

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 15-12 Meeting Date: 6-16-15

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
 Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: James & Connie DeBrincat

Property Address: 2608 Spring Grove Phone: 810-908-4856

Present Zoning: LDR Tax Code: 4711-24-200-026

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: A sideyard setback variance in order to construct a garage

2. Intended property modifications: Construct a detached garage on the south side of the property

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) The topography of the property prevents construction elsewhere based on the downhill slope, marsh, and pond in the back, and the septic field in the front

b. Other (explain) The side setback for one acre or less is 10.0'. Excluding the pond, the property is 1.02 acres which requires a 30' setback.

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. NOTE: One paper copy of all drawings is required.**
- **Waterfront properties must indicate setback from water from adjacent homes.**
- **Petitioner (or a Representative) must be present at the meeting**

Date: 05/22/2015

Signature: James DeBrincat

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Ron Akers at the township office to discuss what your next step is.

Charter Township of Genoa
ZONING BOARD OF APPEALS
June 16, 2015
CASE #15-12

PROPERTY LOCATION: 2608 Spring Grove

PETITIONER: James & Connie DeBrincat

ZONING: LDR (Low Density Residential)

WELL AND SEPTIC INFO: Septic, Well

PETITIONERS REQUEST: A side yard setback variance in order to construct a detached accessory building.

CODE REFERENCE: Section 3.04.01

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Height	-
Required Setbacks	50'	30'	30'	N/A	14'	-
Setbacks Requested	70'	24'	+50'	N/A	12'	-
Variance Amount	N/A	6'	N/A	N/A	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: June 11, 2015
RE: ZBA 15-12

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

STAFF REPORT

File Number: ZBA#15-12

Site Address: 2608 Spring Grove

Parcel Number: 4711-24-200-006

Parcel Size: 1.58 Acres (1.02 acres usable)

Applicant: James & Connie DeBrincat, 2608 Spring Grove, Brighton, MI 48114

Property Owner: Same as Applicant

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

Project Description: Applicant is requesting a side yard setback variance in order to construct a detached accessory building.

Zoning and Existing Use: LDR (Low Density Residential), Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 31, 2015 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 (1,284 square feet) built in 1950 and an attached garage (560 square feet).
- The property has a septic system and well.
- See Real Estate Summary and Record Card.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The proposed project is to construct a 28' x 24' detached accessory building on the southern side of the house. In order to do this the applicant will need a side yard setback variance. The threshold for requiring a detached accessory building to meet the same setback requirements for principal buildings is the parcel having a lot size of greater than one (1) acre. This property has, according to a recent survey, just over one (1) acre of usable property (1.02, exclusive of submerged lands) which would require any detached accessory building to meet the 30' side yard setback rather than the 10' side yard setback.



Variance Requests

The following are the various sections of the zoning ordinance that variances are being requested from:

Table 3.04.01: LDR Require Side Yard Setback: 30' Proposed Side Yard Setback: 24'

Standards for Approval

The following are the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) 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.

(b) 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.

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

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

Summary of Findings

Please note that in order for a variance to be approved it has to meet all of the standards in 25.05.03.

The following are findings based upon the presented materials.

Practical Difficulty/Substantial Justice: Strict compliance with the side yard setback would prevent the applicant from constructing a garage-sized detached accessory building on the property. The rear yard of the property slopes toward the small lake behind the property which makes the construction of a detached accessory building difficult in this area. The owner may be able to construct the accessory building in the front yard of the property while meeting the setbacks, but this would require a different variance (to place detached accessory building in front yard). The existing location of the house on the property and narrow lot width prevent the applicant from placing a garage-sized detached accessory building on the property.

Extraordinary Circumstances: The extraordinary circumstances applicable to this property are the slope in the rear yard, the existing location of the house, and the narrow lot width, which combine to create a situation where it is difficult to construct a garage-sized detached accessory building compliant with the Zoning Ordinance.

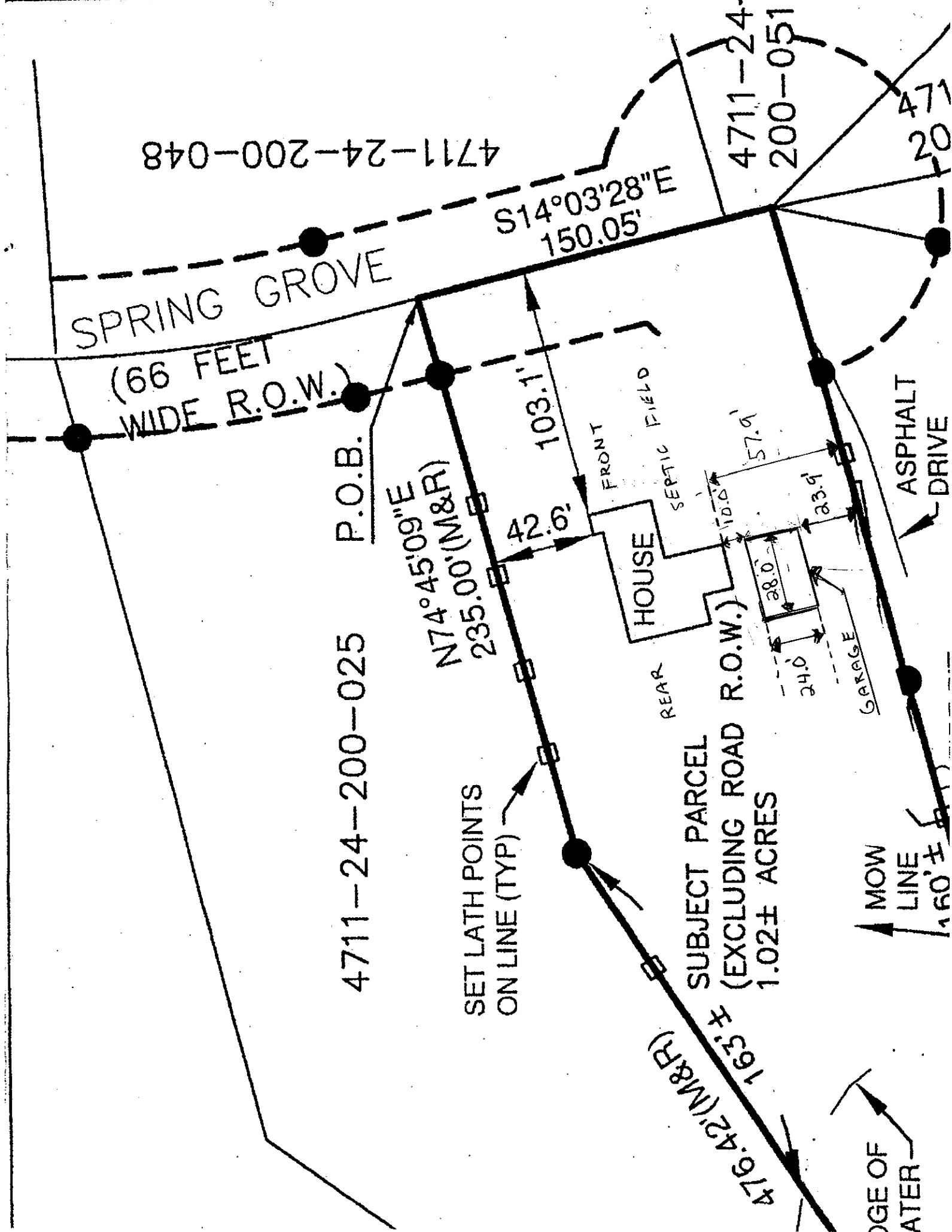
Public Safety and Welfare – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa. There will be sufficient separation between the proposed building and adjacent properties to not cause any concern with regard to fire risk.

Impact on Surrounding Neighborhood – The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. While the owner of the adjacent property will view a detached accessory building closer to the property line, the building should be of a sufficient distance to limit any impact it may have on adjacent property.

Staff Findings of Fact

1. Strict application of the side yard setback variance would prevent the applicant from constructing a garage-sized detached accessory building on the property.

2. The extraordinary or exceptional circumstances applicable to this property are the slope of the rear yard towards the small lake on the property, the location of the existing home, and narrow lot width.
3. The need for the variance is due to the narrow lot width, the location of the existing home, the zoning requirement which prohibits detached accessory buildings in the front yard, and the slope in the rear yard.
4. Granting of the requested 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.
5. Granting the requested variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The detached accessory building is of a sufficient distance to where it should have a limited impact on the adjacent property.



4711-24-200-048

4711-24-200-051

SPRING GROVE

(66 FEET WIDE R.O.W.)

P.O.B.

4711-24-200-025

N74°45'09"E
235.00'(M&R)

S14°03'28"E
150.05'

103.1'

42.6'

FRONT

HOUSE

REAR

SEPTIC FIELD

10.0'

57.0'

24.0'

28.0'

23.9'

ASPHALT DRIVE

MOW LINE

160'±

SUBJECT PARCEL
(EXCLUDING ROAD R.O.W.)
1.02± ACRES

SET LATH POINTS
ON LINE (TYP)

163.7±
476.42'(M&R)

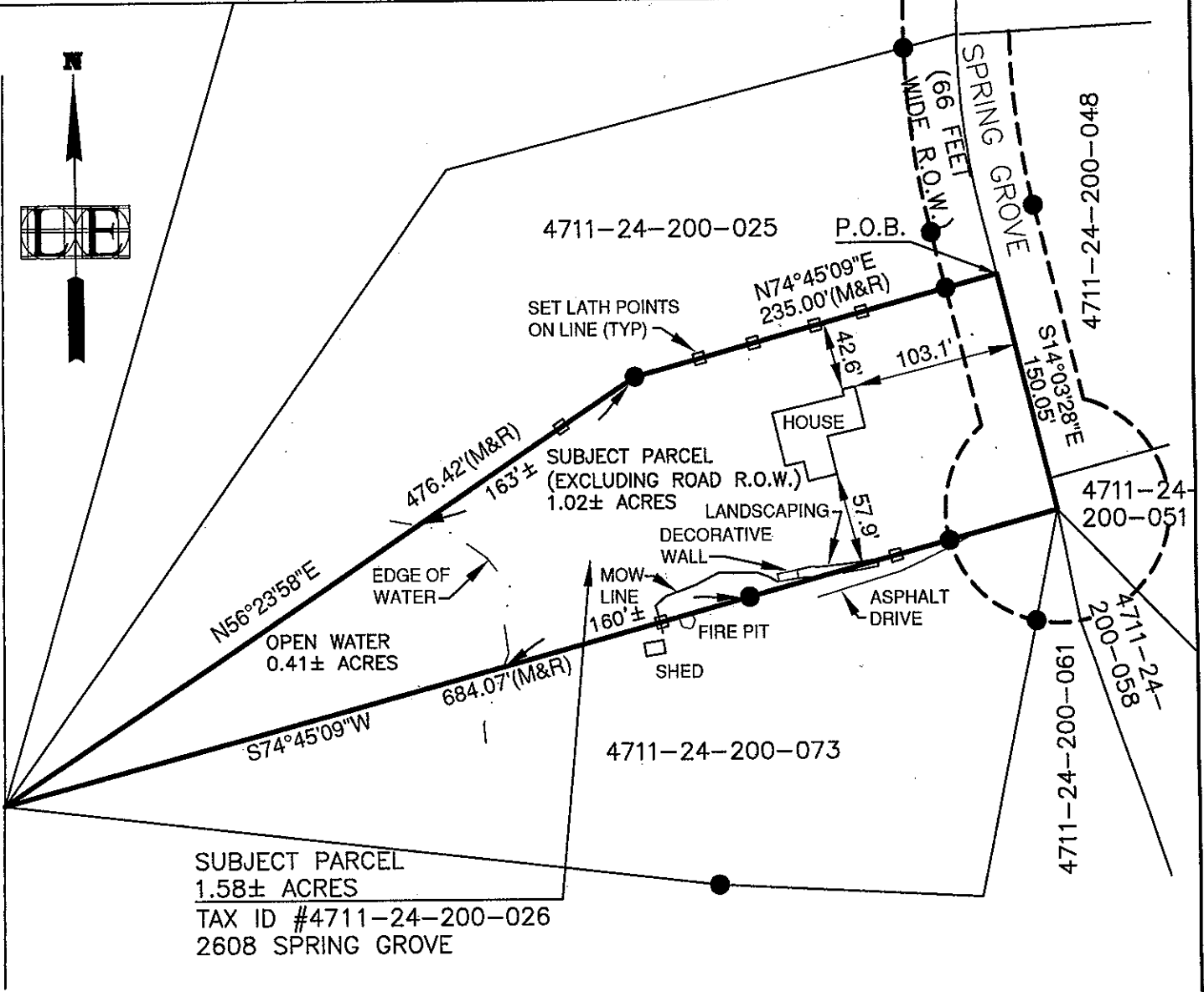
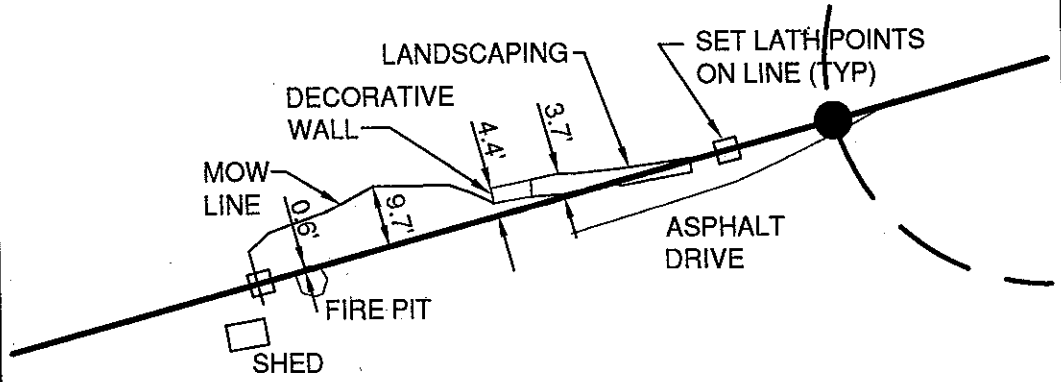
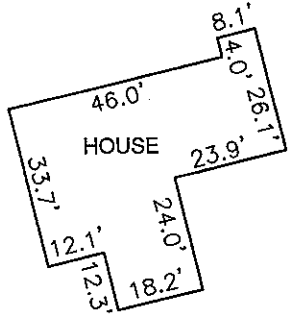
EDGE OF WATER



GENOA

24' x 28' GARAGE
10.0' FROM HOUSE
23.9' FROM SIDE LOT

SKETCH OF SURVEY

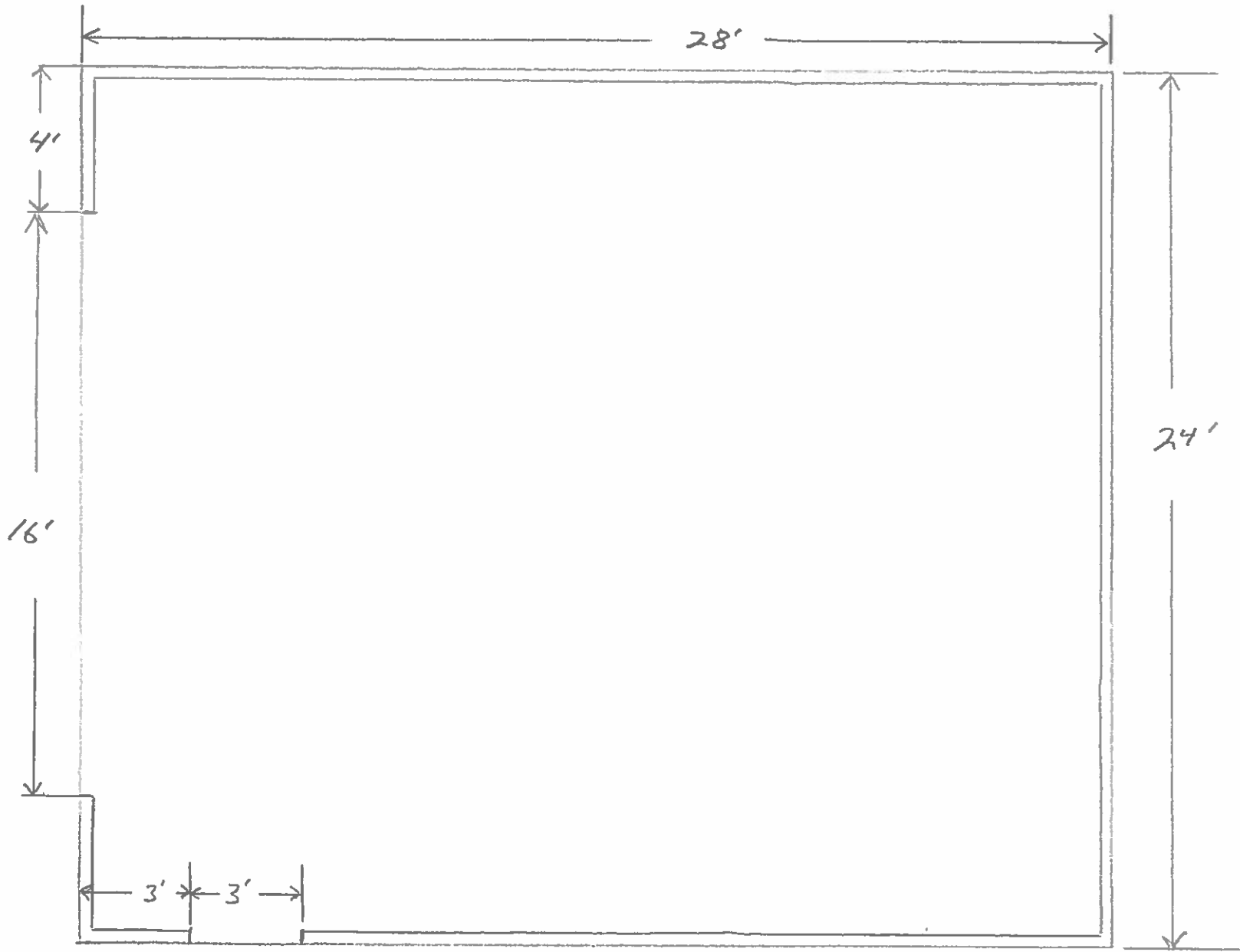


LEGAL DESCRIPTION SUBJECT PARCEL (as supplied)

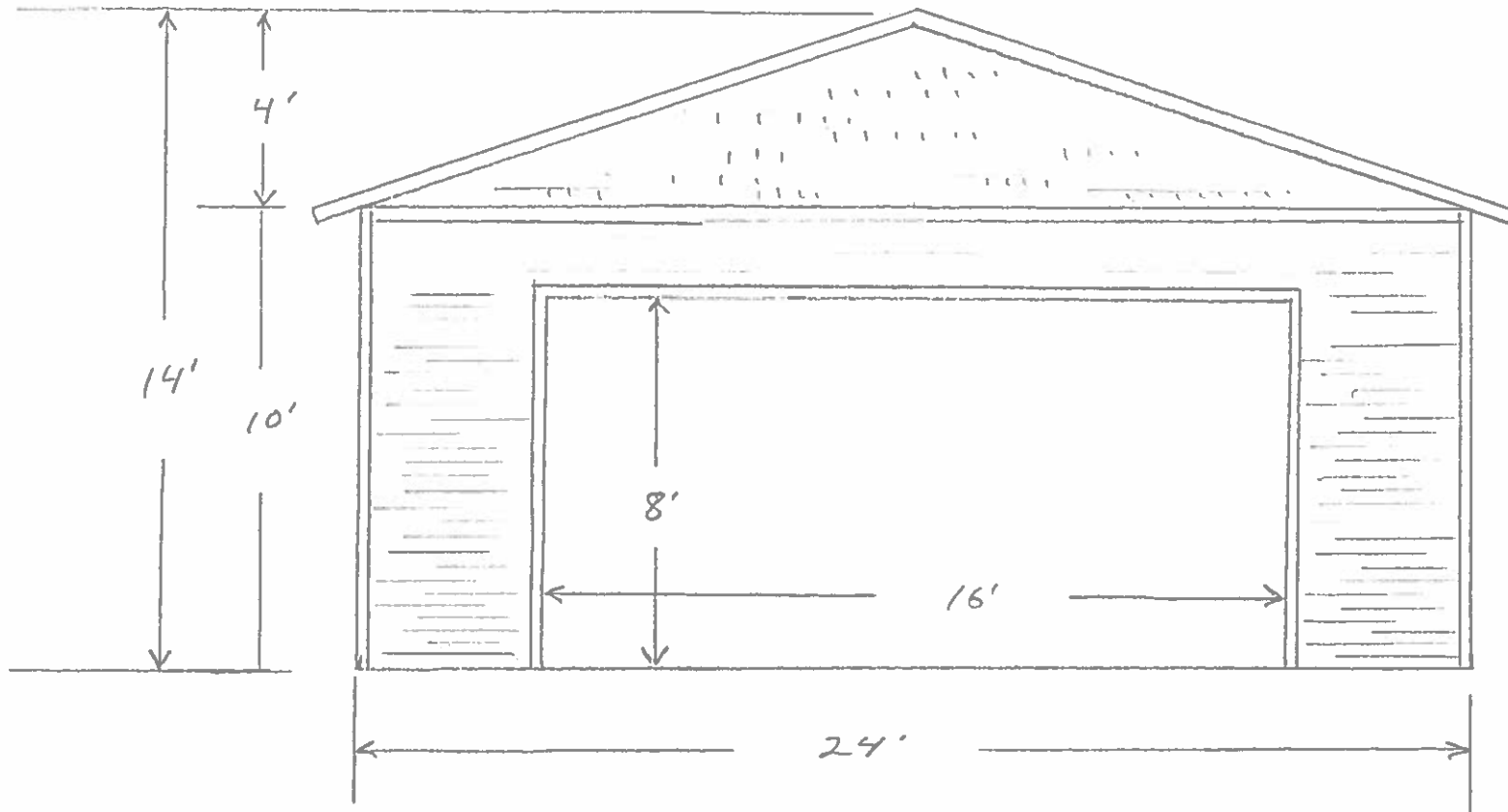
Part of the West 1/2 of the Northeast 1/4 of Section 24, T2N-R5E, Genoa Township, Livingston County, Michigan, described as follows: beginning at a point which bears S 64°15'00" E, 746.34 feet and S 00°00'44" W, 36.63 feet and S 64°15'00" E, 62.30 feet and S 12°52'52" W, 103.79 feet and S 00°00'44" W, 185.14 feet and S 09°13'39" W, 157.25 feet and S 18°26'34" W, 211.46 feet and S 02°11'34" W, 279.83 feet and S 14°03'26" E, 34.95 feet from the North 1/4 Corner of Section 24, thence S 14°03'26" E, 150.05 feet, thence S 74°45'09" W, 684.07 feet to the North-South 1/4 line of said Section 24, thence N 56°23'58" E, 476.42 feet, thence N 74°45'09" E, 235.00 feet to the point of beginning. Containing 1.58 Acres and subject to Easements of record. Also subject to a 66 ft wide Ingress, Egress and Public Utility Easement.



