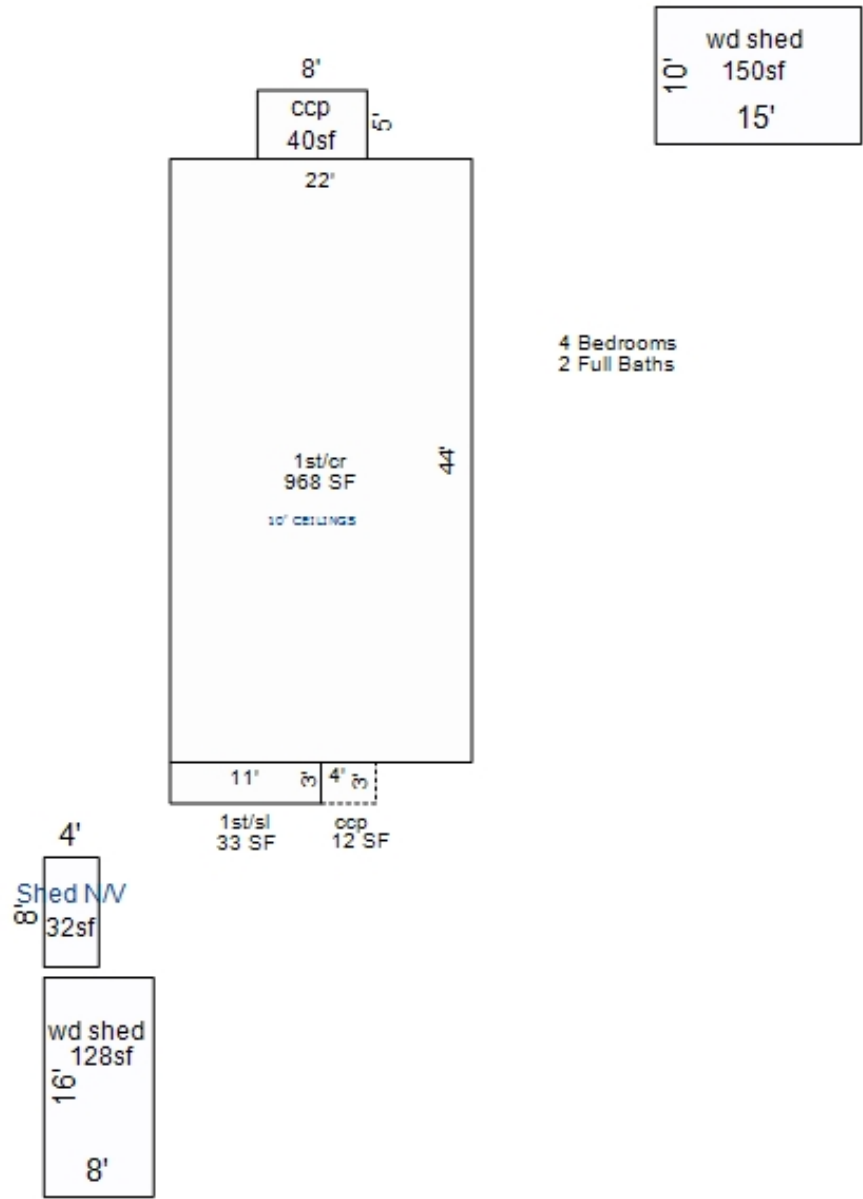
4711-28-201-013 01/30/2020  
The Equalizer. Copyright (c) 1999 - 2009.  
Licensed To: Township of Genoa, County of Livingston, Michigan

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

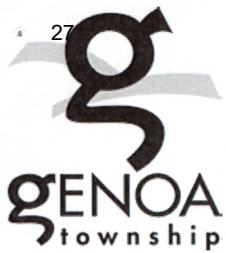


Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage							
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top 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 Direct-Vented Gas	Area	Type	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		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								12 40	CCP (1 Story) CCP (1 Story)									
Building Style: CD		Drywall Paneled	Plaster Wood T&G	Central Air Wood Furnace																			
Yr Built 1945		Remodeled 0	Ex	X	Ord	Min	No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family CD													
Condition: Good		Lg	X	Ord	Small	Ex.			X	Ord.	Min	Ground Area = 1001 SF Floor Area = 1001 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=65/100/100/100/65											
Room List		Doors:	Solid	X	H.C.	No. of Elec. Outlets			Building Areas														
	Basement 1st Floor 2nd Floor 4 Bedrooms	(5) Floors		(12) Electric			Many			X	Ave.	Few											
(1) Exterior		Kitchen: Other: Other:		0 Amps Service			(13) Plumbing			Average Fixture(s)													
X	Wood/Shingle Aluminum/Vinyl Brick  Insulation	(6) Ceilings		No./Qual. of Fixtures			Ex.			X	Ord.	Min	Stories										
(2) Windows		(7) Excavation		Basement: 0 S.F. Crawl: 968 S.F. Slab: 33 S.F. Height to Joists: 0.0			1			3	Fixture Bath	1 Story			Exterior	Foundation	Size	Cost New	Depr. Cost				
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			2			Fixture Bath	1 Story			Siding	Crawl Space	968							
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			Fixture Bath	1 Story			Siding	Slab	33							
(3) Roof		(9) Basement Finish		Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)			Average Fixture(s)			1			Other Additions/Adjustments										
X	Gable Hip Flat	Gambrel Mansard Shed	(10) Floor Support		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			1			Porches												
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			1			Water/Sewer			CCP (1 Story) CCP (1 Story)			40 12			1,218 792				
Chimney: Brick													Public Sewer Water Well, 200 Feet			1 1			1,392 10,889			905 7,078	
													Notes:			Totals:			137,859 89,609			89,609	
													ECF (4304 OLD HOMESTEAD) 1.508 => TCV:						135,130				

\*\*\* 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 # 24-10 Meeting Date: MARCH 19, 2024

PAID Variance Application Fee

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

Applicant/Owner: MITTS LLC Email: cjmitter@WonderlandMarineWest.com  
Property Address: 5776 East Grand River, Howell Phone: 810-923-8334  
Present Zoning: GC - General Commercial Tax Code: 471-10-400-007

**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: A variance of 22.4 feet from the required 70 foot front setback to allow parking in front of the existing building. The variance will allow for construction of barrier free parking near the building entrance.

