

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
OCTOBER 22, 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)*

OLD BUSINESS:

1. 24-08 A request by Robert Dow, 5425 Wildwood, for a waterfront and side yard setback variance and any other variances deemed necessary by the Zoning Board of Appeals, to allow an existing roof structure to remain over a patio.

NEW BUSINESS:

Administrative Business:

1. Approval of minutes for the September 17th Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment

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

@ 6:30

Case # 24-08 Meeting Date: 10-22-24

PAID Variance Application Fee

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

Applicant/Owner: ROB DOW Email: ROBDOW2000@YAHOO.COM

Property Address: 5425 WILLOWOOD 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: I would like a patio
covering over the 15' requirement

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 the property edge, however it will remain within the same width of the parcel

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.

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 issue for public safety

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 concerning does not affect anyone 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: 9/12/24 Signature: 



REVISED MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Carrie Aulette
DATE: October 2, 2024

RE: ZBA 24-08

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

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 31, 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.
- In 2002, after multiple ZBA meetings, a variance was denied for an addition petitioned by the previous owner. (see attached minutes)
- 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 a 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 was determined to be illegal since no land use permit was issued for the roof. The solar panel land use permit was not approved. However, it has come to staff’s attention that the solar panels were installed on the roof anyway.

The property lines extend to the water’s edge per the Township Assessing Dept. Staff found it difficult to determine requested setbacks. Included in the 2002 variance application submittal was a mortgage survey (see attached) that indicated the existing house was located on the front lot line. **Since the Applicants original ZBA in April he has had a new certified survey done by Boss Engineering.**

Staff could not locate a land use permit or variance application for the 2000 addition that applicant indicates on the site plan.

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.

The parcel is not serviced with a grinder. No approval is required.

Variance Requests

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

Table 3.04.01 (LRR District)

SINGLE FAMILY STRUCTURE	Side Yard (North) Setback	Waterfront Setback
REQUIRED YARD SETBACK	10’	76’
PROPOSED YARD SETBACKS	3’	63’
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 prevent the illegal roof structure to remain. It would not prevent the use of the property. There are other homes in the vicinity with reduced side yard and waterfront yard setbacks that could support substantial justice for the roof structure. Township staff cannot verify the front yard setback to make a determination for substantial justice.
- (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 properties. The covered patio will not 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 will not have an impact on the appropriate development and continued use of the property. It will not have impact on the value of adjacent properties and the surrounding neighborhood.

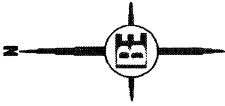
Recommended Conditions

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

1. Land use waiver shall be applied for within 7 business days of survey submittal for the roof and solar panels.
2. A Livingston County Building Permit shall be applied for within 5 business days of land use permit approval.
3. Structure must be guttered with downspouts.

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

1. Land use waiver shall be applied for within 7 business days of denial for the removal of the roof and solar panels.
2. A Livingston County Building Permit shall be applied for within 5 business days of land use waiver approval.
3. The solar panels and roof shall be removed within 45 days of denial.



