

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-23 Meeting Date: 8-18-15

- 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: PLS Investments / Lyn Hewitt

Property Address: 837 Sunrise Park St, Howell MI 48843 Phone: 2482108537

Present Zoning: Sunrise Park Tax Code: 4711-09-201-066

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: Lot coverage area variance.

2. Intended property modifications: Construction of detached garage.

This variance is requested because of the following reasons:

a. Unusual topography/shape of land Established lot in the sub division is small and does not allow ample space for garage construction within ordinance guidelines.
(explain) _____

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: 7-17-15

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
August 18, 2015
CASE #15-23

PROPERTY LOCATION: 837 Sunrise Park

PETITIONER: PLS Investments/Lyn Hewitt

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Sewer, Well

PETITIONERS REQUEST: A variance from the maximum lot coverage requirement to construct a detached accessory building.

CODE REFERENCE: Section 3.04.01

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Rear	Lot Coverage	-
Required Setbacks	N/A	N/A	N/A	N/A	35%	-
Setbacks Requested	N/A	N/A	N/A	N/A	40.6%	-
Variance Amount	N/A	N/A	N/A	N/A	5.6%	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: August 14, 2015
RE: ZBA 15-23

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

STAFF REPORT

File Number: ZBA#15-23

Site Address: 837 Sunrise Park

Parcel Number: 4711-09-201-066

Parcel Size: 0.114 Acres

Applicant: PLS Investments/Lyn Hewitt

Property Owner: PLS Investments LLC, 262909 E. Huron River Dr., Flat Rock, MI 48134

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

Project Description: Applicant is requesting a variance from the maximum lot coverage to construct a detached accessory building.

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 August 2, 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 (1,608 square feet).
- 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 32' detached accessory building on the property. The additional area of this detached accessory building would exceed the maximum lot coverage for the LRR zoning district of 35%. Due to the smaller lot size of the property the applicant has requested a variance from this requirement.

Variance Requests

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

Table 3.04.01: Required Maximum Lot Coverage: 35% Proposed Lot Coverage: 40.6%

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 maximum allowable lot coverage would prohibit the applicant from constructing a large detached accessory building on the property. The follow is an lot coverage analysis for the properties in the close vicinity of 837 Sunrise Park. This was completed using data from the assessing department.

837 Sunrise Park – (currently) 24.9%	840 Sunrise Park – 27.2%
831 Sunrise Park – 32%	846 Sunrise Park – 19.8%
821 Sunrise Park – 31.7%	852 Sunrise Park – 9.1%
813 Sunrise Park – 40%	860 Sunrise Park – 19.4%
807 Sunrise Park – 34%	870 Sunrise Park – 19.8%
803 Sunrise Park – 36%	880 Sunrise Park – 30.1%
843 Sunrise Park – 36.3%	830 Sunrise Park – 20.7%
849 Sunrise Park – 22.1%	822 Sunrise Park – 24.1%
861 Sunrise Park – 24%	814 Sunrise Park – 15%
867 Sunrise Park – 21%	806 Sunrise Park – 16.1%
873 Sunrise Park – 29%	800 Sunrise Park – 22.9%
885 Sunrise Park – 20%	

According to this analysis, only 13.6% of the properties that are immediately adjacent to 837 Sunrise Park exceed the maximum allowable lot coverage. Just to be clear I used the properties which were five house down the road on either side of Sunrise Park Dr. and the property across the street.

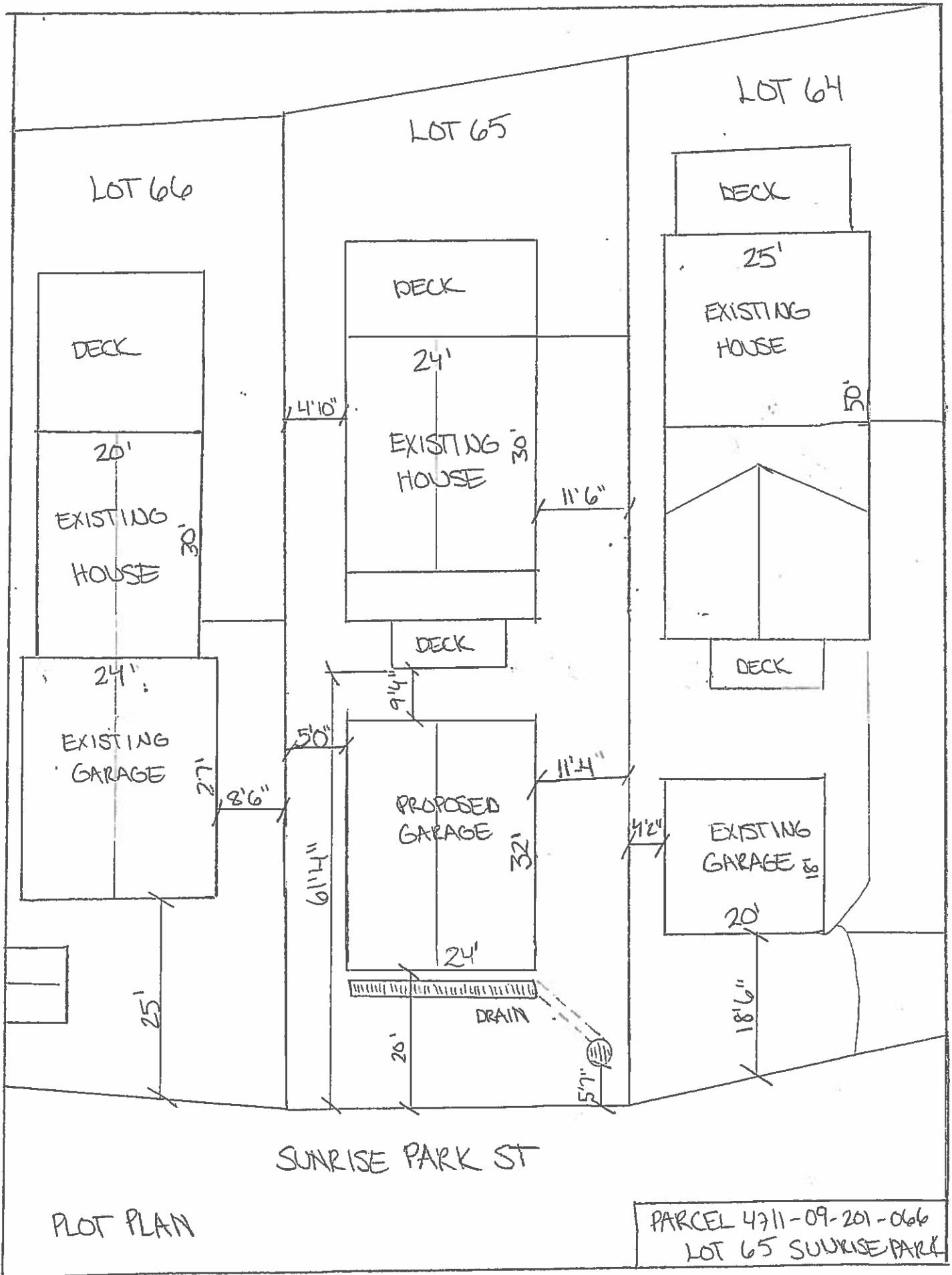
Extraordinary Circumstances: The extraordinary circumstance of the property is the small lot size which prohibits the placement of a larger accessory structure. However the applicant will be allowed to place an accessory structure which does comply within the lot coverage requirements. This would allow an accessory structure of approximately 492 square feet.

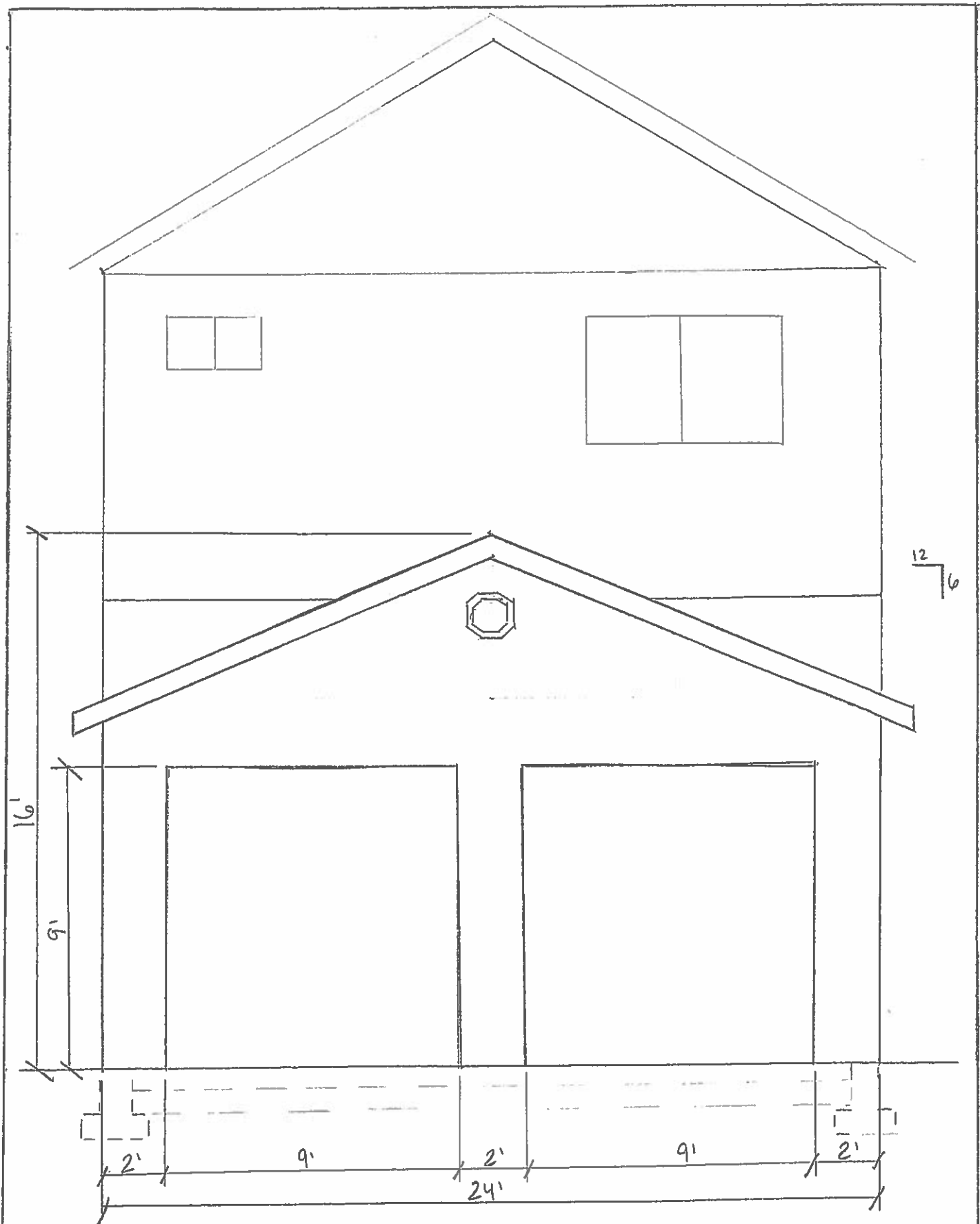
Public Safety and Welfare – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of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

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

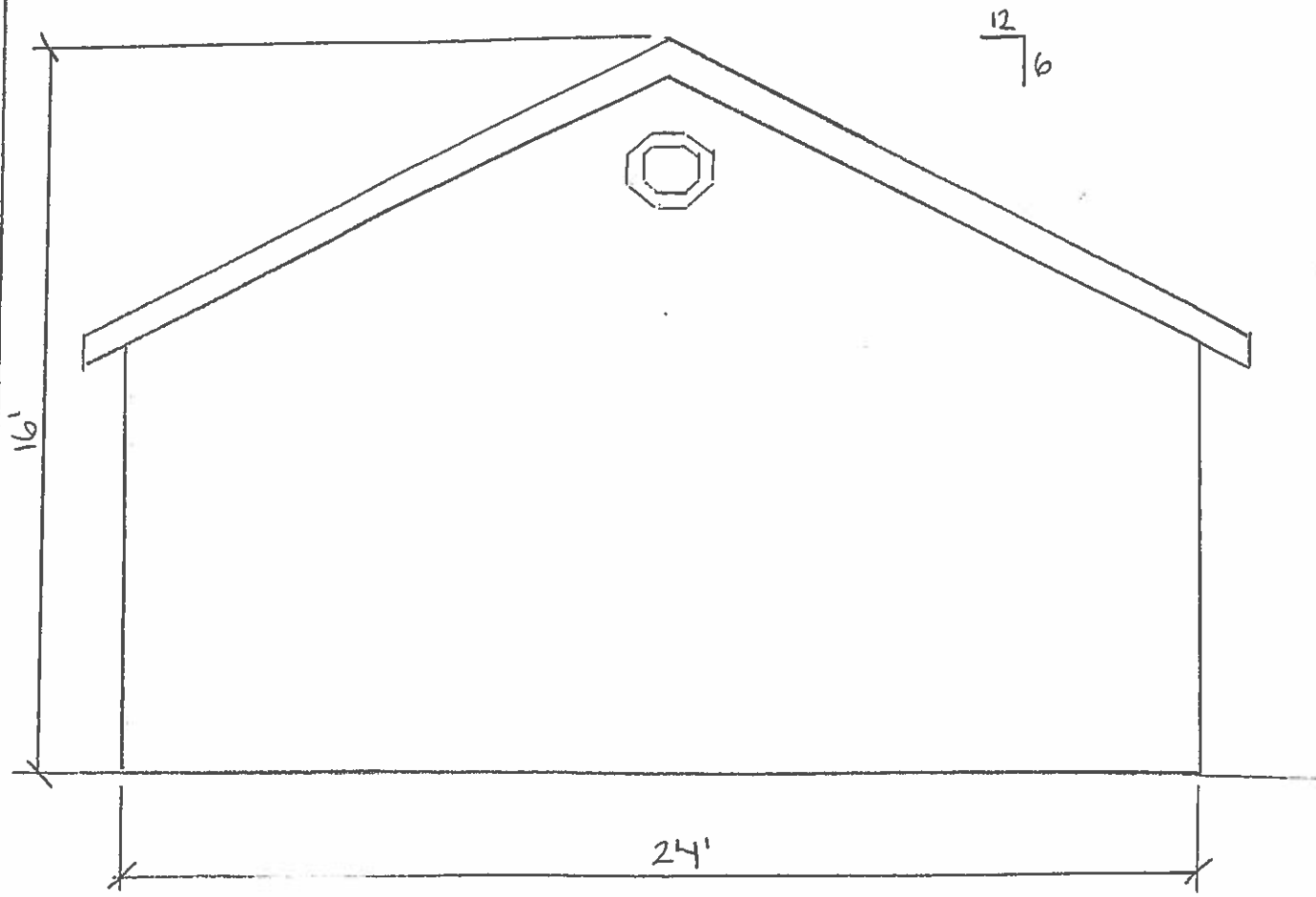
1. Strict application of the maximum lot coverage would prevent the applicant from constructing a larger than 492 square foot detached accessory building.
2. The extraordinary circumstance of the property is due to the small lot size, which is consistent with other adjacent properties.
3. Of surveyed properties in the vicinity of 837 Sunrise Park, only 3 of 22 parcels exceeded maximum lot coverage.
4. The need for the variance is partially due to the smaller lot size, but the need for the variance could be eliminated by reducing the size of the building.
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. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.