**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.

Existing site contains no parking spaces for the existing building. The variance requested will allow for construction of ADA compliant parking near the building entrance that is open to the public during business hours.

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 site was developed in 1966 and does not provide parking conforming to ADA requirements or the current Genoa Township Zoning Ordinance parking requirements. ADA compliant parking is required for any use of the 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.

The variance will allow for construction of parking generally consistent with existing parking on the adjacent parcels and will not negatively impact the residents of Genoa Township.

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.

Adjacent and surrounding properties are fully developed. The variance will not interfere with, or negatively impact, use of the properties in the surrounding 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: 2-19-24 Signature: Gary E. Mitchell



February 19, 2024

Ms. Amy Ruthig, Assistant Township Manager  
 Genoa Township  
 2911 Dorr Road  
 Brighton, Michigan 48116

**Re: 5776 East Grand River, site plan**

Dear Ms. Ruthig;

We have revised the site plan for 5776 East Grand River, the temporary Wonderland Marine West boat sales, offices and showroom, to address review comments. The plans have been revised to address review comments. The following comments are provided to clarify the proposed use of the site.

- An application has been submitted to the Zoning Board of Appeals seeking a variance to allow parking in the front building setback of less than the required 70 feet. The existing site was developed in 1966 and does not provide any designated parking for the existing building. Use of the existing building requires providing parking spaces in compliance with ADA requirements and the Genoa Township Zoning Ordinance.
- Utilizing parking on the existing Wonderland Marine site to the East is not a feasible alternative. No pedestrian access between the sites will be available due to construction activities.
  - The landscape schedule has been corrected to revise the number of Shirobana Spirea.
  - Waste receptacles will be stored within the building. All waste from the site will be transferred to the existing dumpster located on the Wonderland Marine West property, East of the site, for disposal during regular waste pickup.
  - The proposed access drive between the 5776 East Grand River parcel and the existing Wonderland Marine West site, located at 5796 East Grand River, will remain in place only as long as the two parcels are owned by the MITTS LLC. Prior to the parcel being sold in the future, the access drive shall be removed.

Enclosed is the revised site plan for consideration during the upcoming Planning Commission meeting. If you have questions pertaining to the revised plans, please contact me at your convenience.

Respectfully,  
**DESINE INC.**

  
 Wayne M. Perry, P.E.

Encl: Site Plan revised dated February 19, 2024

\\214052\5776 E. Grand River Site Plan resubmittal LTR 02-19-2024

March 14, 2024

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

<b>Attention:</b>	Amy Ruthig, Planning Director
<b>Subject:</b>	Wonderland Marine West – Dimensional Variance Review
<b>Location:</b>	5776 Grand River Avenue – south side of Grand River, west of Dorr Road
<b>Zoning:</b>	GCD General Commercial District

Dear Board Members:

At the Township’s request, we have reviewed the materials submitted seeking a dimensional variance for the developed property at 5776 Grand River Avenue.

More specifically, the Zoning Ordinance requires a 35-foot front yard setback when there is no front yard parking, and a 70-foot setback when there is front yard parking.

The existing building provides a 47.6-foot front yard setback, and the site has no front yard parking. The proposal includes parking in the front yard, which would take the building front setback out of compliance. As such, a variance is needed.

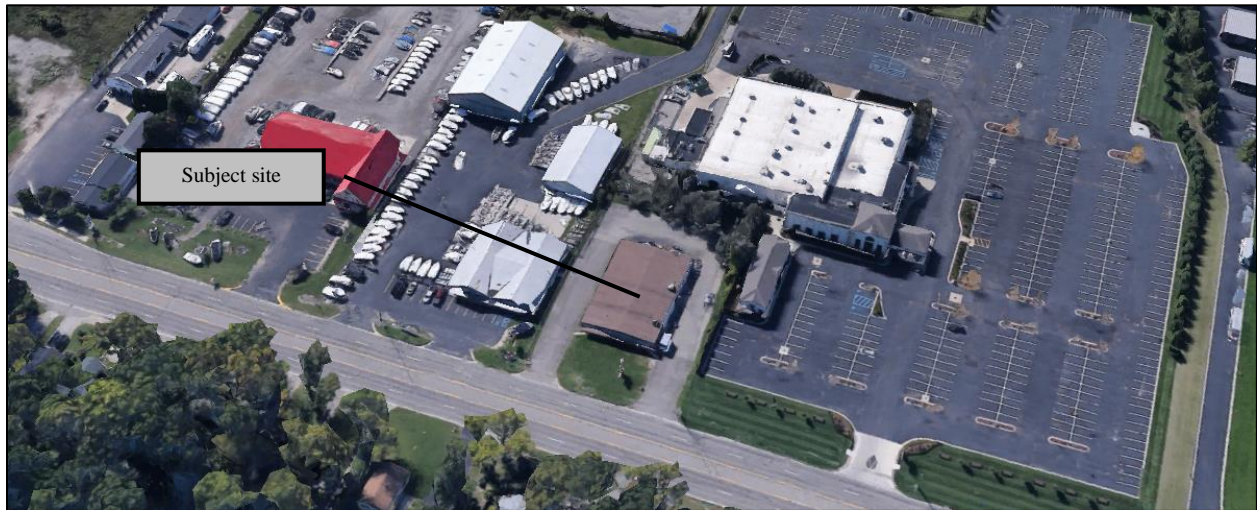
The overall project is currently going through special land use and site plan review; however, the Planning Commission postponed action so the applicant could either revise the site plan or seek a variance.

In summary, the project requires 1 dimensional variance from Section 7.03, as follows:

- To permit a front yard building setback of 47.6 feet, where a minimum of 70 feet is required.