SURVEY

PROPERTY DESCRIPTION PER
LIVINGSTON COUNTY TAX ROLL:
SEC. 10 T2N, R5E, KIRK'S LANDING
LONG LAKE LOT 66

REVIEWED
By Carrie Aulette at 1:32 pm, Jul 30, 2024

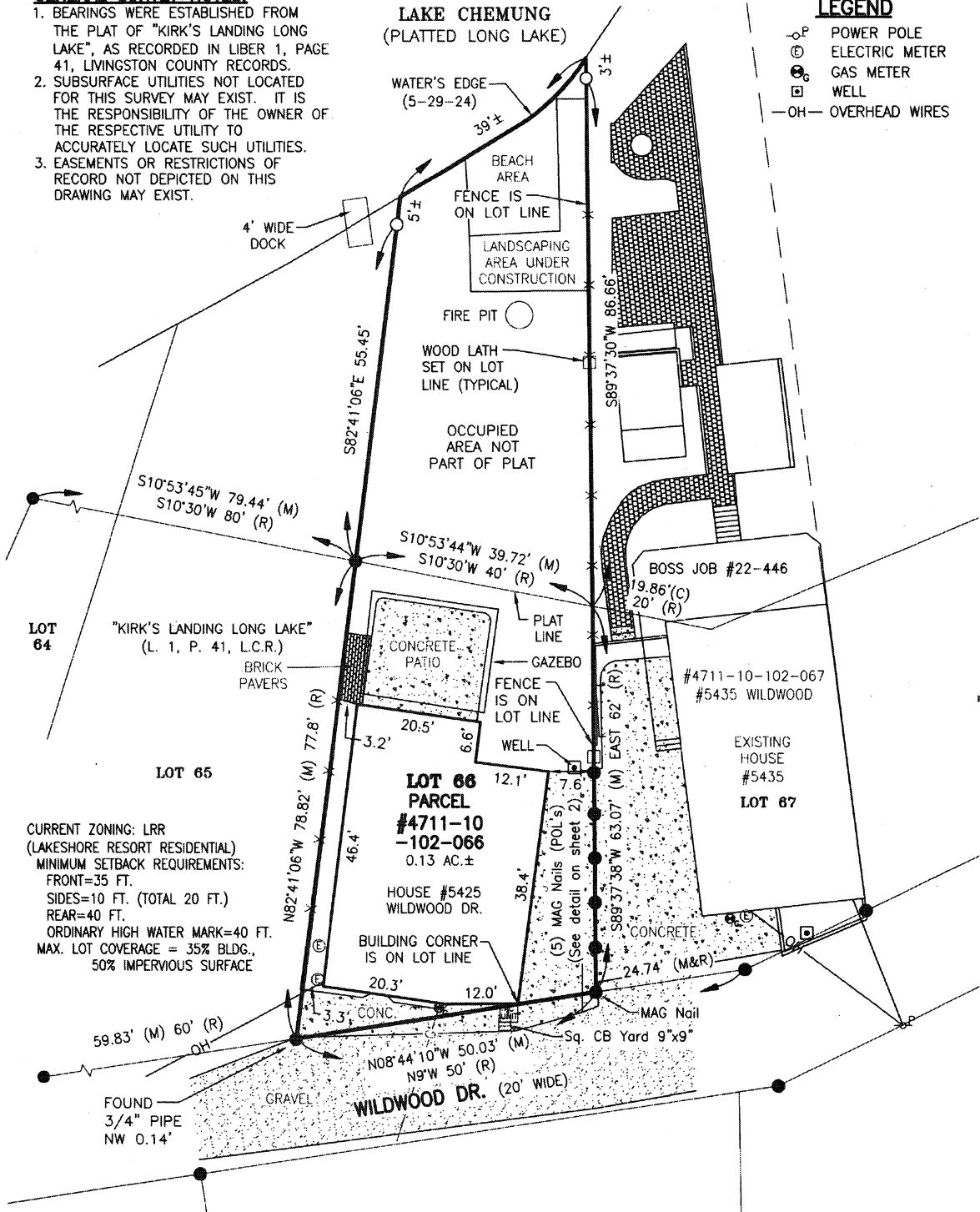


GENERAL SURVEY NOTES:

1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "KIRK'S LANDING LONG LAKE", AS RECORDED IN LIBER 1, PAGE 41, LIVINGSTON COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

LEGEND

- o-P POWER POLE
- ⊙ ELECTRIC METER
- ⊙ GAS METER
- ⊠ WELL
- OH- OVERHEAD WIRES



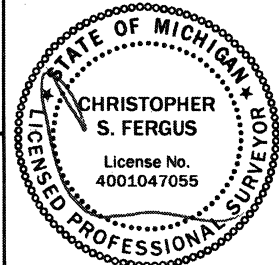
CURRENT ZONING: LRR
(LAKESHORE RESORT RESIDENTIAL)
MINIMUM SETBACK REQUIREMENTS:
FRONT=35 FT.
SIDES=10 FT. (TOTAL 20 FT.)
REAR=40 FT.
ORDINARY HIGH WATER MARK=40 FT.
MAX. LOT COVERAGE = 35% BLDG.,
50% IMPERVIOUS SURFACE

DESCRIPTION:

LOT 66 "KIRK'S LANDING LONG LAKE" AS RECORDED IN L. 1 OF PLAT, P. 41, L.C.R., BEING PART OF THE NE 1/4 OF SECTION 10, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