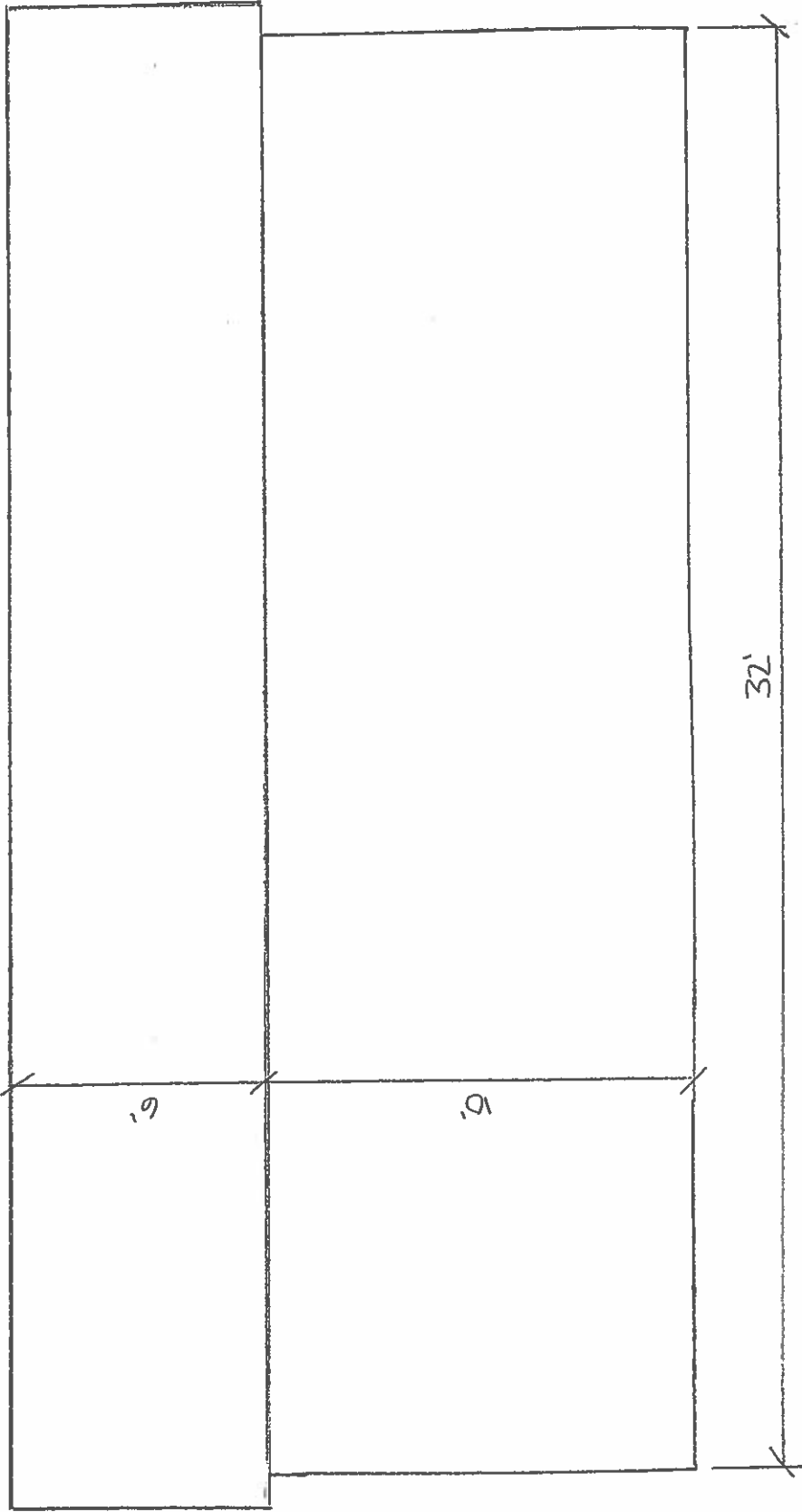
SOUTH ELEVATION

PARCEL 4711-09-201-066
 LOT 65 SUNRISE PARK



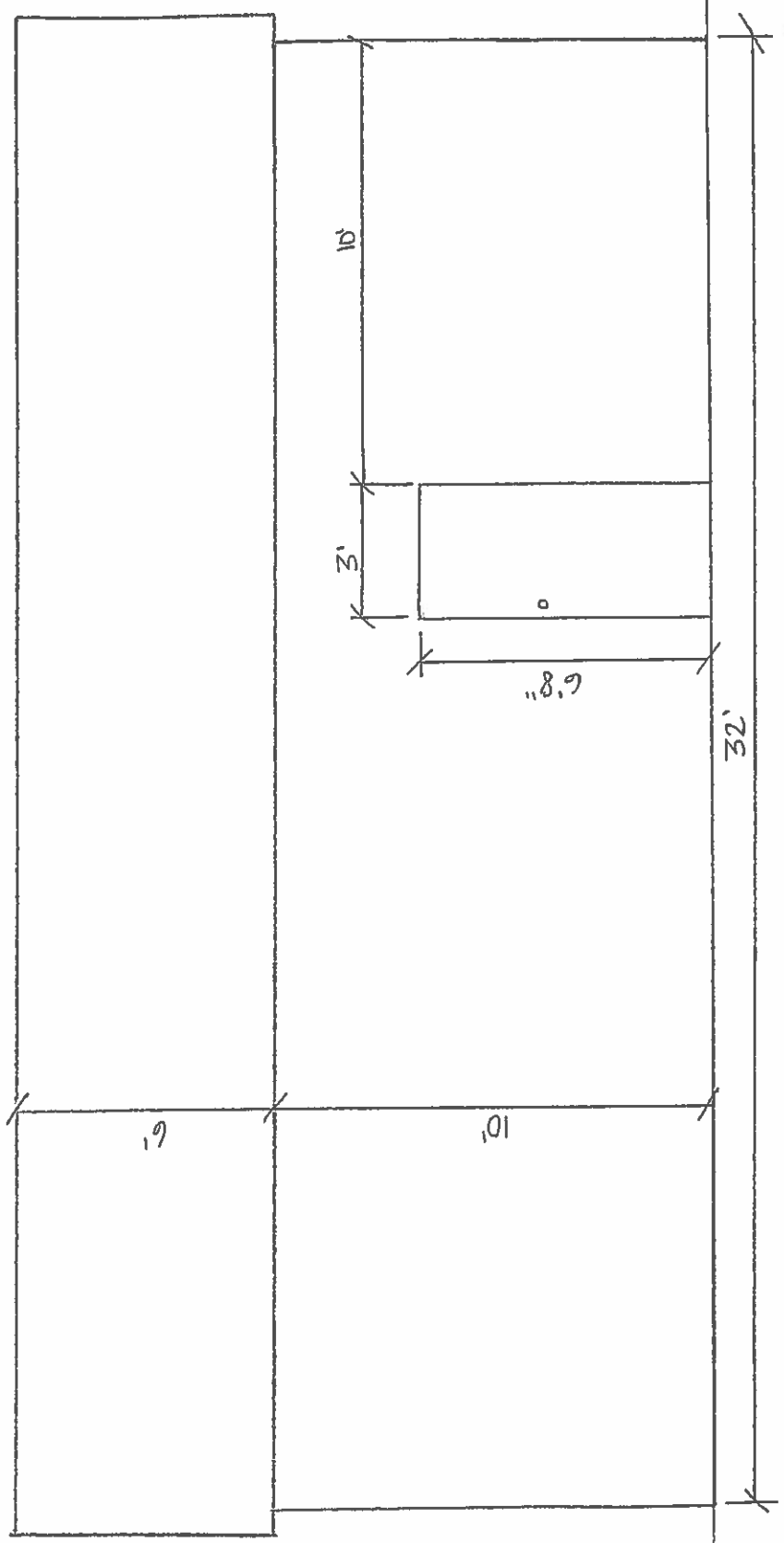
NORTH ELEVATION

PARCEL 4711-09-201-0606
LOT 65 SUNRISE PARK



EAST ELEVATION

PARCEL 4711-09-20A-066
LOT 65 SUNRISE PARK



EAST ELEVATION

PARCEL 4711-09-201-0666
LOT 65 SUNRISE PARK

15-23 Area Map



1 inch = 150 feet

Data Source: Livingston County GIS Department. Please note information may not be accurate and parcel boundaries are not surveyed boundaries.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SIMECK, PATRICIA & LEON	PLS INVESTMENTS LLC	0	04/25/2004	QC	INVALID SALE	5026/0980	BUYER	0.0
HALL, FRED G.	HALL, MICHAEL & SIMECK, P	0	11/18/2003	WD	INVALID SALE	4271/0537	BUYER	0.0
HALL, F. G.		0	03/29/1996	QC	QUIT CLAIM	2068-0642	BUYER	0.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
837 SUNRISE PARK	School: HOWELL		REMODEL	04/07/2004	04-97	NO START
Owner's Name/Address	P.R.E. 0%					
PLS INVESTMENTS LLC 26209 EAST HURON RIVER DRIVE Flat Rock MI 48134	MAP #: V15-23					
	2016 Est TCV Tentative					

Tax Description	X	Improved	Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK							
				Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value	
SEC. 9 T2N, R5E, SUNRISE PARK LOT 65				'A' FRONTAGE	42.00	118.00	1.0000	1.0000	2300	100	96,600
Comments/Influences				42 Actual Front Feet, 0.11 Total Acres Total Est. Land Value = 96,600							

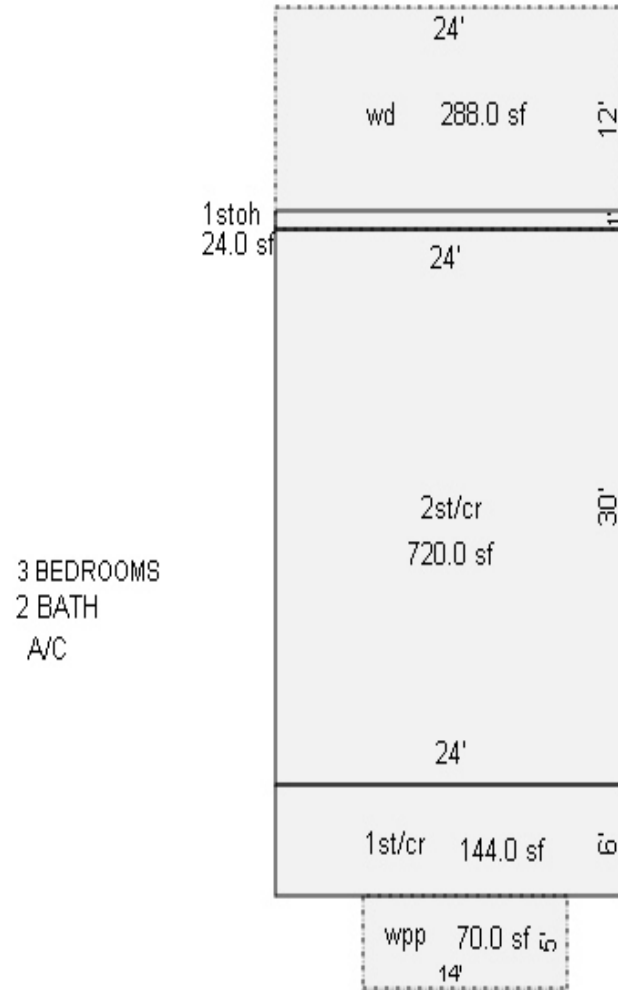
Public Improvements
 Dirt Road
 Gravel Road
 Paved Road
 Storm Sewer
 Sidewalk
 Water Sewer
 Electric
 Gas
 Curb
 Street Lights
 Standard Utilities
 Underground Utils.