## SUMMARY

1. *Practical Difficulty/Substantial Justice:* Strict compliance with Ordinance standards will not prevent use of the previously developed site for a permitted purpose. The applicant should evaluate alternatives (side or rear yard parking) before a variance is granted. If the applicant can demonstrate that alternatives are not reasonable or feasible, then the Board may consider strict compliance to be unnecessarily burdensome.
2. *Extraordinary Circumstances:* The need for variance is driven by the manner in which the property was developed (in the 1960s) and the change in use proposed. The property is deficient in lot area, which could be viewed as an extraordinary circumstance if alternatives are deemed unreasonable.
3. *Public Safety and Welfare:* Given the nature of the project and the variance sought, we do not anticipate adverse impacts upon public safety and welfare.
4. *Impact on Surrounding Neighborhood:* Adverse impacts upon the surrounding neighborhood are not anticipated.
5. *Additional Considerations:* If the Board considers favorable action on the variance request, we suggest it be conditioned upon special land use and site plan approval.



*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.** A variance is not necessary for continued use or establishment of a new use for the previously developed property.

The existing building complies with GCD setback requirements; however, the applicant's proposal to construct parking in the front yard will take it out of compliance.

Strict compliance would require that parking be constructed in the side or rear yard and there appears to be space for either option.

For instance, the existing circulation pattern may be able to accommodate one-way travel and angled parking in the side yard. Alternatively, there is ample space in the rear yard to accommodate the required parking.

In our opinion, these alternatives need to be explored prior to granting a variance.

If the applicant can demonstrate that options are not feasible or are unreasonable, then the Board may consider strict compliance to be unnecessarily burdensome.

2. **Extraordinary Circumstances.** In this instance, the need for variance is driven by the layout of the site, which was developed in the 1960s, and the need to meet current parking requirements.

As previously noted, the applicant needs to evaluate alternatives prior to granting a variance.

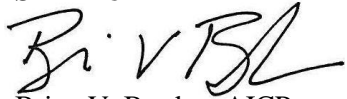
However, the property itself is nonconforming due to deficient lot area (0.74 acres provided; 1-acre minimum required), which could be viewed as an extraordinary circumstance if alternatives are not feasible or are deemed unreasonable.

3. **Public Safety and Welfare.** Given the nature of the project and the variance sought, we do not anticipate adverse impacts upon public safety and welfare.
4. **Impact on Surrounding Neighborhood.** Given the development pattern along this part of Grand River, granting of the variance is unlikely to adversely impact the surrounding area.

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 written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian V. Borden, AICP  
Michigan Planning Manager



outdoor seating restaurant located on vacant parcels#:4711-04-300-017 and 4711-09-100-017 Latson Road, east side of Latson Road, south side of Grand River Avenue. **The motion carried unanimously.**

**Moved** by Commissioner Chouinard, supported by Commissioner Rauch to recommend to the Township Board approval of the Site Plan dated January 16, 2024 to allow for a proposed multi-tenant commercial center including a drive through coffee shop and outdoor seating restaurant located on vacant parcels#:4711-04-300-017 and 4711-09-100-017 Latson Road, east side of Latson Road, south side of Grand River Avenue, with the following conditions:

- The color of the fencing shall be changed from blue to a dark bronze or black color.
- The ZBA's approval of the future drive thru uses.
- The required concrete pad at the Dumpster enclosure shall be installed.
- The property split of this parcel shall be approved.
- All conditions by other agencies shall be met.

**The motion carried unanimously.**

NEW BUSINESS:

**OPEN PUBLIC HEARING #4...**Consideration of a special land use application, environmental impact assessment and site plan to allow for temporary boat sales and service at an existing commercial site located at 5776 Grand River Avenue, south side of Grand River Avenue, west of Dorr Road. The request is petitioned by Wonderland Marine West.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (11-29-23)
- C. Recommendation of Site Plan (2-16-24)

Mr. Gary Mitter, Sr. stated they are in the process of renovating their existing building, and during construction, they need a temporary building. They purchased the building next to their business. They will be remodeling it and it will match the same style as their renovated existing building.

Mr. Borden reviewed his letter dated March 5, 2024.

1. Special Land Uses (Section 19.03):

- a. The special land use standards of Section 19.03 are generally met.
- b. In order to make favorable findings related to compatibility and impacts, the use requirements of Section 7.02.02(c) must be met to the Commission's satisfaction.
- c. The applicant must address any comments provided by the Township Engineer or Brighton Area Fire Authority regarding public facilities and services.

2. Use Requirements (Section 7.02.02(c)):

- a. The majority of the use conditions are met; however, the buffer zone/screen fence requirement for outdoor storage is not fully met at the rear of the site. They are proposing

a six-foot-high decorative aluminum fence. He noted that the adjacent uses can be used as a reason to waive this requirement.

3. Site Plan Review:

- a. The building front setback will no longer be compliant with the introduction of front yard parking. The applicant must either relocate the three front yard parking spaces or obtain a variance for the deficient building front setback. He suggested relocating the parking to the side of the building.
- b. There are parking spaces located behind gates, so the applicant must explain how the rear parking spaces will be accessed or if they will be identified as employee parking.
- c. Bumper blocks are prohibited unless deemed necessary by the Planning Commission.
- d. The Commission may wish to require new/modified light fixtures that meet current standards.
- e. The front yard greenbelt is deficient in tree plantings and a hedgerow/wall.
- f. He encourages removal of the nonconforming pole sign and replaced with a ground sign.

Mr. Barber reviewed Ms. Byrne's letter dated February 23, 2024 states;

1. The existing parking lot does not include concrete curb and gutter as required by Genoa Township's Zoning Ordinance. The Township may wish to require the addition of curb and gutter as part of this project.
2. Bumper blocks are being proposed on the rear parking spaces, but Genoa Township's Zoning Ordinance does not allow bumper blocks unless the Planning Commission deems them necessary. It does not appear that the bumper blocks are necessary where proposed.
3. The petitioner is proposing a temporary access drive to the property to the east, which will be removed before either parcel is sold in the future. A note should be added to the site plan explaining that the drive will be removed prior to sale of the property for documentation, since there will be no shared use agreement in place.
4. The proposed improvements will increase the total impervious surface of the site. It appears that the existing site does not include any storm sewer, and all storm flow from the parking lot is conveyed as sheet flow across the site towards the Grand River Avenue right-of-way. Although the additional impervious surface and drainage pattern are not ideal, there does not appear to be a feasible alternative for stormwater management for the site.

The Brighton Area Fire Authority Fire Marshal's letter dated March 1, 2024 states all of his previous comments have been addressed.