BEBOSS
Engineering
Engineers Surveyors Planners Landscape Architects

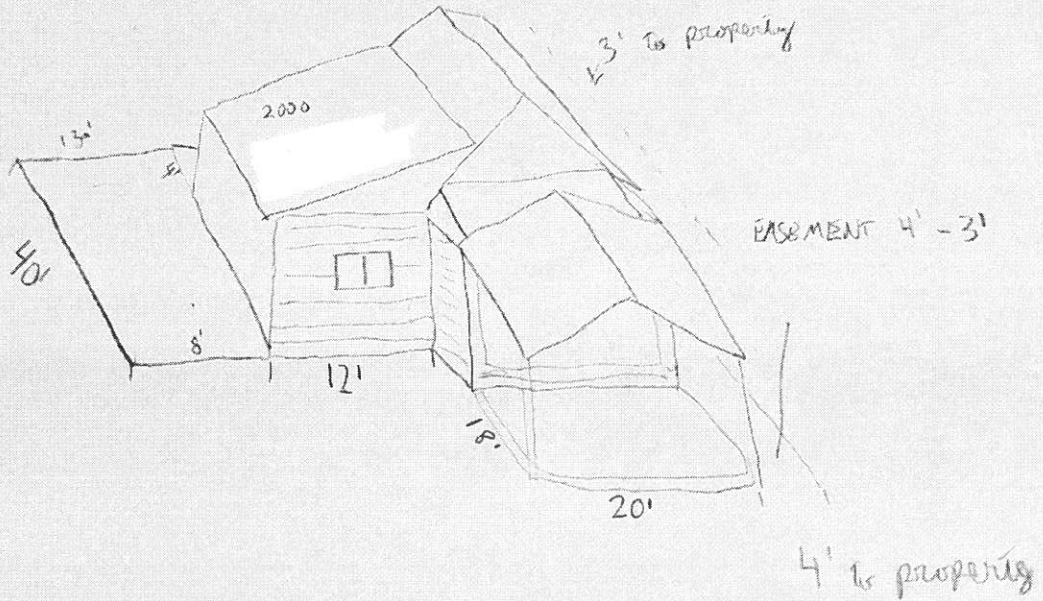
3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
517.546.4836 FAX 517.548.1670



CLIENT:	DOW		
JOB NO.	24-170	DATE	6-7-24
SHEET	1 OF 2	FB 671	CREW RR/SS DR. AEB CK.

- LEGEND
- = IRON SET
 - = IRON FOUND
 - ⊙ = MONUMENT FOUND
 - * = FENCE
 - (R) = RECORDED
 - (M) = MEASURED

NO W





Subject Property

Mon Oct 2 2023

Imagery © 2024 Nearmap, HERE

20 ft

nearmap

Aug 2-1918
A. L. Hanson

Original

PLAT of "KIRK'S LANDING LONG LAKE"

Genoa Twp. Livingston Co. Mich.

Description

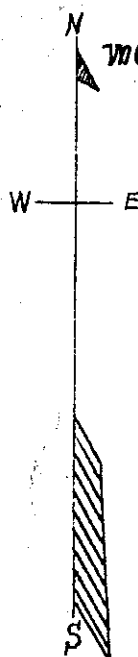
Beginning on the E&W 1/4 line 156.7 E. of the SW corner of the S.E. 1/4 of the N.W. 1/4 of Sec. 10, T.2.N.R.5.E. Mich, thence N. 20° thence N. 62° 30' E 337'; thence N. 52° 30' E 458'; thence S. 81° 30' E 151'; thence S. 58° 30' E 255'; thence S. 14° W 12.8'; thence S. 10° 30' W 140'; thence S. 23° 30' E 72.6 to the E&W 1/4 line at a point 151' W of the center of Sec. 10; thence N. 89° 30' W 1012.3 on said 1/4 line to beginning.

Office of the County Treasurer Liv. County.
Howell Mich July 26th 1918.

I hereby Certify that there are no tax liens or titles held by the State on the lands described above and that there are no tax liens or titles held by individuals on said lands for the five years preceding the 2nd day of July 1918, and that the taxes for said period are paid, as shown by the records of this office.

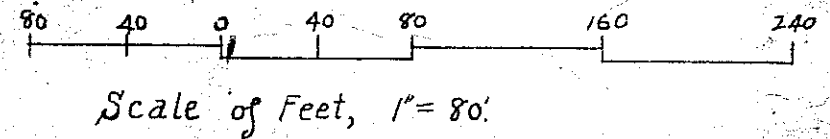
Glenn H. Bradley
County Treasurer.

Certificate of Surveyor
I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments, consisting of 3/4"x18" gas pipe have been planted at points marked thus o as thereon shown at all angles in the boundaries of the land platted, and at all intersections of streets, drives and alleys. All drives are 20 wide. Grant H. Dunning
Surveyor.



This plat was approved by the Genoa Township Board at a meeting held July 23 1918.
Carl Herbst
Township Clerk.

This plat was approved by the County Board on the 27th day of July 1918.
Ernest A. Howe Judge of Probate.
John A. Hagman County Clerk.
Glenn H. Bradley County Treasurer.



Dedication
KNOW ALL MEN BY THESE PRESENTS, That we, John Kirk as proprietor, and Eva B. Kirk... his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Kirk's Landing" Long Lake Genoa Twp Liv Co Mich and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of
John Kirk [L.S.]
Eva B. Kirk [L.S.]