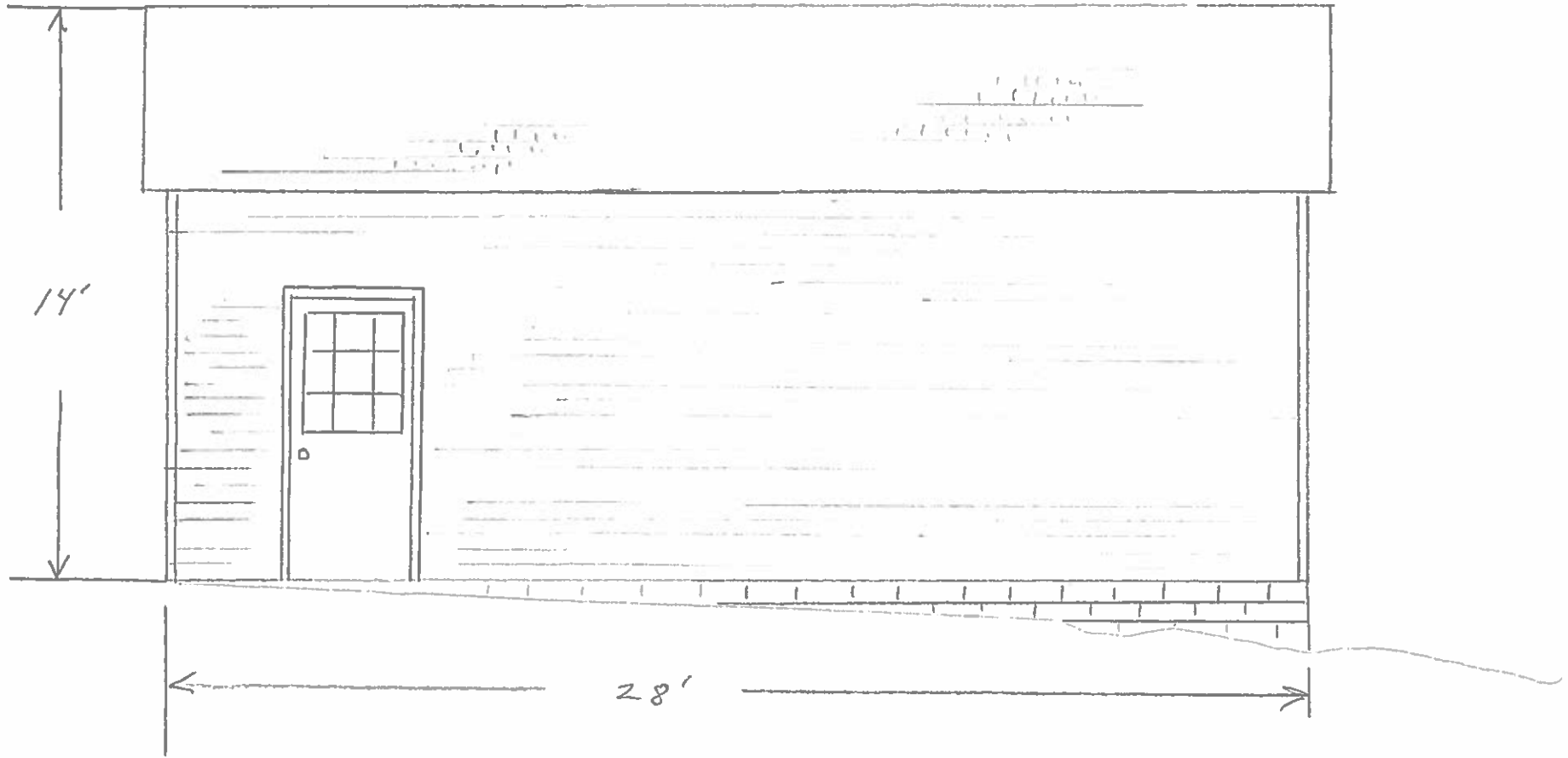
FLOOR PLAN



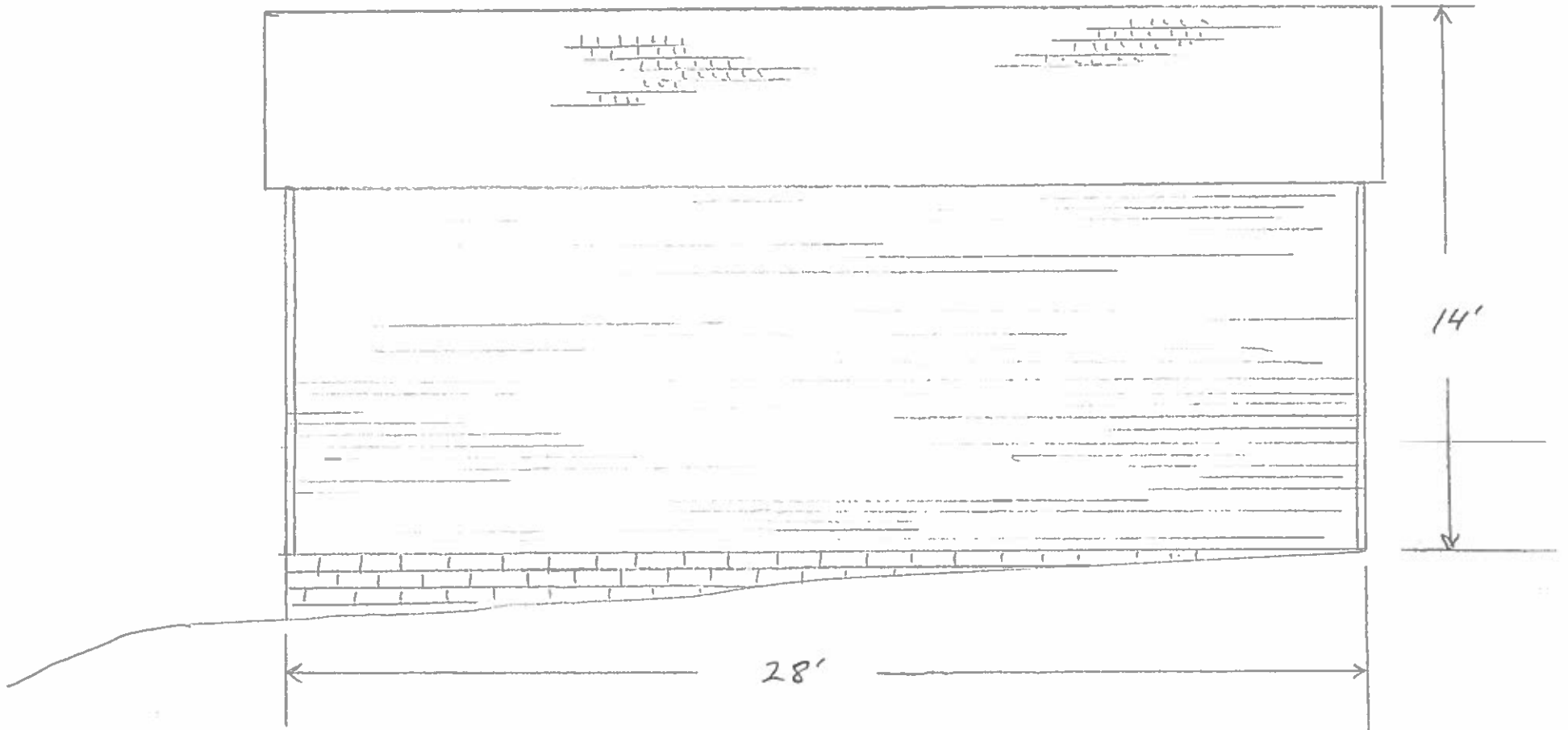
NORTH SIDE



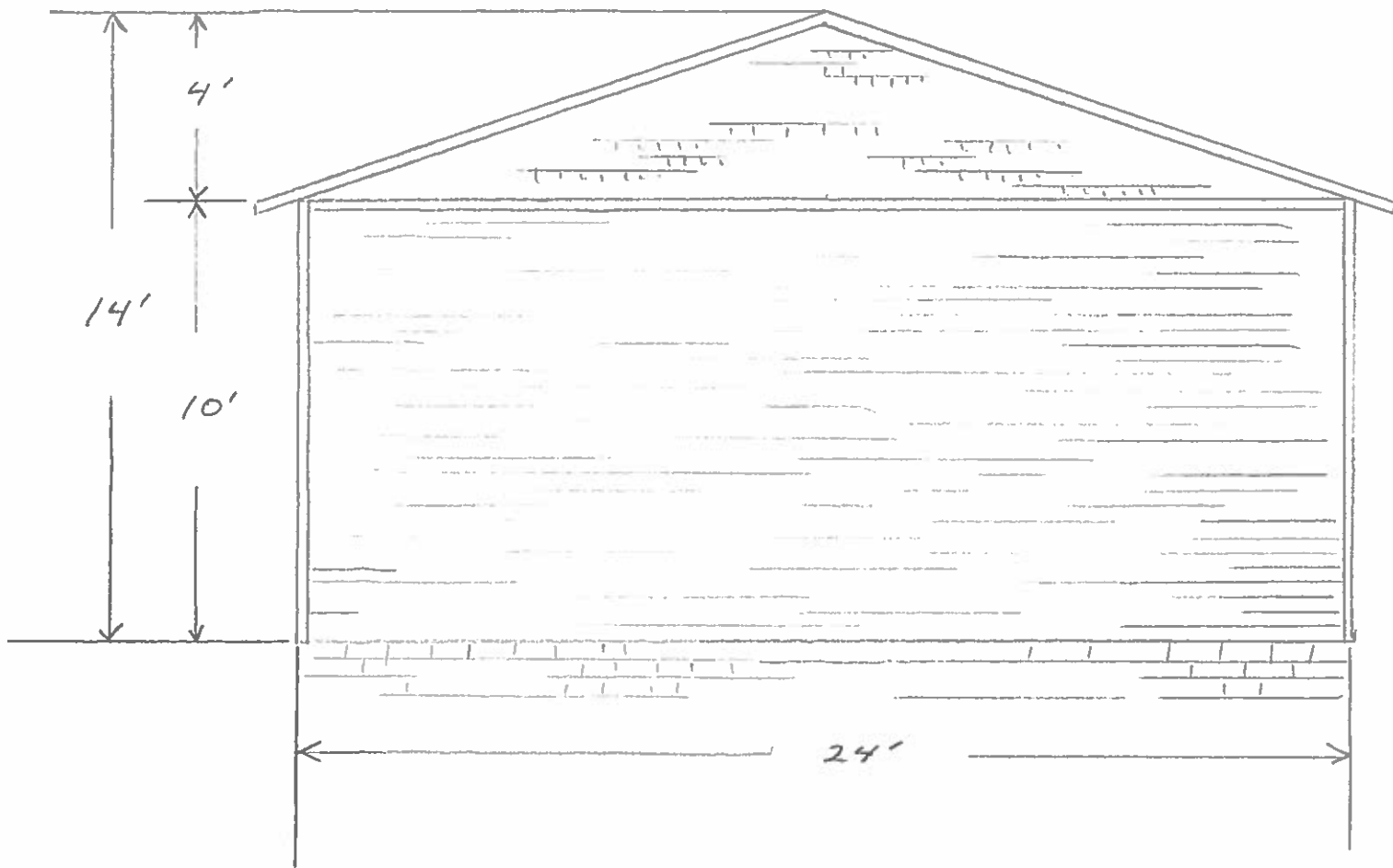
WEST SIDE



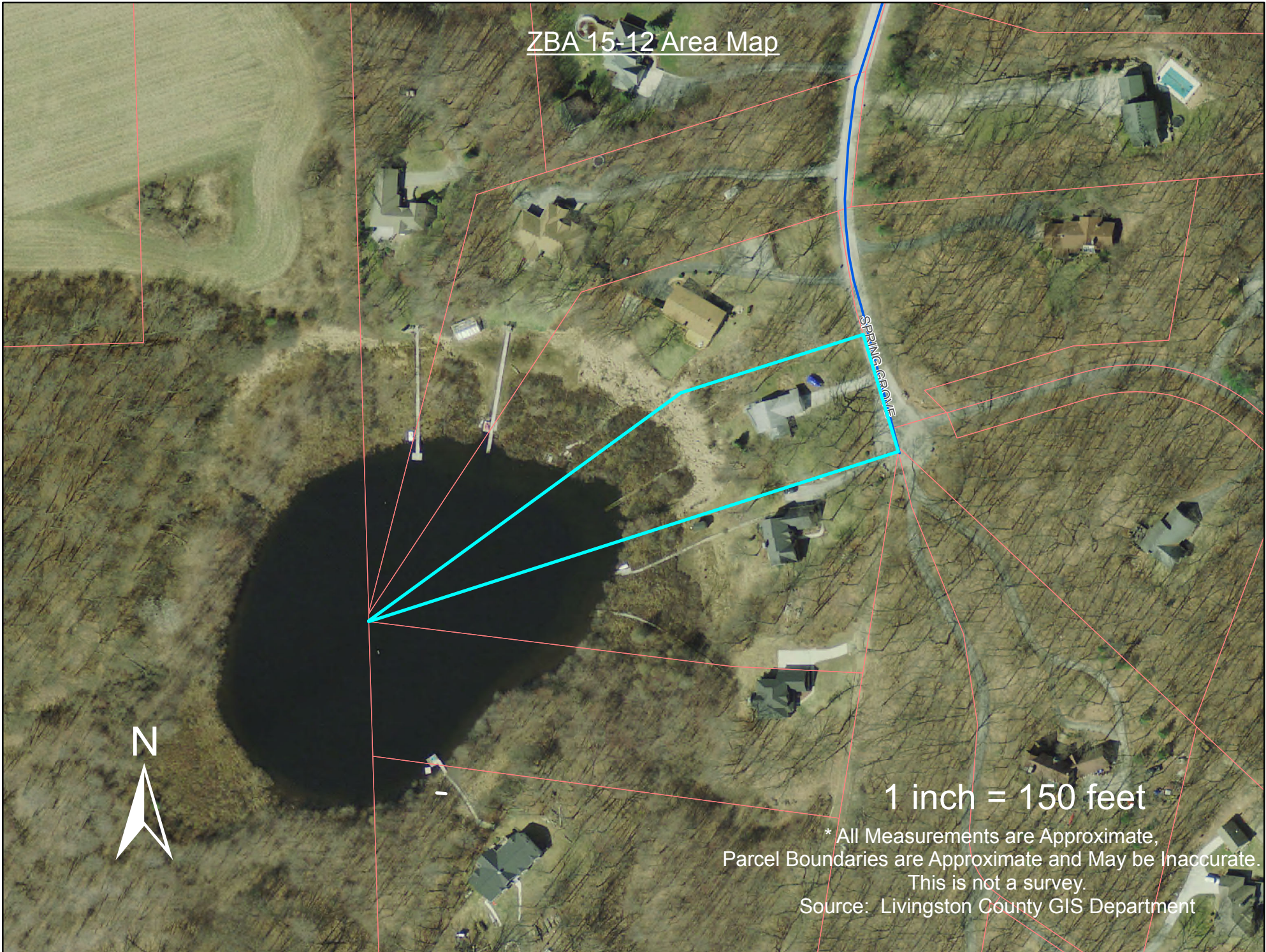
EAST SIDE



SOUTH SIDE



ZBA 15-12 Area Map



1 inch = 150 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.

Source: Livingston County GIS Department

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/10/2015 12:08 PM

Parcel:	4711-24-200-026	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	DE BRINCAT CONSTANCE	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	2608 SPRING GROVE BRIGHTON, MI 48114	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-12
		School:	47010 BRIGHTON
		Neighborhood:	47010 47010 BRIGHTON M & B
Liber/Page:	2013R-034287	Created:	//
Split:	//	Active:	Active
Public Impr.:	None		
Topography:	REFUSE		

Mailing Address:

DE BRINCAT CONSTANCE
2608 SPRING GROVE
BRIGHTON MI 48114

Most Recent Sale Information

Sold on 07/26/2013 for 216,000 by GEORGES III JAMES A.

Terms of Sale: ARMS-LENGTH

Liber/Page: 2013R-034287

Most Recent Permit Information

Permit W15-091 on 06/05/2015 for \$15,001 category WINDOW/DOOR REPLACEMENT.

Physical Property Characteristics


2016 S.E.V.:	Tentative	2016 Taxable:	Tentative	Lot Dimensions:	
2015 S.E.V.:	98,000	2015 Taxable:	95,300	Acres:	1.58
Zoning:	LDR	Land Value:	58,190	Frontage:	0.0
PRE:	100.000	Land Impr. Value:	533	Average Depth:	0.0

Improvement Data

of Residential Buildings: 1
Year Built: 1988
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 76
Heating System: Forced Heat & Cool
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 2 Half Baths: 1
Floor Area: 1,284
Ground Area: 1,270
Garage Area: 560
Basement Area: 1,270
Basement Walls:
Estimated TCV: 135,522

Image

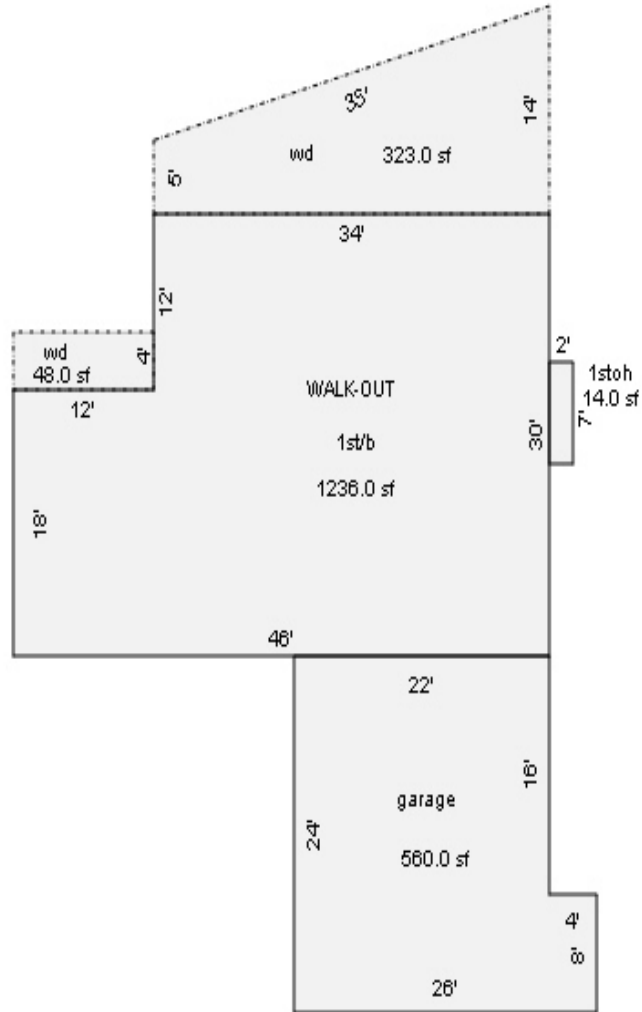


Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
GEORGES III JAMES A	DE BRINCAT CONSTANCE	216,000	07/26/2013	WD	ARMS-LENGTH	2013R-034287	BUYER	100.0		
FEDERAL NATIONAL MORTGAGE	GEORGES III JAMES A	0	03/24/2006	WD	INVALID SALE	2006R/0831	BUYER	100.0		
MORTGAGE ELECTRONIC REG. S	FEDERAL NATIONAL MORTGAGE	0	09/28/2005	WD	ARMS-LENGTH	4942/0422	BUYER	0.0		
PAULITANIS, PAUL W.	MORTGAGE ELECTRONIC REG. S	267,607	09/08/2005	TA	INVALID SALE		BUYER	0.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR		Building Permit(s)		Date	Number	Status
2608 SPRING GROVE		School: BRIGHTON		WINDOW/DOOR REPLACEMENT		06/05/2015		W15-091	NO START	
Owner's Name/Address		P.R.E. 100% 07/27/2013		MAP #: V15-12		2016 Est TCV Tentative				
DE BRINCAT CONSTANCE 2608 SPRING GROVE BRIGHTON MI 48114		X Improved		Vacant		Land Value Estimates for Land Table 122.BRIGHTON M & B				
Tax Description		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason Value				
SEC 24 T2N R5E BEG S64*15'00"E 746.34 FT TH S0*00'44"W 36.63 FT TH S64*15'00"E 62.30 FT TH S12*52'52"W 103.79 FT TH S0*00'44"W 185.14 FT TH S9*13'39"W 157.25 FT TH S18*26'34"W 211.46 FT TH S2*11'34"W 279.83 FT AND S14*03'26"E 34.90 FT FROM N 1/4 TH S14*03'26"E 150.05 FT, TH S74*45'09"W 684.07 FT, TH N 56*23'58" E 476.42 FT, TH N 74*45'09"E 235 FT TO POB 1.58AC M/L SPLIT FR 020 CORR LEGAL 6/13 PARCEL 4		Dirt Road		TABLE A		1.580 Acres		33481 110 POND		58,190
Comments/Influences		Topography of Site		Land Improvement Cost Estimates		Description Rate CountyMult. Size %Good Cash Value				
		Level		D/W/P: 3.5 Concrete		3.44 1.00		323 48		533
		Rolling		Total Estimated Land Improvements True Cash Value =		533				
		Low		Year		Land Value		Building Value		Assessed Value
		High		X		REFUSE		Who		When
		Landscaped		What		2016		Tentative		Tentative
		Swamp				2015		29,100		68,900
		Wooded				2014		29,100		64,700
		Pond				2013		26,500		49,000
		Waterfront								75,500
		Ravine								93,800S
		Wetland								93,800S
		Flood Plain								75,500S
		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: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 560 % Good: 0 Storage Area: 0 No Conc. Floor: 0							
X	Wood Frame		Drywall Paneled		Plaster Wood T&G		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling																
Building Style: C		Trim & Decoration																					
Yr Built 1988	Remodeled 0	Ex	X	Ord		Min	Size of Closets																
Condition for Age: Good		Lg	X	Ord		Small																	
Room List		(5) Floors																					
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:					(12) Electric 0 Amps Service																
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Stories Exterior			Foundation			Rate			Bsmnt-Adj		Heat-Adj		Size		Cost	
X	Wood/Shingle Aluminum/Vinyl Brick						Ex.	X	Ord.		Min	1	Story Siding	Basement	64.44	0.00	1.92	1270	84,277				
	Insulation			No. of Elec. Outlets			Other Additions/Adjustments			Rate						Size		Cost					
(2) Windows		(7) Excavation		(13) Plumbing																			
X	Many Avg. Few	X	Large Avg. Small	Basement: 1270 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			Average Fixture(s) 2 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(13) Plumbing 3 Fixture Bath 2 Fixture Bath (14) Water/Sewer Well, 200 Feet 1000 Gal Septic			2400.00 1600.00 4975.00 3085.00			1 1 1 1			2,400 1,600 4,975 3,085				
(3) Roof		(8) Basement		(9) Basement Finish			(14) Water/Sewer																
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor	1104 Recreation SF Living SF 1 Walkout Doors No Floor SF			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Class:C Exterior: Siding Foundation: 42 Inch (Finished) Base Cost Common Wall: 1 Wall Phy/Ab.Phy/Func/Econ/Comb.%Good= 76/100/100/100/76.0, ECF (47010 BRIGHTON M & B)			22.92 -1300.00 0.922 => TCV of Bldg: 1 =			560 1			12,835 -1,300 146,987 135,522				
Chimney: Brick				Lump Sum Items:																			

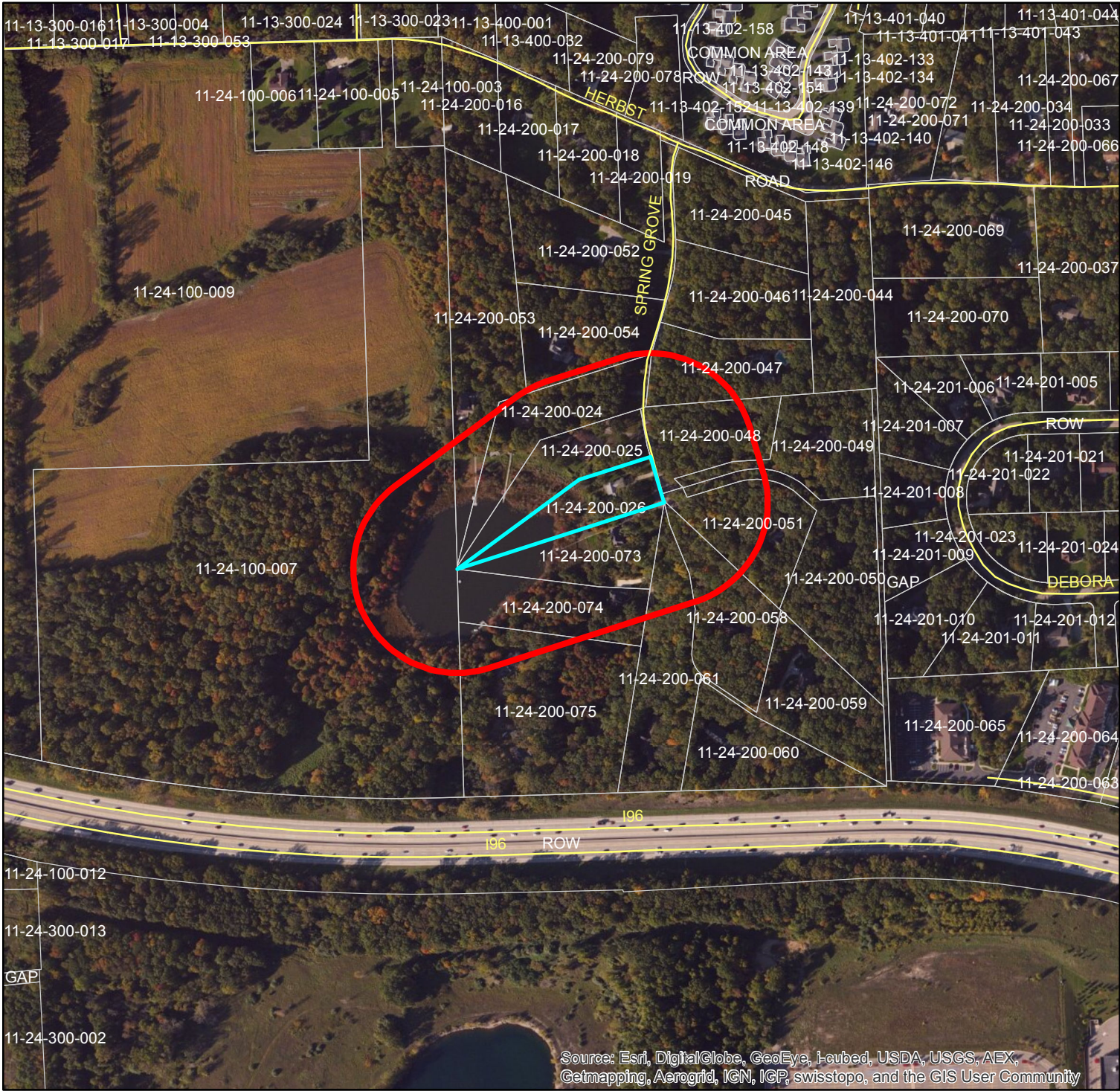
*** Information herein deemed reliable but not guaranteed***



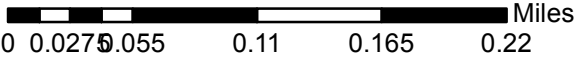
Sketch by Apex Medina™

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

300 Foot Buffer for Noticing



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

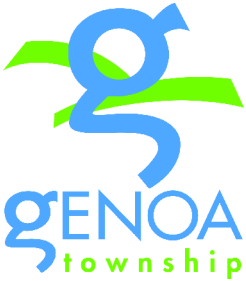


Variance Case #15-12

Applicant: James and Connie DeBrincat

Parcel: 4711-24-200-026

Meeting Date: June 16, 2015



May 26, 2015

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 15-13 Meeting Date: 6-16-15

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
 Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: Jess Peak

Property Address: 3828 Highest Dr. Phone: 810-444-7015

Present Zoning: LRR - Tax Code: 4711 - 22-302-200

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: Garage requested in front of house, Hill in back and on side w/out allow building.
2. Intended property modifications: Detached Garage in front yard.