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

Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level							
Rolling							
Low							
High							
Landscaped							
Swamp							
Wooded							
Pond							
Waterfront							
Ravine							
Wetland							
Flood Plain							
X REFUSE							
Who When What	2016	Tentative	Tentative	Tentative			Tentative
LM 07/12/2006 INSPECTED	2015	48,300	70,100	118,400			87,638C
	2014	48,300	60,900	109,200			86,258C
	2013	29,400	55,500	84,900			84,900S

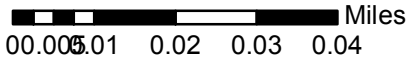
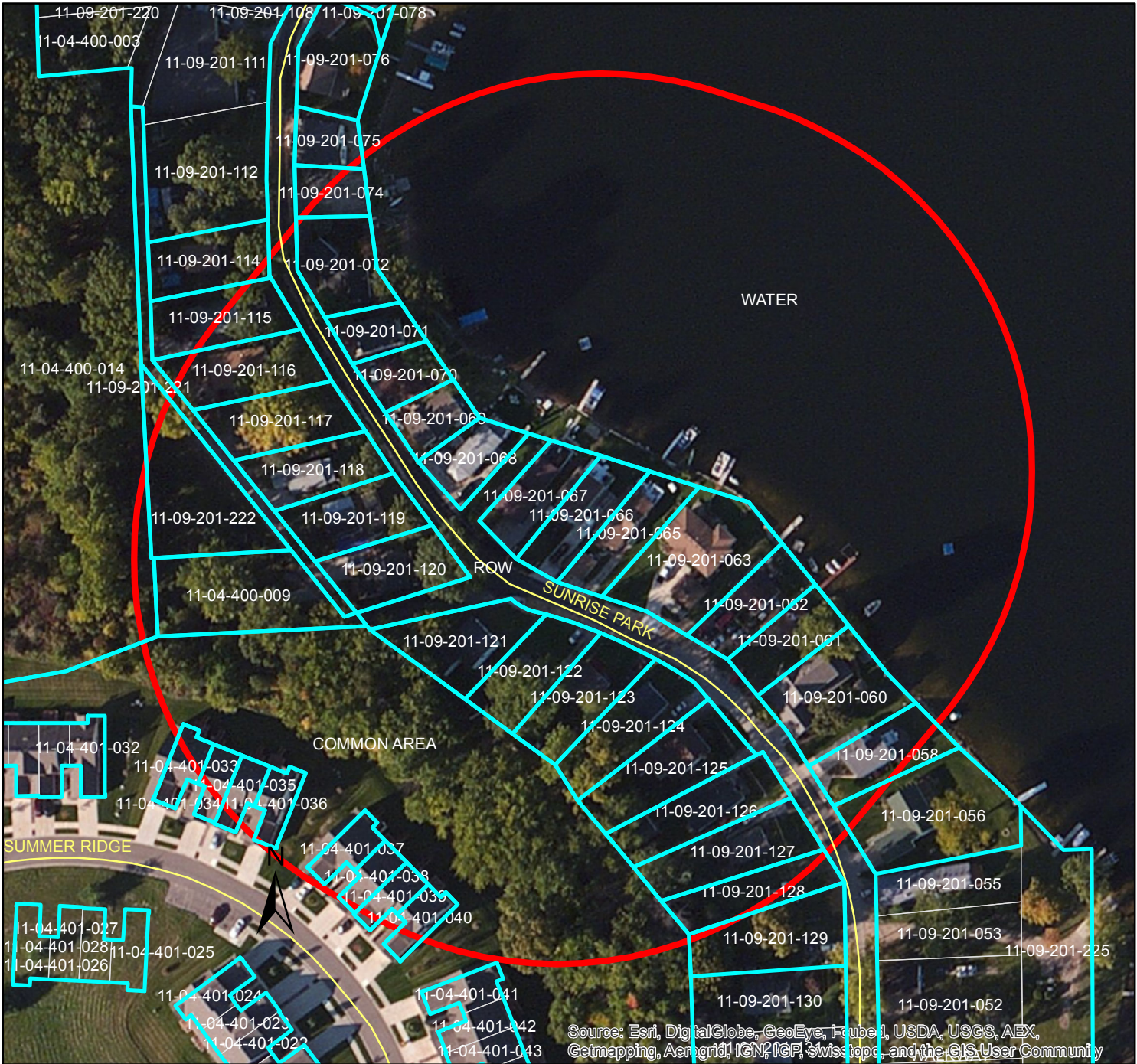
*** Information herein deemed reliable but not guaranteed***



Sketch by Apex Medina™

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

300 ft. Buffer for Noticing



Variance Case #15-23

Applicant: Lyn Hewitt

Parcel: 4711-09-201-066

Meeting Date: August 18, 2015



July 21, 2015

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-24 Meeting Date: 8-18-15

- 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: ERICH PEARCH
Property Address: 3990 BEATTIE ROAD Phone: (517) 295 7227
Present Zoning: CE Tax Code: 4711-19-300-005

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: REDUCTION OF SETBACK ON NORTH SIDE OF PROPERTY FOR DETACHED ACC. BUILDING TO 25'
2. Intended property modifications: _____

This variance is requested because of the following reasons:

- a. Unusual topography/shape of land (explain) _____

- b. Other (explain) THE PARCEL IS A CORNER LOT WITH EXISTING HOME SEPTIC PLACED IN THE NWLY CORNER OF THE PROPERTY. EXISTING SETBACK WOULD LOCATE THE BUILDING TOO CLOSE TO THE EXISTING HOME TO BE AESTHETICALLY PLEASING OR CONVENIENT FOR ACCESS BY EXISTING DRIVE. PROPOSED LOCATION WILL SCREEN NEIGHBORING PARCELS BY EXISTING TREES. THIS LOCATION ALSO ACCOMMODATES A RESERVE SEPTIC FIELD IF NEEDED.

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: will need 8 copies of any drawings larger than 11 x 17.
- Waterfront properties must indicate setback from water from adjacent homes.
- Petitioner (or a Representative) must be present at the meeting

Date: 07-23-2015

Signature: JACK K. SMITH (GARLOCK-SMITH, PLLC)

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
August 18, 2015
CASE #15-24

PROPERTY LOCATION: 3990 Beattie Rd.

PETITIONER: Erich Pearch

ZONING: CE (Country Estate)

WELL AND SEPTIC INFO: Septic, Well

PETITIONERS REQUEST: A rear yard setback variance to construct a detached accessory building.

CODE REFERENCE: Section 3.04.01; 11.04.01(f)

STAFF COMMENTS: See Attached Staff Report

	Front	Front	One Side	Rear	House Separation	-
Required Setbacks	75'	75'	40'	60'	10'	-
Setbacks Requested	+150'	+150'	40'	25'	+50'	-
Variance Amount	N/A	N/A	N/A	35'	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: August 14, 2015
RE: ZBA 15-24

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

STAFF REPORT

File Number: ZBA#15-24

Site Address: 3990 Beattie Rd

Parcel Number: 4711-19-300-005

Parcel Size: 2.33 Acres

Applicant: Erich Pearch

Property Owner: Erich & Gardenia Pearch, 3990 Beattie Rd, Howell, MI 48843

Information Submitted: Application, site plan, building plans

Request: Dimensional Variances

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

Zoning and Existing Use: CE (Country Estate), Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday August 2, 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 (1,915 square feet) built in 1971.
- 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 30' X 40' detached accessory building on the property. The area that the applicant has chosen to place that detached accessory building is within the rear yard setback and will require a rear 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 Rear Yard Setback: 60' Proposed Front Yard Setback: 25'

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 rear yard setback may prevent the applicant from constructing the detached accessory building. According to estimation there is a distance of approximately 92' between the northern property line and the septic field. Assuming a 10' separation from the septic field and a 60' rear yard setback this would leave approximately 22' of area available for a detached accessory building. This would not be sufficient to place the maximum sized detached accessory building in this location. Despite this we attempt to encourage the applicant to conform to the standards of the ordinance to the best of their ability. That being said it appears there is room for the applicant to move the detached accessory building toward the septic field to reduce the variance needed.

Extraordinary Circumstances: The extraordinary circumstance of the property is the limited size of the rear yard due to existing location of the house and that the lot is a corner lot. The need for the variance is not created by the applicant, but is due to the location of the house on the lot and the limited size of the rear yard due to the lot being a corner 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.

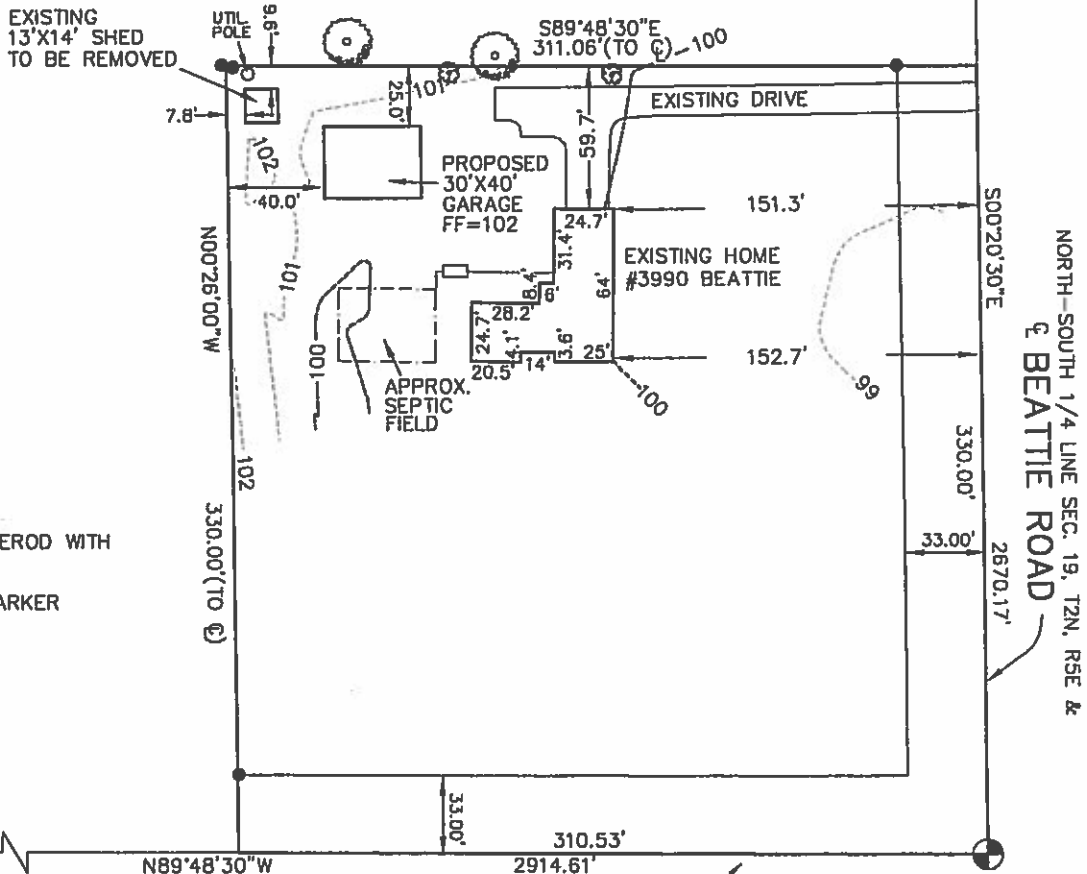
Impact on Surrounding Neighborhood – The proposed variance would have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Staff Findings of Fact

1. Strict application of the rear yard setback would prevent the applicant from constructing a maximum sized detached accessory building.
2. The detached accessory building could be relocated further to the south, which would reduce the requested rear yard setback variance amount.
3. The extraordinary circumstance of the property is due to the small rear yard size which is due to the lot being a corner lot and the existing location of the house on the property.
4. The need for the variance is not self-created and is due to the small rear yard size which is due to the lot being a corner lot and the existing location of the house on the property.
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. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

SITE PLAN FOR PROPOSED GARAGE

CENTER OF SECTION 19
T2N, R5E, GENOA TOWNSHIP
FOUND 1/2" REROD
PER LCRC 797



- LEGEND**
- = SET 1/2" STEEL REROD WITH CAP : JKS 35999
 - = FOUND CORNER MARKER

SOUTHWEST CORNER SECTION 19
T2N, R5E, GENOA TOWNSHIP
FOUND REMON PIPE & BRASS
CAP PER LSC 2005m

SOUTH LINE SECTION 19, T2N, R5E &
COON LAKE ROAD

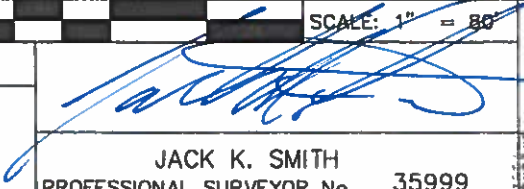
SOUTH 1/4 CORNER SECTION 19
T2N, R5E, GENOA TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
FOUND REMON PIPE & BRASS
CAP PER LSC 2008m

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 19, T2N, R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N89°48'30"W 310.53 FEET ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTER LINE OF COON LAKE ROAD; THENCE N00°26'00"W 330.00 FEET; THENCE S89°48'30"E 311.06 FEET TO A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION AND THE CENTER LINE OF BEATTIE ROAD; THENCE S00°20'30"E 330.00 FEET ALONG SAID 1/4 LINE AND CENTER LINE OF BEATTIE ROAD TO THE PLACE OF BEGINNING. BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 19, T2N, R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 2.35 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTHERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY COON LAKE ROAD, ALSO BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EASTERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY BEATTIE ROAD, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED ON 06/22/2015, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5,000 OR BETTER, AND THAT ALL OF THE REQUIREMENTS OF ACT NO. 132, P.A. 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.
NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

CLIENT: PEARCH		SCALE: 1" = 80'
SECTION: 19 TOWN: 2 NORTH RANGE: 5 EAST		 JACK K. SMITH PROFESSIONAL SURVEYOR No. 35999
GENOA TOWNSHIP LIVINGSTON COUNTY, MICHIGAN		
DATE: 07-07-2015	CREW: DJS/NM	GARLOCK-SMITH PROFESSIONAL SURVEYORS 516 EAST GRAND RIVER HOWELL, MICHIGAN 48843 (517) 546 - 3340 FAX: (517) 546 - 2941
BOOK NO. 215 PG 35	COMP: JKS	
	DRAWN: JKS	
SHEET 1 OF 1	REV:	



QUOTATION FOR:

Zach Pearch
3990 E. Beattie Rd
Howell, MI 48843
517-295-7227

CONTACT:

Darrell Williams
1 OLD BARN CIRCLE
CHELSEA, MI 48118
800-875-9126

**CONSTRUCTION:
DIMENSIONS:**

Post Frame
30' X 40' X 10'

SPECIFICATIONS FOR 30' X 40' X 10' POST FRAME PACKAGE:

• **MATERIAL PACKAGE**

- Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
- 4 x 6 Treated Eave Posts (8' O/C)
- 4 x 6 Treated Gable Posts (10' O/C)
- 6 x 6 Treated Corner Posts
- 2 x 6 Treated Center Match Skirt Boards (3 Rows)
- 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
- 2 x 10 Top Girt Exterior With A 1.75 x 9.25 Top Girt Interior
- Regal White ultra 2000 steel Steel Siding w/ 45 -Year Paint Warran
- Regal White ultra 2000 steel Steel Roof w/ 45 -Year Paint Warranty
- One Bag of Concrete Mix per Post Hole

• **DOORS & WINDOWS**

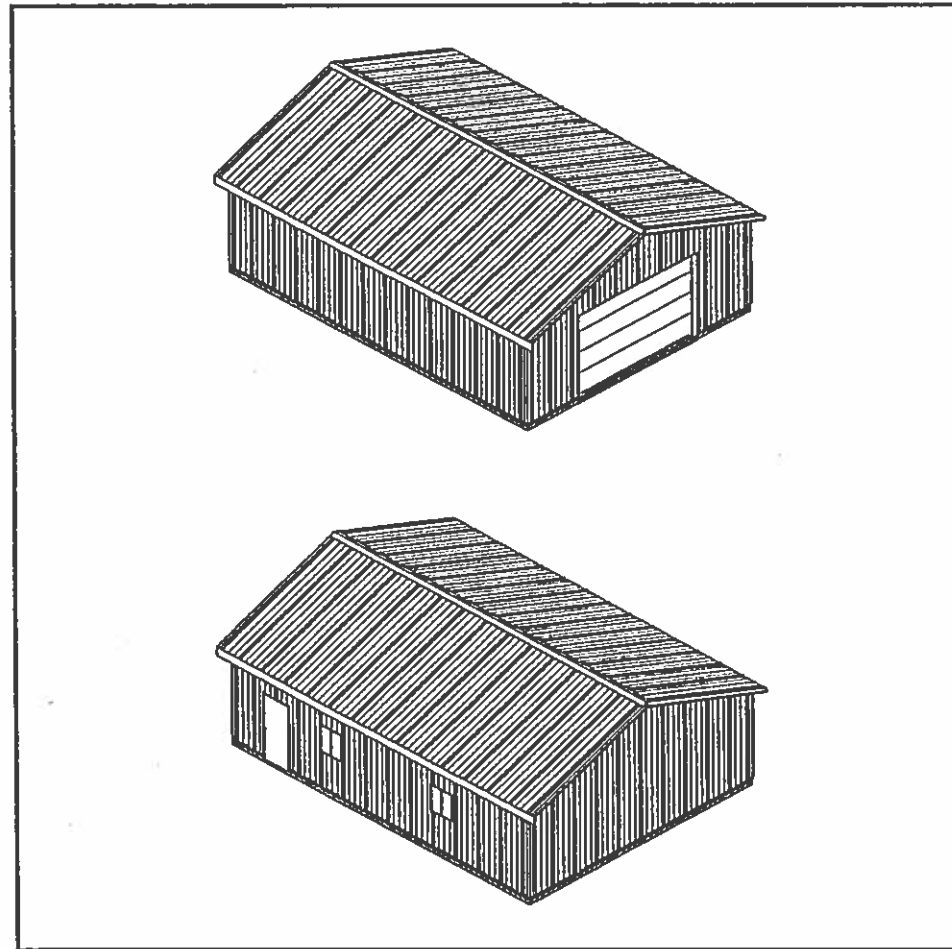
- One 16 X 9 #224L Rp Insul-Instld Ins. L.H.R. Trk. w/o
- One 3' Flush Entry Door
- Two Jel-Wen 3' x 3' Slider Windows

• **12" OVERHANG ON ALL SIDES ALUM. SOFFIT**

• **FASTENERS**

- 100Ct Rgl Wht 10X1-1/2 Neo Screw for Steel Wall, Roof Panels
- 5/16 X 4 In Lag Screw 100Ct for Truss Carrier
- 4 In. Pole Barn Galv. Ht 5Lb for Skirt Board
- Galvanized Steel Framing Nails

• **DETAILED BUILDING PLANS**



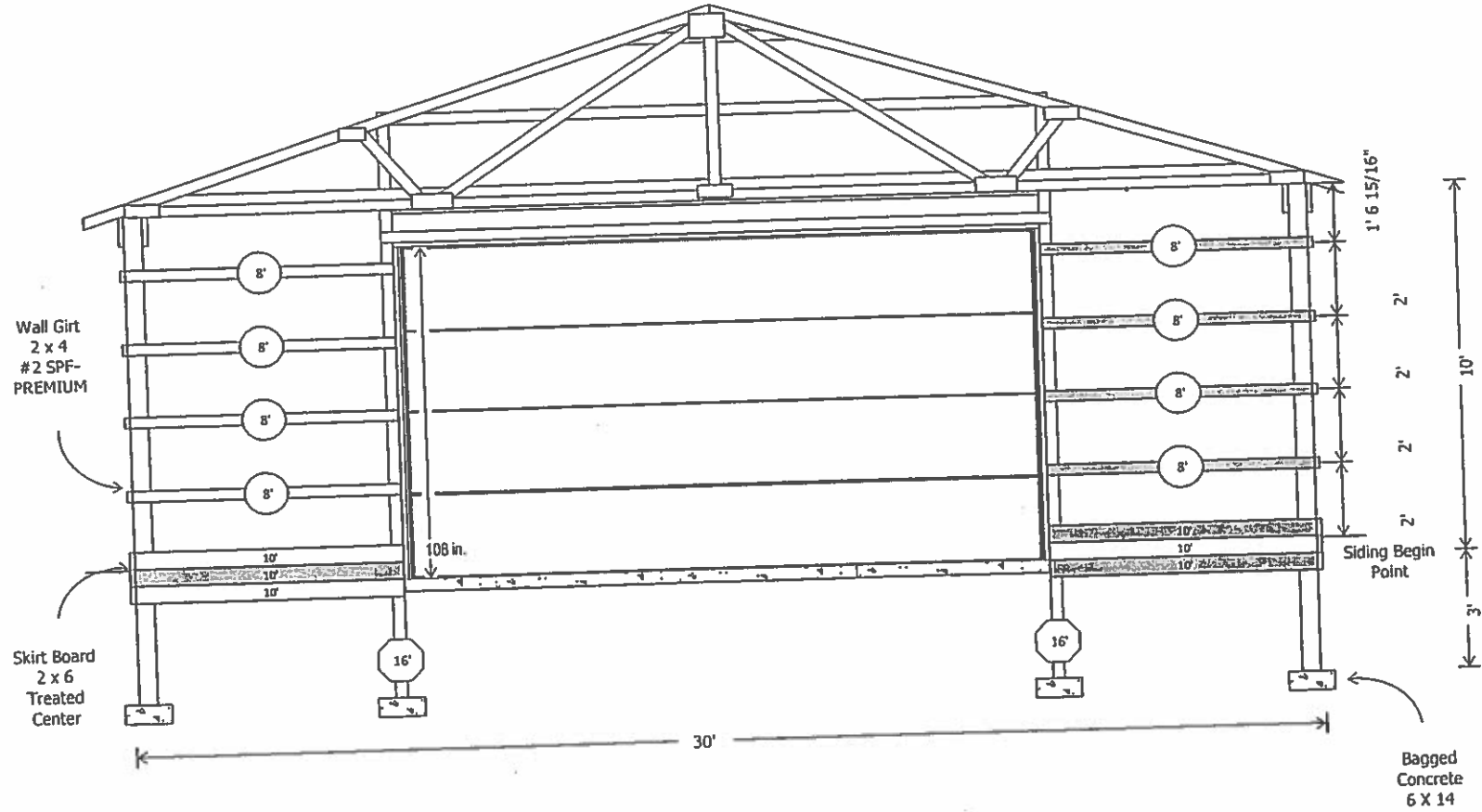
Subtotal	\$10,139.58
Tax	\$608.37
GRAND TOTAL	\$10,747.95

QUOTATION DATE: 6/2/2015

ESTIMATE NUMBER: 3320

Prices are good for 30 days, until 7/2/2015

East
SOUTH-SIDE-GABLE SIDE 1 WALL GIRT VIEW



"Zach Pearch
Estimate Number: 3320
6/2/2015"



GABLE2 CROSS SECTION

ROOF LAYER 1: REGAL WHITE ULTRA 2000 STEEL
STEEL PANEL 13 FT 0 IN

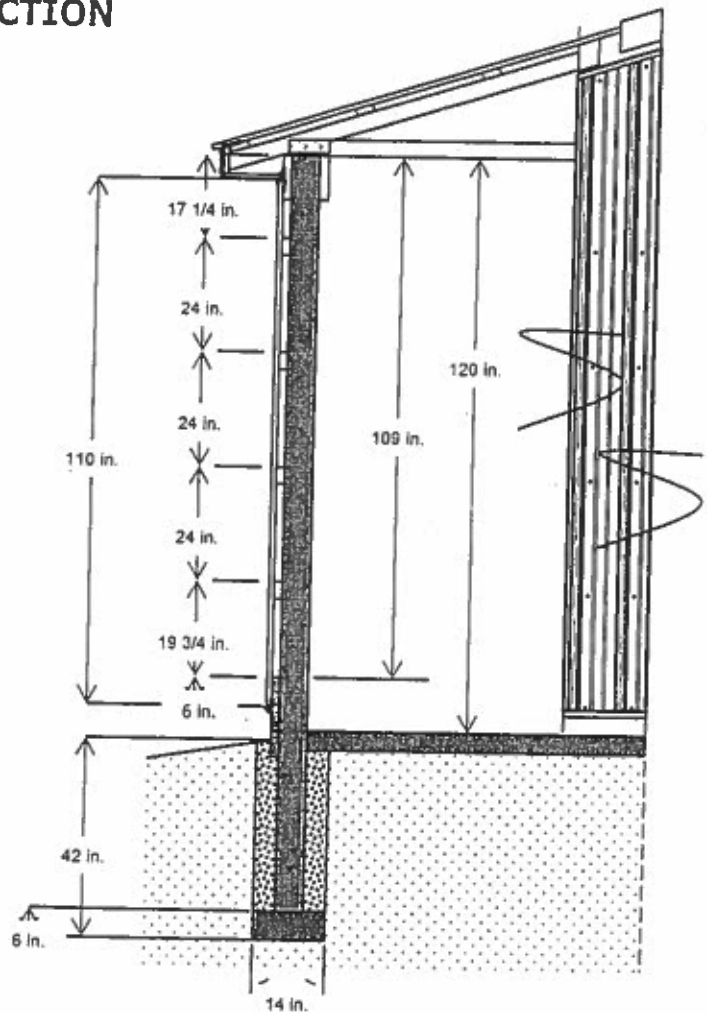
PURLINS: 2 X 4 #2 SPF-PREMIUM FASTENED LAYING
FLAT
SUB FACIA: 2 X 6 SPF-PREMIUM
FACIA COVERING: ROLLEX WHITE 6 IN X 12 FT
ALUMINUM FACIA
UNDEREAVE: ROLLEX WHITE 12 IN X 12 FT
ALUMINUM SOLID SOFFIT

CORNER POSTS: TREATED 6 X 6
INTERMEDIATE POSTS: TREATED 4 X 6 SPACING 8 FT
O.C.
EXTERIOR CARRIER: #2 SPF 2 X 10
INTERIOR CARRIER: LVL 1.75 X 9.25
EXTERIOR WALL GIRTS: #2 SPF-PREMIUM 2 X 4
WALL LAYER 1: REGAL WHITE ULTRA 2000 STEEL
STEEL PANEL 23 FT 0 IN

EXTERIOR SKIRT BOARD: 3 ROWS OF Treated Center
Match 2 x 6

SIDING BEGINS 6 IN. BELOW THE TOP OF THE TOP
SKIRT BOARD

EARTH GRADE BEGINS 13 IN. BELOW THE TOP OF THE
TOP SKIRT BOARD




15-24 Area Map



1 inch = 150 feet

Data Source: Livingston County GIS Department. Please note information may not be accurate and parcel boundaries are not surveyed boundaries.