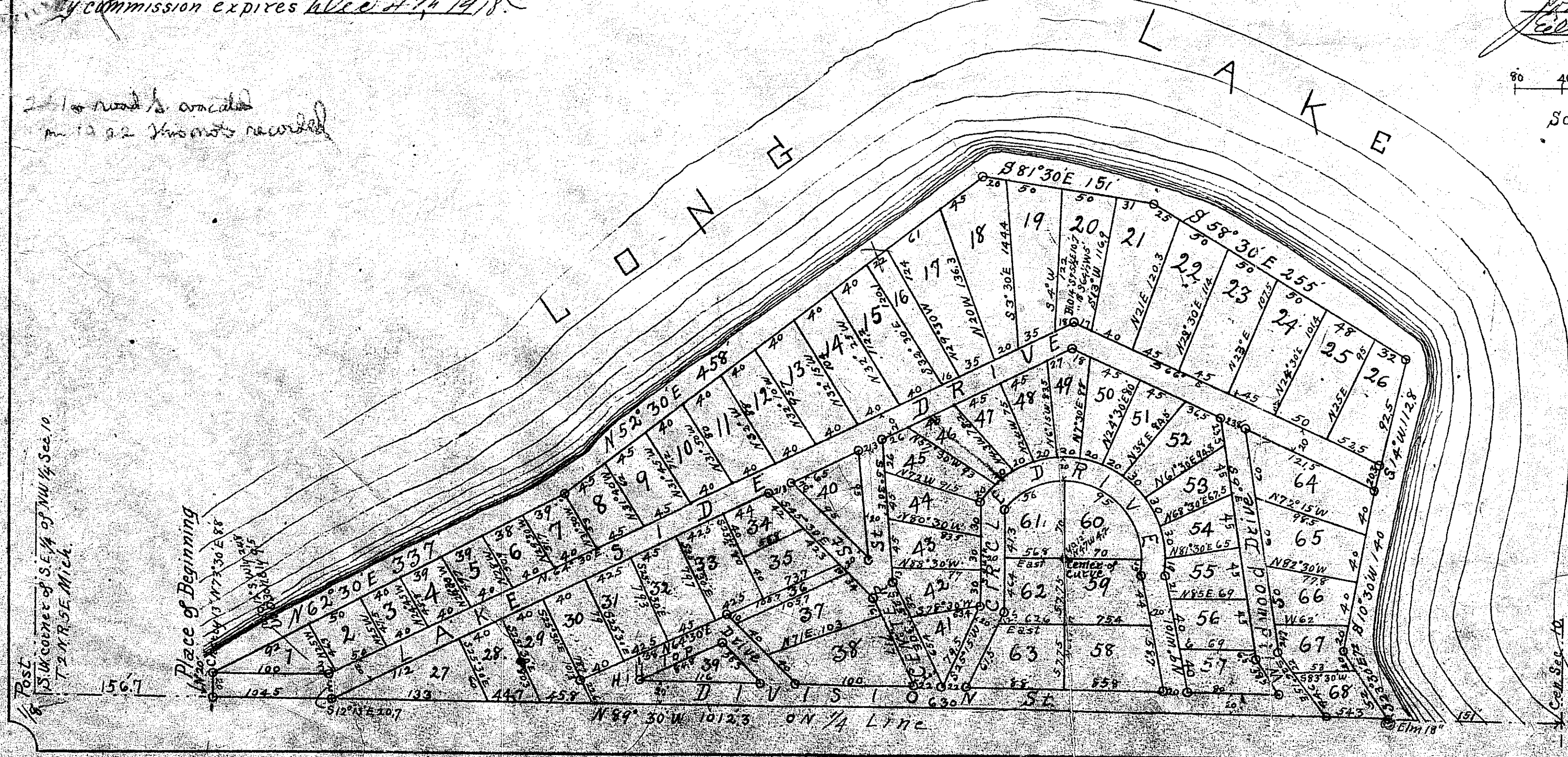
STATE of MICHIGAN } ss.
County of Livingston }

On this 20 day of July 1918, before me a Notary Public in and for said county, personally came the above named John Kirk and Eva B. Kirk... his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to their free act and deed.

John A. Hagman
Notary Public Livingston Co. Mich.

My commission expires Dec 31 1918.

2 1/2 road is omitted
m 12 22 No notes recorded



Recorded in the
Livingston County 3
Received for record the 3rd
day of Aug A. D. 1918 at 10
o'clock A.M. recorded in Liber
one Plats
on Page 41
Ernest A. Howe

the lot in LDR zone, the preservation of existing mature trees and the location of the existing home on the site that will not allow the addition in any other place. The motion carried unanimously.