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) Topography of lot doesn't allow garage on side or in back of house.
- b. Other (explain) _____

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. NOTE: One paper copy of all drawings is required.**
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 5/22/15

Signature: Jess Peak

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Ron Akers at the township office to discuss what your next step is.

Charter Township of Genoa
ZONING BOARD OF APPEALS
June 16, 2015
CASE #15-13

PROPERTY LOCATION: 3828 Highcrest Dr.

PETITIONER: Jess Peak

ZONING: LRR (Lake Resort Residential District)

WELL AND SEPTIC INFO: Sewer, Well

PETITIONERS REQUEST: A variance in order to construct a detached accessory building in the front yard.

CODE REFERENCE: Section 11.04.01(c)

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear Yard	Height	Setback from House
Required Setbacks	35'	5'	10'	N/A	14'	10'
Setbacks Requested	+50'	5'	+50'	N/A	12'	26'
Variance Amount	N/A	N/A	N/A	N/A	N/A	N/A



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: June 11, 2015
RE: ZBA 15-13

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

STAFF REPORT

File Number: ZBA#15-13

Site Address: 3828 Highcrest Dr.

Parcel Number: 4711-22-302-200

Parcel Size: 0.23 Acres

Applicant: Jess Peak, 3828 Highcrest Dr. Brighton, MI 48116

Property Owner: Same as Applicant

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

Project Description: Applicant is requesting a variance to construct a detached accessory building in the front yard of the property.

Zoning and Existing Use: LRR (Lake Resort Residential), Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 31, 2015 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 (1,590 square feet) built in 1979.
- The single family dwelling is connected to public sewer and has an existing well.
- See Real Estate Summary and Record Card.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The applicant is proposing to construct a 22' X 32' (704 square feet) detached accessory building on the property. Due to the location of the house on the property the applicant is requesting a variance to construct the garage in the front yard.



Variance Requests

The following are the various sections of the zoning ordinance that variances are being requested from:

Section 11.04.02(c): Restrictions in the Front Yard: Detached accessory buildings shall not be erected in any front yard, ...

Standards for Approval

The following are the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) 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.

(b) 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.

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

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

Summary of Findings

Please note that in order for a variance to be approved it has to meet all of the standards in 25.05.03.

The following are findings based upon the presented materials.

Practical Difficulty/Substantial Justice: Strict application of the provision which prohibits the construction of a detached accessory building in the front yard would limit the ability of the applicant to construct a garage-sized detached accessory building on the property. The existing house on the property is located in the northeast corner of the property and there is a driveway easement which is located along the southern property boundary. Due to these, the size of the rear and side yards, and the prohibition of placing detached accessory buildings in the front yard, the applicant's ability to place a detached accessory building on the property is limited.

Extraordinary Circumstances: The extraordinary circumstances applicable to the property are the existing location of the house on the property and that the property is not a waterfront lot. There is an exception in the Zoning Ordinance which allows detached accessory buildings to be constructed in the front yard on waterfront lots in the LRR district. This property is within the LRR district, but is not a water front lot, which is unusual for parcels zoned LRR.

Public Safety and Welfare – The granting of this 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.

Impact on Surrounding Neighborhood – The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. It is setback a sufficient distance from the road and adjacent properties and should have a limited impact on values.

Staff Findings of Fact

1. Strict application of the regulation which prohibits the construction of detached accessory buildings in the front yard would limit the applicant's ability to construct a garage-sized detached accessory building on the property.
2. The extraordinary or exceptional circumstances applicable to this property are the existing location of the house on the lot and that the parcel is not a waterfront lot.
3. The need for the variances is due to the existing location of the house on the property which limits the building envelope for a detached accessory building.
4. Granting of the requested 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.
5. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

MORTGAGE SURVEY

Certified to: ADVANCE BUILDING

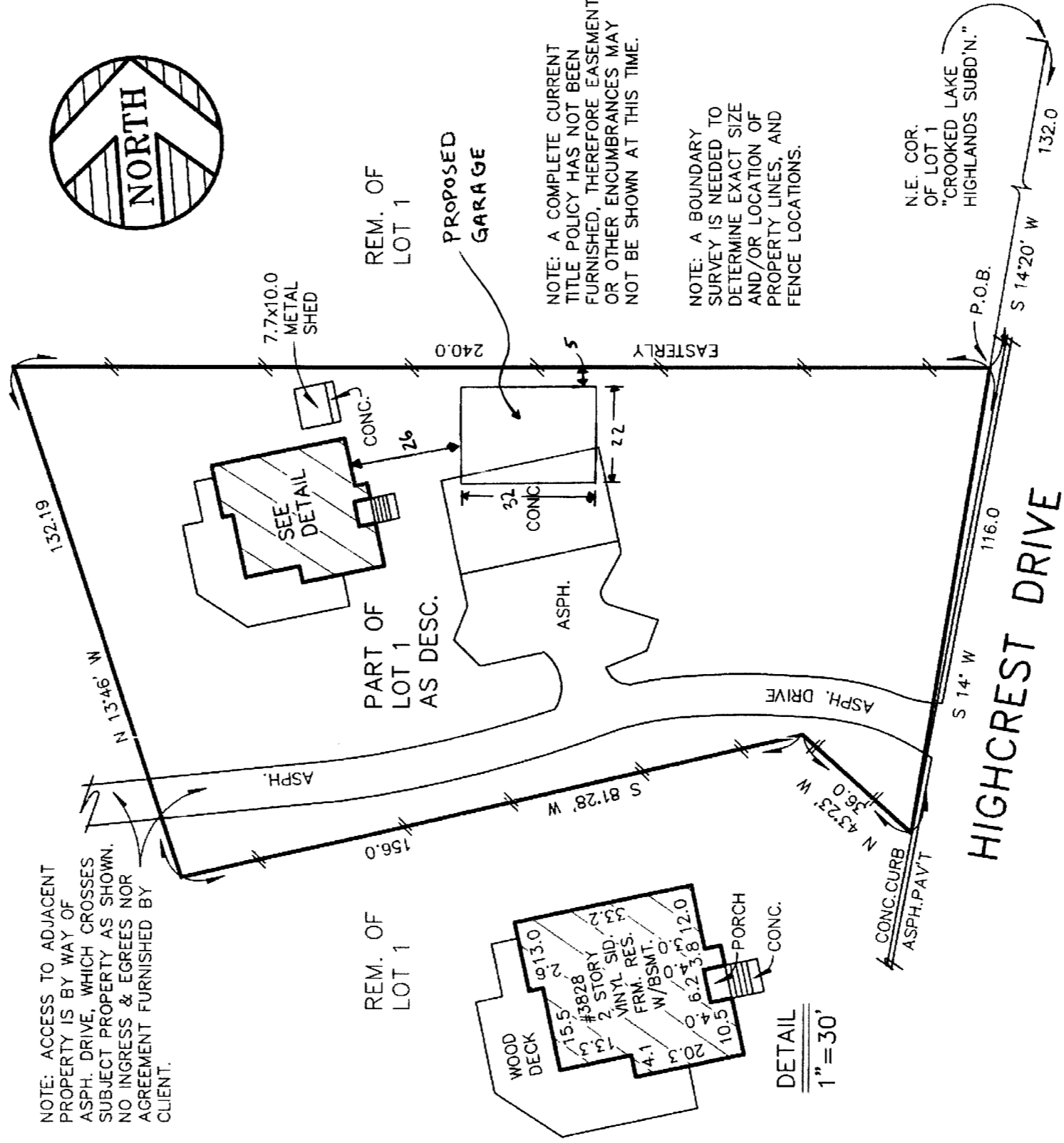
Applicant: JESS PEAK

Property Description:

Land in the Township of Genca, Livingston County, Michigan, described as: Beginning at the Northeast corner of Lot 1; CROOKED LAKE HIGHLANDS SUBDIVISION, as recorded in Liber 1 of Plats, Pages 39 and 40, Livingston County Records; thence South 14 degrees 20 minutes West 132 feet for a point of beginning; thence continuing South 14 degrees West 116 feet; thence North 43 degrees 23 minutes West 36 feet; thence South 81 degrees 28 minutes West 156 feet; thence North 13 degrees 46 minutes West 132.19 feet; thence Easterly 240 feet to the point of beginning.

Note: The property description is as taken from Livingston County Tax Rolls.

NOTE: ACCESS TO ADJACENT PROPERTY IS BY WAY OF ASPH. DRIVE, WHICH CROSSES SUBJECT PROPERTY AS SHOWN. NO INGRESS & EGRESSES NOR AGREEMENT FURNISHED BY CLIENT.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

John T. Anderson Jr.

JOB NO: 15-01336 SCALE: 1"=40'
DATE: 04/24/15 DR BY: LAO

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

KEM-TEC
A GROUP OF COMPANIES
PROFESSIONAL ENGINEERING,
SURVEYING & ENVIRONMENTAL
SERVICES

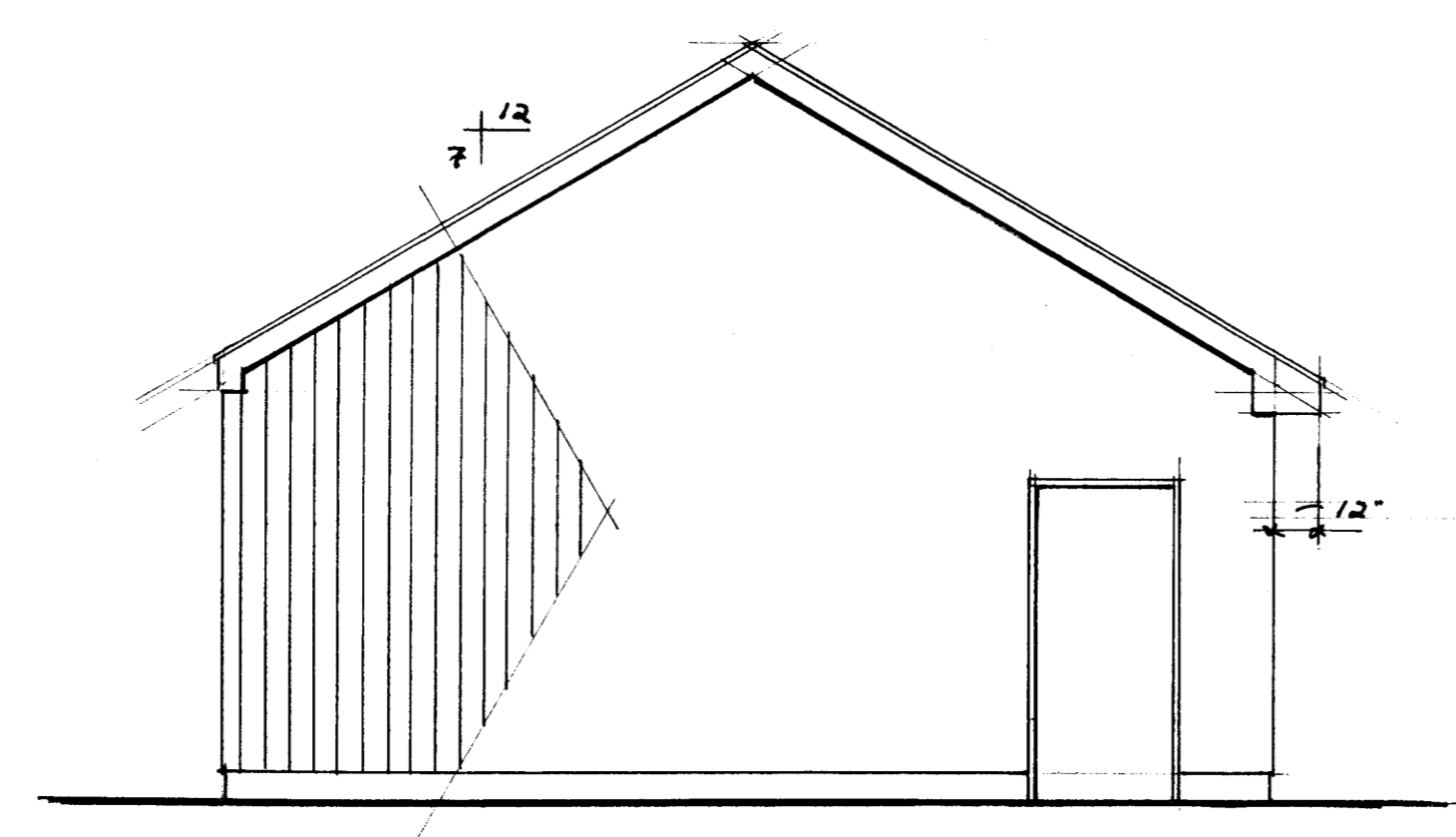
Eastpointe (800) 295.7222
Detroit (313) 758.0677
Ann Arbor (734) 994.0888
Grand Blanc (888) 694.0001

FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955

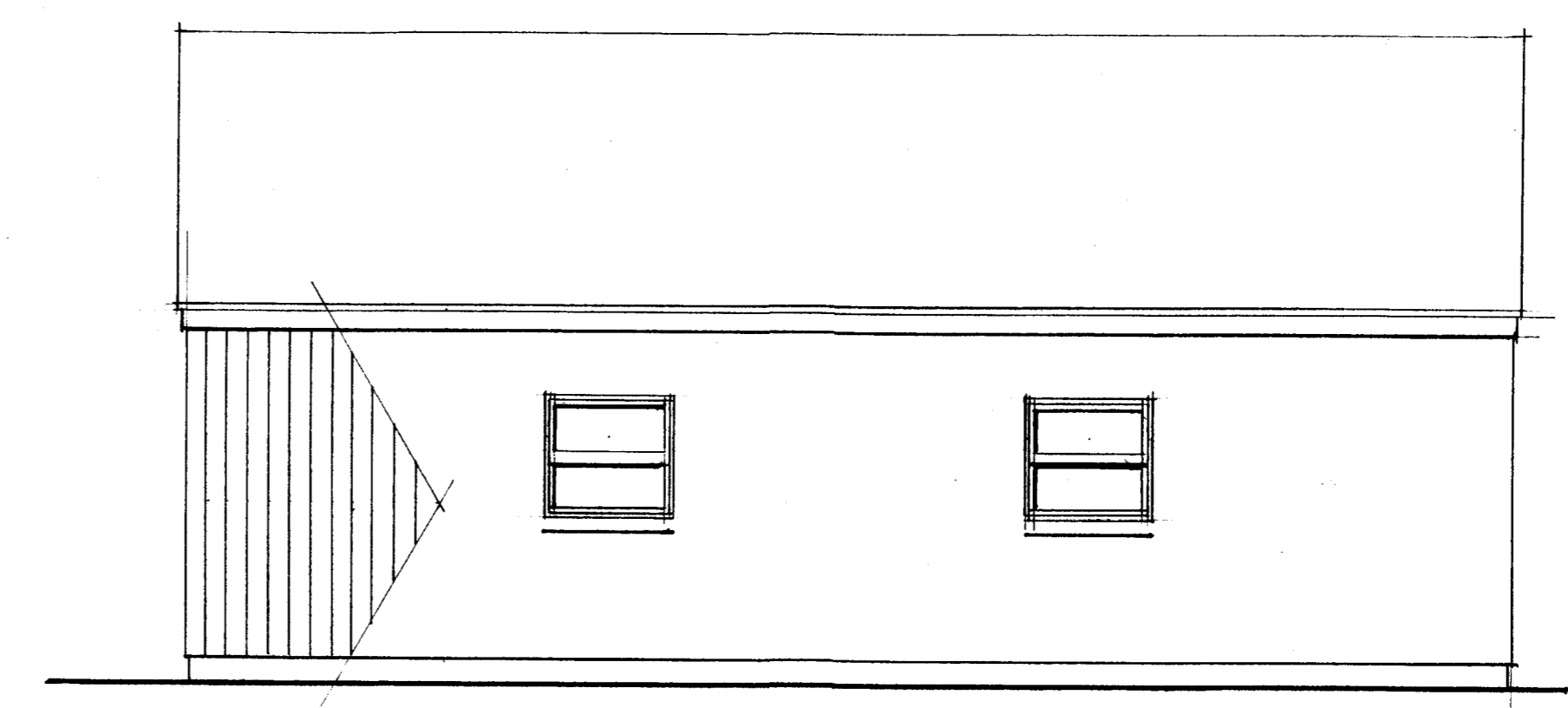
www.kemtecgroupofcompanies.com

date 4.30.15
 rev. _____
 rev. _____
 rev. _____

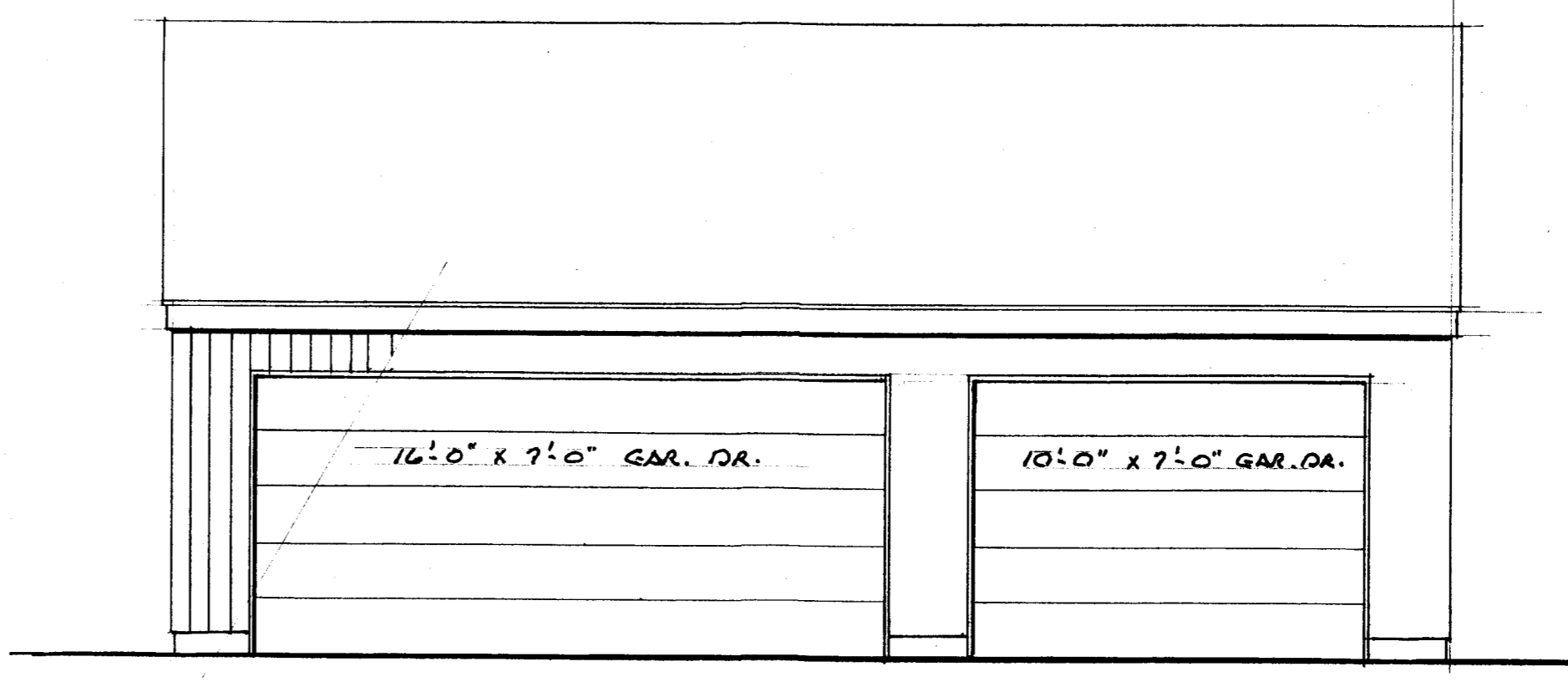
ARCHITECTURALLY SPEAKING
 1981 FARRINGTON ROAD
 LIVONIA, MICHIGAN 48154
 PHONE 248.213.9386
 120 anthur street
 charlevoix michigan
 49720 616-547-4040



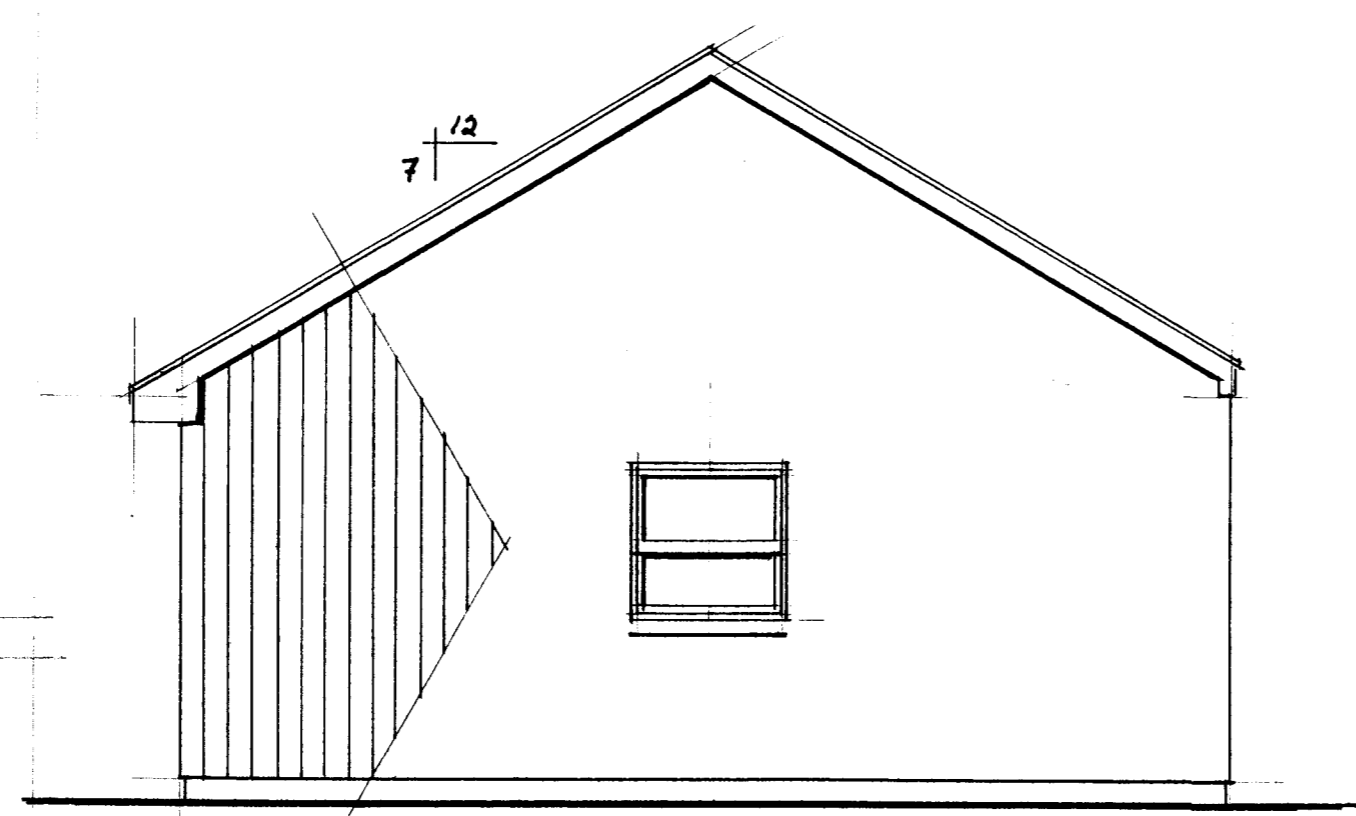
WEST SIDE VIEW



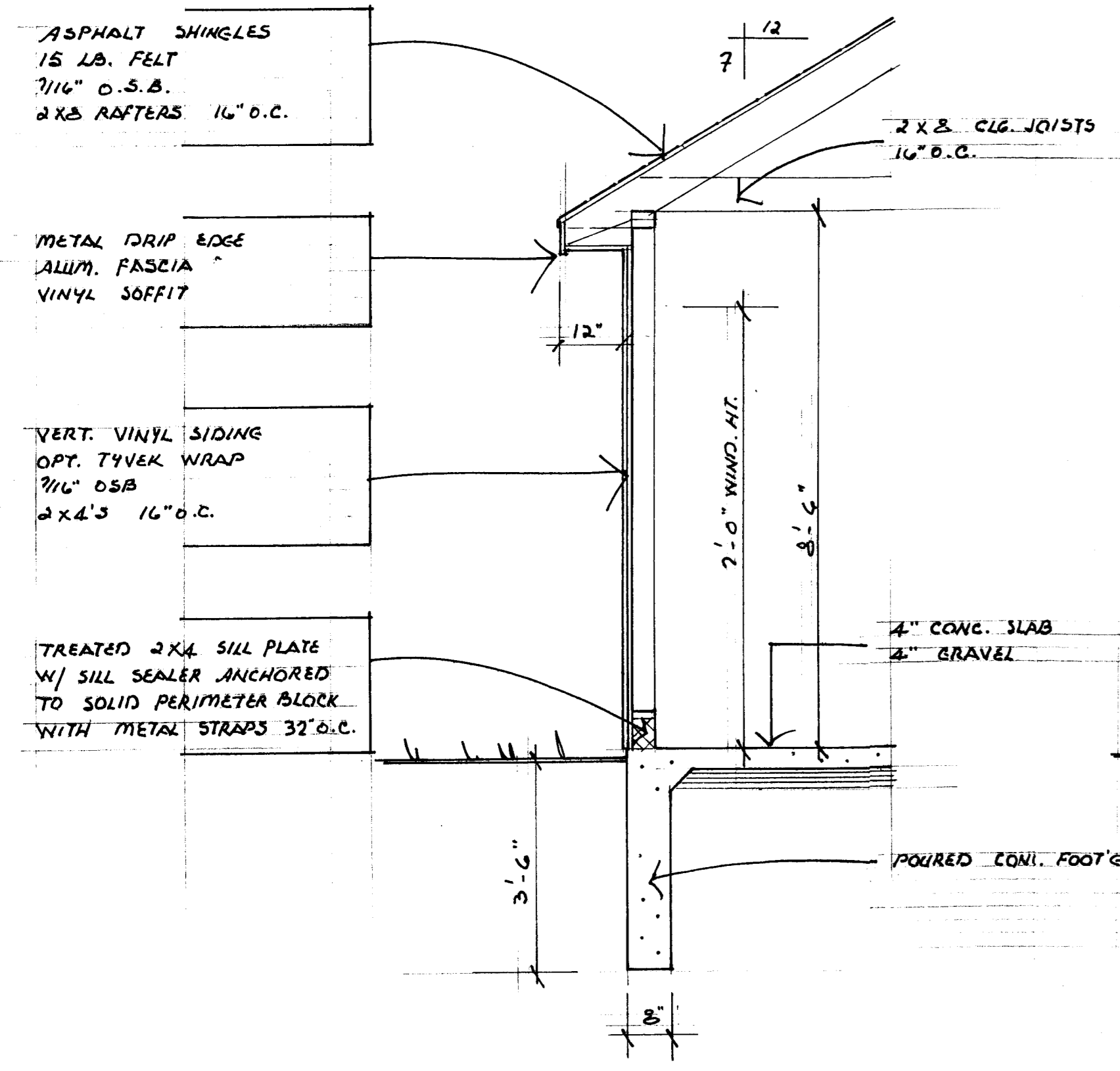
NORTH ELEV. 1/4"=1'-0"