Commissioner Rassel asked how long the building will be used and what will be done with it afterward. Mr. Mitter stated approximately one year. He is not sure what will be done with it when their new building is complete. Mr. Borden stated that a Special Land Use ties to the property, so if that is approved it will be permanent.

Commissioner Dhaenens asked why they are proposing parking in the front. Mr. Mitter stated they need to have the spaces in the front for handicap access to enter the building. He added that there is front parking all along Grand River in this area.

Commissioner Rauch stated this shouldn't be reviewed by the Planning Commission until it has been before the ZBA. The site design could change depending on the outcome of that meeting. He is also concerned about the increased stormwater runoff as noted by the township engineer. He would not support approving this item without further information.

There was a discussion regarding moving the parking to the rear of the site. Mr. Mitter would consider that if it would meet the handicap requirements. This would eliminate the applicant needing to obtain a variance from the ZBA.

It was noted that a 30-foot drive is proposed from this property to the existing Wonderland site to the east, but there is not enough room because of the pole barn on that property. Mr. Mitter stated they removed part of the pole barn to accommodate that driveway. Ms. Ruthig stated that change to the pole barn was not included in the site plan approval for the existing Wonderland site.

The call to the public was made at 8:45 pm with no response.

**Moved** by Commissioner Dhaenens, supported by Commissioner Rassel, to table Open Public Hearing #4 of a special land use application, environmental impact assessment and site plan to allow for temporary boat sales and service at an existing commercial site located at 5776 Grand River Avenue until on or before the May 13, 2024 Planning Commission meeting. **The motion carried unanimously.**

The Planning Commission took a five-minute break from 8:50 pm - 8:55 pm.

**OPEN PUBLIC HEARING #5...**Consideration of a special land use application, environmental impact assessment and site plan to allow for outdoor RV/camper storage at 2630 Grand River Avenue, south side of Grand River Avenue, east of Chilson Road. The request is petitioned by Schafer Construction.

- A. Recommendation of Special Use Application
- B. Recommendation of Environmental Impact Assessment (1-16-24)
- C. Recommendation of Site Plan (2-19-24)

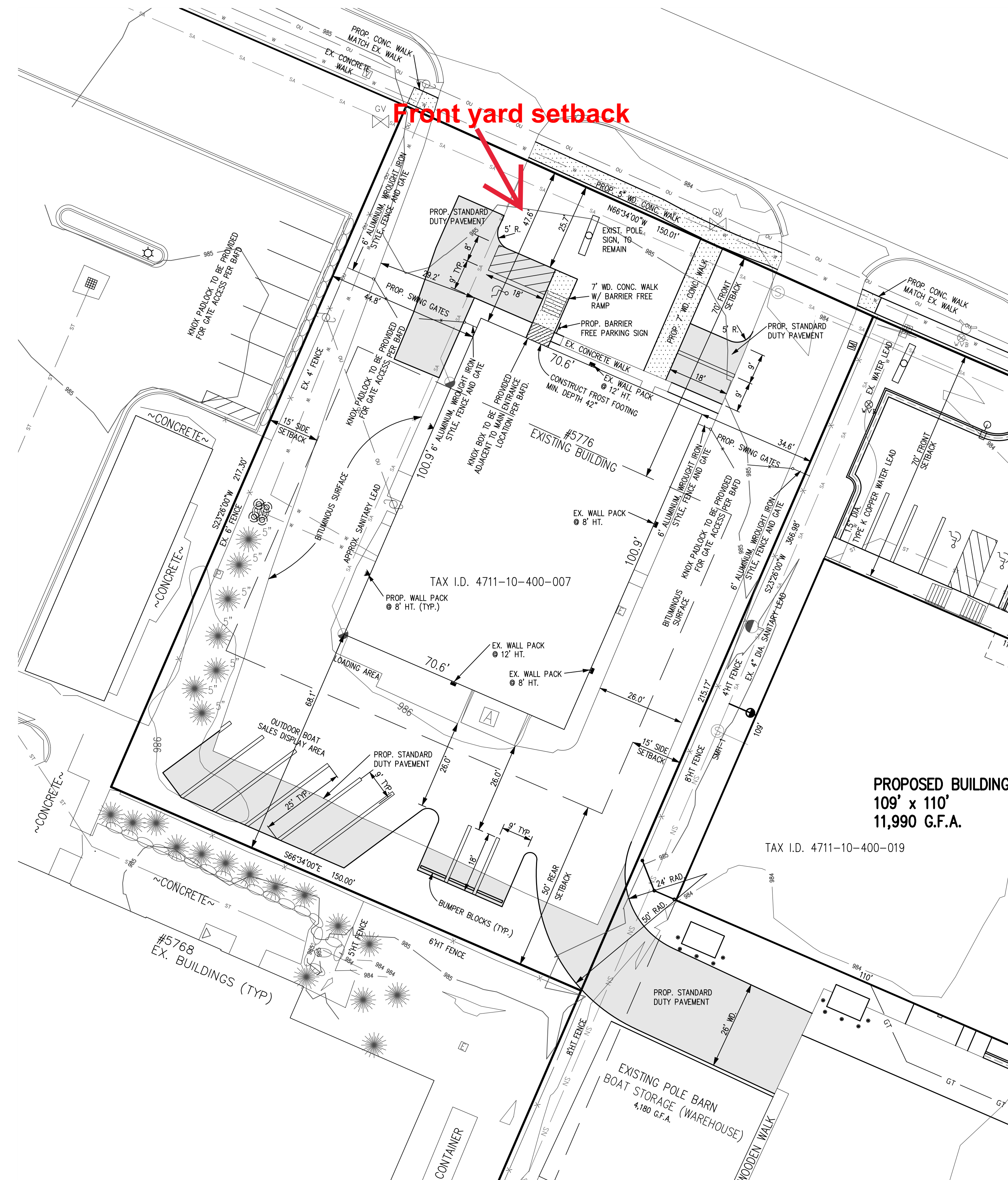
Mr. Luke Wenger of Greentech Engineering stated they are requesting approval to allow for the storage of RV's and campers.

Mr. Borden reviewed his letter dated March 5, 2024.

- 1. Special Land Uses (Section 19.03):
  - a. The special land use standards of Section 19.03 are generally met.