02-15...A request by Craig White, Section 28, 4277 Homestead, for a 3-foot side yard variance with a 7-foot setback to construct an attached garage and a side variance to construct an addition on a detached garage.

A Call to the Public was made with no response. The petitioner was advised that no practical difficulty existed for the variance to the accessory structure. The petitioner withdrew his request for the variance for the accessory building. He will comply with the 900-sq. ft. requirement of the ordinance. Moved by Skolarus, supported by Figurski, to grant a 5' variance to the side to allow the construction of an attached garage in the dimensions provided. The practical difficulty is that there is no other feasible location for the placement of the garage. This action would allow the continuation of a nonconforming use. The motion carried unanimously.

02-16...A request by Thomas and Beverly Smith, Section 10, 5425 Wildwood, for a 6.5-foot side yard variance with a 3.5-foot setback, 20-foot waterfront variance with a 60-foot setback and a 31-foot front yard variance with a 4-foot setback to construct an addition.

A Call to the Public was made with no response. A letter of support was received from John and Karen Buckley. The petitioner advised the board that the existing home is approximately 1300-sq. ft. in area. Their plan is to remove the existing Florida room (measuring 6' x 20') and deck and replace it with an addition of approximately 672-sq. ft. in area. Moved by Ledford, supported by Figurski, to deny the request since the small lot size and the existence of the present structure is out-weighted by the health and safety impact on the township and the adjacent property owners. The parcel at present does not make allowance for any parking. The petitioner advised the board that they park their vehicles on the neighboring lot that they own. The board felt that the petitioner should combine both lots and make a buildable site that would allow them to meet the standards of the zoning ordinance. Any future sale of the existing home would be a severe problem for anyone purchasing the site in that there is no parking area on the site. In addition, the impervious lot coverage is far in excess of the maximum allowance under the zoning ordinance. Before the board could make a final decision, the petitioner asked if the board could make any compromise on their request. It was the consensus of the board that a split vote would allow the petitioner to ask for a tabling of their request in order to allow them to discuss other options. The motion failed as follows: Aye - Figurski and Ledford. Nay - Skolarus and Staley. Moved by Skolarus, supported by Ledford, to table (at the petitioner's request) until the next regular meeting of the board. The motion carried unanimously.

02-17...A request by Cedar West Development, Section 9, 4300 E. Grand River, for a 10-foot front yard variance with a setback of 60 feet for an existing structure with

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
MAY 14, 2002

MINUTES

A regular meeting of the Zoning Board of Appeals was called to order by Chairman Staley at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said.

The following board members were present constituting a quorum for the transaction of business: Rick Staley, Jean Ledford, Polly Skolarus and Judy Stornant. Also present were Township Zoning Administrator Adam VanTassell and approximately 20 persons in the audience.

Moved by Ledford, supported by Stornant, to approve the Agenda with the tabling of petition 02-18. The motion carried unanimously.

A Call to the Public was made with no response.

02-13...A request by Gary Spare, Section 10, 5264 Westwood for an 8 foot side yard variance with a 2 foot side yard setback and a 17.5 foot front yard variance with a 17.5 foot setback to construct an addition.

A Call to the Public was made with no response. Moved by Skolarus, supported by Ledford, to approve the variance of 8' on the side and 17.5' on the front, contingent on the home being guttered. The practical difficulty is the narrowness of the lot. The motion carried unanimously.

02-16...A request by Thomas and Beverly Smith, Section 10, 5425 Wildwood, is for a 6.5-foot side yard variance with a 3.5-foot setback and a 31-foot front yard variance with a 4-foot setback to construct an addition.

A Call to the Public was made with the following response: Joyce Matevia. - My home is on the property line and there is enough room for two cars on the side of the house, next to the fence. A letter of support was received from John Benson. Moved by Skolarus, supported by Ledford, to deny the request because of the potential harm to the safety and welfare of the community when there is no place for a garage or parking. The motion failed as follows: Ayes - Skolarus and Ledford. Nay - Stornant and Staley. Moved by Ledford, supported by Skolarus, to table until the next regular meeting of the board when there are five members present to make a decision. The motion carried unanimously.

02-18...A request by Mark I Restoration, Section 5, 1091 Victory Dr., is for a 25-foot front yard variance with a 50-foot setback to install additional parking.

Tabled at the petitioner's request.

GENOA TOWNSHIP
ZONING BOARD OF APPEALS
JUNE 11, 2002

MINUTES

A regular meeting of the Genoa Township Zoning Board of Appeals was called to order by Vice-Chairman Figurski at 7:00 p.m. at the Genoa Township Hall. The Pledge of Allegiance was then said.