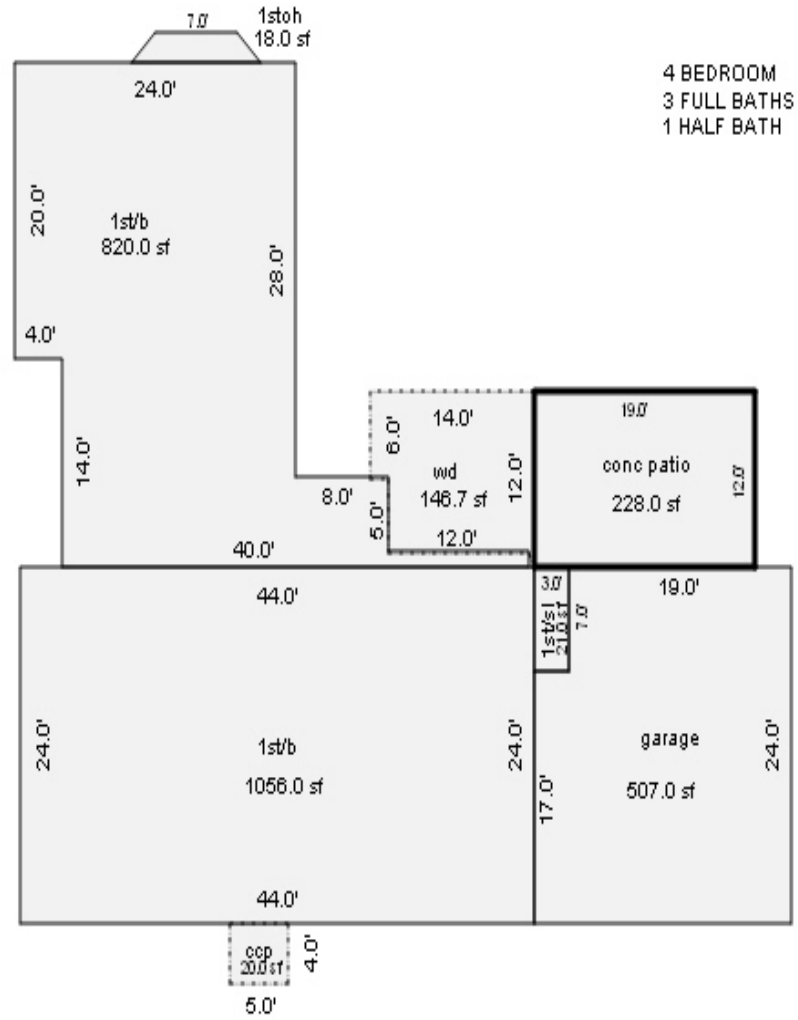
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
WALLS, BENJAMIN D. & MELAN	PEARCH ERICH Z & GARDENIA	227,000	08/25/2014	TA	ARMS-LENGTH	2014R-023888	BUYER	100.0		
MC CORQUODALE, ROBERT & KA	WALLS, BENJAMIN D. & MELAN	205,000	04/24/2001	WD	ARMS-LENGTH	2984-0904	BUYER	100.0		
JANES, BILLIE & BARBARA	MCCORQUODALE	149,900	05/16/1997	WD	ARMS-LENGTH	2177-0092	BUYER	100.0		
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: CE	Building Permit(s)	Date	Number	Status		
3990 BEATTIE RD		School: HOWELL			ADDITION	01/29/2004	04-32	NO START		
		P.R.E. 100% 08/25/2014								
Owner's Name/Address		MAP #: V15-24		2016 Est TCV Tentative						
PEARCH ERICH Z & GARDENIA L 3990 BEATTIE RD HOWELL MI 48843		X	Improved	Vacant	Land Value Estimates for Land Table 124.HOWELL M& B					
Tax Description		Public Improvements		* Factors *						
SEC. 19 T2N, R5E, BEG. AT S 1/4 POST OF SEC. 19, THENCE N. 0* 20' 30" W. 330 FT. N. 89* 48' 30" W. 311.06 FT., S. 0* 26' E. 330 FT. THENCE S. 89* 48' 30" E. 310.53 FT. TO BEG. 2.35A		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 LAND TABLE A 2.33 Acres 26,438 100 61,600 2.33 Total Acres Total Est. Land Value = 61,600						
Comments/Influences		Topography of Site		Land Improvement Cost Estimates						
		Level		Description Rate CountyMult. Size %Good Cash Value						
		Rolling		D/W/P: 3.5 Concrete 3.44 1.00 228 42 329						
		Low		Total Estimated Land Improvements True Cash Value = 329						
		High		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Landscaped		X	REFUSE	2016	Tentative	Tentative	Tentative	
Swamp		LM	09/25/2014 REVIEWED R	2015	30,800	82,600	113,400			113,400S
Wooded				2014	30,800	64,700	95,500			90,830C
Pond				2013	30,800	58,600	89,400			89,400S
Waterfront										
Ravine										
Wetland										
Flood Plain										

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

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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage				
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 20 146	Type CCP (1 Story) Treated Wood			Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 507 % 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 1971	Remodeled 2004	Ex	X	Ord		Min														
Condition for Age: Good		Lg	X	Ord		Small														
Room List		(5) Floors																		
	Basement 1st Floor 2nd Floor 4 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				
X	Wood/Shingle Aluminum/Vinyl Brick								1	Story	Brick	Basement	67.78	0.00	1.92	1056	73,603			
	Insulation	Basement: 1876 S.F. Crawl: 0 S.F. Slab: 21 S.F. Height to Joists: 0.0		(13) Plumbing			Average Fixture(s)			Basement Living Finish			17.25			820 14,145				
(2) Windows		(8) Basement					4 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			Walk out Basement Door(s)			775.00			1 775				
X	Many Avg. Few	X	Large Avg. Small				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			(14) Water/Sewer										
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish					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			(15) Built-Ins & Fireplaces			Fireplace: Exterior 1 Story			3875.00			1 3,875	
(3) Roof		Recreation SF Living SF 1 Walkout Doors No Floor SF					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			(16) Porches			CCP (1 Story), Standard			61.14			20 1,223	
X	Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			(14) Water/Sewer										
X	Asphalt Shingle	Chimney: Brick					Lump Sum Items:			(17) Garages			Class:C Exterior: Siding Foundation: 42 Inch (Unfinished)			Base Cost Common Wall: 1 Wall			507 10,338 1 -1,300	
										Notes: FORMEDEHIDE Phy/Ab.Phy/Func/Econ/Comb.%Good= 69/100/100/100/69.0, ECF (47070 HOWELL M & B)			Depr.Cost = 0.922 => TCV of Bldg: 1 =			176,226 162,480				

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

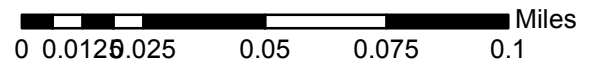
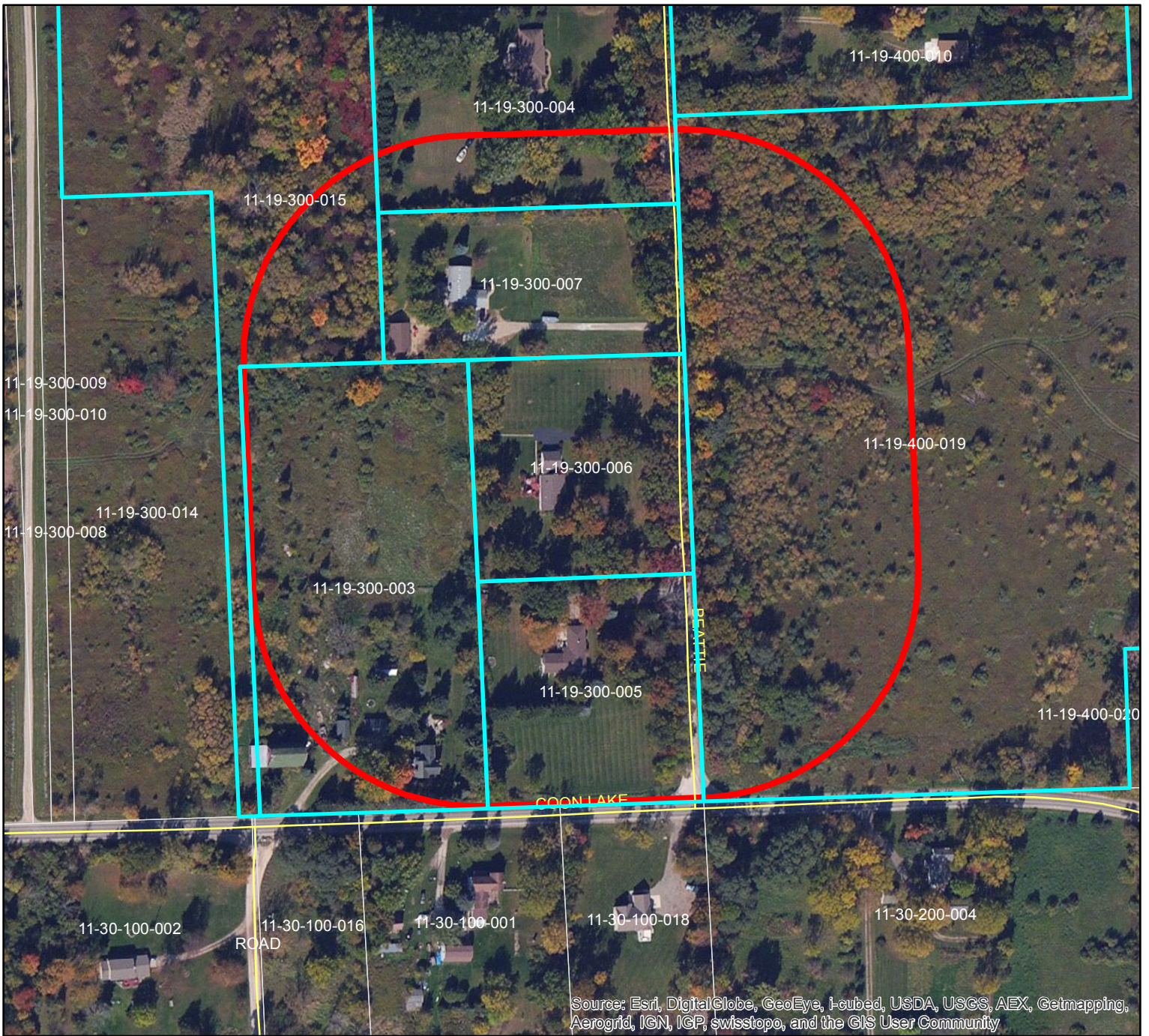


4 BEDROOM
3 FULL BATHS
1 HALF BATH

Sketch by Apex Medina™

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

300 ft Buffer for Noticing



Variance Case #15-24

Applicant: Erich Pearch

Parcel: 4711-19-300-005

Meeting Date: Aug. 18, 2015



July 27, 2015

GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE

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

Case # 15-25 Meeting Date: 8-18-15

- 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: Gordon Mackay / Robb Mackay applicant

Property Address: 4030 Highcrest Phone: 517-755-9671

Present Zoning: LRR Tax Code: _____

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: front yard setback

2. Intended property modifications: new single family construction

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain) small lot size

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: 7/29/15

Signature: Robb Mackay

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
August 18, 2015
CASE #15-25

PROPERTY LOCATION: 4030 Highcrest

PETITIONER: Gordon & Robb Mackay

ZONING: LRR (Lake Resort Residential)

WELL AND SEPTIC INFO: Sewer, Well

PETITIONERS REQUEST: A front yard setback variance to construct a new single family dwelling.

CODE REFERENCE: Section 3.04.01

STAFF COMMENTS: See Attached Staff Report

	Front	One Side	Other Side	Shoreline	Rear	-
Required Setbacks	35'	10'	5'	61'	40'	-
Setbacks Requested	10.8'	15'	5'	61.7'	61.7'	-
Variance Amount	24.2'	N/A	N/A	N/A	N/A	-



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Ron Akers, Zoning Official
DATE: August 14, 2015
RE: ZBA 15-25

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

STAFF REPORT

File Number: ZBA#15-25

Site Address: 4030 Highcrest

Parcel Number: 4711-22-302-082

Parcel Size: 0.137 Acres

Applicant: Gordon & Robb Mackay

Property Owner: Joseph & Louise Kowalczyk, 4099 Homestead, Howell, MI 48843

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: Applicant is requesting a front yard setback variance to construct a new single family dwelling on 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 August 2, 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 (1,152 square feet) built in 1930.
- 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 demolish the existing cottage on the property and construct a new single family home. As with many of the properties along Highcrest, in order to construct this new single family home (48' X 29') the applicant will require a front 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: 10.8'

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 yard setback would unreasonably prevent the applicant from constructing a single family dwelling. The presence of the shoreline setback and the narrow lot size limit the applicants building envelope considerably. To construct a home that is consistent with the character of new construction in the area the applicant will require the front yard setback variance.

Extraordinary Circumstances: The extraordinary circumstance of the property is the small & narrow lot size. Additionally the need for the variance is not self-created, but is due to the small narrow lot size.

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. Where the driveway is located on the property the front yard setback is closer to 20'. This is due to Highcrest street running diagonally along the front property line. This distance will be sufficient to provide off-street parking and provide sufficient sight distance for a vehicle backing out of a garage.

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. The covered porch would be an attractive addition to the house. The existing dilapidated cottage will be removed as part of the process and the new house should be an improvement to the area.

Staff Findings of Fact

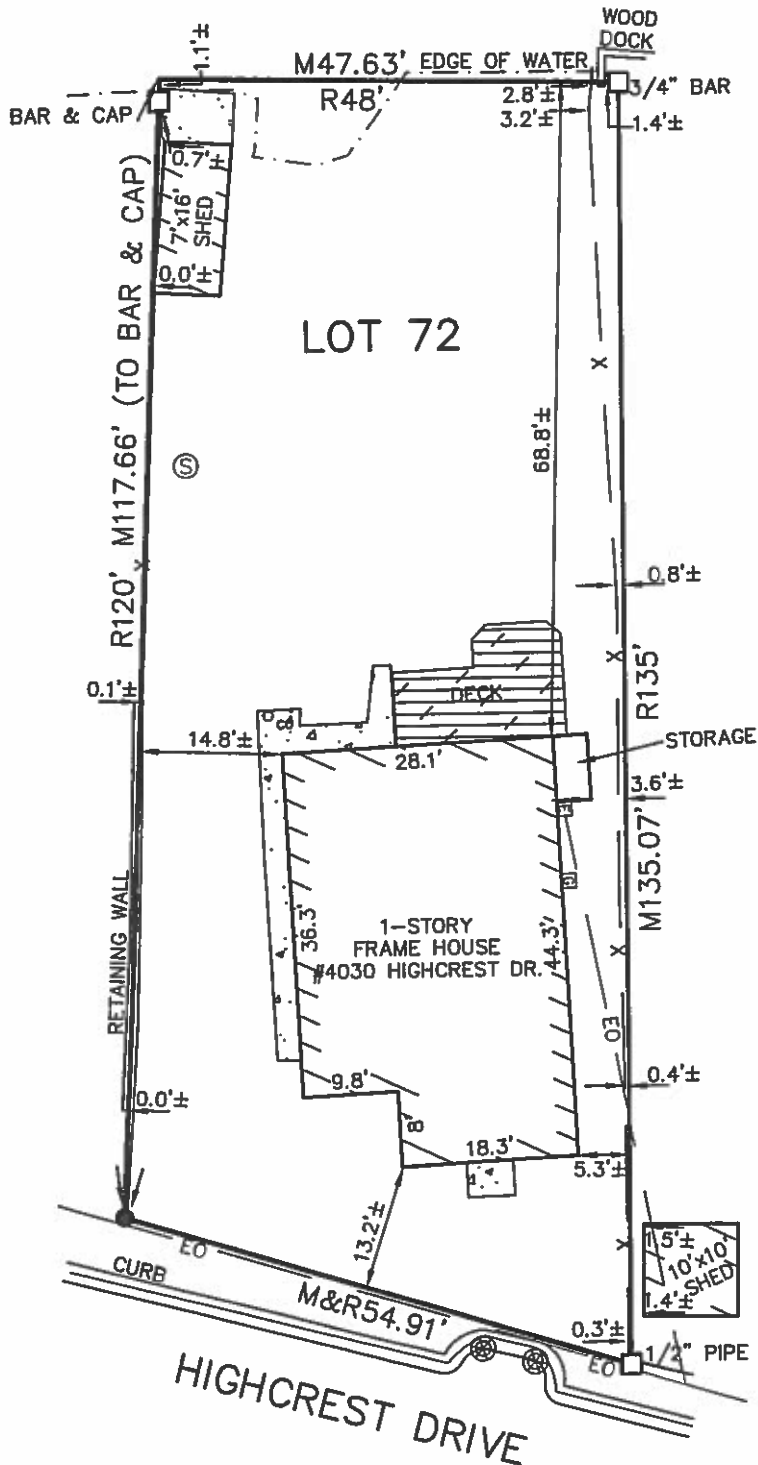
1. Strict application of the front yard setback would prevent the applicant from constructing a single family home which is in character with new construction in the vicinity.
2. The extraordinary circumstances on the property are due to the small and narrow lot size of the parcel.
3. The need for the variance is not self-created, but is due to the small and narrow lot size.
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. The location of the drive way and the proposed home will provide sufficient area for safe off-street parking.
6. Granting the requested variances will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

LOT SURVEY

For:
 Robb MacKay
 1209 Bauman Avenue
 Royal Oak, MI 48073

Survey Address:
 4030 Highcrest Drive
 Brighton, MI 48116

Legal Description (as provided): Lot 72, Crooked Lake Highlands Subdivision, Genoa Township, Livingston County, Michigan, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Pages 39-40, Livingston County Records.



1" = 20'

NOTES:
 1. EASEMENTS, IF ANY, NOT SHOWN

- = Concrete
- = Deck
- = Fence
- = Electric Meter
- = Gas Meter
- = Overhead Wires
- = Clean Out
- = Septic Tank
- = Catch Basin

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all visible encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- x— = Fence
- 0.0'± = Denotes Distance to the Survey Line

Erick R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR
 DATE 07/23/15
 NO. 53497

KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
 PH. 269-781-9800 FAX. 269-781-9805

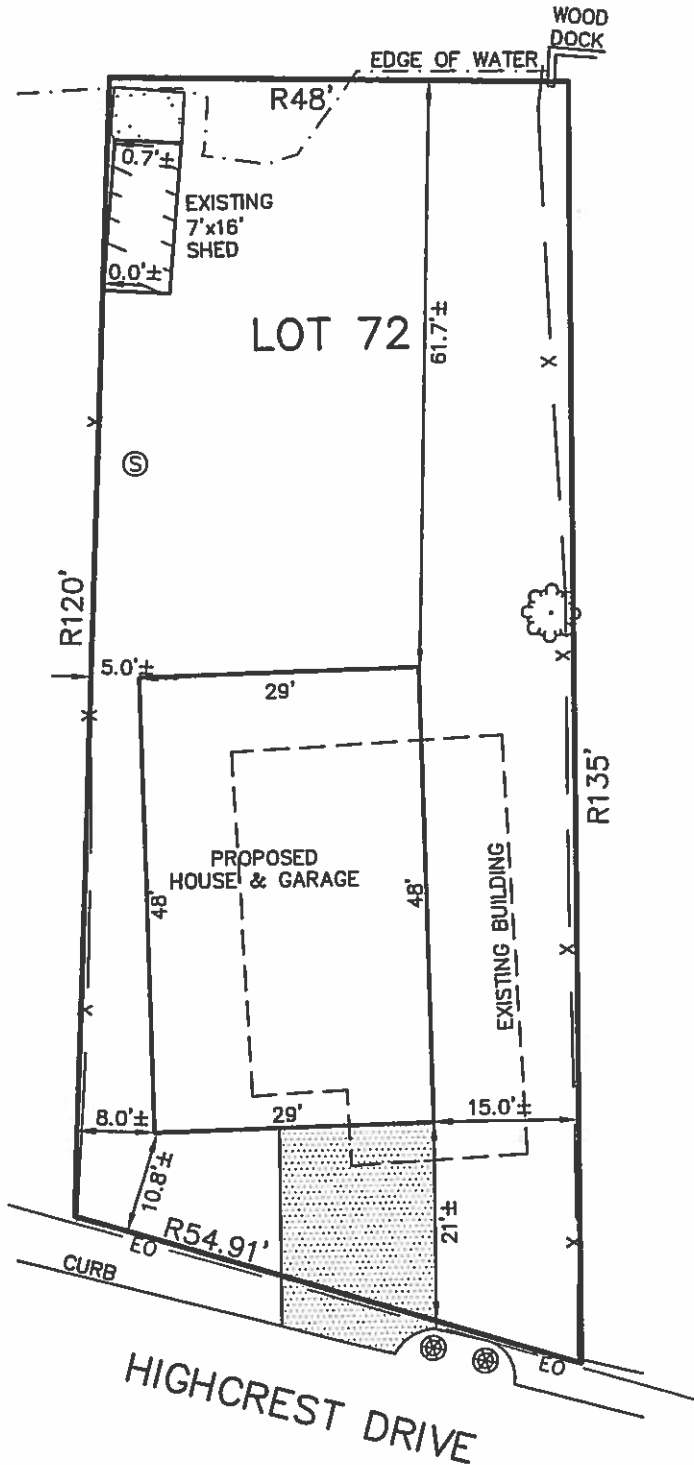
DRAWN BY SLH	SECTION 27, T2N, R5E
FIELD WORK BY NAW	JOB NUMBER:
SHEET 1 OF 1	89416.LOT

PLOT PLAN

For:
 Robb MacKay
 1209 Bauman Avenue
 Royal Oak, MI 48073

Survey Address:
 4030 Highcrest Drive
 Brighton, MI 48116

Legal Description (as provided): Lot 72, Crooked Lake Highlands Subdivision, Genoa Township, Livingston County, Michigan, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Pages 39-40, Livingston County Records.



1" = 20'

NOTES:
 1. EASEMENTS, IF ANY, NOT SHOWN

Soil Erosion Control Notes:

1. Clean roads daily
2. Clean catch basin filters once a week.
3. Inspect and maintain silt fence once a week.
4. Keep soil erosion permit posted at all times until site is stabilized.
5. All BMP's must remain in working order until site is stabilized.
6. Excavated soil to be used as fill on site.
7. Slab on grade.

This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

- R = Recorded Distance x = Existing Elevation
- = Silt Fence D = Surface Drainage
- = Dead Line 800.00 = Proposed Finish Grade
- = Distance Not to Scale
- = Deck, Porch, Sidewalk, & Patio Areas

ERICK R. FRIESTROM

ERICK R. FRIESTROM DATE
 PROFESSIONAL SURVEYOR NO. 53497

07/23/15



KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
 PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH	SECTION 27, T2N, R5E
FIELD WORK BY NAW	JOB NUMBER:
SHEET 1 OF 1	89416.PLT

Ron Akers

From: Kathleen Murphy
Sent: Wednesday, July 29, 2015 3:34 PM
To: Ron Akers
Subject: MacKay Shorelines Measurements

Robb MacKay (Case 15-25) called at 3:30 Wednesday with shoreline measurements for his two neighbors. He measured them himself.

Neighbor to the North: 71 feet from lake
Neighbor to the South: 51 feet from lake

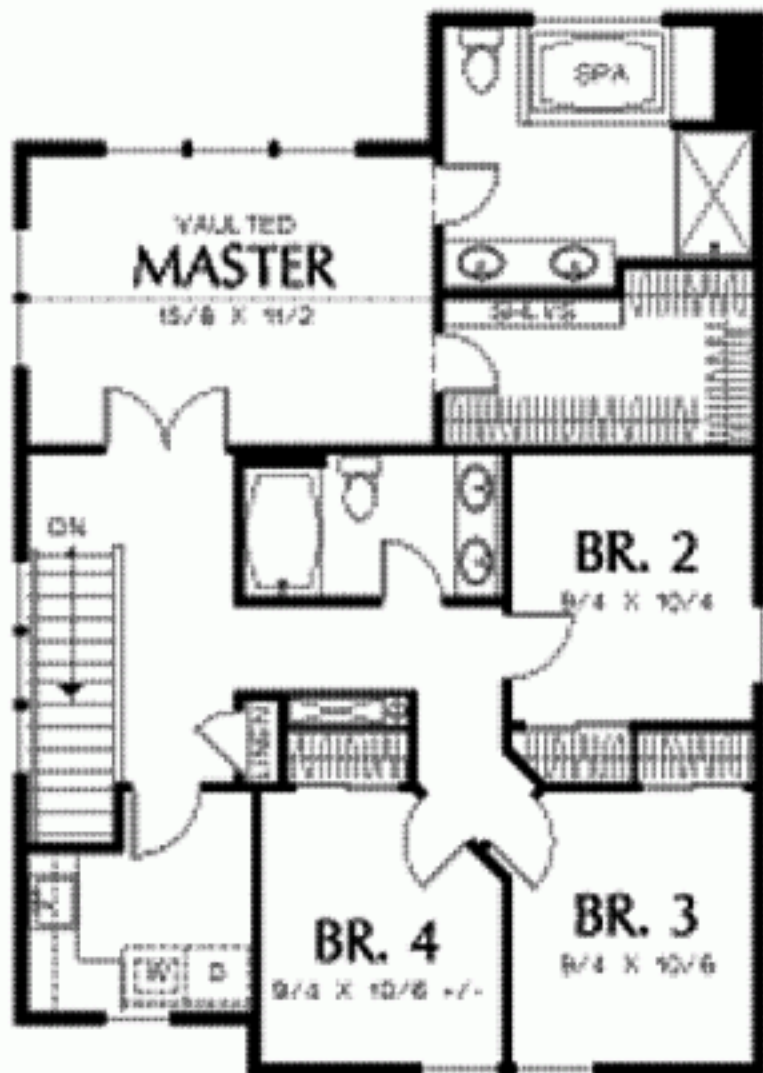
His number is (517) 755-9671 if you need it.

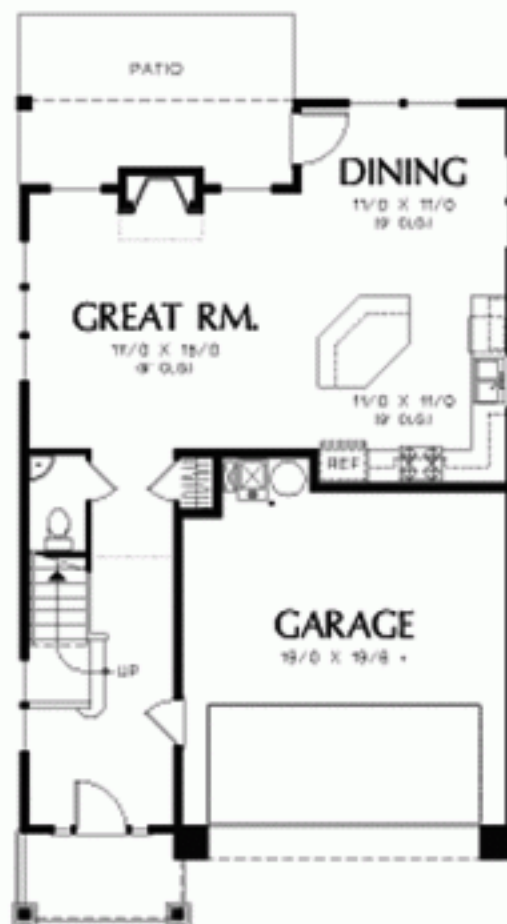
Kathleen Murphy
Administrative Assistant



Genoa Charter Township
2911 Dorr Road, Brighton, Michigan 48116
Phone: (810) 227-5225, Fax: (810) 227-3420
E-mail: kathleen@genoa.org, Url: www.genoa.org







15-25 Area Map



1 inch = 150 feet

Data Source: Livingston County GIS Department. Please note information may not be accurate and parcel boundaries are not surveyed boundaries.



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status			
4030 HIGHCREST		School: BRIGHTON									
Owner's Name/Address		P.R.E. 0%									
KOWALCZYK, JOSEPH & LOUISE 4099 HOMESTEAD HOWELL MI 48843		MAP #: V15-18		2016 Est TCV Tentative							
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT						
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 72		Public Improvements		* Factors *				Value			
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		LAKE FRONT	45.00	133.00	1.0000	0.9747	2300	100	100,879
		Paved Road		45 Actual Front Feet, 0.14 Total Acres				Total Est. Land Value =	100,879		
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		X	When	What	2016	Tentative	Tentative	Tentative		Tentative	
					2015	50,400	28,100	78,500		49,610C	
					2014	48,200	25,800	74,000		48,829C	
					2013	43,900	24,600	68,500		48,061C	

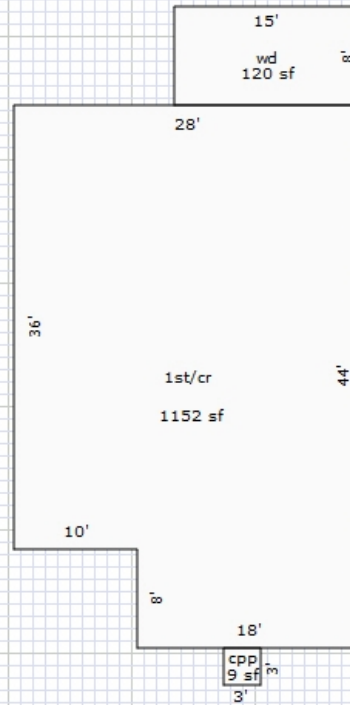


The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

*** 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 9 120	Type CPP 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: D		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj			CnlyMult		Bsmnt Garage:	
Yr Built 1930	Remodeled 0	Ex	X	Ord		Min	0 Amps Service			Total Base Cost: 52,132			X	1.470		
Condition for Age: Good		Lg	X	Ord		Small	No Heating/Cooling			Total Base New : 76,634				E.C.F.		
Room List		(5) Floors		Kitchen: Other: Other:			No./Qual. of Fixtures			Total Depr Cost: 34,485			X	1.637	Carport Area: Roof:	
	Basement 1st Floor 2nd Floor 1 Bedrooms	Kitchen: Other: Other:		(12) Electric			Ex. X Ord. Min			Rate Bsmnt-Adj Heat-Adj			Size Cost			
(1) Exterior		(6) Ceilings		No. of Elec. Outlets			Many X Ave. Few			Other Additions/Adjustments			Rate		Size Cost	
X	Wood/Shingle Aluminum/Vinyl Brick	(7) Excavation		(13) Plumbing			Average Fixture(s)			Public Sewer			912.00		1 912	
	Insulation	Basement: 0 S.F. Crawl: 1152 S.F. Slab: 0 S.F. Height to Joists: 0.0		1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Well, 200 Feet			(16) Porches			4400.00		1 4,400	
(2) Windows		(8) Basement		(14) Water/Sewer			Public Water			CPP, Standard			34.35		9 309	
X	Many Avg. Few	X	Large Avg. Small	Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(16) Deck/Balcony			7.24		120 869	
(3) Roof		(9) Basement Finish		Recreation SF Living SF Walkout Doors No Floor SF			Public Sewer			Treated Wood,Standard			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0,		Depr.Cost = 34,485	
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:			1 1000 Gal Septic 2000 Gal Septic			ECF (4306 TRI LAKES LAKE FRONT)			1.637 => TCV of Bldg: 1 =		56,453	
X	Asphalt Shingle			Lump Sum Items:												
Chimney: Brick																

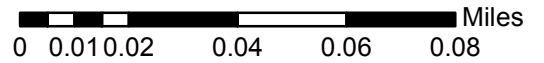
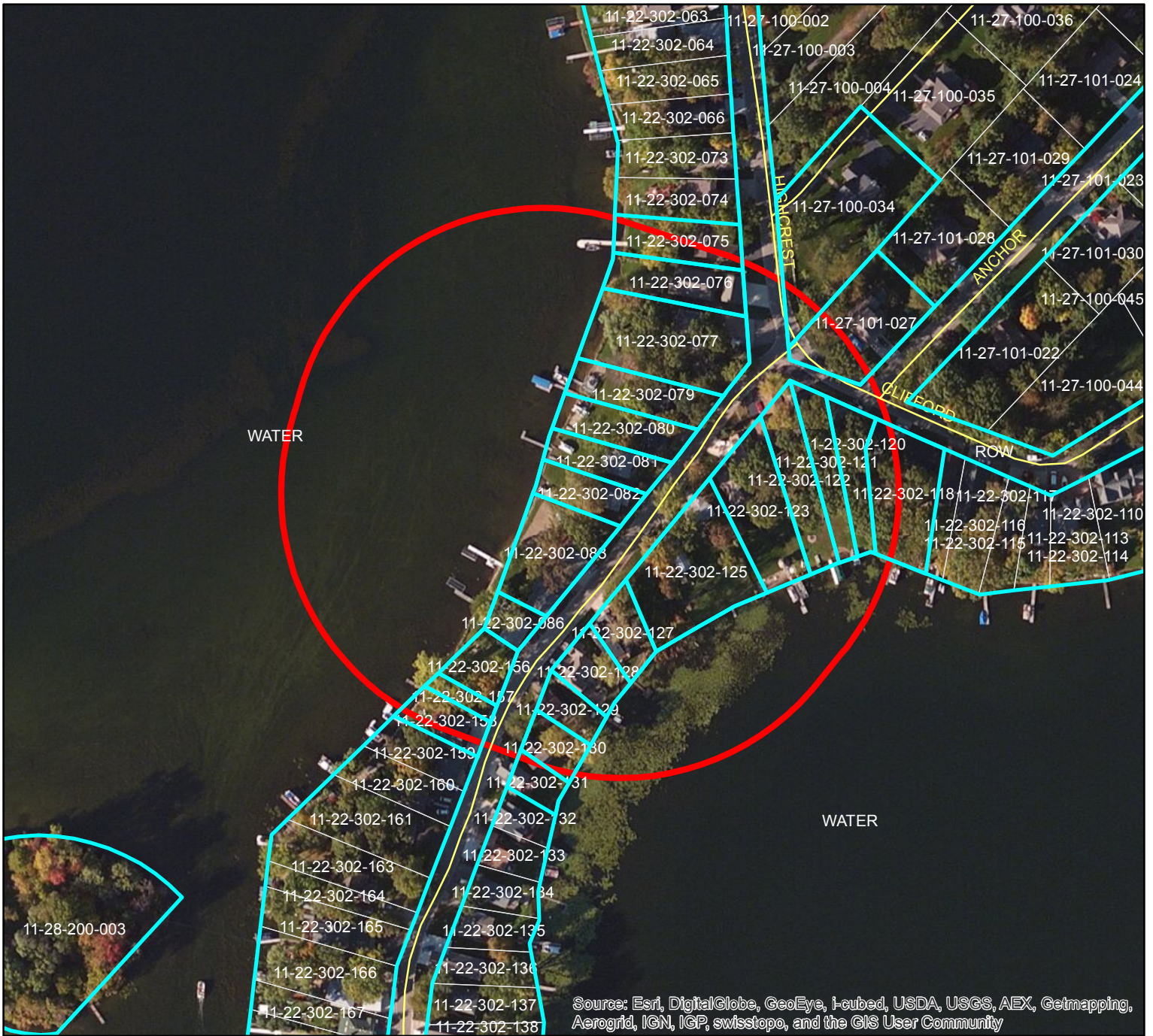
*** Information herein deemed reliable but not guaranteed***



Sketch by Apex Sketch

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

300ft Buffer for Noticing



Variance Case #15-25

Applicant: Robb MacKay

Parcel: 4711-22-302-082

Meeting Date: Aug. 18, 2015



July 27, 2015

GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 21, 2015
6:30 P.M.
Minutes

Chairperson Jeff Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 p.m. at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were as follows: Jean Ledford, Jerry Poissant and Barb Figurski. Absent was Marianne McCreary. Also present was Township staff member Ron Akers and Recording Secretary Kathleen Murphy. There were 19 people 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 Ledford, seconded by Figurski to approve the agenda as submitted. **Motion passed.**

Call to the Public: was made with no response. (*Please Note: The Board will not begin any new business after 10:00 p.m.*)

5-12 ... A request by James and Connie DeBrincat, 2608 Spring Grove, for a side yard setback variance in order to construct a detached accessory building.

James DeBrincat was present for the petitioner.

He addressed questions that came up last month regarding the septic field on the property. The proposed driveway is over the existing septic field. The owner indicated that due to this he would remove the driveway from the plans.

Dhaenens asked why not attach the proposed garage, extending house. It was noted that DeBrincat if the applicant did this a variance would not be needed. Ledford asked why the out building was needed, to which DeBrincat said to house a vehicle, lawnmower, etc. Poissant asked about the 10-foot separation; Akers responded that this was an ordinance requirement.

A call to the public was made with no response.

Moved by Poissant, seconded by Ledford, to approve Case 15-12 for James and Connie DeBrincat, 2608 Spring Grove, for a side yard setback of 23.9 feet, which is a variance of 6.1 feet for a 28-foot by 24-foot accessory building. The practical difficulty is that strict application of the side yard setback requirement would prevent the applicant from building a detached accessory building on the property and the narrowness of the lot. Granting of the requested variance would not deny an adequate supply of light and air to the neighboring property or streets, and granting of

the requested variance would not interfere with the appropriate development or continued use of adjacent properties in the surrounding areas.

Motion carried unanimously.

15-13 ... A request by Jess Peak, 3828 Highcrest, for a variance in order to construct a detached accessory building in the front yard.

Jess Peak was present for the petitioner.

Peak addressed the location of the sewer lines. He indicated that an MHOG representative came out and provided options to relocate the sewer line. He also indicated that there will be the same siding and finishes on the new building as the home on the property.

Dhaenens asked about the concrete pad on the property. Peak said they would break it apart to get it to the required level and rebuild it.

A call to the public was made with no response.

Moved by Ledford, supported by Figurski, to approve Case 15-13, 3828 Highcrest, Petitioner Jeff Peak, to build a 22-foot by 32-foot detached accessory building in the front yard. Practical difficulty is due to the location of the house being on the northeast corner of the property and a driveway easement along the southern boundary and size of the rear and side yard makes the placement of a detached accessory bldg. limited. Variance will have little impact on appropriate development, continued use or value of adjacent properties and surrounding areas. Has sufficient distance from the road and adjacent properties and should have a limited impact on values. Will not impair adequate supply of light and air to adjacent properties, will not increase congestion in public streets or increase the danger of fire, safety, comfort, morals or welfare of neighbors. Approval is contingent upon petitioner relocating the sewer line out of the way of the new garage and installing gutters and downspouts on the garage.

Motion carried unanimously.

15-14 ... A request by Tim Chouinard, 1185 Sunrise Park, for a side yard setback variance and a front yard setback variance to construct an attached garage and second story addition on an existing home.

Tim Chouinard was present for the petitioner.

Chouinard said it is a very small lot that he and the owners are trying to turn it into a home the owners can use in retirement. The front yard setback variance needs to be 24 feet for the garage, which would be located behind the house. Chouinard said he did try to make it smaller and Figurski questioned the size. Poissant asked about property and plat and questioned whether the property lines extended to the water's edge. Akers said Sunrise Park was platted in 1930s or 1940s, and it is unclear where the property lines go to. Poissant said he thinks the building exceeds the 35% lot coverage rule. Dhaenens questioned the 3-foot setback on the one side.

Akers said at the previous meeting there was a letter received from a neighbor in opposition to the project. He also received a call from an anonymous resident saying the land was actually park land; and that person wanted that brought to the Board's attention.

Call to the public was made with no response.

Dhaenens suggested tabling the case due to the percentage of structure occupancy on the land in order to find out if this meets the 35% requirement.

Moved by Ledford, supported by Poissant, move to table Case 15-14 to the next regularly scheduled meeting on August 18, 2015 to be able to add a calculation of the 35% structure occupancy on the land in order to find out if it meets the 35% requirement.

Motion carried unanimously.

15-16 ... A request by Rickey F. Novak, 140 S. Hughes Road, for a variance to construct a detached accessory building in the front yard.

Rickey F. Novak was present for the petitioner.

Novak said the side yard of his home is a flood zone, the septic field is located in the rear yard and he would have to remove a great deal of habitat to put the detached accessory building there. He said in the front it would basically be hidden. Figurski said hard to see house from road. Dhaenens commented that the back and side of the home was tight. He said he understands why Novak is not requesting to place it in the back yard.

Call to the public:

Brenda Klemmer, 100 S. Hughes Road, wants to know why the proposed building is not attached to home and what the material used would be. Novak said it would be vinyl sided and match the existing home. It is possible for him to attach it to house but would have many additional costs. That is a primary reason for not attaching.

Moved by Ledford, supported by Figurski, to approved Case 15-16, 140 S. Hughes Road, Richard Novak, Petitioner, for a variance to construct a 30x40 detached accessory bldg. in the front yard.

Extraordinary circumstances due to the presence of a flood plain area in the rear and side yard and the location of the septic system. Granting the variance will not impair an adequate supply of light and air to adjacent properties or increase congestion on public streets or endanger public safety, comfort, or welfare to the township and will not diminish the value of adjacent properties in the neighborhood. Approval is conditioned upon the building having gutters and downspouts.

Motion carried unanimously.

15-17 ... A request by Jeffrey and Susan Wood, 2166 Webster Park Drive, for a variance to make repairs, improvements and modernization to a non-conforming structure which exceeds one-half (1/2) of the value of the structure during a period of twelve (12) consecutive months.

Jeff and Susan Wood present for the petitioner.

Susan said they are looking for a place for a summer cottage. The purchase agreement is contingent upon this variance being granted. They need to spend more than \$15,000 of \$30,000 cash value.

Dhaenens said it appears the renovation exceeds the value. Susan said salvaging the structure is not realistic according to one estimate. Figurski asked about tear down. Jeff said they may need to tear it down. Poissant asked if tear-down would be a different variance. He said front yard setback variance would be needed and potentially side yard. Susan said the goal is a cottage and the foot print is fine for their use. It isn't just a question of money but also whether or not that this is a sound decision. A county official said a new build would require a new septic field and the county would not allow new septic field. The Woods said they are prepared to walk away. Akers and Dhaenens advised them to get another opinion.

Call to the public:

Deborah Hall, 2165 Webster Park: She said that house has been an eyesore for years and it is just a matter of time before something happens. It is not secure. She is not opposed to this because it would make the neighborhood better.

Kelly DuBine, 2172 Webster Park: She is here to support the request. She said the property is dangerous.

John Graham, the Woods' real estate agent: He urged the board to approve the variance because they aren't done yet trying to make the cottage a reality and he is not giving up on it yet.

Motion by Ledford, seconded by Figurski, to approve Case 15-17, 2166 Webster Park Drive, Petitioners Jeffrey and Susan Wood. The petitioners are requesting a variance to make repairs, improvements and modernization to a non-conforming structure which exceeds ½ of the replacement value of the structure during a period of 12 consecutive months bases on the following findings of fact:

Extraordinary circumstances of the property is the lot size and large setback requirements and because the date of the home was built is uncertain and it is considered to be a non-conforming structure and is in a dilapidated condition. Estimated cash value of the building is \$30,000. The zoning ordinance limits the annual cost of improvements to \$13,286.50 per Section 24.04.06 of the Zoning Ordinance, however petitioner requested and is granted a variance removing the expenditure restriction of \$15,000 per year which is over 50% of the cash value. Improving this dilapidated structure will improve conditions in the area as well as the value of adjacent properties.