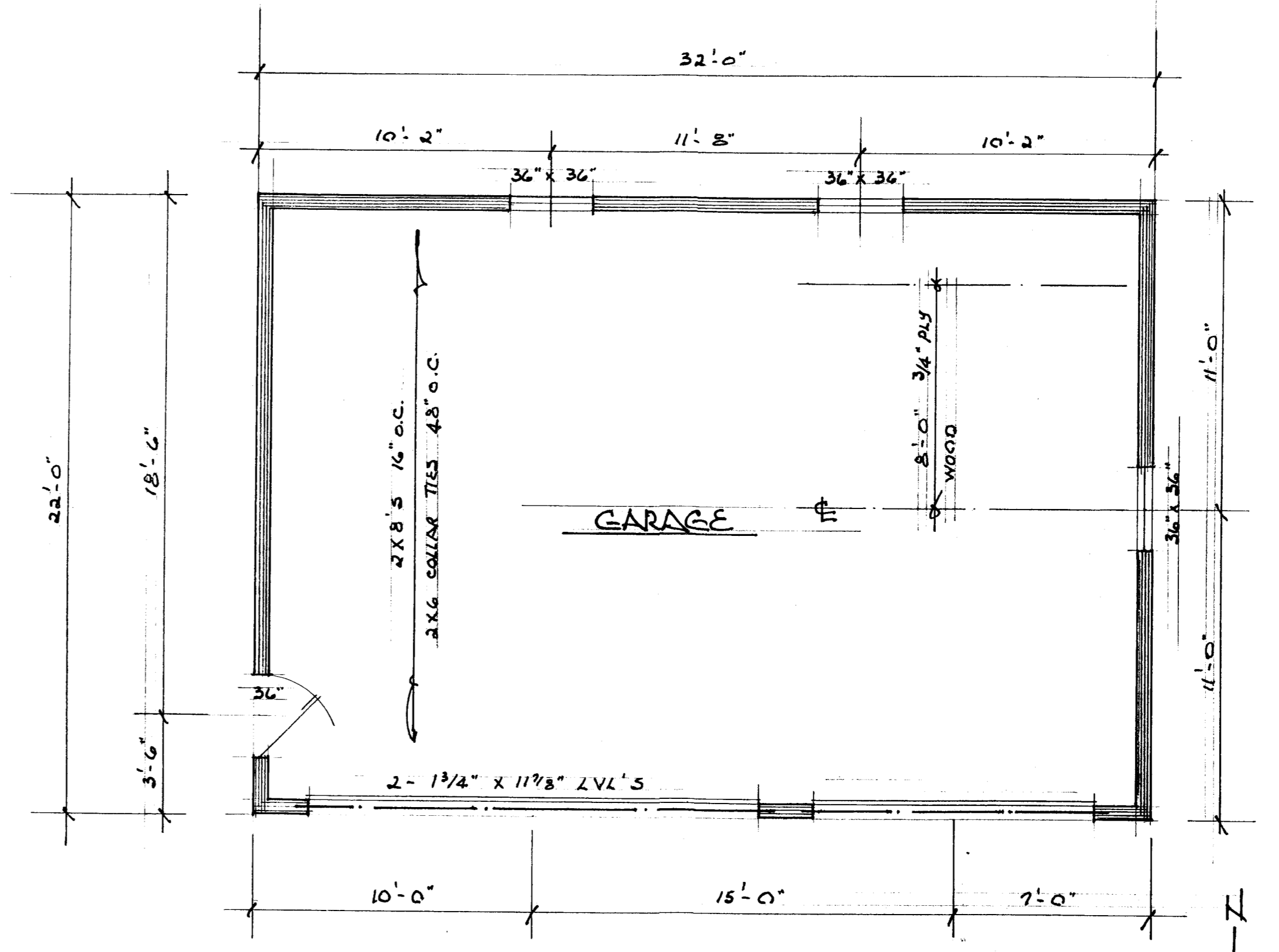
SOUTH ELEVATION 1/4"=1'-0"



EAST SIDE VIEW



WALL SECTION 1/2"=1'-0"



FLOOR PLAN 1/4"=1'-0"

project: PROPOSED GARAGE :
 PEAK RESIDENCE
 3828 HIGHCREST
 BRIGHTON MICHIGAN

job no.
 2015-47
 sheet no.
 1 of 1

ZBA 15-13 Area Map



1 inch = 150 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.

Source: Livingston County GIS Department

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/10/2015 12:10 PM

Parcel:	4711-22-302-200	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	PEAK JESS & CHERIE	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	3828 HIGHCREST BRIGHTON, MI 48116	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-13
		School:	47010 BRIGHTON
		Neighborhood:	4303 4303 TRI LAKES NON LAKEFRONT

Liber/Page:	2010R-001889	Created:	//
Split:	//	Active:	Active

Public Impr.:	None
Topography:	REFUSE

Mailing Address:
PEAK JESS & CHERIE
3828 HIGHCREST
BRIGHTON MI 48116

Most Recent Sale Information

Sold on 12/30/2009 for 196,000 by NOVAK JEFFREY A.

Terms of Sale: ARMS-LENGTH

Liber/Page: 2010R-001889

Most Recent Permit Information

None Found

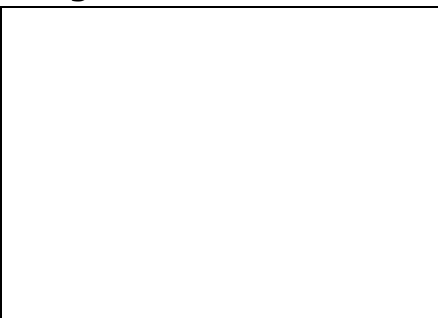
Physical Property Characteristics

2016 S.E.V.:	Tentative	2016 Taxable:	Tentative	Lot Dimensions:	
2015 S.E.V.:	109,100	2015 Taxable:	104,648	Acres:	0.23
Zoning:	LRR	Land Value:	65,738	Frontage:	50.0
PRE:	100.000	Land Impr. Value:	0	Average Depth:	200.0

Improvement Data

of Residential Buildings: 1
Year Built: 1979
Occupancy: Single Family
Class: C+15
Style: C
Exterior: Wood Siding
% Good (Physical): 86
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 3
Full Baths: 2 Half Baths: 0
Floor Area: 1,590
Ground Area: 1,064
Garage Area: 0
Basement Area: 1,064
Basement Walls:
Estimated TCV: 150,632

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
NOVAK JEFFREY A	PEAK JESS & CHERIE	196,000	12/30/2009	WD	ARMS-LENGTH	2010R-001889	BUYER	100.0			
OSTERMAN, DAVID J. AND	NOVAK JEFFREY A	229,000	03/17/2004	WD	ARMS-LENGTH	4395/0514	BUYER	100.0			
OSTERMAN, CHARLES M. & LIN	OSTERMAN, DAVID J. & DAGGE	215,000	03/07/2002	WD	ARMS-LENGTH	3362-0024	BUYER	100.0			
POPE, LAURA LEE	OSTERMAN	170,000	07/18/1997	WD	ARMS-LENGTH	2209-0895	BUYER	100.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status		
3828 HIGHCREST		School: BRIGHTON									
		P.R.E. 100% 01/08/2010									
Owner's Name/Address		MAP #: V15-13									
PEAK JESS & CHERIE 3828 HIGHCREST BRIGHTON MI 48116		2016 Est TCV Tentative									
		X	Improved	Vacant	Land Value Estimates for Land Table 00028.TRI LAKES						
Tax Description		Public Improvements		* Factors *							
SEC 22 T2N R5E CROOKED LAKE HIGHLANDS, BEG NE COR LOT 1, TH S 14* 20'W 132 FT FOR POB, CONT S 14*W 116 FT, TH N 43*23'W 36 FT, TH S 81*28'W 156 FT, TH N 13*46'W 132.19 FT, TH ELY 240 FT TO POB.		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
Comments/Influences		Topography of Site		0	50.00	200.00	1.0000	1.1952	1100	100	65,738
		Level		50 Actual Front Feet, 0.23 Total Acres Total Est. Land Value = 65,738							
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		Who	When	What	2016	Tentative	Tentative	Tentative		Tentative	
					2015	32,900	76,200	109,100		104,648C	
					2014	41,800	61,200	103,000		103,000S	
					2013	41,800	59,600	101,400		101,400S	

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 1 Wood Stove 1 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		Drywall Paneled		Plaster Wood T&G		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							500 50 50	Pine Wood Balcony Wood Balcony						
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C +15 Effec. Age: 14 Floor Area: 1590 Total Base Cost: 129,513 Total Base New : 190,384 Total Depr Cost: 163,730 Estimated T.C.V: 150,632			CnlyMult X 1.470 E.C.F. X 0.920			Bsmnt Garage: Carport Area: Roof:					
Yr Built 1979	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			Size Cost								
Condition for Age: Good		Lg	X	Ord		Min	Ex. X Ord. Min			1.25 Story Siding			Basement 120.80 0.00 0.00 432 52,186								
Room List		Doors:		Solid	X	H.C.	No. of Elec. Outlets			1 Story Siding			Basement 87.89 0.00 0.00 376 33,047								
Basement 1st Floor 2nd Floor 3 Bedrooms							Many X Ave. Few			Basement 76.44 0.00 0.00 256 19,569			Other Additions/Adjustments								
(1) Exterior		(7) Excavation		(13) Plumbing			Average Fixture(s)			(9) Basement Finish			Rate								
X	Wood/Shingle Aluminum/Vinyl Brick	Basement: 1064 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		2 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			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			Basement Living Finish Walk out Basement Door(s) (13) Plumbing 3 Fixture Bath (14) Water/Sewer Public Sewer Well, 200 Feet (15) Built-Ins & Fireplaces Fireplace: Wood Stove Fireplace: Direct-Vented Gas (16) Deck/Balcony Pine, Standard Wood Balcony Wood Balcony			17.25 775.00 2400.00 1162.00 4975.00 1350.00 1200.00 4.95 17.50 17.50			500 1 1 1 1 500 50 50			8,625 775 2,400 1,162 4,975 1,350 1,200 2,475 875 875		
(2) Windows		(8) Basement		(14) Water/Sewer			Phy/Ab.Phy/Func/Econ/Comb.%Good= 86/100/100/100/86.0,			Depr.Cost = 163,730			ECF (4303 TRI LAKES NON LAKEFRONT) 0.920 => TCV of Bldg: 1 = 150,632								
X	Many Avg. Few	X	Large Avg. Small	Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic			Lump Sum Items:														
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish																			
(3) Roof		500	Recreation SF Living SF 1 Walkout Doors No Floor SF																		
X	Gable Hip Flat		Gambrel Mansard Shed																		
X	Asphalt Shingle																				
Chimney: Brick																					

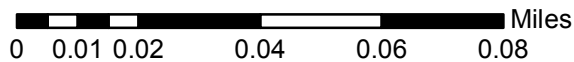
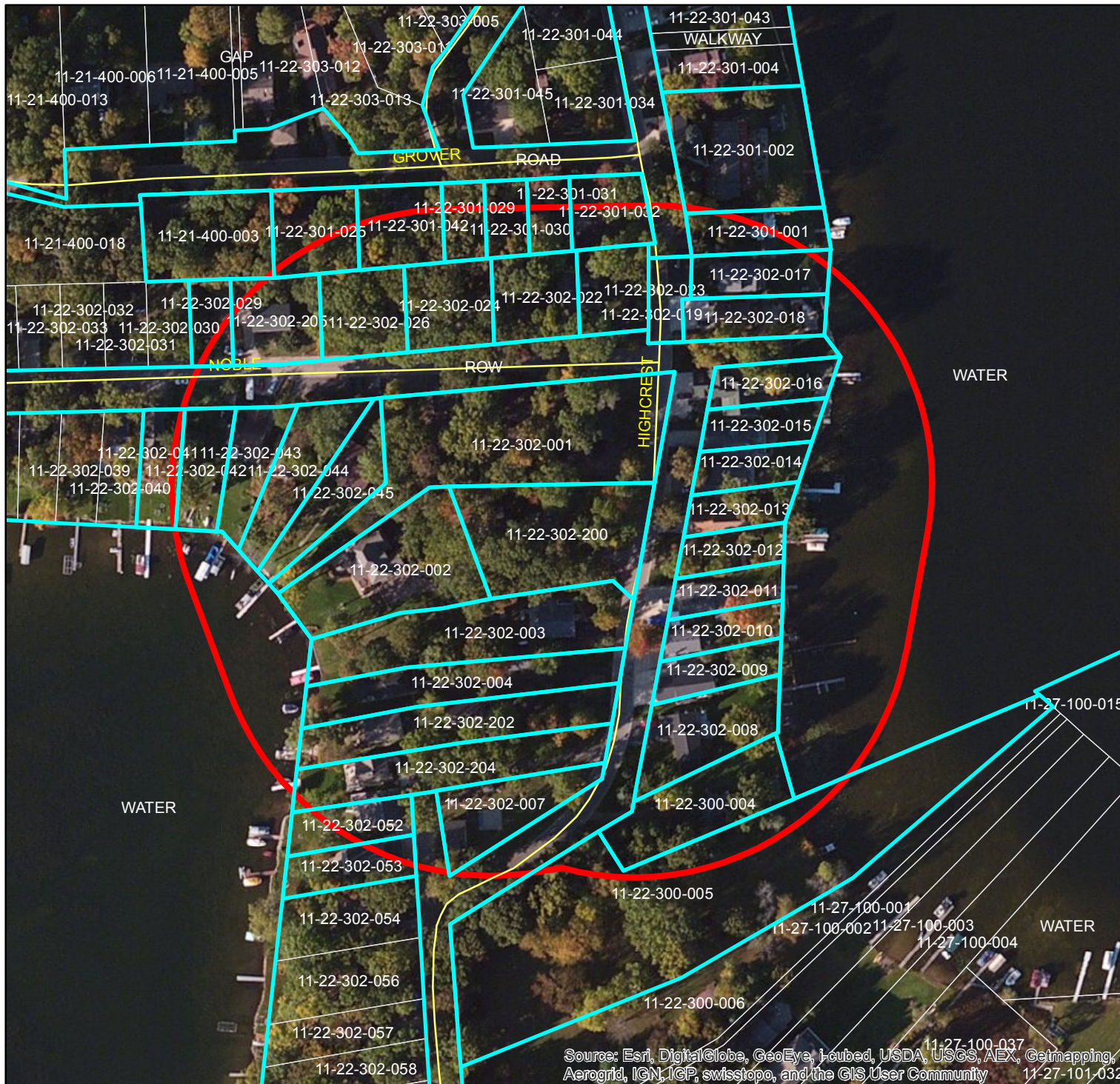
*** Information herein deemed reliable but not guaranteed***



Sketch by Apex Medina™

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

300 Foot Buffer for Noticing



Variance Case #15-13

Applicant: Jess Peak

Parcel: 4711-22-302-200

Meeting Date: June 16, 2015



May 26, 2015

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 15-14 Meeting Date: 6-16-15

- PAID Variance Application Fee
\$125.00 for residential - \$300.00 for commercial/industrial
 Copy of paperwork to Assessing Department

- **Article 23** of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals. (Please see attached)

Applicant/Owner: TIM C HOWARD
Property Address: 1185 SUNRISE PARK Phone: 517-404-6527
Present Zoning: LRR Tax Code: 4711-09-201-014

The applicant respectfully requests that an adjustment of the terms of the Zoning Ordinance be made in the case of their property because the following peculiar or unusual conditions are present which justify variance.

1. Variance Requested: 7' SIDE SETBACK

2. Intended property modifications: ADD GARAGE 24X24 AND SECOND STORY

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) THE LOT IS 32' WIDE AT THE ROAD SIDE
47' WIDE AT THE LAKE SIDE AND 91 FEET LONG
b. Other (explain) LEAVING A UNUSUAL SMALL BUILDING ENVELOPE

Variance Application Requires the Following: (failure to meet these requirements may result in tabling of this petition.)

- **PROPERTY MUST BE STAKED SHOWING ALL** proposed improvements 5 days before the meeting and remain in place until after the meeting
- **Plot Plan drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. NOTE: One paper copy of all drawings is required.**
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 5-22-15

Signature: [Signature]

Any Variance not acted upon within 12 months from the date of approval is invalid and must receive a renewal from the ZBA.

After the decision is made regarding your variance approval contact Ron Akers at the township office to discuss what your next step is.

Charter Township of Genoa
ZONING BOARD OF APPEALS
June 16, 2015
CASE #15-14

PROPERTY LOCATION: 1185 Sunrise Park Dr.

PETITIONER: Tim Chouinard

ZONING: LRR (Lake Resort Residential District)

WELL AND SEPTIC INFO: Sewer, Well

PETITIONERS REQUEST: A side yard setback variance and a front yard setback variance to construct an attached garage and second story addition to an existing house.

CODE REFERENCE: Section 3.04.01

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Shoreline	Height	-
Required Setbacks	35'	10'	10'	N/A	N/A	-
Setbacks Requested	24'	7.6'	3'	N/A	N/A	-
Variance Amount	11'	2.4'	7'	N/A	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: June 12, 2015
RE: ZBA 15-14

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

STAFF REPORT

File Number: ZBA#15-14

Site Address: 1185 Sunrise Park Dr.

Parcel Number: 4711-09-201-014

Parcel Size: 0.103 Acres

Applicant: Tim Chouinard, Builder

Property Owner: Gary & Janice Letkemann, 1185 Sunrise Park Dr. Howell, MI 48843

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

Project Description: Applicant is requesting a side yard setback variance and a front yard setback variance to construct an attached garage and second story addition to the existing house.

Zoning and Existing Use: LRR (Lake Resort Residential), Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday May 31, 2015 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 (979 square feet) built in 1940.
- The property utilizes public sewer and has an existing well.
- See Real Estate Summary and Record Card.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

Summary

The proposed project is to construct a 24' x 24' attached garage with a second story addition on the existing house. In order to do this the applicant will need a front yard setback variance and a side yard setback variance.



Variance Requests

The following are the various sections of the zoning ordinance that variances are being requested from:

Table 3.04.01: Required Front Yard Setback:	35'	Proposed Front Yard Setback:	24'	
	Required Side Yard Setback:	10'	Proposed Side Yard Setback:	7.6'
	Required Side Yard Setback:	10'	Proposed Side Yard Setback:	3'

Standards for Approval

The following are the standards of approval that are listed in the Zoning Ordinance for Dimensional Variances:

23.05.03 Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

(a) **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.

(b) **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.

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

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

Summary of Findings

Please note that in order for a variance to be approved it has to meet all of the standards in 25.05.03.

The following are findings based upon the presented materials.

Practical Difficulty/Substantial Justice: Strict compliance with the front and side yard setbacks would prohibit the applicant from construction an attached garage onto the existing structure. The lot sizes around Sunrise Park are small and narrow. Additionally the orientation and location of the house on the lot makes meeting the side yard setbacks difficult.

Extraordinary Circumstances: The extraordinary circumstances are the small, narrow lot size, and the orientation of the house on the lot. Granting this variance would also make the property consistent with several other properties in the vicinity as many do not meeting the required front or side yard setbacks. The need for the variance is created due to the small, narrow lot size and orientation of the house on the lot.

Public Safety and Welfare – The granting of these 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. The 24' front yard setback will allow for sufficient off street parking, and distance to allow motorists backing out of the garage enough room to view oncoming traffic.

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

Staff Findings of Fact

1. Strict application of the front yard setback and side yard setback would prevent the applicant from constructing an addition on the front of the house.
2. The extraordinary or exceptional circumstances applicable to this property are the small, narrow lot size, the existing orientation of the house on the parcel and the existing location of the house on the parcel.
3. There are several homes in the vicinity which do not comply with the front and side yard setback requirements.
4. The need for the variances is due to the small narrow lot size, the existing orientation of the house on the parcel and the existing location of the house on the parcel.
5. Granting of the requested 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.
6. The proposed front yard setback will allow sufficient room for additional off-street parking.
7. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.