The following board members were present constituting a quorum for the transaction of business: Barbara Figurski, Judy Stornant, Jean Ledford and Chris Hensick. Also present were Township Ordinance Enforcement Officer Adam VanTassell and approximately 20 persons in the audience.

Moved by Ledford, supported by Hensick, to approve the Agenda as presented. The motion carried unanimously.

A Call to the Public was made with no response.

02-16...A request by Thomas and Beverly Smith, Section 10, 5425 Wildwood for a 6.5-foot side yard variance with a 3.5 foot setback and a 31 foot front yard variance with a 4 foot setback to construct an addition.

Smith - This request is for a 627-sq. ft. addition. Our neighbors have supported us on this request. Our cottage is the second oldest on the lake and needs to be updated. We don't want to join the lots because we may sell the other parcel sometime in the future. A Call to the Public was made with no response. Moved by Ledford, supported by Hensick, to deny the request for variance since no practical difficulty exists because the petitioner owns a vacant parcel adjoining this parcel. In addition there is no space for a garage on the existing lot. The petitioner uses the side of the lot for parallel parking. The motion carried unanimously.

02-18...A request by Mark Restoration, Section 5, 1091 Victory Dr. for a 25-foot front yard variance with a 50 foot setback to install additional parking.

A Call to the Public was made with no response. Moved by Hensick, supported by Ledford, to grant a 25-foot front yard variance for the addition of a parking surface as presented by Desine, Inc. for nine additional spaces with curbing. The practical difficulty is the extensive wetland characteristics of the parcel that will not allow for an expansion in any other area. The motion carried unanimously.

02-24...A request by John Edwards, Section 22, 3671 Highcrest for an 8'6" waterfront variance with a 33-foot setback to construct a deck.

KAREN A. BUCKLEY
JOHN A. BENSON

re: Case # ZBA 24-08

GENOA TOWNSHIP

Variances proposed to 5425 Wildwood Drive, Howell, MI 48843

APR 16 2024

* Mr. Dow's current house is very nice.

RECEIVED

We are Karen Buckley and John Benson and own the property directly behind Mr. Dow's and are located at 5440 Wildwood Dr., Howell, MI.

1) We oppose variances for the two sides, particularly the South side

a. Safety issues-Too close a proximity to the neighboring homes poses a safety hazard in the event of a fire or a storm. A fire can easily spread from one home to another and in the event of a storm, debris from one structure is more likely to cause damage to surrounding structures.

On the south side: Mr. Dow's property is 13' 10" from the neighboring property line near the road and 8'3" from the property line nearer to the lake. Mr. Dow's house is built at an angle.

On the north side: Mr. Dow's property is 3'8" from the neighboring property line, maybe almost 5', if the property line lies beyond the arbor vitae.

b. Building on the south side will block our view of the lake.
*See LakeHomes Realty.com-People buy properties at a lake to not only invest in the future, but to Enjoy the Scenery.

2) We oppose the front and waterfront setback variances. This

APR 16 2024

RECEIVED

will also block our view of the lake.

3) We would like the statement "any other variance deemed necessary by the Zoning Board of Appeals to allow an existing patio to remain and demolish a portion of the existing home to construct an attached garage" to be more specific as to the "any other variance deemed necessary." It seems there are no restrictions. Also, this structure was originally built in 1930, almost 100 years ago, and we know this structure has had foundation issues. (We have been at 5440 Wildwood for over 34 years.) Will the current foundation and remaining original structure withstand the proposed demolition and rebuild upon it?

4) We approve the variance for the existing patio, as long as it stays where it is. If the patio is to be moved closer to the lake, we oppose it.

4/16/2024

John A. Buehler
John Anthony Benson

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

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

Genoa Township Zoning Board of Appeals
Attn: Amy Ruthig, Planning Director
2911 Dorr Road
Brighton, MI 48116
amy@genoa.org

Re: Proposed variance for 5425 Wildwood Drive – Robert Dow/Ventures Design

Dear Amy:

I am writing this letter as the manager and sole member of MVHMHM-1, LLC, a Michigan limited liability company, which is the record owner of the property commonly known as 5435 Wildwood Drive. This letter addresses my concerns regarding Robert Dow of Ventures Design's proposed variance at property 5425 Wildwood Drive. As the next-door property owner, I realize property owners face difficulties when constructing or modifying houses on Wildwood Drive. The narrow and odd-shaped parcels originated from the desire to have mere lake cottages on them. The desire for larger square footage houses and expansive garages, which vary from the permitted dimensions under Genoa Township's ordinance, is often not feasible, and presumably was drafted in this manner to ensure all owners of lakeshores residential real estate have the ability to continue to enjoy and use their own parcels.