Motion carried unanimously.

15-18 ... A request by David Gruber, 4066 Highcrest, for shoreline setback variance, a rear yard setback variance, and a front yard setback variance in order to construct a new single family home.

Dave Gruber was present for the petitioner.

Gruber wants to build a modestly-sized home on a small lot. It would be smaller than many homes in the area. Said he needs a professional staked survey to identify for the property lines.

Dhaenens worried about how close it was to the shoreline. Gruber said the shoreline it farther than the actual property line. Gruber said he is 26 feet from the shoreline. He said the stakes are inaccurate because he doesn't know the property lines. Figurski brought up the percentage of the lot coverage. Poissant asked about a staked survey.

Call to the public.

Pete Bruder, 4058 Highcrest: He was concerned about stake closest to water, which is only 17-18 feet from water. Bruder's setback is about 40 feet. That property would affect his view. If setback is farther back, it would be ok but not where the stake is currently located.

Dhaenens expressed apprehension and said Gruber needs to come back anyway for the lot coverage but wants to see something creates less of shoreline setback and be more consistent with other houses in the neighborhood.

Moved by Ledford, supported by Poissant to table Case 15-18, 4066 Highcrest, Petitioner David Gruber, until the next meeting on August 18, 2015.

Motion carried unanimously.

15-19 ... A request by Mark W. Cameron, 6258 Cunningham Lake Road, for a variance to construct a detached accessory building in the front yard.

Mark Cameron was present for the petitioner.

Cameron said his hardship was the topography of the land. He said the only spot to put a detached two-car garage is the front side of his driveway.

Dhaenens asked about concrete pad and why not attached to the house. Cameron said that would require extensive foundation work and be very expensive; and also ruin the view. Ledford wondered about the foundation, but Cameron said that is a retaining wall and the driveway is gravel. He said he has a tree line that would block the neighbor's view of ahis garage. He also mentioned that a neighbor farther away has a detached garage.

Call to the public.

Paul Wholihan, 6259 Cunningham Lake Road: He said he would not see the garage and he lives across the road. He has no objection. His wife emailed her support.

Sheila Davis, 6264 Cunningham Lake Road: She has no objection and she sent a letter of support.

Moved by Poissant, supported by Figurski, to approve Case 15-19, 6258 Cunningham Lake Road, to approve Petitioner Mark Cameron's request for a variance to construct a detached accessory building in the front yard.

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.

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.

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.

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.

Motion carried unanimously.

15-20 ... A request by Mark S. Cummer, 4811 Pine Eagles Drive, for a variance from the setback requirements between condominium units in order to remove and replace an existing deck.

Mike Kiker was present for the petitioner.

Owners proposed to extend deck but keep the width the same (common wall to common wall). A 2013 variance approved even larger deck extension in same neighborhood: 6 feet as opposed to Cummer's 3 feet. Request has been approved by their neighbors and association.

A call to the public was made with no response.

Moved by Figurski, supported by Ledford, for a variance from the setback requirements between condominium units in order to remove and replace an existing deck.

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.

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.

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.

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.

Motion carried unanimously.

Administrative Business:

1. Approval of minutes for the June 16, 2015 Zoning Board of Appeals meeting. Moved by Poissant, supported by Ledford to approve the 6-16-15 Zoning Board of Appeals minutes as amended. Motion carried unanimously.
2. Review of Rules of Procedure: Amended to give a policy for postponing decisions. Marianne wants to specify that a new application fee be specified after two postponements. Figurski moved that the review the rules of procedure as specified by Ron is approved. Ledford seconded. Motion carried unanimously.
3. Correspondence: Ron talked about Supreme Court sign ruling now requires communities to re-do sign ordinances. Mentioned Citizen Planner Course.
4. Township Board Representative Report: Ledford talked about Brighton Church of Nazarene: land use failed. Talked about Ron's new job in Van Buren Township. Board complimented him.
5. Planning Commission Representative Report: Nazarene Church approved with Figurski no. Approved church façade. Approved Culvers.
6. Zoning Official Report: Working on transition and trying to get some projects done. Ron will do all staff reports, etc, but not be at meeting.
7. Member Discussion: Talked about Nazarene Church. Traffic was an issue.
8. Adjournment: Moved by Ledford, supported by Figurski, to adjourn the meeting at 9:03 p.m.

Signed,

Kathleen Murphy
Recording Secretary

Ron Akers

From: Schindler, Kurt <schindl9@anr.msu.edu>
Sent: Thursday, August 13, 2015 11:12 AM
To: Schindler, Kurt
Subject: QualifiedImmunity, Notices&DueProcess, OMAcosts&attorneyFees, OMA&108limitation

Dear everyone:

There are four items in this (August 13, 2015) email:

1. Court: Loss of qualified immunity in local ordinance enforcement.
2. Court: Repeated notices adequate for due process.
3. Court: Open Meeting Act violation and injunctive relief: plaintiff gets court costs and attorney fees.
4. Court: Open Meeting Act and a 180-day period of limitations.

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>.

Many people suffer terribly from hay fever. Isn't this news simply a pollen?

-----kurt

=====

1.Case: *DiLuzio v. Village of Yorkville, OH* (No. 14-3970/3971)

Court: U.S. Court of Appeals Sixth Circuit

The U.S. Sixth Circuit Appeals Court held that the defendants-Village of Yourkville, Ohio, (mayor, fire chief, and police chief) government officials were properly denied qualified immunity on the plaintiff-property owner's due process claims arising from the demolition of one of his burned buildings.

Plaintiff-DiLuzio argued that defendant-Mayor DiFilippo wanted him to sell his property to a developer, so DiFilippo "knowingly faked" an "emergency situation" to order the demolition and then threatened huge daily fines to pressure him into selling.

Discarding the "fact-based or 'evidence sufficiency' portion" of the defendants' appeal, the court accepted the plaintiff's record-supported facts and concluded that a jury could reasonably find from the evidence that defendant-Police Chief Morelli's conduct violated substantive due process. It noted that it had no jurisdiction to review Morelli's "disagreement with the facts (or inferences therefrom) as that is solely a challenge to DiLuzio's evidence." It concluded that a jury could reasonably find "that Chief Morelli 'intended to injure' DiLuzio in a way 'unjustifiable by any governmental interest' such that his conduct 'shocks the conscience'" A jury could also reasonably find that a plan existed between "Morelli and Mayor DiFilippo to undertake a series of flawed legal actions" to force DiLuzio to sell his property.

The court lacked jurisdiction to decide the Mayor's appeal to the extent he claimed that he believed the damage to the burned building created an emergency. This argument was solely a challenge to DiLuzio's evidence. DiLuzio presented evidence that the Mayor violated procedural due process by "act[ing] in bad faith," and that there was no actual emergency or need for "quick action"—his stated reason for demolition was "pretextual."

As for DiLuzio's conspiracy claim, the court held that, assuming the "intracorporate conspiracy doctrine" applied to municipal government officials in a § 1983 action, it did not apply here because the conspiracy would "fall outside the scope of their employment." The court also concluded that a jury could reasonably find from DiLuzio's evidence that defendant-Police Officer Davis's conduct was an "unlawful seizure." DiLuzio asserted

that “Davis unlawfully physically seized him, despite his verbal refusal, and placed him in a police car to drive him to a meeting.” A jury could reasonably find “that a reasonable person would not have felt free to ignore Officer Davis in this context”

NOTE: Qualified immunity shields government officials in the performance of their discretionary functions from standing trial for personal liability, unless their actions violate clearly established rights: (1) a constitutional right which was (2) clearly established. This case upheld the U.S. District Court’s ruling the municipal officials were properly denied qualified immunity. (Source: State Bar of Michigan *e-Journal* Number: 60596, August 13, 2015.)

Full Text Opinion:

http://www.michbar.org/file/opinions/us_appeals/2015/080615/60596.pdf

=====

2. Case: *Yang v. City of Wyoming, MI* (No. 14-1846, July 13, 2015)

Court: U.S. Court of Appeals Sixth Circuit [This appeal was from the WD-MI.]

The court held that the plaintiffs-property owners (the Yangs) received adequate notice before the defendant-City of Wyoming demolished their “dilapidated” commercial building.

The city sent notice through signature-required certified mail, but the letter was returned unclaimed. Then, “the city made four other attempts to reach the Yangs on top of the certified mail it sent to the couple’s home address.” Notices were posted on the Yangs’ building, and they received a notice regarding the demolition hearing by regular mail. This hearing notice was also forwarded to the Yangs’ realtor. After the hearing and before the demolition, the city sent them an additional letter by regular mail.

“All of these forms of notice considered, the city satisfied due process before tearing down a building that even the Yangs do not deny was dangerous and dilapidated.” The court rejected the Yangs’ “divide and conquer approach” in attacking the adequacy of notice, noting that “neither Jones nor any other case holds that the city acts unreasonably simply because its subsequent responses would not—each by themselves—independently satisfy due process” At “some point, the question must turn from how often—and in how many forms—notice is due to how many times the property owner neglects to respond with the diligence that is due. Either way, the city satisfied its reasonableness requirements.”

The fact that the Yangs “chose (apparently) not to visit their property for fourteen months or chose (apparently) not to open their mail does not diminish the city’s reasonable efforts at providing notice. ‘The law expects at least some diligence from the property owner,’ . . . and that reality necessarily affects how courts gauge reasonable efforts.” The court affirmed the district court’s grant of summary judgment to the city.

There was dissenting opinion which found the notice attempts by the city does not pass constitutional muster in part because the content of the notices did not provide enough information. (Source: State Bar of Michigan *e-Journal* Number: 60361; July 16, 2015.)

Full Text Opinion: http://www.michbar.org/file/opinions/us_appeals/2015/071315/60361.pdf

=====

3. Case: *Speicher v. Columbia Twp. Bd. of Trs.*

Court: Michigan Court of Appeals (Unpublished 313158, July 21, 2015)

On remand from the Supreme Court, the court again affirmed the trial court’s denial of the invalidation of the hiring of the township fire chief, and again reversed and remanded as to plaintiff’s motion for costs and actual attorney fees. (See *Speicher v. Columbia Twp. Bd. of Trs.*, Michigan Supreme Court (No. 148617, December 22, 2014; 497 Mich. 125; 860 N.W.2d 51; 2014), page 4 of Selected Planning and Zoning Decisions: 2015, <http://lu.msue.msu.edu/pamphlet/Blaw/SelectedPlan&ZoneDecisions2014-15.pdf>.)

The court held that because the trial court properly found that the rights of the public were not impaired, it did not abuse its discretion by refusing to invalidate the defendant-Board’s appointment of the new fire chief. However, here, unlike in *Speicher*, “plaintiff sought and obtained the injunctive relief described” by the Supreme Court. “In *Speicher*, the plaintiff sought a declaration that a public body had violated the Open Meetings Act (OMA) (MCL 15.261 *et seq.*), as well as an injunction against the body for further noncompliance

with the OMA.” Plaintiff eventually obtained the former, but not the latter, and the Supreme Court held that “such success was insufficient to entitle the plaintiff to court costs and attorney fees under MCL 15.271(4).”

By contrast, here, “plaintiff sought, and obtained, both a declaration that the Board violated the OMA and an order enjoining the Board from further noncompliance with the OMA. Thus, under *Speicher*,” he sought and obtained injunctive relief, which entitled him to court costs and attorney fees under MCL 15.271(4). (Source: State Bar of Michigan *e-Journal* Number: 60438, July 28, 2015.)

Full Text Opinion: <http://www.michbar.org/file/opinions/appeals/2015/072115/60438.pdf>

=====
4. Case: *Holetom v. City of Livonia*

Court: Michigan Court of Appeals (Unpublished No. 321501, July 21, 2015)

The court held that the trial court properly granted summary disposition for the individual defendants as to plaintiffs’ claim for statutory damages under MCL 15.273. It also held that their claims for injunctive and declaratory relief under MCL 15.271 were not barred by the same 180-day period of limitations, but that the trial court reached the correct result because these claims were barred by laches. However, it remanded with instructions to allow plaintiffs to file their first amended complaint naming a police officer as a defendant and setting forth new assault, battery, false arrest, false imprisonment, and § 1983 claims against him.

Plaintiffs (husband and wife) are community activists who oppose the installation of advanced metering infrastructure (AMI) meters, also known as “smart meters,” by the Detroit Edison Company (DTE). They “regularly present remarks at public meetings in an effort to persuade local units of governments to adopt resolutions opposing AMI meters.” They alleged that they were “mistreated and repeatedly interrupted by the members of the Livonia City Council” during appearances at Council meetings.

Defendants argued, among other things, that plaintiffs’ claims were barred by the 180-day period of limitations set forth in MCL 15.273(2). They noted that the last alleged violation of the Open Meetings Act (OMA) (MCL 15.261 *et seq.*) giving rise to plaintiffs’ claims had occurred on March 19, 2012, but that plaintiffs had not filed their complaint until January 6, 2014. It was undisputed that defendants’ last alleged violation of the OMA occurred on March 19, 2012, more than 180 days before the filing of the complaint. “An action for damages under MCL 15.273(1) must be commenced within 180 days of the alleged violation.”

The more important question was whether plaintiffs’ claims for injunctive and declaratory relief under MCL 15.271 were barred by this same 180-day period of limitations. The appeals court held that they were not. The trial court erred by ruling that their claims for injunctive and declaratory relief under MCL 15.271 were barred by the 180-day limitations period of MCL 15.273(2). However, the trial court reached the correct result. The appeals court affirmed the trial court’s denial of plaintiffs’ motion for leave to amend the complaint to add the City Council and a City Council committee as parties for purposes of their OMA claims, but reversed as to adding the police officer who removed one of the plaintiffs from a committee meeting and to assert new claims against him. Affirmed in part, reversed in part, and remanded. (Source: State Bar of Michigan *e-Journal* Number: 60455, July 29, 2015.)

Full Text Opinion: <http://www.michbar.org/file/opinions/appeals/2015/072115/60455.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 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, 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>