11-10-400-007  
5776 E GRAND RIVER

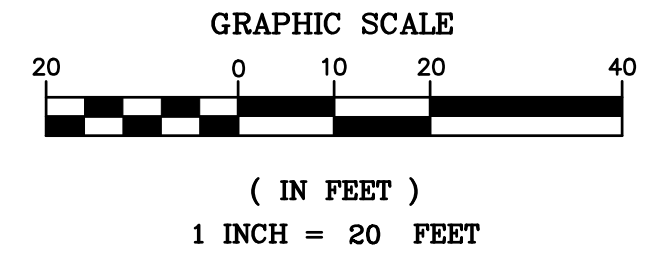


**Front yard setback**

**PROPOSED BUILDING**  
 109' x 110'  
 11,990 G.F.A.

**COVERAGE CALCULATION**  
 EXISTING IMPERVIOUS AREA: 21,446 SQ.FT. 66.1%  
 PROPOSED IMPERVIOUS AREA: 23,819 SQ.FT. 72.5%

- LEGEND**
- = PARCEL BOUNDARY LINE
  - = SETBACK LINE
  - (W) = WELL WATER
  - (B) = BOLLARD
  - (S) = STOP SIGN / PEDESTRIAN CROSSING SIGN
  - (M) = SIGN / MONUMENT SIGN
  - (H) = HANDICAP PARKING DESIGNATION
  - (L) = EX. WALL PACK / OVERHEAD LIGHT
  - (L) = LIGHT BASE
  - (E, G, P, T, U) = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX, UTIL. BOX)
  - (U) = UTILITY POLE W/GUY WIRE
  - (O, P, T, U) = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
  - (O, P, T, U) = U/G UTILITY LINES (PHONE/FIBER OPTIC/ELECTRIC/CABLE TV/MISC UTILITIES)
  - (---) = EDGE OF BRUSH LINE
  - (T) = DECIDUOUS TREE W/IDENTIFIER
  - (C) = CONIFEROUS TREE W/IDENTIFIER
  - (S) = BUSH / SHRUB
  - (B) = BOULDER
  - (---) = FENCE (CHAIN LINK UNLESS OTHERWISE STATED)
  - (---) = EDGE OF GRAVEL
  - (---) = CONCRETE CURB (UNLESS OTHERWISE STATED)
  - (---) = EDGE OF WATER
  - (S) = SANITARY SEWER MANHOLE W/IDENTIFIER
  - (S) = SANITARY SEWER PIPE
  - (C) = CLEAN OUT
  - (R) = ROOF DRAIN
  - (S) = STORM WATER MANHOLE W/IDENTIFIER
  - (C) = CATCH BASIN W/IDENTIFIER
  - (---) = FLARED END SECTION
  - (---) = STORM WATER DRAINAGE PIPE
  - (H) = HYDRANT
  - (S) = WATER SHUT OFF
  - (V) = WATER VALVE BOX
  - (M) = WATER MAIN
  - (G) = GAS SHUT OFF
  - (G) = U/G GAS
  - (G) = GEOTHERMAL EXCHANGE WELL
  - (G) = GEOTHERMAL PIPE
  - (---) = 1' CONTOUR
  - (---) = 5' CONTOUR
  - (---) = STANDARD DUTY PAVEMENT
  - (---) = CONCRETE SIDEWALK



**SITE CHARACTERISTICS**

PARCEL ID: 4711-10-400-007  
 ZONED: GC - GENERAL COMMERCIAL  
 AREA: 1.0 AC. 0.74 AC.  
 WIDTH: 150' 150.01'  
 SETBACKS:  
 FRONT 70' 47.6'  
 SIDE 15' 34.6'  
 REAR 50' 68.1'

BUILDING COVERAGE AREA: 35% MAX. 22.0%  
 IMPERVIOUS COVERAGE AREA: 75% MAX. 72.5%

**PARKING REQUIREMENTS**

Recreational vehicle, boat, mobile home and similar sales	1.0 space per 800 sq.ft. gross leasable floor area, plus 2.0 spaces per each vehicle sales service bay	
Boat storage (warehouse),	1.0 space per 1,500 sq.ft. gross leasable floor area	
A. Gross leasable floor area (sales) = 1,528 sq. ft.	Parking req'd 1,528 sq.ft. X 1.0space/800 sq.ft.	= 2 spaces
B. Gross leasable floor area (warehouse) = 5,303 sq. ft.	Parking req'd 5,303 sq.ft. X 1.0space/1,500 sq.ft.	= 4 spaces
TOTAL REQUIRED SPACES		= 6 spaces
PARKING SPACES PROVIDED		= 6 spaces
OUTDOOR BOAT SALES DISPLAY SPACES		= 6 SPACES

**BENCHMARK**  
 DATUM BASED ON NGS OPUS SOLUTION REPORT, DATED MARCH 28, 2022 AT 11:26 AM. PREVIOUS DATUM FROM MARCH 1999 HAS A DIFFERENCE OF -0.76'.

BENCHMARK #201  
 ARROW ON HYDRANT, LOCATED ON THE SOUTHERLY SIDE OF GRAND RIVER, NEAR THE NORTHWESTERLY CORNER OF #5796 PARCEL. ELEVATION = 986.63 (NAVD 88)

BENCHMARK #202  
 SOUTHEASTERLY CORNER OF CONCRETE PAD, LOCATED ON THE EASTERLY SIDE OF #5796 BUILDING. ELEVATION = 983.53 (NAVD 88)

3 WORKING DAYS BEFORE YOU DIG  
 CALL 811 OR 1-800-482-7171 (TOLL FREE)  
 OR VISIT CALL811.COM

(810) 227-9533  
**CIVIL ENGINEERS**  
**LAND SURVEYORS**  
 2183 PLESS DRIVE  
 BRIGHTON, MICHIGAN 48114

REVISION #	DATE	REVISION-DESCRIPTION
1	02/19/24	REVISED PER REVIEW COMMENTS

5776 GRAND RIVER

SITE PLAN

CLIENT: MITTS LLC  
 5796 E. GRAND RIVER  
 HOWELL, MICHIGAN, 48843  
 517-548-5122

SCALE: 1in. = 20ft.  
 PROJECT No.: 214052  
 DWG NAME: 4052 SP  
 ISSUED: FEB. 19, 2024

SP



**NORTH BUILDING ELEVATION**

NOT TO SCALE



**SOUTH BUILDING ELEVATION**

NOT TO SCALE



**WEST BUILDING ELEVATION  
NORTH END**

NOT TO SCALE



**WEST BUILDING ELEVATION  
SOUTH END**

NOT TO SCALE



**EAST BUILDING ELEVATION  
SOUTH END**

NOT TO SCALE



**EAST BUILDING ELEVATION  
NORTH END**

NOT TO SCALE

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Call before you dig.