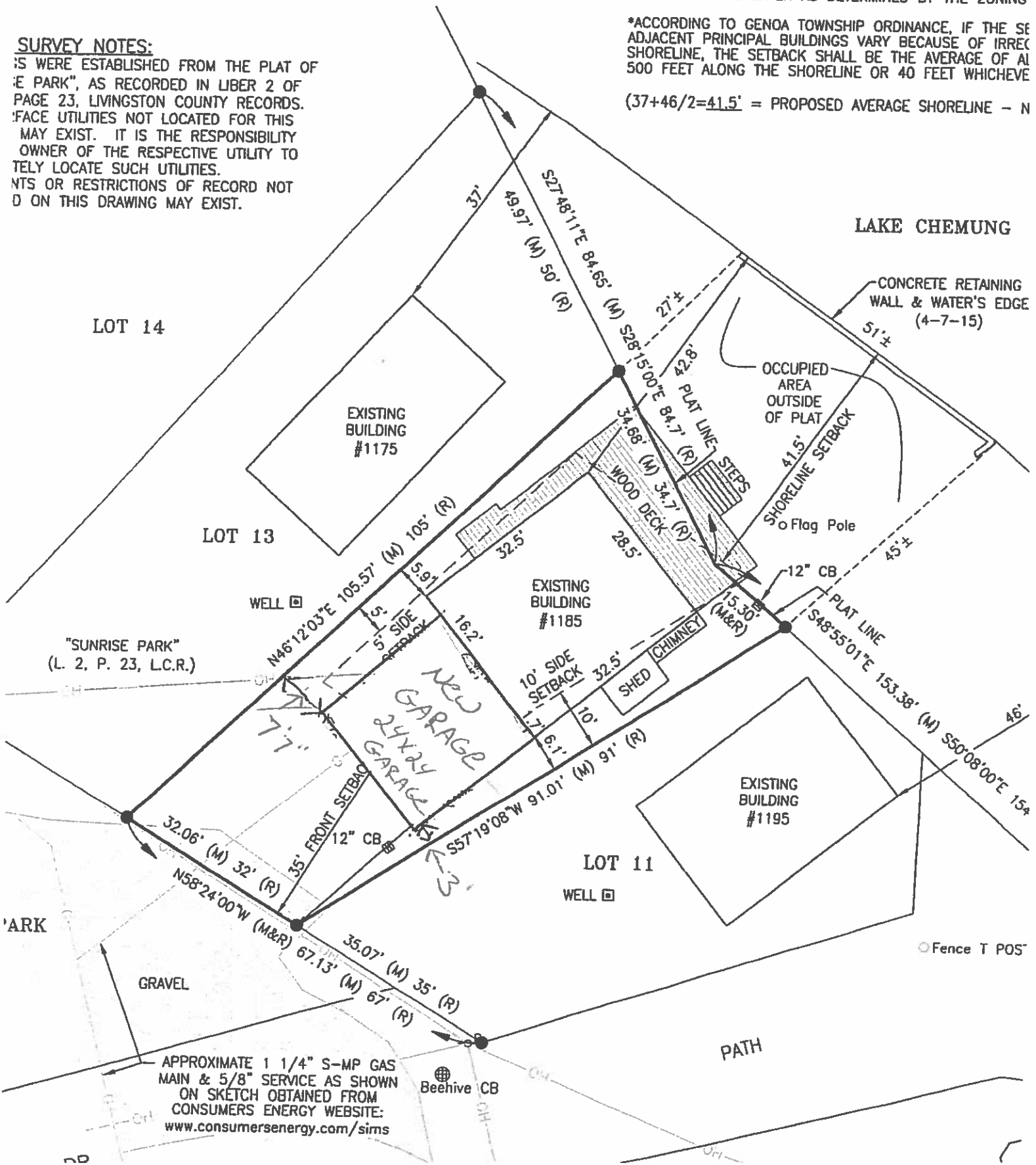
- ⊗ STORM CATCH BASIN (BEEHIVE)
- ⊞ STORM CATCH BASIN (SQUARE)
- ⊙ GAS METER
- ⊠ GRINDER PUMP
- OH— OVERHEAD WIRES
- G— U.G. GAS LINES

Township Zoning Ordinance states that in the LXR Zoning of the side yards may be reduced to a minimum of five feet where all of the following are met: (1) The other side of the lot is at least ten (10) feet. (2) The distance between the building on the adjacent lot shall be no less than ten feet. The roof shall have gutters. (as amended 3/5/10))
 -REAR = 40 FEET
 *SHORELINE SETBACK FOR SITES CONNECTED TO PUBLIC LAKESHORE RESORT RESIDENTIAL IS A MINIMUM OF 40 FEET CONSISTENT WITH THE SETBACKS OF ADJACENT PRINCIPAL BUILDINGS WHICHEVER IS GREATER AS DETERMINED BY THE ZONING

SURVEY NOTES:

BOUNDARIES WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PAGE 23, LIVINGSTON COUNTY RECORDS. SURFACE UTILITIES NOT LOCATED FOR THIS PROJECT MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES. EASEMENTS OR RESTRICTIONS OF RECORD NOT SHOWN ON THIS DRAWING MAY EXIST.

*ACCORDING TO GENOA TOWNSHIP ORDINANCE, IF THE SETBACKS OF ADJACENT PRINCIPAL BUILDINGS VARY BECAUSE OF IRREGULAR SHORELINE, THE SETBACK SHALL BE THE AVERAGE OF ALL SETBACKS ALONG THE SHORELINE OR 40 FEET WHICHEVER IS GREATER.
 $(37+46/2=41.5' = \text{PROPOSED AVERAGE SHORELINE} - \text{N}$

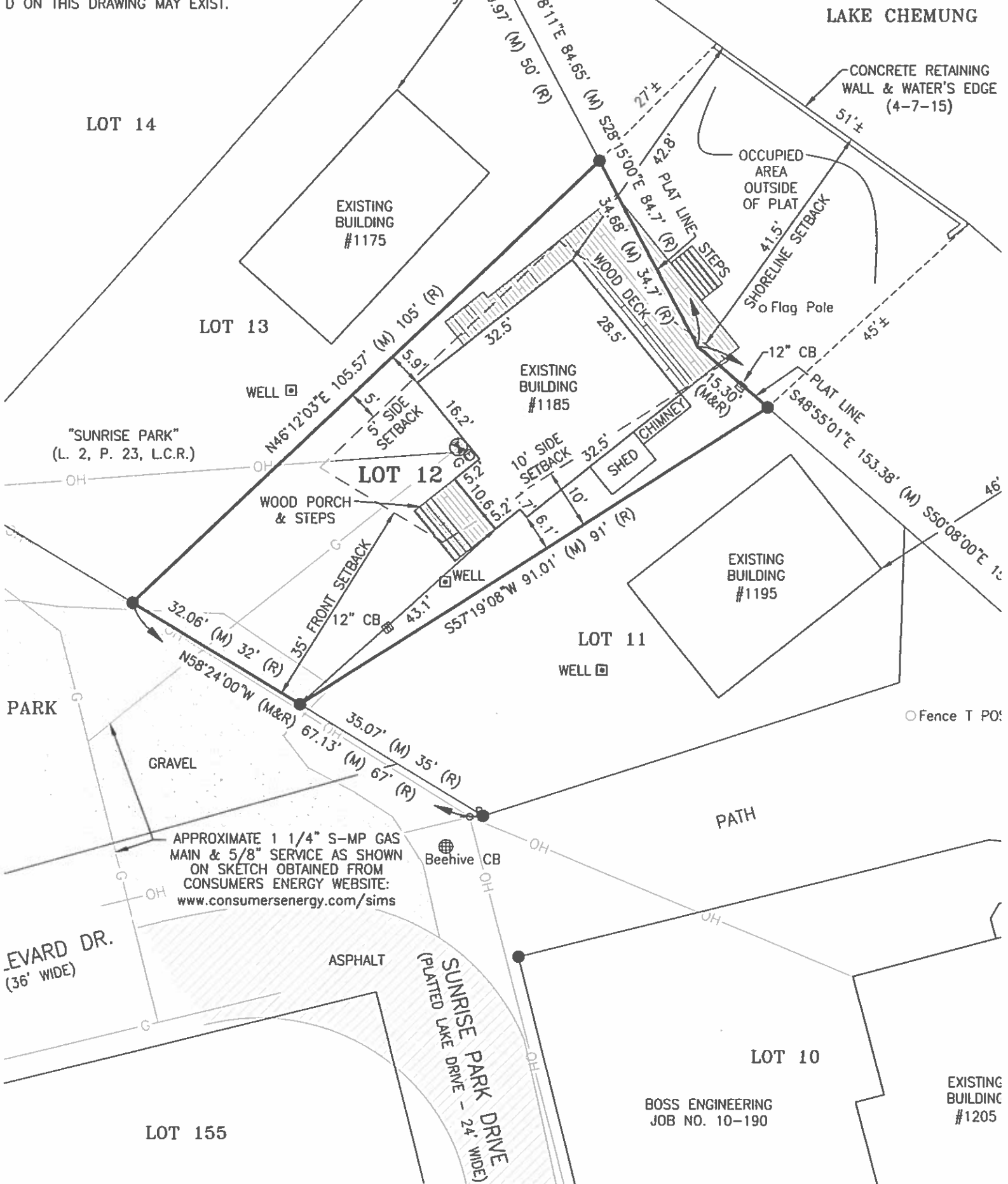


- ⊕ STORM CATCH BASIN (BEEHIVE)
- ▢ STORM CATCH BASIN (SQUARE)
- ⊗_G GAS METER
- ⊠_{GF} GRINDER PUMP
- OH— OVERHEAD WIRES
- G— U.G. GAS LINES

Township Zoning Ordinance states that in the LRR Zoning of the side yards may be reduced to a minimum of five where all of the following are met: (1) The other side yard shall be at least ten (10) feet. (2) The distance between the building on the adjacent lot shall be no less than ten (10) feet. The roof shall have gutters. (as amended 3/5/10))
 -REAR = 40 FEET
 *SHORELINE SETBACK FOR SITES CONNECTED TO PUBLIC SEWER IS A MINIMUM OF 40 FEET. LAKESHORE RESORT RESIDENTIAL IS A MINIMUM OF 40 FEET. CONSISTENT WITH THE SETBACKS OF ADJACENT PRINCIPAL BUILDINGS WHICHEVER IS GREATER AS DETERMINED BY THE ZONING ORDINANCE.

*ACCORDING TO GENOA TOWNSHIP ORDINANCE, IF THE SETBACKS OF ADJACENT PRINCIPAL BUILDINGS VARY BECAUSE OF IRREGULAR SHORELINE, THE SETBACK SHALL BE THE AVERAGE OF ALL SETBACKS ALONG THE SHORELINE OR 40 FEET WHICHEVER IS GREATER.
 $(37+46/2=41.5' = \text{PROPOSED AVERAGE SHORELINE} - \text{NO. 12})$

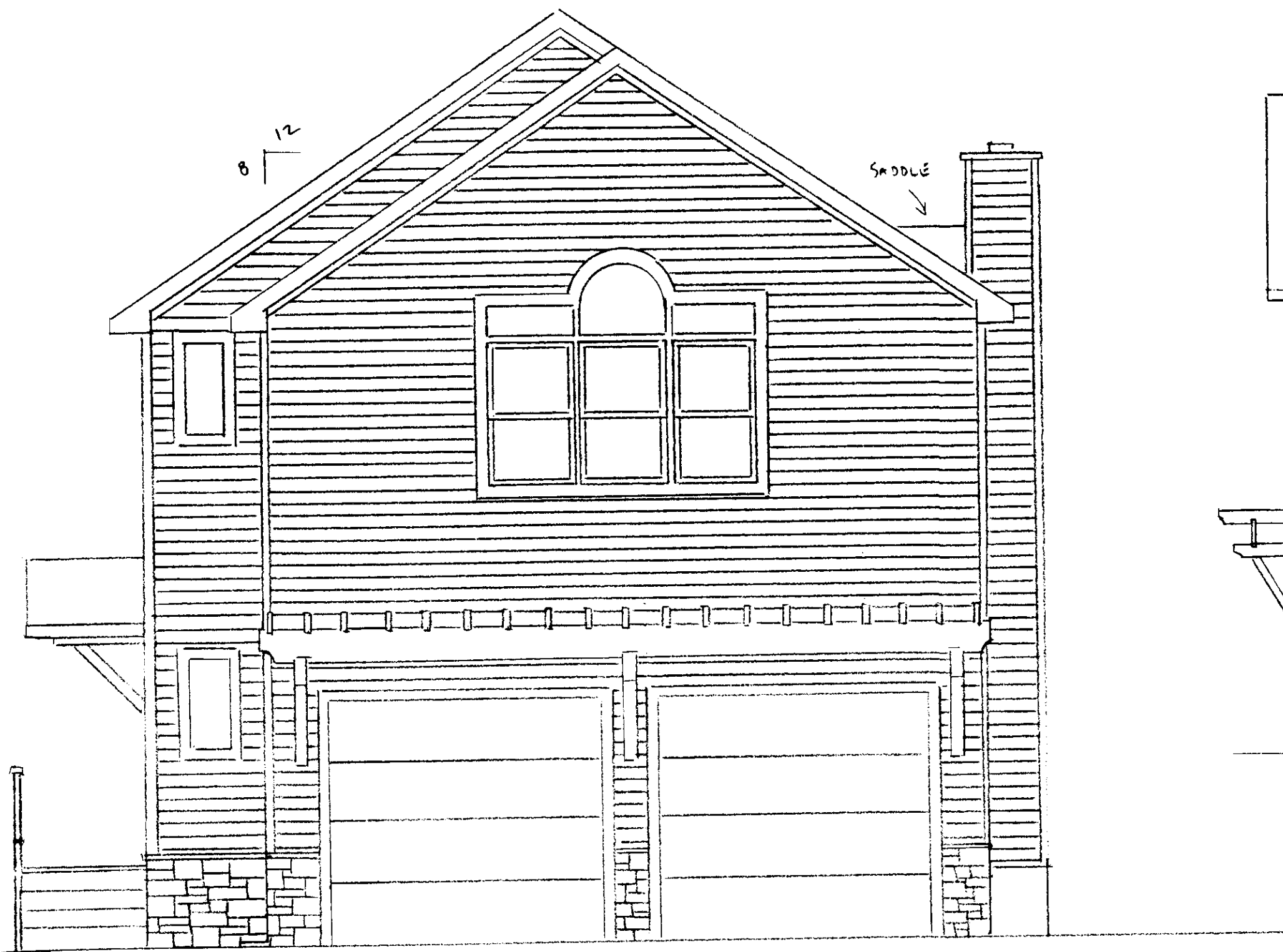
SURVEY NOTES:
 THE CORNERS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS. THE LOCATION OF FACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO LOCATE SUCH UTILITIES. ERECTIONS OR RESTRICTIONS OF RECORD NOT SHOWN ON THIS DRAWING MAY EXIST.



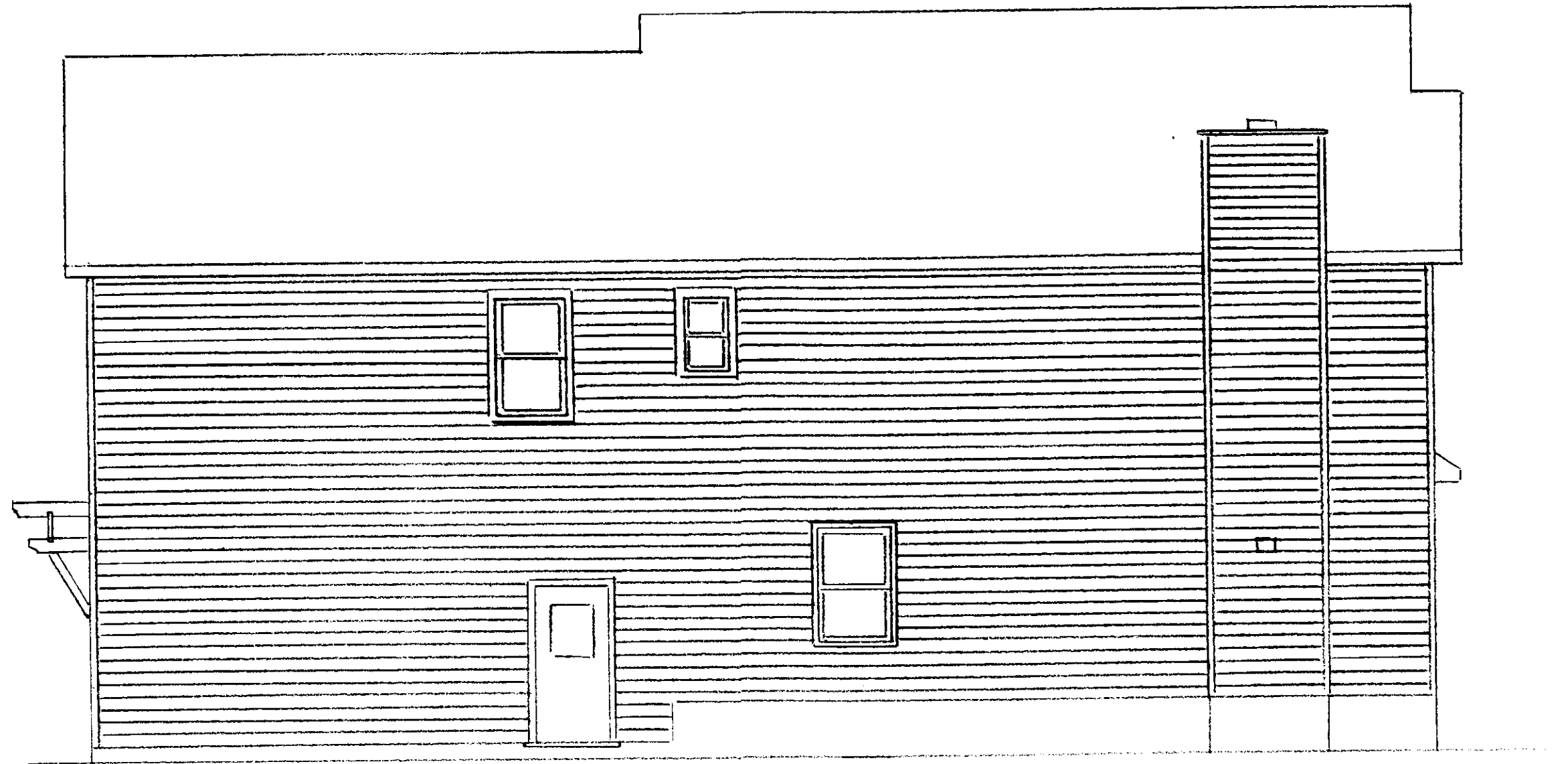
"SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS, BEING THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 15N, RANGE 5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN.

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

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE

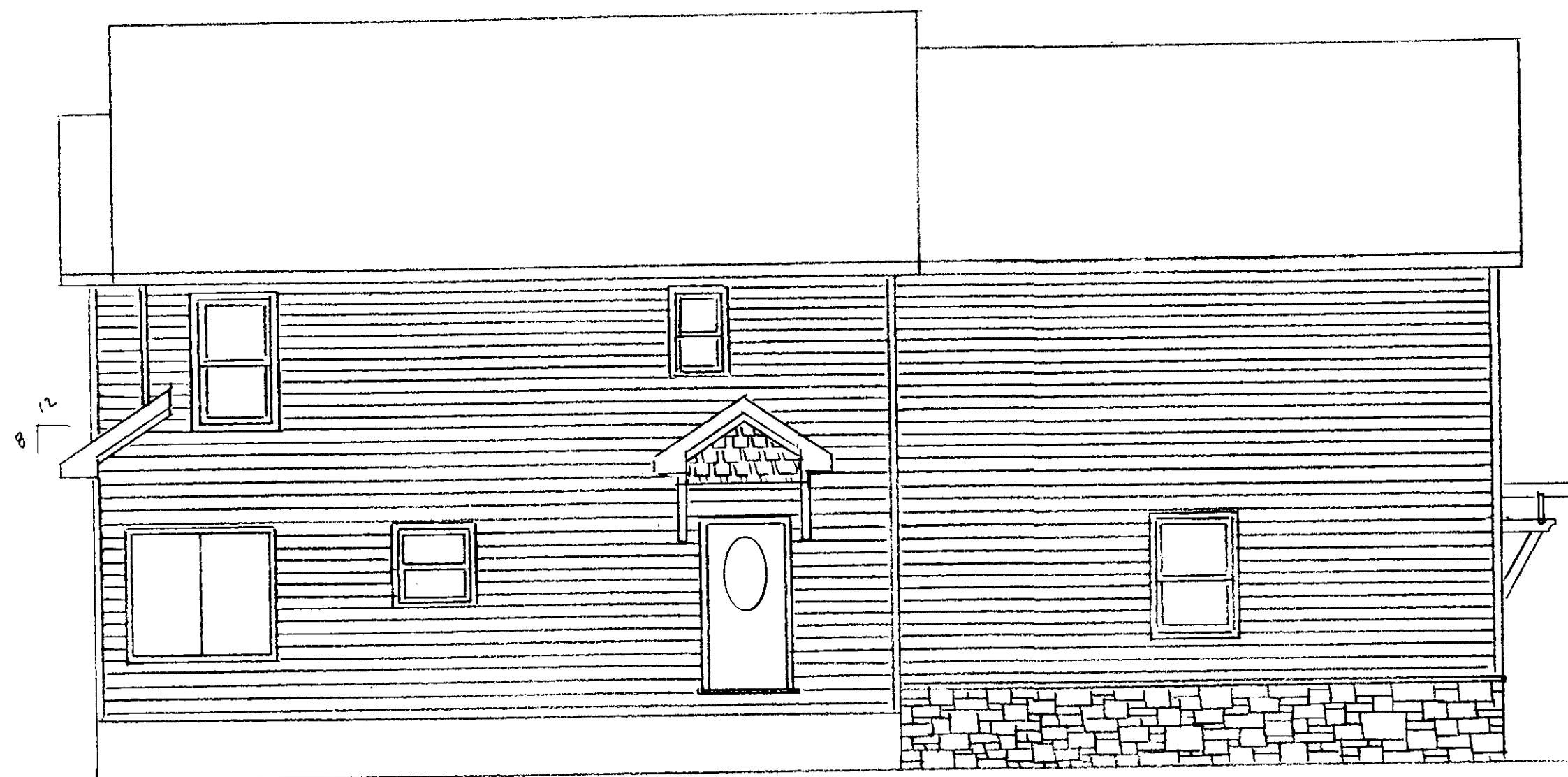


FRONT (STREET) ELEVATION
SCALE: 1/4" = 1'0"



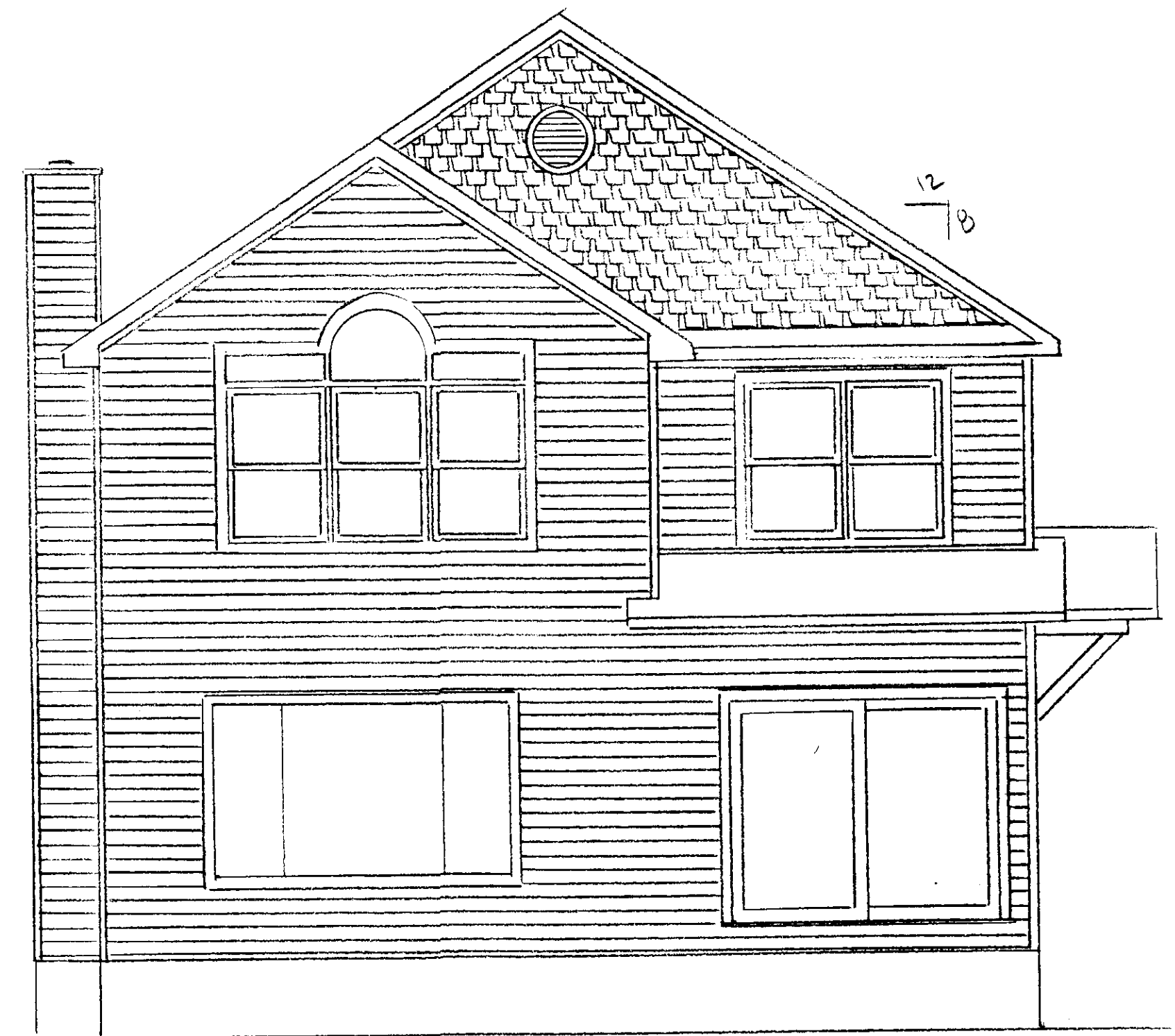
LEFT ELEVATION
SCALE: 3/16" = 1'0"