As the Board is likely well aware, the stretch of houses (including 5435 Wildwood Drive and 5425 Wildwood Drive) are already densely compacted with very little setback between parcels. In particular, the proposed 2-foot setback from Mr. Dow's side yard will only exacerbate this condition further. Due presumably to the fact that construction of the residence on 5435 Wildwood Drive occurred before the current version of the Township's Zoning Ordinance, the primary structures sit closer together than would otherwise be permitted already. I observed the improvement to 5425 Wildwood Drive as described in your letter dated March 1, 2024, and I was under the assumption that Mr. Dow had performed the improvements to 5425 Wildwood Drive to add the covered patio with the Township's approval and/or within the confines of the Township's ordinance.

With the current knowledge that this was not the case, in addition to the above, permitting the proposed variance by Mr. Dow will undoubtedly impact the curb appeal and desirability of 5435 Wildwood and all other neighboring parcels due to the unauthorized improvements by promoting additional crowding on this stretch of houses and potentially lead to a significant decrease in property values.

That said, the waterfront setback variance requested by Mr. Dow seems a more viable option as it avoids the overcrowding factor that is discussed above. If the Township were to permit this type of variance, or any other type of variance, I would also want to ensure that the existing covered patio, solar panels, gas heater system, and any other installations or fixtures covered by the Township's ordinance which have been installed have all undergone the necessary installation, code, and inspections to mitigate the possibility of any potential fire and gas hazards to the adjacent properties which may be caused by nonconforming improvements.

If you have any questions, comments, or concerns, please contact me at my email address listed at the bottom of this letterhead. I appreciate your time and consideration.

Sincerely,

Heather Mayor

Heather Mayor,

Manager and sole member of
MVHMHW-1, LLC
heather.a.mayor@gmail.com

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							

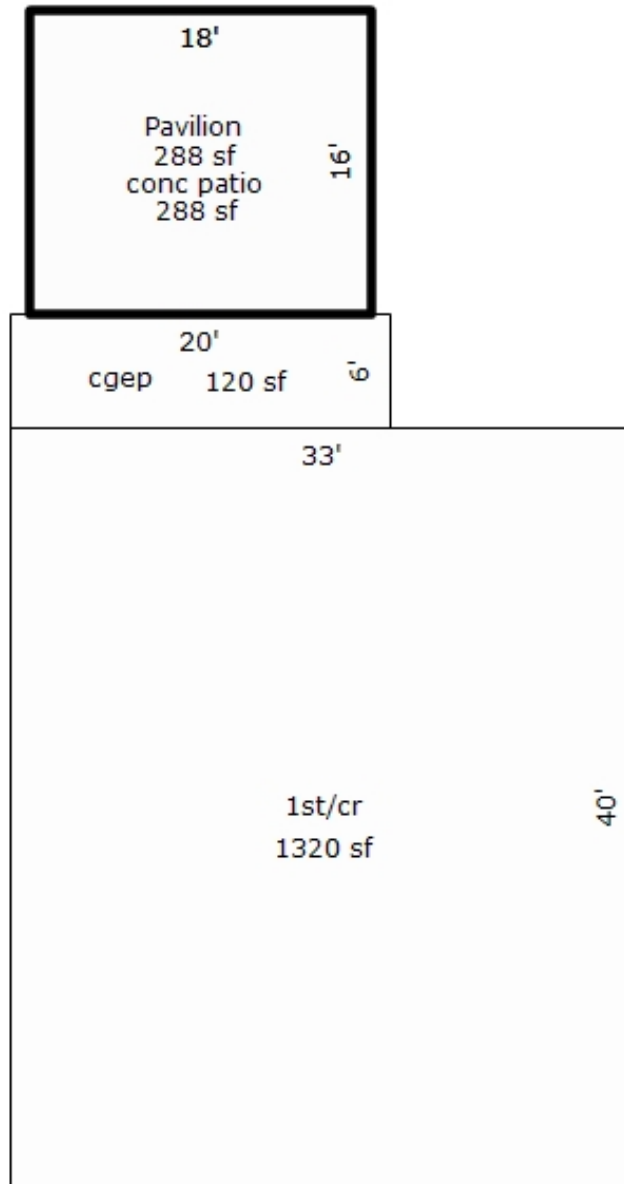


Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
4711-10-102-066	07/30/2019		2024	63,800	96,600	160,400			126,569C
		JB 07/30/2019 INSPECTED	2023	63,800	90,200	154,000			120,542C
		JB 05/23/2019 REVIEWED R	2022	64,000	81,800	145,800			114,802C
			2021	65,000	79,900	144,900			111,135C

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Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 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 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															
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			Joists: Unsupported Len: Cntr.Sup:												
Chimney: Brick																	

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



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**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 17, 2024 - 6:30 PM**

MINUTES

Call to Order: Acting Chairperson Rockwell 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: Michele Kreutzberg, Craig Fons, Jean Ledford, Alternate ZBA member, Matt Hurley, Bill Rockwell and Carrie Aulette, Zoning Official. Absent was Marianne McCreary.