3 WORKING DAYS  
BEFORE YOU DIG  
CALL 811 OR 1-800-482-7171  
(TOLL FREE)  
OR VISIT CALL811.COM

**DESIGN INC**

(810) 227-9533  
CIVIL ENGINEERS  
LAND SURVEYORS  
2183 PLESS DRIVE  
BRIGHTON, MICHIGAN 48114

DESIGN: JHG	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG						
CHECK: WMP						

5776 E. GRAND RIVER

BUILDING PHOTOGRAPHS

CLIENT: MITTS LLC  
5796 E. GRAND RIVER  
HOWELL, MICHIGAN, 48843  
517-548-5122

SCALE: NOT TO SCALE  
PROJECT No.: 214052  
DWG NAME: 4052 ELEV  
ISSUED: DEC. 18, 2023

**E**

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
JESS HOLDING COMPANY LLC	MITTS LLC	665,450	07/11/2023	WD	03-ARM'S LENGTH	2023R-013314	BUYER/SELLER	100.0
GUBALA, THOMAS & PATRICIA	JESS HOLDING COMPANY LLC	600,000	03/23/2006	WD	03-ARM'S LENGTH	5069/0955	BUYER/SELLER	100.0
GUBALA, THOMAS & PATRICIA		0	12/20/1995	QC	21-NOT USED/OTHER	1995-0275	BUYER/SELLER	0.0
GUBALA, THOMAS & PATRICIA		0	12/20/1995	QC	21-NOT USED/OTHER	1995-?276	BUYER/SELLER	0.0

Property Address	Class: COMMERCIAL-IMPROVE	Zoning: GCD (*	Building Permit(s)	Date	Number	Status			
5776 E GRAND RIVER	School: HOWELL PUBLIC SCHOOLS		Commercial	09/05/2023	P23-153	1 NO START			
	P.R.E. 0%		Other: See Work Descriptio	04/18/2019	PW19-051				
Owner's Name/Address	MAP #: V24-10		Tenant Build-Out	04/15/2019	P19-039				
MITTS LLC 5796 E GRAND RIVER AVE HOWELL MI 48843-9106	2024 Est TCV 592,323 TCV/TFA: 84.62		TENANT BUILD-OUT	07/10/2007	07-107	NO START			
	X Improved	Vacant	Land Value Estimates for Land Table 2003.GRAND RIVER FRONTAGE						
	Public Improvements		* Factors *						
			Description	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
			GRDRIVR 1400	150.00	278.00	1.0000	1.1790	1400 100	247,586
			150 Actual Front Feet, 0.96 Total Acres Total Est. Land Value = 247,586						
			Land Improvement Cost Estimates						
			Description	Rate	Size	% Good	Cash Value		
			D/W/P: Asphalt Paving	3.32	14600	51	24,721		
			Total Estimated Land Improvements True Cash Value = 24,721						
Tax Description	Dirt Road								
	Gravel Road								
	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								
			Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Who	When	What	2024	123,800	172,400	296,200		296,200S
				2023	106,100	127,300	233,400		175,604C
				2022	106,100	119,500	225,600		167,242C
				2021	106,100	122,200	228,300		161,900C