NOTE: EXISTING DECK NOT SHOWN

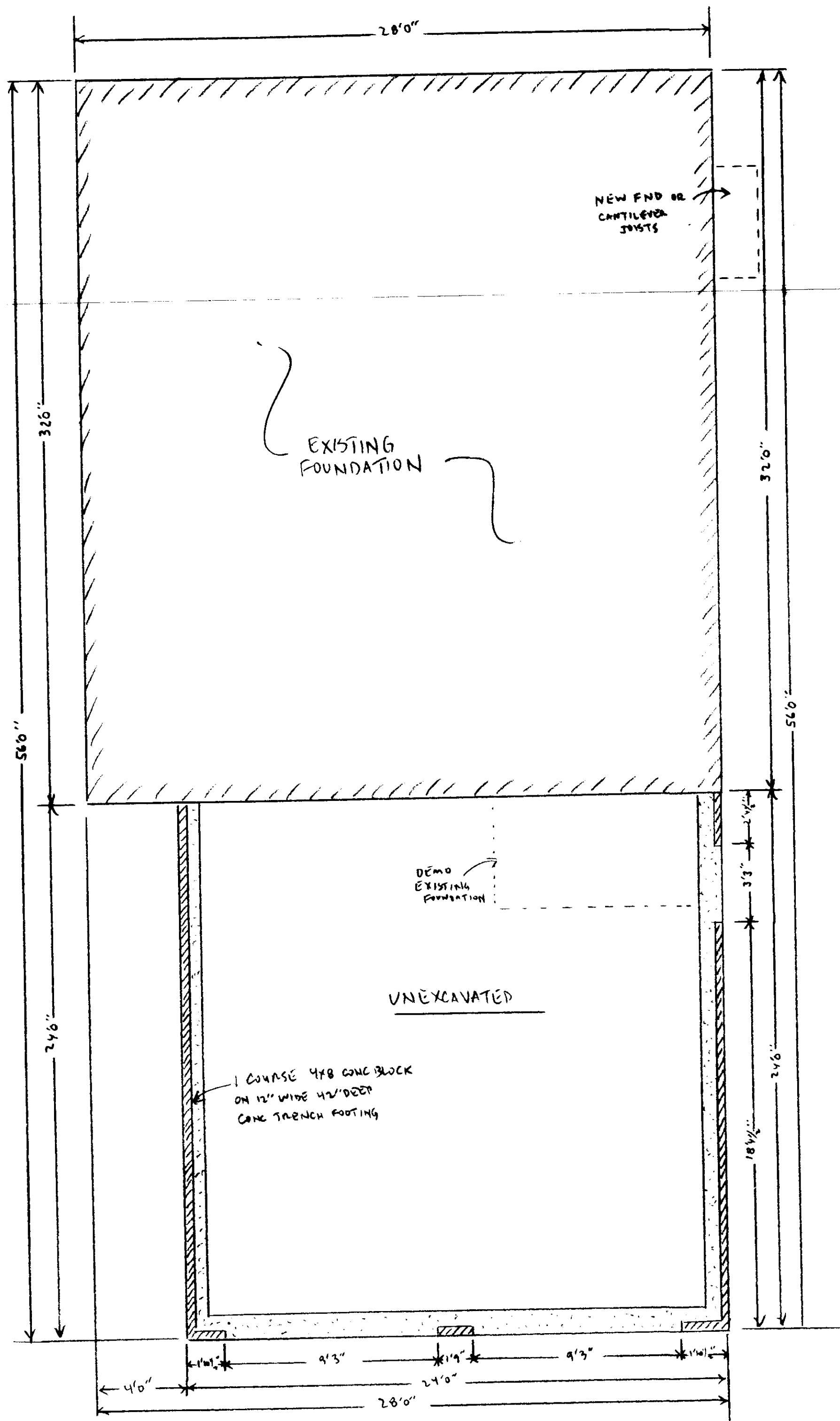


RIGHT ELEVATION
SCALE: 3/16" = 1'0"

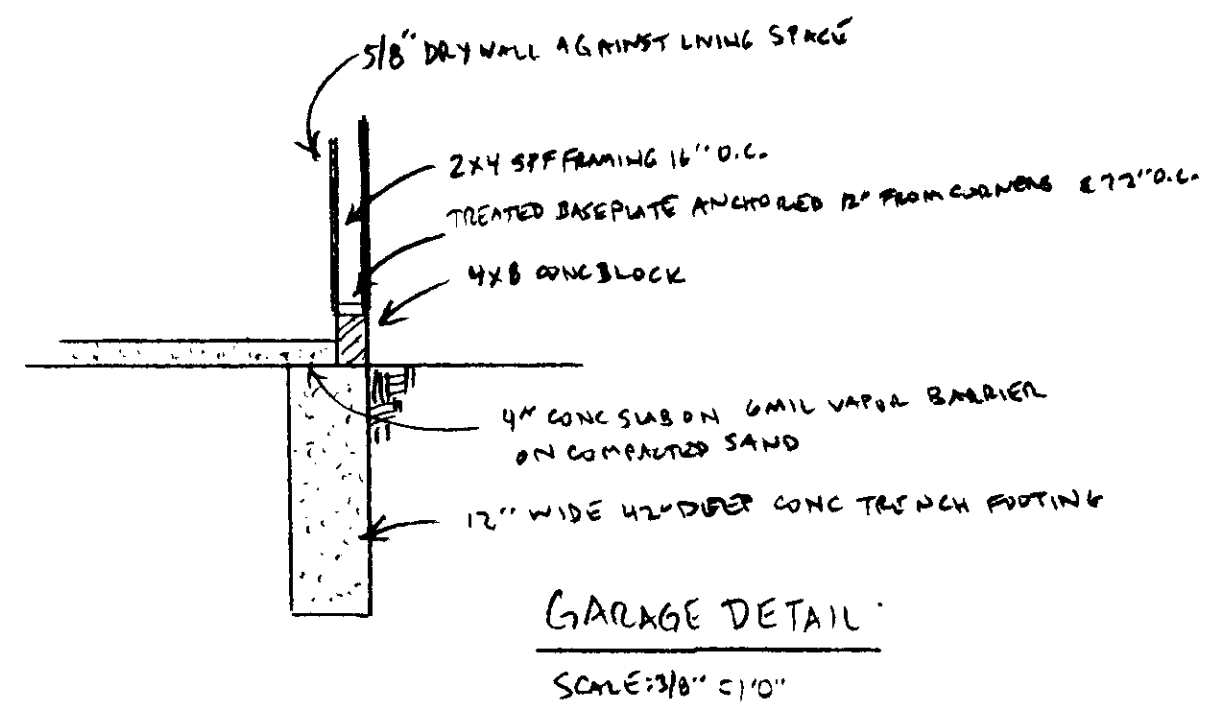
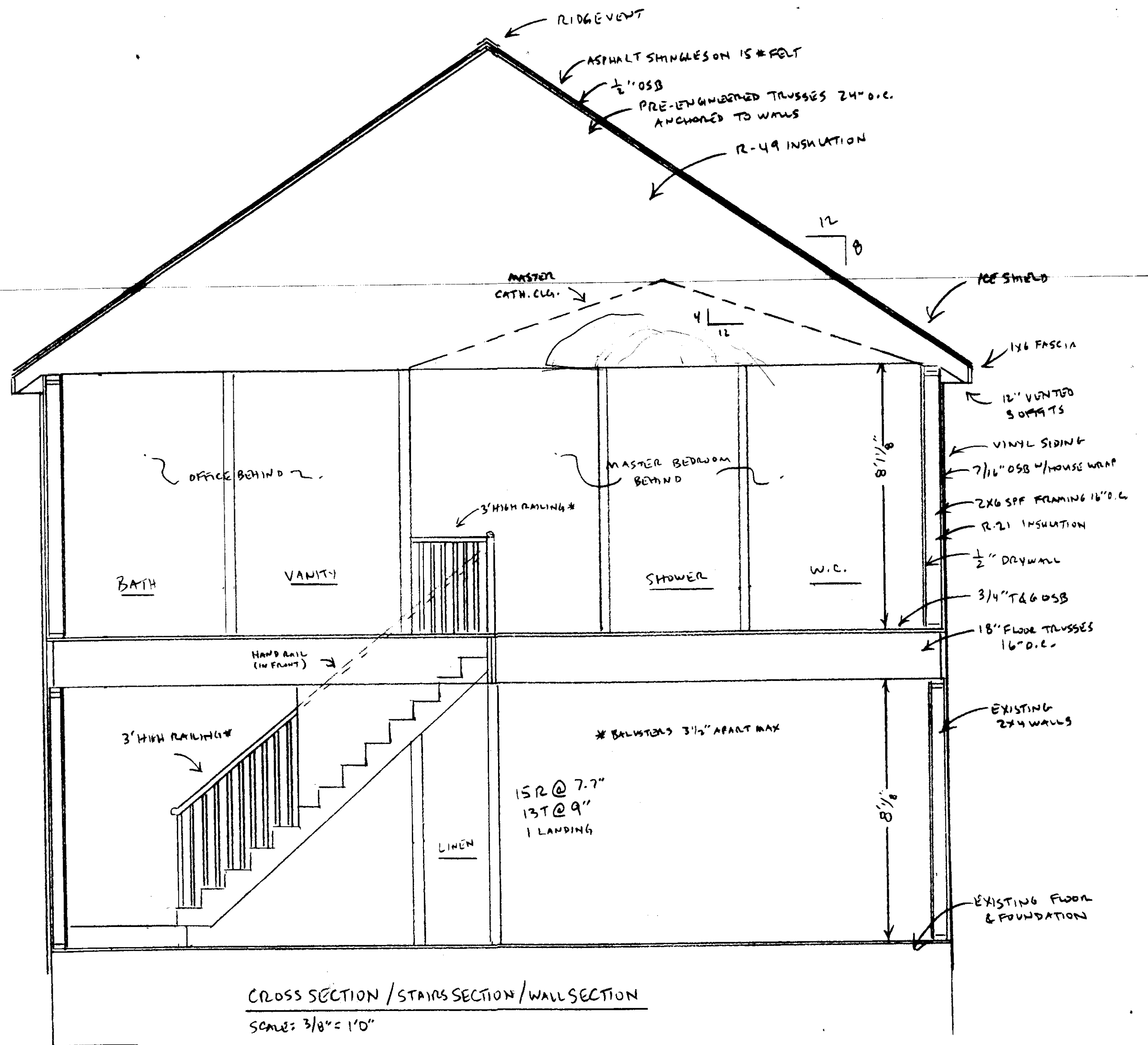
NOTE: EXISTING DECK NOT SHOWN

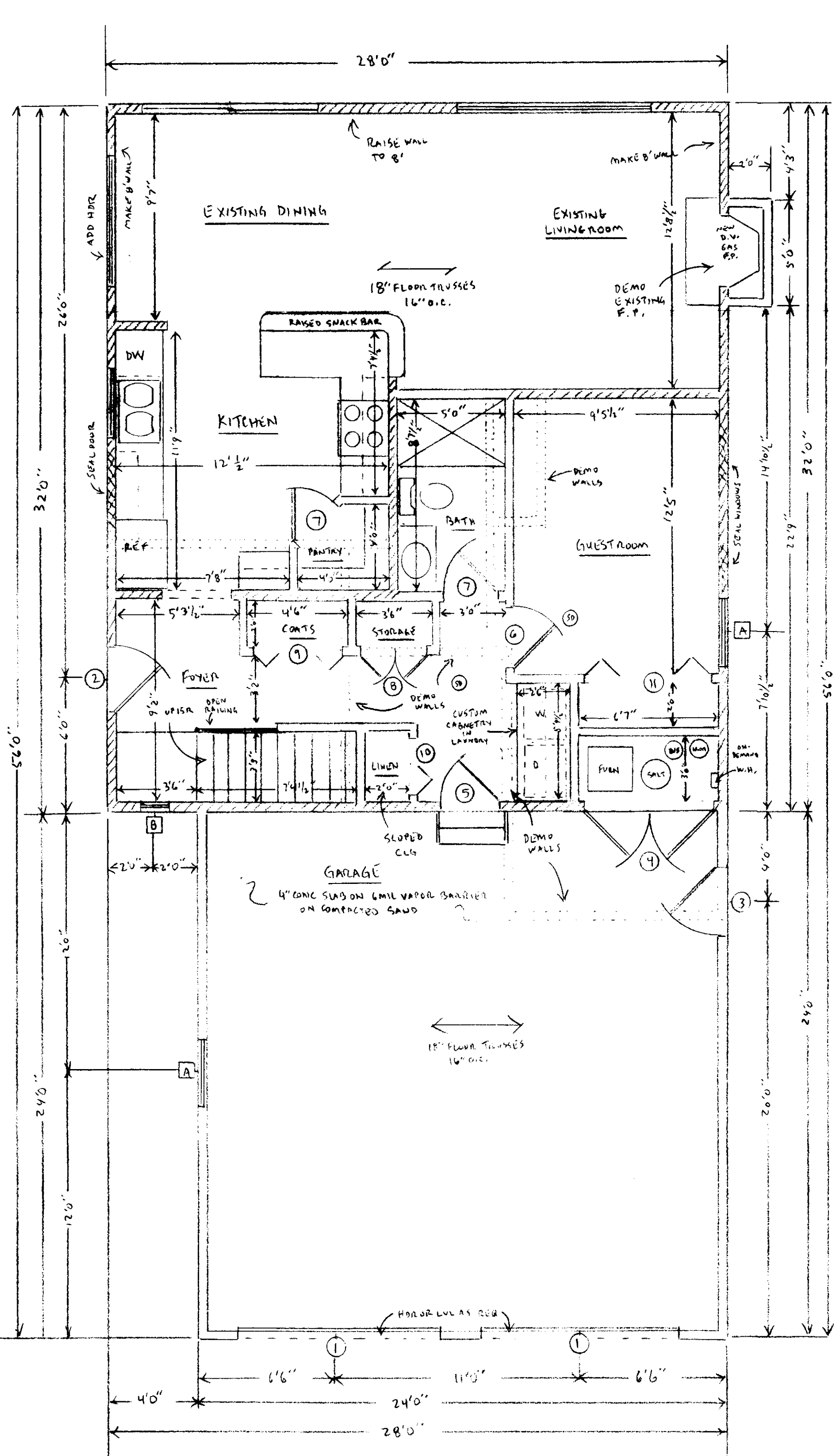


REAR (LAKE) ELEVATION
SCALE: 1/4" = 1'0"



FOUNDATION PLAN
SCALE: 1/4" = 1'0"





FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0" 896 P
 NOTE: ALL WALLS DRAWN 1/4" THICK
 NOTE: 2X12 HANG OVER EXT. DOORS & WINDOWS
 NOTE: SMOKE DETECTORS WIRED IN SERIES WITH BATTERY BACKUP
 NOTE: BLUM TO DETERMINE FURN. LOCATION

LEGEND
 [Hatched] = EXISTING WALL
 [Dashed] = SEALED WALL
 [Dotted] = DEMO WALL
 [Thin Line] = FALSE HOOR
 [Thick Line] = HORN WALL

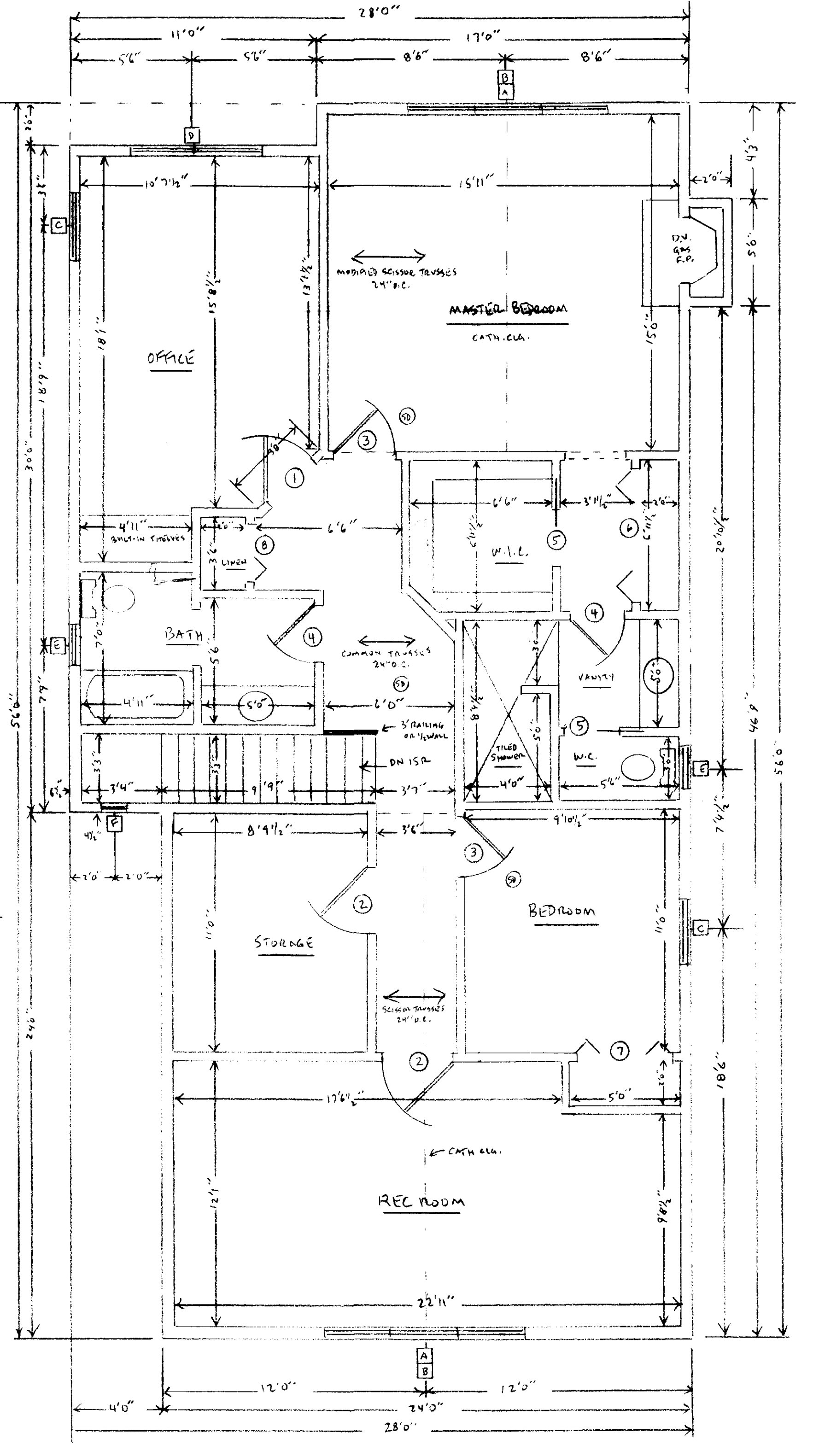
1ST FLOOR DOOR SCHEDULE

KEY	SIZE	QTY	DESC
1	9'8"	2	OVERHEAD GARAGE
2	3'6"	1	REMOVE EXISTING EXT.
3	3'6"	1	1/2 GLASS EXT.
4	6'6"	1	DOUBLE, FIRE-RATED
5	2'6"	1	FIRE-RATED
6	2'6"	1	INT. SWING
7	2'6"	2	INT. SWING
8	3'6"	1	DOUBLE INT.
9	4'0"	1	BIFOLD
10	2'6"	1	BIFOLD
11	6'6"	1	BIFOLD

1ST FLOOR WINDOW SCHEDULE

KEY	SIZE	QTY	DESC
A	3'4" x 8"	2	D.H.
B	1'3" x 3"	1	FIXED TEMPERED

NOTE: SIZES VARY BY MAN



SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0" 1450 P
 NOTE: EXT. WALLS DRAWN 6 1/4" THICK UNLESS NOTED
 INT. WALLS DRAWN 1/4" THICK
 NOTE: 2X12 HANG OVER WINDOWS
 NOTE: SMOKE DETECTORS WIRED IN SERIES WITH BATTERY BACKUP

2ND FLOOR DOOR SCHEDULE

KEY	SIZE	QTY	DESC
1	3'6"	1	FULL GLASS INT.
2	3'6"	2	INT. SWING
3	2'6"	2	INT. SWING
4	2'6"	2	INT. SWING
5	2'6"	2	POCKET
6	6'6"	1	BIFOLD
7	4'0"	1	BIFOLD
8	3'6"	1	BIFOLD

2ND FLOOR WINDOW SCHEDULE

KEY	SIZE	QTY	DESC
A	9'0" x 8"	2	(1) 3'4" D.H. MULLED
B	9'0" x 6"	2	3'10" / 3'2" ARCH / 3'1" MULLED
C	3'4" x 8"	2	D.H.
D	6'4" x 8"	1	(2) 3'4" D.H. MULLED
E	2'0" x 3"	2	D.H.
F	1'3" x 3"	1	FIXED TEMPERED

ZBA 15-14 Area Map



1 inch = 150 feet

* All Measurements are Approximate,
Parcel Boundaries are Approximate and May be Inaccurate.
This is not a survey.

Source: Livingston County GIS Department

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

06/10/2015 12:12 PM

Parcel:	4711-09-201-014	Current Class:	401.401 RESIDENTIAL-IMPROVED
Owner's Name:	LETKEMANN GARY & JANICE	Previous Class:	401.401 RESIDENTIAL-IMPROVED
Property Address:	1185 SUNRISE PARK HOWELL, MI 48843	Gov. Unit:	4711 GENOA CHARTER TOWNSHIP
		MAP #	V15-14
		School:	47070 HOWELL
		Neighborhood:	4302 4302 SUNRISE PARK LAKEFRONT

Liber/Page:	2013R-033844	Created:	//
Split:	//	Active:	Active

Public Impr.:	None
Topography:	REFUSE

Mailing Address:
LETKEMANN GARY & JANICE
1185 SUNRISE PARK
HOWELL MI 48843

Most Recent Sale Information

Sold on 08/23/2013 for 0 by LETKEMANN GARY.

Terms of Sale: INVALID SALE

Liber/Page: 2013R-033844

Most Recent Permit Information

None Found

Physical Property Characteristics

2016 S.E.V.:	Tentative	2016 Taxable:	Tentative	Lot Dimensions:	
2015 S.E.V.:	117,300	2015 Taxable:	110,642	Acres:	0.10
Zoning:	LRR	Land Value:	105,800	Frontage:	46.0
PRE:	100.000	Land Impr. Value:	0	Average Depth:	98.0

Improvement Data

of Residential Buildings: 1
Year Built: 1940
Occupancy: Single Family
Class: C
Style: C
Exterior: Wood Siding
% Good (Physical): 60
Heating System: Forced Air w/ Ducts
Electric - Amps Service: 0
of Bedrooms: 2
Full Baths: 1 Half Baths: 1
Floor Area: 979
Ground Area: 979
Garage Area: 0
Basement Area: 0
Basement Walls:
Estimated TCV: 126,808

Image



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
LETKEMANN GARY	LETKEMANN GARY & JANICE	0	08/23/2013	QC	INVALID SALE	2013R-033844	BUYER	0.0				
ALLISON KARRY & ALI	LETKEMANN GARY	225,000	07/26/2013	WD	ARMS-LENGTH	2013R-032288	BUYER	100.0				
ALLISON KARRY	ALLISON KARRY & ALI	0	07/20/2010	QC	INVALID SALE	2010R-021414	BUYER	0.0				
GRATZ DOUGLAS & CLIFFORD	ALLISON KARRY	137,500	07/20/2010	WD	ARMS-LENGTH	2010R-021413	BUYER	100.0				
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR		Building Permit(s)		Date	Number	Status		
1185 SUNRISE PARK		School: HOWELL										
		P.R.E. 100% 07/26/2013										
Owner's Name/Address		MAP #: V15-14										
LETKEMANN GARY & JANICE 1185 SUNRISE PARK HOWELL MI 48843		2016 Est TCV Tentative										
		X	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK							
		Public Improvements		* Factors *								
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		Gravel Road		'A' FRONTAGE	46.00	98.00	1.0000	1.0000	2300	100		105,800
		Paved Road		46 Actual Front Feet, 0.10 Total Acres				Total Est. Land Value =		105,800		
		Storm Sewer										
		Sidewalk										
		Water										
		Sewer										
		Electric										
		Gas										
		Curb										
		Street Lights										
		Standard Utilities										
		Underground Utils.										
Tax Description		Topography of Site										
SEC. 9 T2N, R5E, SUNRISE PARK LOT 12		Level										
Comments/Influences		Rolling										
		Low										
		High										
		Landscaped										
		Swamp										
		Wooded										
		Pond										
		Waterfront										
		Ravine										
		Wetland										
		Flood Plain										
		X	REFUSE	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2016	Tentative	Tentative	Tentative		Tentative		
		LM	10/04/2013	REVIEWED R	2015	52,900	64,400	117,300		110,642C		
					2014	52,900	58,300	111,200		111,200S		
					2013	32,200	48,500	80,700		80,700S		



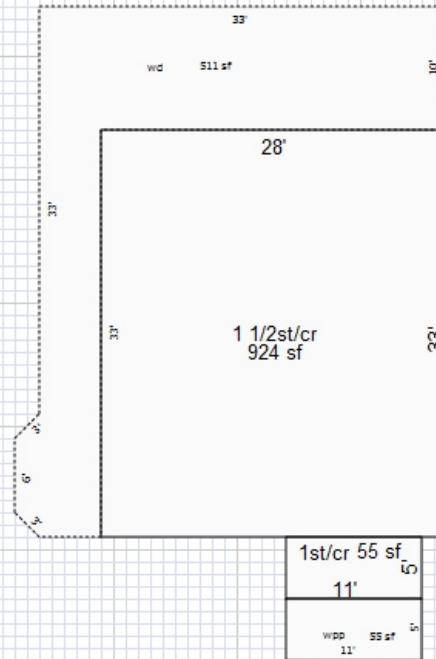
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan

*** 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 55 511	Type WPP Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:	
X	Wood Frame		Drywall Paneled		Plaster Wood T&G												
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: C Effec. Age: 40 Floor Area: 979 Total Base Cost: 80,913 Total Base New : 118,942 Total Depr Cost: 73,469 Estimated T.C.V: 126,808			CntyMult X 1.470 E.C.F. X 1.726			Bsmnt Garage: Carport Area: Roof:	
Yr Built 1940	Remodeled 2010	Size of Closets		No./Qual. of Fixtures			Stories Exterior			Foundation Rate			Bsmnt-Adj Heat-Adj			Size Cost	
Condition for Age: Good		Lg	X	Ord		Min	No. of Elec. Outlets			Other Additions/Adjustments			Rate			Size Cost	
Room List		Doors:		Solid	X	H.C.	(13) Plumbing			(15) Built-Ins & Fireplaces			Rate			Size Cost	
Basement 1st Floor 2nd Floor 2 Bedrooms		(5) Floors		Kitchen: Other: Other:			Average Fixture(s)			Fireplace: Exterior 2 Story			1600.00			1 1,600	
(1) Exterior		(6) Ceilings		Basement: 0 S.F. Crawl: 979 S.F. Slab: 0 S.F. Height to Joists: 0.0			1 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Well, 200 Feet			1162.00 4975.00			1 1,162 1 4,975	
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Phy/Ab.Phy/Func/Econ/Comb.%Good= 60/100/100/100/60.0, Separately Depreciated Items:			4650.00			2 9,300	
(2) Windows		(8) Basement		Recreation SF Living SF Walkout Doors No Floor SF			(14) Water/Sewer			(16) Porches			18.30			55 1,007	
Many Avg. Few	X	Large Avg. Small		(9) Basement Finish			(14) Water/Sewer			(16) Deck/Balcony			6.27			511 3,204	
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(10) Floor Support		Lump Sum Items:			ECF (4302 SUNRISE PARK LAKEFRONT)			County Multiplier = 1.47 => Phy/Ab.Phy/Func/Econ/Comb.%Good= 94/100/100/100/94.0, (16) Deck/Balcony Treated Wood,Standard County Multiplier = 1.47 => Phy/Ab.Phy/Func/Econ/Comb.%Good= 94/100/100/100/94.0, Total Depreciated Cost = 73,469 Total Depreciated Cost = 73,469 TCV of Bldg: 1 = 126,808			1726 => TCV of Bldg: 1 = 126,808			Cost New = 1,480 Depr.Cost = 1,391 Cost New = 4,710 Depr.Cost = 4,427 Total Depreciated Cost = 73,469 TCV of Bldg: 1 = 126,808	
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:			Phy/Ab.Phy/Func/Econ/Comb.%Good= 94/100/100/100/94.0, Total Depreciated Cost = 73,469 Total Depreciated Cost = 73,469 TCV of Bldg: 1 = 126,808			1726 => TCV of Bldg: 1 = 126,808			Chimney: Brick	

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

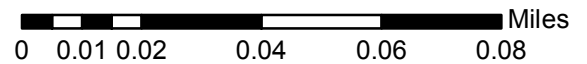
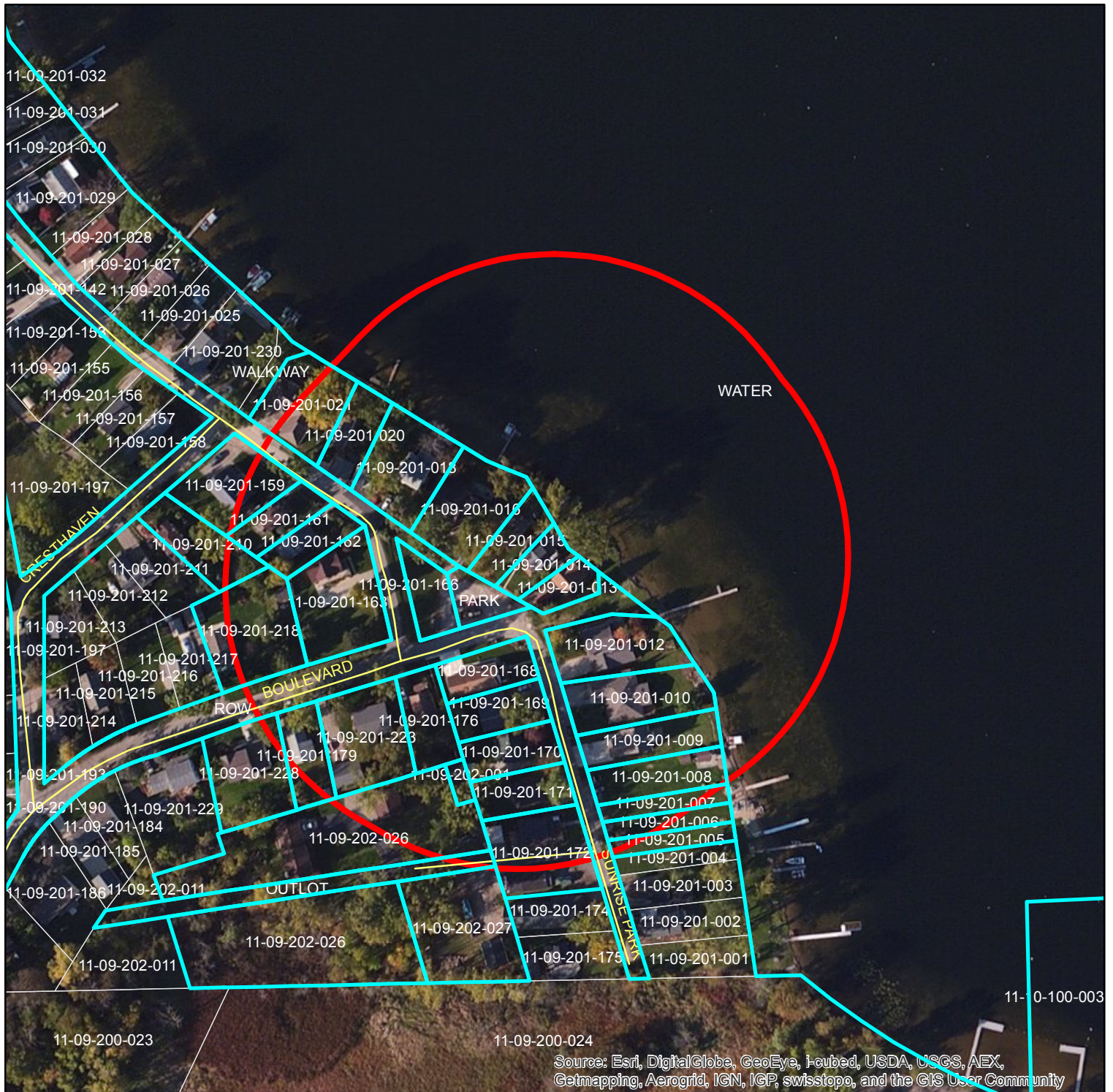
1 half bath
1 Full Bath
1 Fireplace
2 Bedrooms



Sketch by Apex Sketch

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

300 Foot Notice for Buffering



Variance Case #15-14

Applicant: Tim Chouinard

Parcel: 4711-09-201-014

Meeting Date: June 16, 2015



May 26, 2015

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
May 19, 2015, 6:30 P.M.
AGENDA

Call to Order: Chairperson Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. Present were Barbara Figurski, Marianne McCreary, Jerry Poissant, Jeff Dhanens and Jean Ledford. Also present was Township staff member, Ron Akers. There were 7 persons in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: **Moved** by Jean Ledford, seconded by Barbara Figurski to approve the agenda as submitted. **Motion carried.**

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

- 1. 15-06 ... A request by Neal D. Nielsen, 5227 Milroy, for a rear yard setback variance in order to construct an addition to cover an existing pool and attach it to the existing single family home.**

Neal Nielsen was present and addressed the Zoning Board of Appeals. His intent is to attach the existing structure to the home and increase the size of the structure. The request is made to accommodate the setback requirement. The trees act as a blind to surrounding property owners. He does not believe there have been any objections by neighbors.

Ms. Ledford addressed the sketch that was submitted with the application. The well is in the front yard. The septic is south of the existing structure where the land slopes, near the bottom. The petitioner indicated where the septic tanks/field lay. A reserve field does not exist because the home existed before reserve fields were required. Mr. Poissant asked if the setback would be 23 or 26 feet. The pool does sit 23 feet from the property line.

Ms. Ledford inquired whether the neighbors complain of water runoff. The petitioner indicated that there have been three generations of neighbors and the last few have not complained.

Mr. Poissant inquired whether the roof over the building would create a water indentation. Mr. Nielsen indicated if so, it would be miniscule given the water shed.

The petitioner is unsure whether he will eventually cover the breezeway. His intent is to fill in the pool and use the building as a storage facility/garage. Mr. Poissant inquired whether it matters that the use of the structure is being changed. Mr. Akers indicated the change of use would not matter. No use variances were previously granted.

Ms. Ledford indicated that practical difficulty would be if the rear set back had been granted; the septic field is south and across the back, it is rolling topography. Petitioner indicates the pool is concrete. The foundation is 4 or 5 foot deep concrete.

The parcel is slightly more than an acre.

A call to the public was made. No one wished to address the Board.

Mr. Dhaenens indicated he is struggling with the difficulty, but understands both sides.

Motion by Jean Ledford to approve 15-06. The practical difficulty would be that it's the same as the variance in 1988 for the construction of the swimming pool. The rear yard slopes substantially toward southern property line. Therefore, the topography is the issue and it is not self-created by the petitioner. Approval is conditioned upon:

1. The plan submitted shall not exceed maximum height requirements;
2. The building plans shall reflect the same design as the proposed conceptual drawings. The proposed addition has a height and pitched roof is consistent with structures in the areas and LDR district. It improves the public safety and welfare;
3. The setback shall be 23' rather than 26'.

Support by Mr. Poissant. **Motion passed.**

Yays: Poissant, Figurski, Ledford

Nays: McCreary, Dhaenens

2. 15-07 ... A request by Scott Gibaratz, 631 Sunrise Park, for a front yard setback variance to construct an addition over the existing home and garage.

Mr. Wilson, the contractor, addressed the Zoning Board of Appeals. This building will sit back a couple of feet from the garage. The hardship is that there is insufficient bedroom space for the family. The foot print is the same; existing walls are the same, they are just building straight up.

Ms. Ledford asked whether the foundation would support a second floor. A licensed architect has designed it.

Ms. McCreary asked how this would affect the overhead wiring. The petitioner indicated if it's a problem, it will be relocated.

A call to the public was made. No one wished to address the Zoning Board of Appeals

Motion by Mr. Poissant to approve case 15-07, request for a front yard setback variance. This is based on the following findings of fact:

1. Strict application of the front yard setback variance would prevent the applicant from constructing a second story addition;
2. The addition would not expand the footprint of the structure closer to the front property line than it already is;
3. There are several homes in the vicinity of this property which do not comply with the front yard setback requirements and are of a similar distance to the front property line;
4. The need for the variance is due to the short length of the lot, required shoreline setback and existing location of the home;
5. Granting of the requested 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;
6. There is room for sufficient off street parking on the property;
7. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Support by Jean Ledford. **Motion carried.**

3. 15-08 ... A request by Sonia Wallace, 3040 Brighton Road, for a variance to construct a detached accessory building in the front yard.

Sonia Wallace addressed the Zoning Board of Appeals. The petitioner would like to clear cut from where the yard is now to the location of the barn. This would be on the other side of the drive next to the petitioner. That private drive goes to the 5 acre parcel behind the petitioner.

The pipeline runs through the property and accommodations must be made for that. The pipeline is approximately 65 feet from the proposed structure. The septic field is in back of the existing home.

The petitioner will be planting more evergreens.

The petitioner needs a garage to accommodate his trucks and hobbies.

A call to the public was made. A neighbor, William Plahta, 3143 Brighton Road addressed the Zoning Board of Appeals. He believes the barn should be built in back since the parcel is five acres. In the wintertime when there are no leaves, the pole barn will be visible. He is also of the opinion that people will drop kittens off at any pole barn near the road. He believes it is not aesthetically pleasing.

Len Hobarger, 3128 Brighton Road addressed the Zoning Board of Appeals. He is opposed to the location and it is close to his property line. He shares the same reasoning as Mr. Plahta. There may also be a possible property value reduction.

The petitioner asked Mr. Hobarger what he could do to assist as far as screening. He advised there will be no noise coming from the barn. The topography of the property create difficulties in alternate locations.

The barn will be prefabricated and he is anticipating buying a kit that is light brown with dark brown trim.

Mr. Plahta inquired who owns the road. It is owned by the neighbor, as an easement from the original property and sold to the new owner. In essence, he seeks to find whether the parcel is truly over five acres. It is 5.06 acres.

Ms. McCreary finds there is a challenge due to topography and the easement, pipeline, and power lines. Mr. Dhaenens encouraged the petitioner to work with his neighbors.

Ms. Ledford believes if evergreens are planted around the building, it will not be visible to the neighbors.

The height of the structure will be 10' walls and 4-12 pitch roof. The structure will be 32' x 48'. The peak will be 15' 4" approximately. The building height would be 12'2" approximately.

Ms. Figurski asked if the petitioner would object to this matter being tabled and attempt to work out a relocation with the neighbors. The petitioner has no objection.

Motion by Ms. McCreary to table the variance request to the June 16, 2015 Zoning Board of Appeals meeting. Support by Ms. Ledford. **Motion carried.**

Administrative Business:

1. Approval of minutes for the April 21, 2015 Zoning Board of Appeals meeting.
2. Review of Rules of Procedure
3. Correspondence
4. Township Board Representative Report
5. Planning Commission Representative Report
6. Zoning Official Report
7. Member Discussion

8. Adjournment

1. Upon motion by Barbara Figurski and support by Mr. Poissant, the minutes of the 4/21/15 meeting were approved as corrected. **Motion carried.**
2. Mr. Akers discussed with the Zoning Board of Appeals that he had reviewed the rules of procedure. He asked for feedback on the questions he submitted in the packet. The Board feels that there should be an original scheduling of an application and two postponements. After that, the applicant must re-submit. With regard to notice, staff should follow the same procedure as has been followed in the past.
3. Mr. Akers included two emails in the packet. They discuss potential bills before the State Legislature.
4. Ms. Ledford updated the Zoning Board of Appeals as it relates to the actions of the Township Board.
5. Ms. Figurski updated the Zoning Board of Appeals as it relates to the actions of the Planning Commission.
6. Mr. Akers gave a report. He has been working on code enforcement issues. He is working on drafting a local support plan to be eligible for disaster relief assistance.
7. The Zoning Board of Appeals signs should be larger or more prominently displayed. Mr. Akers will instruct them in the future to display them at the end of the driveway. He will order larger signs next time.

Motion by Barbara Figurski to adjourn at 8:35 p.m. Support by Jean Ledford.
Motion carried.



MEMORANDUM

TO: Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: 6/10/15

RE: Rules of Procedure Review

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

In response to the direction provided by the Zoning Board of Appeals at the last meeting I have prepared an amendment to the Rules of Procedure to address the number of times a decision on an application can be postponed. The change is in Article 4 where section 11 has been added to address this. The changes are in ***Bold/Italic***. I look forward to the board's discussion on this matter.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS RULES OF PROCEDURE**

Effective January 14, 2014

Amended TBD

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the Genoa Charter Township Zoning Board of Appeals (hereinafter referred to as the “ZBA”), to facilitate the duties of the ZBA as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.) and the Genoa Charter Township Zoning Ordinance.

ARTICLE 2: MEMBERSHIP

Section 1. The ZBA shall consist of five (5) members as follows:

- A. Planning Commission Member.** The first member shall be a member of the Township Planning Commission.
- B. Other Members.** The remaining members shall be selected and appointed by the Township Board from among electors residing in the unincorporated area of the Township.
- C. Township Trustee.** Only one member may be from the Township Board and their membership term shall be limited to the time they are a member of the Township Board.
- D. Alternates.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA.
- E. Terms.** Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those respective boards. Any vacancies shall be filled within one (1) month after the vacancy occurs. Vacancies for unexpired terms shall be filled by the Township Board for the remainder of the unexpired term.
- F. Removal.** Members of the ZBA shall be removable by the Township Board for misfeasance, malfeasance or nonfeasance, upon filing of written charges and after a public hearing before the Township Board.
- G. Resignation.** A member may resign from the ZBA by sending a letter of resignation to the Township Supervisor or the Township Board.

Section 2. Members of the ZBA shall be subject to the following membership requirements.

- A. Attendance.** If any member of the ZBA is absent from three (3) consecutive meetings then that member shall be considered delinquent. Delinquency can be grounds for the

Township Board to remove a member of the ZBA for nonperformance of duty or misconduct after holding a public hearing on the matter.

- B. Training.** Members of the ZBA should participate in training opportunities when they are available. Participating in training is not mandatory for membership, but it is strongly encouraged.
- C. Staff Support.** Township staff will have the ability to participate in discussion with the ZBA and nothing else. Township staff cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements in these rules of procedure. Township staff includes employees, agents and consultants of Genoa Charter Township. Other individuals may be allowed to participate in discussion at the discretion of the chairperson.

ARTICLE 3: OFFICERS

Section 1. The Officers of the ZBA shall be a chairperson and a vice-chairperson. The Township Board representative shall not serve as an officer.

- A. Duties of the Chairperson.** The chairperson shall preside at all meetings and hearings of the ZBA, shall have the duties normally conferred by parliamentary usage on such officers and shall serve as the liaison between the ZBA and Township Staff.
- B. Duties of the Vice-Chairperson.** The vice-chairperson shall preside and exercise all of the duties of the chairperson in his/her absence. Should neither the chairperson nor the vice-chairperson be present at a meeting, a temporary chairperson shall be elected by a majority vote of the members present.

Section 2. The duties of the Planning Commission representative and Township Board representative shall be as follows:

- A. Duties of the Township Board Representative.** The Township Board representative shall report the actions of the ZBA to the Township Board and shall update the ZBA on the actions of the Township Board.
- B. Duties of the Planning Commission Representative.** The Planning Commission representative shall report the actions of the ZBA to the Planning Commission and shall update the ZBA on the actions of the Planning Commission.

Section 3. The election of officers shall be carried out in the following manner.

- A. Elections.** At the first meeting of the calendar year, the ZBA shall select from its membership a chairperson and a vice-chairperson who shall serve for a twelve-month period and who shall be eligible for re-election. A candidate receiving a majority vote of the membership present shall be declared elected. Newly elected officers will assume their office at the next meeting.

B. Vacancies. Vacancies in office shall be filled by regular election procedure and shall only serve the remainder of the term.

ARTICLE 4: ADMINISTRATIVE DUTIES

Section 1. Duties of Township Staff. Township Staff is responsible for the execution of documents in the name of the ZBA and shall perform the duties hereinafter listed below, and other such duties as the ZBA may determine.

- A. Minutes.** ZBA minutes shall be prepared by Township Staff. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance.
- B. Correspondence.** Township Staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the ZBA.
- C. Attendance.** Township Staff shall be responsible for maintaining an attendance record for each member of the ZBA.
- D. Notices/Agenda.** Township Staff shall issue such notices and prepare the agendas for all meetings.

ARTICLE 5: MEETINGS

Section 1. Regular Meetings. Regular meetings of the ZBA shall be held the third Tuesday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting falls on or near a legal holiday, suitable alternate dates in the same month shall be selected in accordance with the Open Meetings Act.

Section 2. Meeting Notices. All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 3. Special Meetings. A special meeting may be called by three members of the ZBA upon written request to the chairperson or by the chairperson himself/herself. The business which the ZBA may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and Township Staff shall send notice of a special meeting to ZBA members.

Section 4. Open Meetings. All meetings of the ZBA shall be opened to the public and held in a place available to the general public. A person shall be permitted to address the ZBA during call to the public. A person shall not be excluded from a meeting of the ZBA except for breach of the peace, committed at the meeting.

Section 5. Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the ZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6. Quorum. In order for the ZBA to conduct business or take any official action, a quorum consisting of the majority of the voting members of the ZBA shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the ZBA may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting.

Section 7. Voting. Any decision made by the ZBA shall require a majority vote of the membership of the Zoning ZBA with the exception of a use variance, which will require a 2/3 vote of the membership. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any ZBA member or directed by the chairperson. All ZBA members shall vote on every motion placed on the floor unless there is an impermissible conflict of interest, as established in ARTICLE 6 or is otherwise prohibited.

Any member of the ZBA shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:

- A. When the appeal is of an administrative or other decision by the Planning Commission, and the member of the ZBA sits both on the Planning Commission and ZBA.
- B. When the appeal is of an administrative or other decision by the Township Board, and the member of the ZBA sits both on the Township Board and ZBA.
- C. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Township Board, other committee, and the member of the ZBA sits both on that committee and the ZBA.

Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

Section 8. Agenda. A written agenda for all regular meetings shall be prepared as follows:

The required agenda items for all regular meetings shall be:

- A. Call to order
- B. Pledge of Allegiance
- C. Introduction
- D. Approval of Agenda
- E. Call to the Public
- F. Administrative Business
- G. Adjournment

Section 9. Rules of Order. All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order”.

Section 10. Public Hearings. Hearings shall be scheduled and due notice given in accordance with the Genoa Township Zoning Ordinance and the Michigan Zoning Enabling Act. Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- A. Prior to holding a public hearing for any variance request, interpretation or appeal of administrative decision, the chairperson shall explain to the public the criteria in the zoning ordinance for how that decision is made.
- B. Announce Subject. The chairperson announces each agenda item and describes the subject to be considered.
- C. Open Public Hearing. The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- D. Close Public Hearing. The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- E. Deliberation. Any action of the ZBA must be supported by reasonable findings and conclusions, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing so long as the public hearing was opened and closed and proper notice as specified in the zoning ordinance and Zoning Enabling Act was given.
- F. Action. After deliberation, the ZBA may take any of the following actions:
 - 1. In the event of a variance request, the ZBA may table the request, approve the request, deny the request or approve the request with conditions.
 - 2. In the event of an administrative appeal, the ZBA may decide in favor of the Zoning Administrator or may reverse any order, requirements, decision, or determination of the Zoning Administrator.
 - 3. In the event of a request to make an interpretation of the zoning ordinance, the ZBA may take action explaining the interpretation.

Section 11. Postponement of a Decision on a Variance Request. The ZBA may postpone a decision on a variance request until the next regular meeting provided that the date and time of the meeting is provided in the motion. The ZBA shall not authorize more than two (2) requests to postpone a variance decision. If additional time is needed by the applicant that would require a decision to be postponed more than twice, the ZBA may, after written request from the applicant, remove the item from the agenda and allow the applicant to reapply at a later date. If the applicant reapplies then the variance request shall be treated as a new request with a new case number and a new public hearing notice as required by the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.).

ARTICLE 6: CONFLICT OF INTEREST

Section 1. Declaration of Conflict. No ZBA member shall participate in any matter where they have an impermissible conflict of interest. ZBA members shall declare a conflict of interest when any one (1) or more of the following occur:

- A.** A relative or other family member of a ZBA member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- B.** The ZBA member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- C.** The ZBA member or a relative or other family member of a ZBA member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the request, as required by the Zoning Ordinance and Michigan Zoning Enabling Act.
- D.** There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

Section 2. Requirements. Prior to discussion on a request, the ZBA member shall do all of the following to declare a conflict:

- A.** Announce a conflict of interest and state its general nature.
- B.** Abstain from any discussion or votes relative to the matter which is the subject of an impermissible conflict.
- C.** Absent himself/herself from the room in which the discussion and voting take place.

ARTICLE 7: POWERS OF THE ZBA

Section 1. The ZBA shall have the following powers/duties as granted by the Michigan Zoning Enabling Act and the Genoa Township Zoning Ordinance:

- A. Appeal of Administrative Decisions.** To hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Planning Commission or any administrative official charged with administration or enforcement of the zoning ordinance.
- B. Variances (Dimensional and Use).** To authorize, upon a variance from the strict application of the provisions of the zoning ordinance, where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the zoning ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted

would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance.

- C. Interpretation.** Upon request of the Planning Commission or any administrative or enforcement officer charged with administration or enforcement of the zoning ordinance, the ZBA may interpret and clarify the meaning of zoning ordinance text. The ZBA may also be requested to interpret boundaries of zoning districts where the zoning district classification cannot be clearly discerned on the Official Zoning Map.

ARTICLE 8: OTHER DUTIES

Section 1. Duties. The following are duties which are expected of the individual members of the ZBA.

- A. Ex Parte Contact.** Members shall avoid Ex Parte contact with the Zoning Administrator in cases where an administrative decision is before the ZBA, whenever possible. Sometimes it is not possible to avoid Ex Parte contact. When this occurs the member should take detailed notes about what was discussed and make every member or other interested parties aware of what was said.
- B. Site Inspections.** Members may perform site inspections, however, no more than two (2) members may perform site inspections at the same time. Members should avoid discussing the merits of the request with the applicant, family member of the applicant or agent of the applicant.
- C. Accepting Gifts.** Gifts shall not be accepted by a member of the ZBA or liaisons from anyone connected with an agenda item before the ZBA. As used here, gifts shall mean cash, any tangible item or service, regardless of value and food valued over \$10.
- D. Spokesperson for the ZBA.** The ZBA may appoint a spokesperson for the ZBA for all matters which occur outside of the meetings.

ARTICLE 9: AMENDMENTS

These rules may be amended by the ZBA by a concurring vote during any meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Tuesday, June 02, 2015 12:11 PM
To: Schindler, Kurt
Subject: RTFA, Pigeons, Contracts & political contributions, Summary of Court cases

Dear everyone:

There are four items in this (June 2, 2015) email:

1. Court: Compliance with GAAMPs required for RTFA protection for a new farm in an area
2. Legislation: Two bills requiring approval/allowing keeping of pigeons.
3. Legislation: Local government contracts by vendors that made political contributions in the previous 12-month prohibited
4. Court: Annual summary of court cases reported in this listserve.

Follow this link for news articles on various land use/planning topics, with new postings every week:

<http://msue.anr.msu.edu/topic/info/planning>.

Any type of criticism would aggregate the builder including constructive criticism.

-----kurt

=====

1. Case: *Township of Williamstown v. Hudson*

Court: Michigan Court of Appeals (Unpublished No. 321306, May 19, 2015)

Holding that the Right to Farm Act (RTFA) (MCL 286.471 *et seq.*) did not protect the defendant's Hudson family farm from the plaintiff-Township's zoning ordinances in light of the trial court's determination that the farm was not in compliance with the Manure Management and Utilization Manual (Manure Manual), the court affirmed the trial court's ruling that the farm was a nuisance *per se* and enjoining defendant's farming operations.

In 2012 the defendants started the farm, with a variety of farm animals, in a zoning district where it was not disputed the zoning ordinance does not permit such animals. Defendant claimed they had RTFA protection because the farm was (1) a farm operation, (2) producing farm products, (3) which was commercial, and (4) followed generally accepted agricultural and management practices (GAAMPs). The township countered contending GAAMPs were not being followed.

The RTFA's protections constitute an affirmative defense. Thus "the party asserting RTFA protection bears the burden of proving" that:

- (1) "the challenged condition or activity constitutes a 'farm' or 'farm operation'" and
- (2) "the farm or farm operation conforms to the applicable GAAMPs."

Only the second element was at issue. The trial court held three GAAMPs applied to this farm, but lack of compliance existed with one of the GAAMPs concerning Manure Manual. As to the farm's manure practices, the investigation by an The Michigan Department of Agriculture and Rural Development (MDARD) Environmental Manager (W) "clearly outlined problems concerning direct discharge from a surface grate, as well as issues concerning a bare soil area, manure runoff, and necessary soil testing." Despite defendant's submission of two Manure Management System Plans (MMSPs), W indicated on August 23, 2013 that "the farm was still not compliant with the Manure Manual. Even worse, as of that date, MDARD still had not received any documentation" from defendant as to "the potential pollution on his property."

He did not contest the Manure Manual’s applicability on appeal. Rather, he claimed the farm complied with it, citing his “wife’s testimony that the farm complied with all applicable GAAMPs and that the necessary corrective action occurred after” W’s most recent letter. However, because the substance of the trial court’s ruling fell under MCR 2.504(B)(2), it was empowered “to make its own factual findings and credibility determinations, which it did.” It found the wife’s testimony “incredible based upon her contradictory statements regarding the number of animals on the farm and her understanding about how the property was zoned” when the family moved onto their land. It was on these grounds that the trial court apparently discounted her conclusion that their remedial measures (conducted after W’s last letter) “satisfied the Manure Manual’s requirements.”

Finding that her testimony was “convoluted at best on these points,” the court concluded that it was “in no position to disturb the trial court’s decision to discount her testimony.” (Source: State Bar of Michigan *e-Journal* Number:60000, June 2, 2015.)

Full Text Opinion: <http://www.michbar.org/file/opinions/appeals/2015/051915/60000.pdf>

Updated summary of all Right to Farm Act court cases:

<http://lu.msue.msu.edu/pamphlet/ZAgr/SelectedPlan&ZoneCourt%20RTFA%201964-2006.pdf>

=====

2. HB 4633 of 2015 and SB 0350 of 2015: Two bills which are very similar. They require issuance of carrier pigeon permits; require compliance with local ordinances and regulations and prohibit the enactment of local ordinances that prohibit the keeping of carrier pigeons. Amends sec. 2 of 1974 PA 57, the Pigeon Act, (MCL 433.352).

HB 4633 was referred to the House Committee on Local Government.

SB 0350 was referred to the Senate Committee on Local Government.

Copy of HB 4633 as introduced: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-4633.pdf>

Copy of SB 0350 as introduced: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/Senate/pdf/2015-SIB-0350.pdf>

=====

3. HB 4646 of 2015: A bill proposed to prohibit awarding of contracts by local governments to vendors that made political contributions in the previous 12-month period. Creates new act. The bill was referred to the House committee on Government Operations

Copy of introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-4646.pdf>

=====

4. Annual summary of court cases reported in this list serve.

Every year a summary of the court cases and attorney general opinions covered in this listserve are brought together in an annual summary. This year’s annual summary is now on line for download.

Copy of the May 2014-April 2015 summary: <http://lu.msue.msu.edu/pamphlet/Blaw/SelectedPlan&ZoneDecisions2014-15.pdf>

Copies of previous years: <http://lu.msue.msu.edu/pamphlets.htm#court>

=====

To search for and find land use (planning and zoning) training: Visit this [link](#), or build your own search parameters by bookmarking/favorites: <http://msue.anr.msu.edu/events> or an advanced search system at: http://msue.anr.msu.edu/events/advanced_search and then do anyone or combination of the following:

Under *Topic Areas* expand “community” and check “planning for all planning and zoning related training.

Under *Programs* check “Michigan Citizen Planner” to find the 7 core classes offered.

Under *Certifications Available* check “Master Citizen Planner” for master citizen planner credit offerings.

Under *Counties* select those counties you would be willing to travel to, for the class.

For topical news articles on community development (civic engagement, conflict resolution, facilitation, economic development, government, fiscal management, visit: <http://msue.anr.msu.edu/topic/info/community>.

To find an MSU Extension Educator with land use expertise visit:
http://msue.anr.msu.edu/program/info/land_use_education_services (scroll to the bottom of the page).

Schindler's Land Use Page: www.msue.msu.edu/lu

Reminder: Because this service sometimes include topics that set off spam filters (both in your email software, and in your email provider's server) **you will need to include this email list serve in your "trusted" or "white" list so it is not treated as spam or otherwise. Do this both with (1) your email software and (2) your email provider's system.. If one or two mail-demons come back indicating an email could not be delivered to you, then you are automatically removed from this listserve.** It is your responsibility to keep me (schindl9@anr.msu.edu) informed if your email address changes. When sending me a new email address, also tell me what your old email address is. If you wish to be removed from this list, please tell me the email address to be deleted.

MSU is an affirmative-action, equal-opportunity employer, committed to achieving excellence through a diverse workforce and inclusive culture that encourages all people to reach their full potential. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Issued in furtherance of MSU Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Maggie Bethel, Interim Director, MSU Extension, East Lansing, MI 48824. This information is for educational purposes only. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

Kurt H. Schindler, AICP
Michigan State University Extension
Senior Educator, Land Use
[SCHINDL9@anr.msu.edu](mailto:Schindl9@anr.msu.edu)
231 882 0026
Web: lu.msue.msu.edu
Overland:
448 Court Place
Beulah, Michigan 49617-9518
Land use services: http://msue.anr.msu.edu/programs/land_use_education_services

MSU is an affirmative-action, equal-opportunity employer. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Thursday, June 04, 2015 9:47 AM
To: Schindler, Kurt
Subject: SchoolsSubjectToZoning, InjectionWellsKarstGeology, EliminateCompleteStreetsCouncil

Dear everyone:

There are three items in this (June 4, 2015) email:

1. Legislation: Make schools subject to local zoning, sort of.
2. Legislation: Prohibit oil and gas waste injection wells in Karst geology areas of Michigan
3. Legislation: Eliminate the MDOT complete streets advisory council

Follow this link for news articles on various land use/planning topics, with new postings every week:
<http://msue.anr.msu.edu/topic/info/planning>.

Two friends on the local planning commission took ropes to their local school so that they could skip out.

-----kurt

=====

1. HB 4659 of 2015: A bill to require schools to submit site plans and comply with local zoning requirements. The proposed act would read:

“The superintendent of public instruction and the local zoning authority have concurrent jurisdiction over site plans for those school buildings. The local zoning authority shall exercise its jurisdiction over site plans in the manner provided under subsection (4).”

Proposed amendments to subsection (4) would require obtaining zoning and site plan approval. The local zoning authority would have 60 days for written approval or written list of requirements to conform with zoning. (Note there is not an option to deny.) Failure to act within the 60 days means zoning approval is given. This zoning approval requirement does not apply to placing temporary structures, etc. (use for less than two years), for unexpected enrollment increases.

The bill would amends section 1263 of the Revised School Code, 1976 PA 451 (MCL 380.1263). The bill is in the House Committee on Transportation and Infrastructure.

Copy of the introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-4659.pdf>

=====

2. HB 4679 of 2015: A bill to prohibit locating siting of injection wells (for waste products from oil and gas exploration) in areas of Karst geology. Karst geology in Michigan is generally found in large parts of Wayne and Monroe Counties and a bit of Washtenaw and Lenawee Counties; the shore area of the tip of the lower peninsula (Benzie north to Charlevoix and the Manitou and Beaver Islands archipelagos) and large parts of Emmet, Cheboygan, Presque Isle and Alpena Counties; and the southern part of the eastern Upper Peninsula from the Garden Peninsula to Drummond Island (a bit of Delta and Chippewa Counties, large parts of Schoolcraft and Mackinac Counties and islands). (See http://pubs.usgs.gov/ha/ha730/ch_j/jpeg/J079.jpeg.) The proposed act would amend the Regulation of Oil and Gas part of the Natural Resources and Environmental Protection Act, 1994 PA 451 (MCL 324.101 - 324.90106) by adding sec. 61505b. The bill is in the House Committee on Energy Policy.

Copy of the introduced bill: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-4679.pdf>

=====
3. House Bill 4458 (2015): A bill to eliminate the complete streets advisory council within the Department of Transportation. Amends section 10p of 1951 PA 51 (MCL 247.660p). The bill has passed the House and is now in the Senate Committee on Transportation.

Copy of bill as passed by the House: <http://www.legislature.mi.gov/documents/2015-2016/billengrossed/House/pdf/2015-HEBH-4458.pdf>

House fiscal Analysis: <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4458-97DB5C26.pdf>

=====

To search for and find land use (planning and zoning) training: Visit this [link](#), or build your own search parameters by bookmarking/favorites: <http://msue.anr.msu.edu/events> or an advanced search system at: http://msue.anr.msu.edu/events/advanced_search and then do anyone or combination of the following:

Under *Topic Areas* expand “community” and check “planning for all planning and zoning related training.

Under *Programs* check “Michigan Citizen Planner” to find the 7 core classes offered.

Under *Certifications Available* check “Master Citizen Planner” for master citizen planner credit offerings.

Under *Counties* select those counties you would be willing to travel to, for the class.

For topical news articles on community development (civic engagement, conflict resolution, facilitation, economic development, government, fiscal management, visit: <http://msue.anr.msu.edu/topic/info/community>.

To find an MSU Extension Educator with land use expertize visit:

http://msue.anr.msu.edu/program/info/land_use_education_services (scroll to the bottom of the page).

Schindler’s Land Use Page: www.msue.msu.edu/lu

Reminder: Because this service sometimes include topics that set off spam filters (both in your email software, and in your email provider’s server) **you will need to include this email list serve in your "trusted" or "white" list so it is not treated as spam or otherwise. Do this both with (1) your email software and (2) your email provider’s system.** If one or two mail-demons come back indicating an email could not be delivered to you, then you are automatically removed from this listserve. It is your responsibility to keep me (schindL9@anr.msu.edu) informed if your email address changes. When sending me a new email address, also tell me what your old email address is. If you wish to be removed from this list, please tell me the email address to be deleted.

MSU is an affirmative-action, equal-opportunity employer, committed to achieving excellence through a diverse workforce and inclusive culture that encourages all people to reach their full potential. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Issued in furtherance of MSU Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Maggie Bethel, Interim Director, MSU Extension, East Lansing, MI 48824. This information is for educational purposes only. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

Kurt H. Schindler, AICP, Land Use Educator

Michigan State University Extension

Bringing Knowledge to Life

overland: MSU Extension, Benzie County
448 Court Place
Beulah, Michigan 49617
telephone: 231 882-0026

facsimile: 231 882-9605
e-mail: SCHINDL9@anr.msu.edu
Skype: kurt.h.schindler.aicp

Schindler's Land Use Page: www.msue.msu.edu/lu

Facebook page on Land Use:

<http://www.facebook.com/pages/Cadillac-MI/MSU-Extension-Schindlers-Land-Use-Networking-Page/462862190006>

MSUE Land Use <http://tinyurl.com/msuelanduse>

MSU Extension: <http://www.msue.msu.edu/>

eXtension (national web page): <http://www.extension.org/community%20planning%20and%20zoning>

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Friday, June 12, 2015 11:47 AM
To: Schindler, Kurt
Subject: Format for Schindler's ListServe

Dear everyone:

There are three items in this (June 12, 2015) email:

1. Court: State can do performance audit of building department, not entire city; court can rule on building permit fees
2. Training: Urban Agriculture, Agriculture-like, etc. webinar training
3. Court: No MMMA Immunity for non qualifying patients or primary care givers

Follow this link for news articles on various land use/planning topics, with new postings every week:
<http://msue.anr.msu.edu/topic/info/planning>.

The building inspector said whoever installed the water pipes was plumb loco.

-----kurt

=====

1. Case: *Michigan Ass'n of Home Builders v. City of Troy*

Court: Michigan Supreme Court (No. 149150, June 4, 2015)

Judges: Memorandum Opinion - YOUNG, JR., MARKMAN, KELLY, ZAHRA, MCCORMACK, VIVIANO, and BERNSTEIN

The court held that the trial court erred by concluding that the plaintiffs (builders, contractors, and plumbers associations) were required to exhaust the administrative remedy in Administrative procedures under the Single State Construction Code Act (CCA); MCL 125.1509b before they could file suit against the defendant-city for allegedly violating the CCA, MCL 125.1522 and a provision of the Headlee Amendment to the Michigan Constitution of 1963, art. 9, § 31.

Plaintiffs sued defendant City of Troy claiming its building department fees produced “significant monthly surpluses” that were used to augment its general fund in violation of § 22 of the CCA and constituted an unlawful tax increase in violation of the Headlee Amendment. The trial court granted summary disposition for defendant, holding that it lacked jurisdiction because plaintiffs had failed to exhaust the administrative procedure outlined in § 9b of the CCA.

The Court of Appeals affirmed, holding that “because § 9b of the CCA provided an administrative procedure in which plaintiffs could have raised their claim,” they were required to exhaust that procedure before proceeding. The panel also held that although plaintiffs’ complaint alleged a constitutional violation, they “were still required to exhaust their administrative remedies when the constitutional claim was intermingled with an issue properly before an administrative agency.”

The Supreme Court disagreed, finding that the plain language of MCL 125.1509b “provides that the director may conduct performance evaluations of defendant’s ‘enforcing agency’ and does not provide any administrative procedure relative to the entity responsible for establishing fees pursuant to MCL 125.1522(1) . . .” Defendant

maintains that § 9b applies to the “entire city.” However, the Legislature made a clear distinction between the “enforcing agency” (defined; MCL 125.1502a(t)) and the “governmental subdivision” (defined; MCL 125.1502a(v)). Under the definitional sections of the CCA, the “governmental subdivision” is the municipality that has assumed responsibility for

code enforcement, whereas the “enforcing agency” is the governmental agency within the governmental subdivision that is responsible for code enforcement. Had the Legislature intended to permit the director to conduct a performance evaluation of the Troy City Council, it surely could have said so.

Thus, “the plain language of § 9b indicates that it applies only to the ‘enforcing agency’ and not the ‘legislative body of a governmental subdivision.’” Reversed and remanded. (Source: State Bar of Michigan *e-Journal* Number: 60117, June 2, 2015.)

Full Text Opinion:

<http://www.michbar.org/file/opinions/supreme/2015/060415/60117.pdf>

=====

2. MSU Extension and the Michigan Association of Planning are partnering to deliver a webinar covering Sample Zoning for Agriculture-Like and Urban Agriculture on June 24, 2015 from 2-3:30pm.

The webinar will highlight the new MSU Extension Land Use Series pamphlet entitled “Sample zoning for agriculture-like and urban agriculture” (available at <http://lu.msue.msu.edu/pamphlet/ZAgr/PamphletAgrUrban.pdf>).

The purpose of the webinar is to cover the topics and materials covered in the pamphlet and discuss the options local governments currently have in setting local policy and crafting their own regulations for urban agriculture. The level of detail/instruction will assume a certain understanding of the Michigan Right to Farm Act and experience with zoning administration and is intended for professional planners, municipal attorneys, zoning administrators, and other related professionals.

The MSU Extension “Sample zoning for agriculture-like and urban agriculture” pamphlet is intended to be a starting point for local governments which are working on amending zoning to accommodate local food systems with urban agriculture, agriculture in Category 4 sites (one of the Siting GAAMP categories), in communities of over 100,000 population, and agriculture-like land uses.

The webinar will review the jurisdiction issues concerning local regulation of agriculture and the Right to Farm Act, substantive due process, suggested local stakeholders to involve in the discussions, the actual sample zoning amendment text, and a listing of additional resources.

This session has been approved for 1.5 AICP CM law credits. The webinar is co-presented by the Michigan Association of Planning. Master Citizen Planners will earn 1.5 hours of continuing education towards maintenance of their credential.

Time: Wednesday, June 24, 2015, 2 - 3:30 p.m. (eastern)

Cost: \$45 (Master Citizen Planners and MI Association of Planning members register for \$40)

Presenters: Kurt Schindler, AICP - MSU Extension Land Use Senior Educator; and Brad Neumann, AICP - MSU Extension Land Use Educator

Register at: <http://events.anr.msu.edu/ZoningUrbanAg>

Registration ends June 22, 2015

=====

3. *People v. Mazur*

Court: Michigan Supreme Court (No. 149290, June 11, 2015)

Judges: Bernstein, Kelly, McCormack, and Viviano:

The Supreme Court held that “a defendant claiming that he or she is solely in the presence or vicinity of the medical use of marijuana is not entitled to immunity under” § 4(i) “when the medical use of marijuana was not in accordance” with the Michigan Medical Marihuana Act (MMMA) (MCL 333.26421 *et seq.*). Further, a defendant is not entitled to immunity under § 4(i) when his or her “conduct goes beyond assisting with the use or administration of marijuana.” However, it also held that “marihuana paraphernalia,” as used in § 4(g), “includes items that are both specifically designed or actually employed for the medical use of marijuana.”

Thus, the Supreme Court reversed the Court of Appeals judgment, which affirmed the trial court’s denial of defendant’s motion to dismiss, and remanded the case to the trial court for further proceedings.

The defendant “provided her husband, who was both a qualifying patient and a registered caregiver, with sticky notes for the purpose of detailing the harvest dates of his plants. This activity constitutes the provision of ‘marihuana paraphernalia’ because the objects were actually used in the cultivation or manufacture of

marijuana.” Thus, her provision of the sticky notes fell within the scope of § 4(g), and the prosecution was “prohibited from introducing or otherwise relying on the evidence relating to defendant’s provision of marihuana paraphernalia—i.e., the sticky notes—as a basis for the criminal charges against defendant.”

The court concluded that the Court of Appeals erred in relying on the doctrine of *in pari materia* and adopting the PHC’s definition of “drug paraphernalia” to define the term “marihuana paraphernalia,” which is not explicitly defined in the MMMA. However, it agreed with the Court of Appeals that defendant was not entitled to either type of immunity under § 4(i) because “the evidence showed that the marijuana operation was not in accordance with” the MMMA and defendant “was not merely assisting her husband with conduct involving the actual ingestion of marijuana; instead, she assisted him with the cultivation of marijuana.”

Concurring in part, Dissenting in part – Markman:

Justice Markman agreed that defendant was not entitled to immunity under § 4(i), but disagreed that she was entitled to immunity under § 4(g). He would instead hold that “marihuana paraphernalia” as used in § 4(g) “means ‘any equipment, product, material, or combination of equipment, products, or materials, which is *specifically designed* for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing [marijuana] into the human body,’” and thus, because “sticky notes are not ‘specifically designed’ for any such use,” they are not marihuana paraphernalia. He would affirm the Court of Appeals judgment.

Dissenting in part – Zahra and Young, Jr.:

Justice Zahra and Chief Justice Young also agreed that defendant was not entitled to immunity under §4(i) but disagreed that “marihuana paraphernalia” as used in § 4(g) “includes [any] items that are . . . employed for the medical use of marihuana.” Thus, they disagreed with “the proposition that because the sticky notes at issue here were ‘used in the cultivation or manufacture of marijuana,’ they are ‘marihuana paraphernalia’ entitling defendant to immunity” under § 4(g). Rather, “marijuana paraphernalia must be an item or items intended to assist in the administration of marijuana to a qualifying patient under the MMMA. Because the sticky notes in question here were not used for the administration of marijuana to a qualifying patient, defendant’s act of assisting her husband with the cultivation and manufacture of marijuana through the use of sticky notes was not immune” under § 4(g). They would affirm the Court of Appeals judgment.

(Source: State Bar of Michigan *e-Journal* Number: 60163, June 2, 2015.)

Full Text Opinion:

<http://www.michbar.org/file/opinions/supreme/2015/061115/60163.pdf>

=====

To search for and find land use (planning and zoning) training: Visit this [link](#), or build your own search parameters by bookmarking/favorites: <http://msue.anr.msu.edu/events> or an advanced search system at: http://msue.anr.msu.edu/events/advanced_search and then do anyone or combination of the following:

- Under *Topic Areas* expand “community” and check “planning for all planning and zoning related training.
- Under *Programs* check “Michigan Citizen Planner” to find the 7 core classes offered.
- Under *Certifications Available* check “Master Citizen Planner” for master citizen planner credit offerings.
- Under *Counties* select those counties you would be willing to travel to, for the class.

For topical news articles on community development (civic engagement, conflict resolution, facilitation, economic development, government, fiscal management, visit: <http://msue.anr.msu.edu/topic/info/community>.

To find an MSU Extension Educator with land use expertize visit: http://msue.anr.msu.edu/program/info/land_use_education_services (scroll to the bottom of the page).

Schindler's Land Use Page: www.msue.msu.edu/lu

Reminder: Because this service sometimes include topics that set off spam filters (both in your email software, and in your email provider's server) **you will need to include this email list serve in your "trusted" or "white" list so it is not treated as spam or otherwise. Do this both with (1) your email software and (2) your email provider's system.. If one or two mail-demons come back indicating an email could not be delivered to you, then you are automatically removed from this listserve.** It is your responsibility to keep me (schindl9@anr.msu.edu) informed if your email address changes. When sending me a new email address, also tell me what your old email address is. If you wish to be removed from this list, please tell me the email address to be deleted.

MSU is an affirmative-action, equal-opportunity employer, committed to achieving excellence through a diverse workforce and inclusive culture that encourages all people to reach their full potential. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status or veteran status. Issued in furtherance of MSU Extension work, acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Maggie Bethel, Interim Director, MSU Extension, East Lansing, MI 48824. This information is for educational purposes only. Reference to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned.

Kurt H. Schindler, AICP, Land Use Educator

Michigan State University Extension

Bringing Knowledge to Life

overland: MSU Extension, Benzie County

448 Court Place

Beulah, Michigan 49617

telephone: 231 882-0026

facsimile: 231 882-9605

e-mail: SCHINDL9@anr.msu.edu

Skype: kurt.h.schindler.aicp

Schindler's Land Use Page: www.msue.msu.edu/lu

Facebook page on Land Use:

<http://www.facebook.com/pages/Cadillac-MI/MSU-Extension-Schindlers-Land-Use-Networking-Page/462862190006>

MSUE Land Use <http://tinyurl.com/msuelanduse>

MSU Extension: <http://www.msue.msu.edu/>

eXtension (national web page): <http://www.extension.org/community%20planning%20and%20zoning>