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

Call to the Public:

The call to the public was made with no response.

OLD BUSINESS:

1. 24-25... A request by Gerald Delyon, 7022 Lindsey, for a side yard setback variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a detached accessory building.

Mr. and Mrs. Delyon was present along with their contractor Brian Goodman. Mr. Delyon stated they are seeking to construct a new detached accessory building due to a tree falling on their existing shed. The old shed was in the flood plain, the new building would not be in the flood plain and located on the flattest part of the parcel. Mr. Goodman stated the hardship with the land is in the topography and the easements on the property. The building in this location would fit with the neighborhood and would be slightly visible from the road. In this location, the land preparation would be limited to skimming the land and placing the building.

Board Member Kreutzberg asked for confirmation from Livingston County and Genoa Township that no other easements exist on the property. Mr. Goodman stated all easements are shown as confirmed by a certified copy from the Drain Commissioner's Office.

Board Member Ledford stated her concern regarding the applicant not addressing the concerns of Member Fons from the August 20, 2024 meeting regarding the construction drawings and

survey being in the same plan. She does not believe the applicant has provided what Member Fons has requested.

Board Member Fons stated he visited the site and ran tape according to the site plan provided and the measurements were not accurate. He asked for clarification regarding the manhole cover location, Mr. Goodman was able to clarify for Member Fons.

A call the to public was made with no response.

Moved by Board Member Kreutzberg, supported by Board Member Fons, to approve Case #24-25 for Gerard and Diane Delyon of 7022 Lindsey Drive, for a side yard setback variance to construct a detached accessory building as presented with the following conditions: the building shall be guttered with downspouts and shall adhere to all other zoning requirements. Yays: Fons, Kreutzberg, Rockwell, and Hurley. Nays: Ledford **The motion carried 4 - 1**

NEW BUSINESS:

2. 24-26... A request by Shelley Sullivan, 5310 Pentwater Dr., for a rear yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a deck with a pergola.

Ms. Sullivan was present and stated she would like to re-deck her existing deck and add a pergola, but her existing deck is non-conforming and was approved by Genoa Township some 20 years ago. The scope of work would include an additional wood deck and patio to be constructed. The project would not encroach into the easement to the South.

The call to the public was made with response from neighbors Anthony Pucci of 5304 Pentwater Dr. and Raymond Kunik of 5316 Pentwater Dr. who are in favor of improvements their neighbor is seeking. Both neighbors believe it would add value to the home and neighborhood.

No other call to the public was received.

Moved by Board Member Ledford, supported by Board Member Kreutzberg, to approve Case #24-26 a request by Shelley Sullivan, 5310 Pentwater Dr., for a rear yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to construct a deck with a pergola as presented to the board with the following conditions: applicant shall adhere to all other zoning requirements. **The motion carried unanimously**

3. 24-27... A request by The Salvation Army, 2464 Dorr Road, for non-use variance and any other variances deemed necessary by the Zoning Board of Appeals, to operate a nonprofit to assist those with special needs.

Applicant was present along with their Attorney and Architect. The applicant's Attorney stated they were granted approval from the Township board at their March 4, 2024 regular meeting and the Planning Commission at their regular meeting February 12, 2024 as a part of this project. The attorney also stated they concur with the Zoning Official, granting the variance would benefit the community and while it is zoned industrial and located near a residential area the normal hours of operation would be 9 to 5pm and would not have an adverse effect on the surrounding properties.

The call to the public was made with no response.

Moved by Board Member Kreutzberg, supported by Board Member Ledford, A request by The Salvation Army, 2464 Dorr Road, for non-use variance and any other variances deemed necessary by the Zoning Board of Appeals, to operate a nonprofit to assist those with special needs, applicant shall adhere to all other zoning requirements. **The motion carried unanimously**

Administrative Business:

1. Approval of minutes for the August 20, 2024 Zoning Board of Appeals meeting.

Moved by Board Member Ledford, supported by Board Member Kreutzberg, to approve the minutes of the August 20, 2024 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be one new item on the October agenda.

3. Member Discussion

There was Member discussion.

4. Adjournment

Moved by Board Member Ledford, supported by Acting Chair Rockwell, to adjourn the meeting at 7:27 pm. **The motion carried unanimously.**

Respectfully submitted:

Jessica Buttermore, Recording Secretary

DRAFT