4711-10-400-007	10/19/2023	DLR 12/28/2023 INSPECTED
		JB 10/19/2023 INSPECTED

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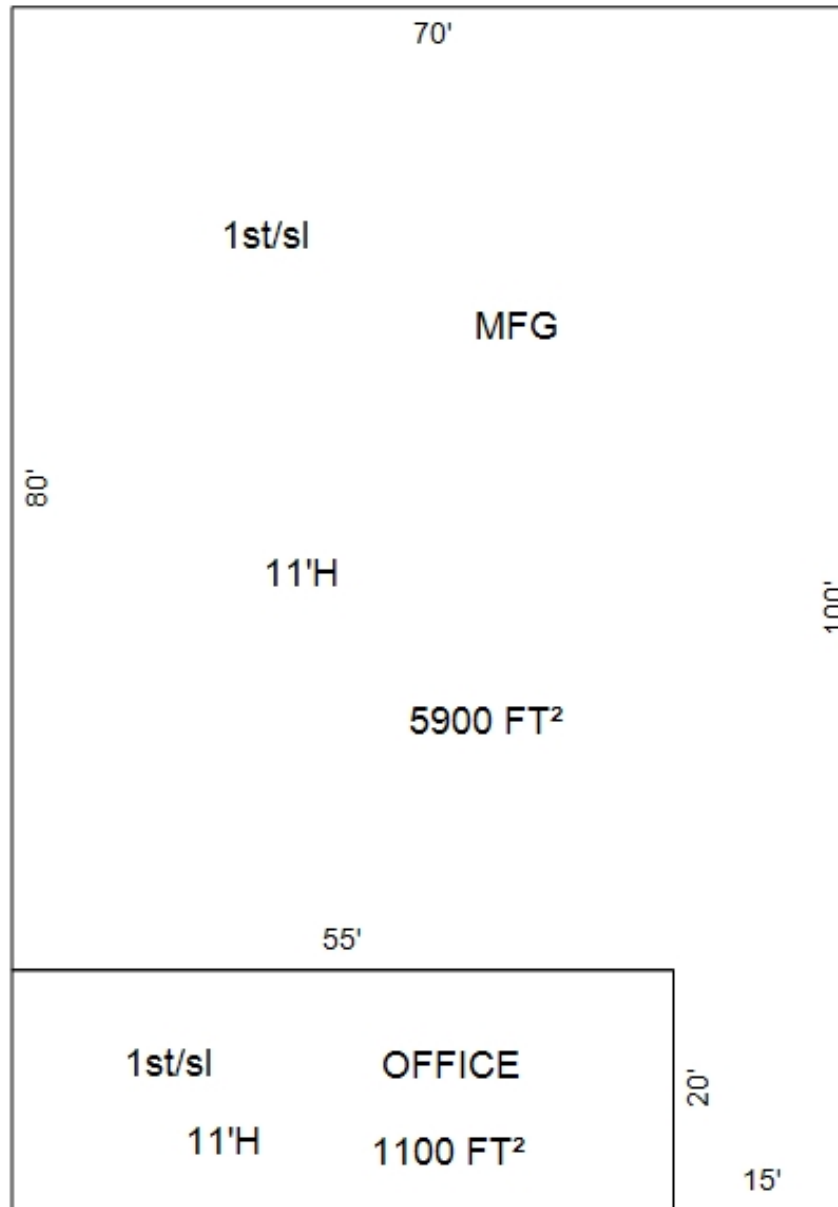
\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Desc. of Bldg/Section: Calculator Occupancy: Stores - Retail				<<<<< Calculator Cost Computations >>>>>			
Class: C Floor Area: 7,000 Gross Bldg Area: 7,000 Stories Above Grd: 1 Average Sty Hght : 11 Bsmnt Wall Hght				Class: C    Quality: Low Cost Stories: 1    Story Height: 11    Perimeter: 340			
Depr. Table : 2.5% Effective Age : 20 Physical %Good: 60 Func. %Good : 100 Economic %Good: 100				Base Rate for Upper Floors = 74.00			
1966 Year Built Remodeled		Overall Bldg Height		Comments:		*** Basement Info ***	
Area: Perimeter: Type:		Heat: Hot Water, Radiant Floor		Area #1: Type #1: Area #2: Type #2:		* Mezzanine Info *	
Area: Type: Low		* Sprinkler Info *		Area: Type:		*	
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:	
X Poured Conc.	Brick/Stone	Block	Footings	Many Above Ave.	Average Typical	Few None	Few Average Many Unfinished Typical
(3) Frame:		Total Fixtures		Urinals		Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct	
		3-Piece Baths		Wash Bowls		Incandescent Fluorescent Mercury Sodium Vapor Transformer	
		2-Piece Baths		Water Heaters		(40) Exterior Wall:	
		Shower Stalls		Wash Fountains			
		Toilets		Water Softeners		Thickness    Bsmnt Insul.	
(4) Floor Structure:		(9) Sprinklers:		(13) Roof Structure: Slope=0			
(5) Floor Cover:		(10) Heating and Cooling:		(14) Roof Cover:			
		Gas Oil		Coal Stoker			
		Hand Fired Boiler					

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



10-400-007



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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
February 20, 2024 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm. The members and staff of the Zoning Board of Appeals were present as follows: Bill Rockwell, Craig Fons, Marianne McCreary, Jean Ledford and Kelly VanMarter, Township Manager. Absent was Michele Kreutzberg.

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

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

**Conflict of Interest:** None

**Approval of the Agenda:**

**Moved** by Board Member Ledford, supported by Board Member Rockwell, 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. 24-03...A request by Jacob Lubig of Ventures Design, 3910 Honors Bluff, for a rear yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct an addition to an existing home.

Mr. Lock Durrant and Mr. Jacob Lubig of Ventures Design were present.

Mr. Lubig stated they are requesting a variance to build a covered deck to replace the existing deck. The need for the variance is due to the property having a uniquely shallower rear yard than other homes in the neighborhood. The lot is also a trapezoid shape so the home was placed further back on the lot. Other properties in the area have covered decks so allowing this variance would provide the applicant with substantial justice. This would not have any negative effects on the public safety or welfare of the neighborhood.

Mr. Durrant stated he disagrees with the staff report. He reiterated the practical difficulty stated by Mr. Lubig, which is that the lot is a trapezoid shape. Additionally, the setbacks were set by the developer and then enforced by the township. The HOA has approved this project, with an even less setback than they are requesting. He presented an aerial map showing the tee boxes

on the adjacent golf course, which cause many golf balls to be hit into the applicant's yard. Having the covered deck would shield them from this. It is a safety concern.

Chairman McCreary noted that there have been two previous rear yard variance requests for this property and they were denied. Also having golf balls hit into the yard should be expected when you choose to live on a golf course. Mr. Durrant stated that those two variances were also requested to protect them from the many golf balls being hit into their yard.

Board Member Rockwell noted that there is still part of the deck and a patio that is not covered so those areas will not be protected from golf balls.

Board Member Ledford noted that one of the criteria for approving a variance is to show a specific reason connected to the land. Mr. Durrant reviewed the aerial view map that shows the shape and narrow depth of the lot, and how the home had to be placed further to the rear of the lot to meet the side-yard setbacks. This is what is causing the hardship and practical difficulty with the property.

Board Member Fons stated that the lot existed before the house was built. A different, smaller house could have been built. He would consider approving this only because the new deck and roof is within the existing deck footprint.

Ms. VanMarter advised the Board that because this deck is covered, it should be considered an addition to the home, and not a deck. Mr. Lubig understands that the ordinance considers this an addition; however, it is not the same as a full building addition.

The call to the public was opened at 7:01 pm.

Mr. Brandon Bertrang with Ventures Design stated that building a house smaller could be applied to almost any variance request. This lot is the smallest in this zoning district.

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

**Moved** by Board Member Rockwell, supported by Board Member Fons, to deny Case #24-03 for Jacob Lubig of Ventures Design and Adam and Madison Cregar for 3910 Honors Bluff for a rear yard setback variance of 16 feet from the required 50 feet for a rear yard setback of 34 feet, based on the following findings of fact:

- Strict compliance with the rear yard setback would prevent the applicant from constructing a covered deck; however, it would not prevent the use of the property. Granting of the requested variance would not do substantial justice to the applicant as well as other property owners in the district. It is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.

- There are no exceptional circumstances of the property. Although the lot is the smallest in the Oak Pointe Honors Subdivision, the home is larger than the average home in the neighborhood, which is a self-created condition by the original owner.
- The granting of therear yard variance should not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed rear yard s variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
- The requested variance is not the least amount necessary.

**The motion carried unanimously.**

Mr. Durrant questioned the reason for the denial, noting they could build a covered deck that will meet the ordinance. Board member Fons stated he voted against the request because they could build something similar to achieve the same goal without needing a variance.

2. 24-04...A request by Jon and Danielle Wlodarczak, 4183 Homestead Dr., for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to install a whole house generator.

Mr. Wlodarczak stated the variance is necessary due to the non-conforming, narrow layout of the lot and the location of the home on the lot. Meeting the setback requirement would prohibit the installation of a whole home generator. It is the least necessary. There are numerous homes on Homestead Drive with generators and A/C units outside encroaching on the property line so this request is not unique. This would not have a negative effect on the surrounding neighborhood.

Ms. VanMarter stated there was confusion with regard to the variance request. The required setback for this feature is 36 inches off of the property line and the applicant is asking for the generator to be 16 inches off of the property line, which would be a variance of 20 inches.

Mr. Eric Osburn of Osburn Services, the generator contractor, stated that having a whole house generator is a safety issue. He noted that per the manufacturer's requirements, this is the only location where it can be placed.

A letter from the Township Utilities Director approved this location for the generator. An email was received from Jeff and Wanda Tanis of 4183 Homestead stating they have no issues with the variance request.

The call to the public was opened at 7:22 pm with no response.

Board Member Fons noted that a backup generator is a necessity. He visited the site and could not find another location where it could be located. Chairperson McCreary agrees.

Board Member Rockwell stated that portable generators can be used without the need to put a permanent fixture on the property. Board member Fons noted that portable generators only work when someone is home to hook them up.

At this time, there was an outburst by Brandon Bertrang with Ventures Design where he accused the Board of being biased. He continued to disrupt the meeting, using the “f-word” multiple times. Chairperson McCreary asked him to leave. As he walked toward the door, he again used the “f-word” and walked out of the room.

There was a discussion regarding changing the ordinance for setbacks for mechanical units due to the increase in whole house permanent generator requests.

**Moved** by Board Member Rockwell, supported by Board Member Fons, to approve Case #24-04 for Jon and Danielle Wlodarczak of 4183 Homestead Drive for a side yard setback variance of 1 foot, 8 inches, from the required 3 feet, for a side setback of 1 foot, 4 inches to install a whole house generator, based on the following findings of fact:

- Strict compliance with the setback would cause the applicant to be unable to install the generator. There are other homes in the vicinity with reduced projections into the side yard with air conditioning units that support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the narrowness of the lot and it is a non-conforming lot in the LRR district.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The direct neighbor is located 19 feet from the proposed location of the generator. In addition, staff received correspondence from the neighbor and they have no objections to the variance request.

This approval is conditioned upon the following:

1. Generator shall be sized to accommodate the connection of the grinder pump per recommendation by MHOG Utility Director.
2. The weekly test of the generator shall not be scheduled between 10:00 p.m. and 7:00 a.m. and must be in compliance with the Township Noise Ordinance.

**The motion carried unanimously.**

3. 24-05...A request by Kristie Dennes, 6511 Forest Beach Dr., for a side yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to install a whole house generator.

Ms. Dennes stated that her lot is non-conforming for her zoning district so there is no location on her lot where the generator can be placed to meet the setbacks. The generator is proposed to be five feet from the lot line and eight feet from the house.

Ms. VanMarter stated that the requirement is to be 27 feet from the lot line and the applicant is requesting to be 5 feet from the property line, so it is a setback variance of 22 feet.

Mr. Osburn stated that due to the non-conforming lot width, any location on the property would require a variance. This location meets the requirements of the generator manufacturer. Ms. Dennes stated it will be placed in front of their home.

An email from Patrick Michael of 6517 Forest Beach Drive states he and his wife are in support of this variance request.

The call to the public was opened at 7:40 pm.

Mr. John Myers of 6505 Forest Beach Drive stated a generator is needed because they lose power in this neighborhood at least once a month for many days at a time.

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

**Moved** by Board Member Fons, supported by Board Member Rockwell, to approve Case #24-05 for Kristie Dennes of 6511 Forest Beach Drive for a side yard projection setback variance of 22 feet, from the required 27 feet, for a side yard projection setback of 5 feet to install a whole house generator, based on the following findings of fact:

- Strict compliance with the setback would cause the applicant to be unable to install the generator. While it does not unreasonably prevent use of the property, there are other homes in the vicinity with reduced side yard setbacks that would support substantial justice.
- The exceptional or extraordinary condition of the property is the narrowness of the lot and the non-conforming size in the LDR zoning district. The variance request is not self-created.
- 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.
- The proposed variance could have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood, but this is addressed in the above bullet point.

This approval is conditioned upon the following:

1. The weekly test of the generator shall not be scheduled between 10:00 p.m. and 7:00 a.m. and must be in compliance with the Township Noise Ordinance.
2. This generator cannot be used as a permanent source of power for the home.

**The motion carried unanimously.**

4. 4. 24-06...**REQUEST TO WITHDRAW** A request by Craig Sheffer, 855 Victory Dr., for a capacity variance for a fuel storage tank and any other variance deemed necessary by the Zoning Board of Appeals to allow 1,000 gallons of fuel storage.

**Moved** by Ledford, supported by Fons, to note that Case #24-06 has been requested to be withdrawn by the applicant. **The motion carried unanimously.**

5. 24-07...**REQUEST TO WITHDRAW** A request by John Cleary, 3820 Crystal Valley Dr., for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to install a whole house generator.

**Moved** by Ledford, supported by Fons, to note that Case #24-07 has been requested to be withdrawn by the applicant. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the January 23, 2024 Zoning Board of Appeals meeting.

Board Member Ledford noted one change needed.

**Moved** by Board Member Ledford, supported by Board Member Fons, to approve the minutes of the January 23, 2024 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. VanMarter stated there are three cases scheduled for the March meeting.

Board Member Fons will not be in attendance at the March meeting.

3. Member Discussion

The Board discussed how whole-house, permanent generators will be addressed in the future as the requests for them have increased. Is this a property right or should the township ensure they are being installed properly and in the proper location. Ms. VanMarter is not sure an ordinance amendment is needed at this time; however, she will monitor the requests.

4. Adjournment

**Moved** by Board Member Ledford, supported by Board Member Fons, to adjourn the meeting at 7:59 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT