GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FEBRUARY 15th, 2011
6:30 P.M.

AGENDA

Call to Order:

Pledge of Allegiance:

Introduction:

Approval of Agenda:

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

1. 11-03... A request by Maicom/Comcast Cable, Section 11, 6168 E. Grand River, for a use variance to allow in the Genoa Town Center an addition to an existing non-conforming essential public service building with a front yard variance, a building height variance and architectural requirements variance.
2. 11-04... A request by Eli Gergics, Sec. 30, 2062 Webster Park Drive, for a front yard and a waterfront variance to construct a 2nd story addition.
3. 11-05... A request by Ray Henrickson, Sec. 19, 3856 Beattie Road, for a variance to allow a detached accessory structure in the front yard of a non-conforming lot.

ADMINISTRATIVE BUSINESS:

A. Approval of minutes for the January 19th, 2011 Zoning Board of Appeals meeting.
B. Correspondence
C. Member Discussion
D. Adjournment
Charter Township of Genoa
ZONING BOARD OF APPEALS
FEBRUARY 15th, 2011
CASE #11-03

PROPERTY LOCATION: 6168 E. Grand River

PETITIONER: Maicom/Comcast Cable

ZONING: MDR (Medium Density Residential), NSD (Neighborhood Service District), and TC (Town Center Overlay)

WELL AND SEPTIC INFO: Water and sewer is available

PETITIONERS REQUEST: Requesting a use variance to allow in the Genoa Town Center an addition to an existing non-conforming essential public service building with a front yard variance, a building height variance and architectural requirements variance.

CODE REFERENCE: Section 9.03.01 – Town Center Overlay – Permitted uses
Section 9.04.01 – Town Center Overlay – Grand River frontage setbacks
Section 9.05.01 – Town Center Overlay – Commercial architecture

STAFF COMMENTS: Petitioner is seeking to expand a nonconforming public utility building within the Town Center Overlay. Due to the restrictions of the Town Center Overlay, the petitioner needs a use variance in addition to the dimensional and architectural requirement variances. Please see the letter from the Township Planning Director for further information.

If the Board decides in favor of the variance from the architectural requirements then Staff would recommend any motion contain a condition requiring the Planning Commission’s approval of the architectural design.

Please note that the front yard setback applies to the building being too far away from the front lot line (Town Center Overlay restricts buildings to within 0-75 feet from the front lot line). Similarly, the building height variance is from the minimum 20 feet for the existing 14 foot high building and the proposed addition.

<table>
<thead>
<tr>
<th>Setbacks of Zoning</th>
<th>Front</th>
<th>One Side</th>
<th>Other Side</th>
<th>Rear</th>
<th>Height</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum 75 feet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Setbacks Requested</td>
<td>435 feet</td>
<td></td>
<td></td>
<td></td>
<td>14 feet</td>
<td></td>
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<tr>
<td>Variance Amount</td>
<td>360 feet</td>
<td></td>
<td></td>
<td></td>
<td>6 feet</td>
<td></td>
</tr>
</tbody>
</table>
GENOA TOWNSHIP APPLICATION FOR VARIANCE
2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case #: 11-03   Meeting Date: 2-15-11 @ 6:30 P.M.
□ 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: MAICOM / COMCAST CABLE
Property Address: 6168 GRAND RIVER Phone: 978-265-0831
Present Zoning: MDR + NSD Tax Code: 11-11-300-013

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: DISTRICT USE: ALLOW ESSENTIAL PUBLIC SERVICE.
   DIMENSIONAL REQ.: SETBACK & BUILDING HEIGHT.

2. Intended property modifications: CONSTRUCT A 19'-4" X 24'-8"
   X 14'-0" TALL ADDITION.

This variance is requested because of the following reasons:

a. Unusual topography/shape of land (explain)

b. Other (explain)

Variance Application Requires the Following:

- 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 8½ and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes.
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting.
- Petitioner (or a Representative) must be present at the meeting.

Date: 1-21-11   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 Adam or Amy at the township office to discuss what your next step is.
GENOA TOWNSHIP APPLICATION FOR VARIANCE

Date 1-21-11

Address: 6168 Grand River

Applicant: Maicom Construction Services/Comcast Cable

This variance is requested because of the following reasons:

District Use:

1. The existing building received site plan and special land use approval in October 1998 in its current location and use. Adhering to new MDR would require construction of new facility and relocation of critical telecommunication and emergency services equipment.

Dimensional Requirements:

1. The existing building was granted its current location (set back) via 1998 site plan approval.
2. To utilize a 20'-0" building height in lieu of the proposed 14'-0" height would pose an unsightly finished product considering the existing building eave height is 9'-0".
February 9, 2011

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

Subject: Variance Request Review: Comcast – Equipment Storage Building Addition
Location: 6168 W. Grand River, Brighton
Zoning: MDR / Town Center
Applicant: Maicom Construction Services/Comcast Cable

Dear Board of Appeals:

I have reviewed the above referenced variance application and site plan dated January 10, 2011 for an 476.8 square foot equipment building addition on the west side of the existing building located at 6168 W. Grand River, Brighton. The site is located on the south side of Grand River, east of Dorr Road. I have reviewed the plan for compliance with the criteria applicable to variances as presented in Article 23 of the Zoning Ordinance.

Existing Use: The site is currently being used as an equipment storage building. The site has an underlying zoning of Medium Density Residential (MDR) and is within the Town Center overlay district. Essential Public Service buildings are a special land use in the MDR district. The existing building received site plan and special land use approval in October 1998. The Town Center overlay district does not permit essential public service buildings therefor this is considered a non-conforming use in the Overlay district.

Variance Issues:

1. District/Use: The Town Center overlay district requires that any expansion of an existing use shall comply with the Town Center Overlay district. Essential Public Service buildings are not permitted in the Town Center district therefore the applicant is requesting a variance to expand the non-conforming use. The criteria applicable to use variances is discussed below:

  a) Unreasonable Current Zoning Designation. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.
Due to the design of the existing building and the underground utilities servicing the building it is my opinion that this building and the portion of the property on which it is located could not be used for any of the permitted uses in the Town Center District.

(b) **Unique Circumstances.** The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment.

The subject property is unique in that the existing use was permitted in the underlying zoning district and also in the fact that it is occupied by an essential public service building. This facility houses critical telecommunication and emergency services equipment essential to public health, safety and welfare.

(c) **Not Self-Created.** The problem and resulting need for the variance has not been self-created. The Board of Appeals shall consider changes made to the property by the applicant and near term predecessors.

The rezoning of the land to the Town Center Overlay was initiated by the Township therefore the need for the variance is not self-created.

(d) **Capacity of Roads, Infrastructure and Public Services.** The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

The use and the proposed addition to the existing building are not anticipated to compromise roads, infrastructure or public services.

(e) **Character of Neighborhood.** The use variance will not alter the essential character of the neighborhood nor be a detriment to adjacent properties.

This is an existing use and neither it nor an expansion to it will impact the character of the neighborhood.

2. **Dimensional/Architectural Requirements:** The proposal involves construction of a 476.8 square foot addition at the northwest corner of the existing building. The proposed addition does not comply with the front setback, building height, or architectural standards of the Town Center district as presented in the table below. Following the table, the criteria applicable to dimensional variances as they relate to the Town Center standards are discussed.
Dimensional Requirements:

<table>
<thead>
<tr>
<th></th>
<th>Front Setback</th>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Minimum 0' / Maximum 75'</td>
<td>Min. 20'</td>
</tr>
<tr>
<td>Proposed</td>
<td>435''</td>
<td>14'</td>
</tr>
<tr>
<td>Variance Requested</td>
<td>Exceed Max. Setback by 360''</td>
<td>6'</td>
</tr>
</tbody>
</table>

Architectural Requirements:

Building types permitted
Nonresidential and mixed-use buildings shall be designed with traditional styles of architecture, similar to that found in downtown Brighton and Howell. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.

Front facade requirements
All buildings shall have a main entrance that is located on at least one street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.

Windows and doors
(a) Storefront/Ground Floor. No less than 70% of the storefront/ground floor façade shall be clear glass panels and doorway. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units. The bottom of the window must be no more than 4 feet above the adjacent exterior grade.
(b) The front entranceway shall be inset a minimum of three feet from the front building wall.

Roof design
(a) Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet.
The criteria applicable to dimensional variances in Article 23 are discussed below:

(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.

Compliance with Town Center front setback would unreasonably prevent the use of the rear of this property because of the depth of the existing parcel. Additionally the maximum setback requirement prohibits the expansion of the existing building on a large parcel thus impacting the property owner’s right to use the rear of the property.

In regard to the minimum height requirement, allowing for an addition to match the existing building would do substantial justice to the applicant and other owners in the district by allowing them the right to add on to an existing structure.

Compliance with the Town Center architectural standards would not allow the continued use as an essential public services building. These standards do not contemplate this use and unreasonably restrict the applicants ability expand upon the existing use.

(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.

This property is occupied by a previously approved essential public service building. Essential public service uses and buildings are unique in that they serve to enhance and protect the public health, safety and welfare. This facility provides for critical telecommunication and emergency services equipment and is the only such parcel with this use in the Town Center district. The need for the variance results from a Township initiated rezoning which 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.

Granting of the variance will promote and improve public safety and welfare.
(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.

Granting the front setback, height, and architectural standards variances will not have any negative impact on the surrounding neighborhood.

In final, I would like to inform that Zoning Board that staff is taking action to amend the Town Center section of the Zoning Ordinance to allow the Planning Commission more flexibility in regulating form for existing buildings in an attempt to avoid the requirement for so many variances in the future. Should you have any questions concerning this matter, please don’t hesitate to contact me at (810) 227-5225.

Sincerely,

[Signature]

Kelly VanMarter  
Planning Director
Charter Township of Genoa  
ZONING BOARD OF APPEALS  
FEBRUARY 15th, 2011  
CASE #11-04

PROPERTY LOCATION: 2062 Webster Park Drive

PETITIONER: Eli Gergies

ZONING: LRR (Lakeshore Resort Residential)

WELL AND SEPTIC INFO: Well and Septic

PETITIONERS REQUEST: Requesting a waterfront and front yard variance to construct a 2nd story addition.

CODE REFERENCE: Table 3.04.01 – Dimensional Standards - LRR (Lakeshore Resort Residential)

STAFF COMMENTS: Petitioner is seeking a variance to construct a second story addition on an existing nonconforming structure. In addition, due to the neighbor being set so far back on the south, an additional waterfront variance is needed.

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>One Side</th>
<th>Other Side</th>
<th>Rear</th>
<th>Height</th>
<th>Waterfront</th>
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<tr>
<td>Setbacks of</td>
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<td>10</td>
<td>5</td>
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<td>Zoning</td>
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<td>Setbacks</td>
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<td>11</td>
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<td>Requested</td>
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<td>Variance Amount</td>
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GENOA CHARTER TOWNSHIP APPLICATION FOR VARIANCE
2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 11-04 Meeting Date: 2-15-11 @ 6:30 p.m.
☐ 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: ELI GERSICS, LOUIE BILLIS-GERSICS
Property Address: 2062 WEBSTER PARK DR. Phone: ELI Cell (313) 401-4321
Present Zoning: LRR Tax Code: 11-30-101-001

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:** TO CONVERT ATTIC INTO BEDROOM OF EXISTING STRUCTURE WHICH EXIST APPROXIMATELY 12 FEET FROM THE UNPAVED ROAD
   
   This variance is requested because of the following reasons:
   a. Unusual topography/shape of land
    (explain)
    
   b. Other
    (explain) THE HOUSE (EXISTING STRUCTURE) SITS APPROXIMATELY 12 FEET FROM THE UNPAVED ROAD

Variance Application Requires the Following:

- 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 8 1/2 and 14 in size.
- Waterfront properties must indicate setback from water for adjacent homes
- A Land Use Permit Application to be submitted with ZBA Variance Application.
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Date: 1/21/2011

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 Adam or Amy at the township office to discuss what your next step is.
To: Genoa Charter Township Zoning Department Members
   - Mr. Michael Archinal, Township Manager
   - Ms. Kelly VanMarter, AICP – Planning Director
   - Mr. Adam VanTassell, Code Enforcement Officer

Goal:
   - Earn approval for Land variance to convert attic of 1 bedroom house into additional bedroom for recent addition to family (baby).
   - Existing house structure is near rural road
2062 Webster Park Drive Howell MI 48843 – Plot Drawing for Genoa Charter Township Zoning Department

Brush

180'0"

Lake

133'0"

Parade

40'0"

180'0"

Webster Park Dr.

12'0"

11'5"

11'5"

12'0"

20'5"

20'5"

Driveway

Part of Neighbor House

Lawn

Den

Living Room

Kitchen

Bath

Bedroom

Stairs (NEW)

Driveway

Property Line =
Questions...
- Eli Gergics – (313)401-4327; eli.gergics@yahoo.com

Thank You!!
Proposed Floor Plan

2062 Webster Park
Charter Township of Genoa
ZONING BOARD OF APPEALS
FEBRUARY 15th, 2011
CASE #11-05

PROPERTY LOCATION: 3856 Beattie

PETITIONER: Ray Henrikson

ZONING: CE (Country Estates)

WELL AND SEPTIC INFO: Well and Septic

PETITIONERS REQUEST: Requesting a variance to allow a detached accessory structure in the front yard of a non-conforming lot.

CODE REFERENCE: Section 11.04.01 (c) (2)

STAFF COMMENTS: Petitioner is seeking to construct a detached garage in the front yard. While the petitioner’s lot is in CE which allows structures in the front yard, the lot itself is nonconforming as it is 2.17 acres while CE lots are to be no less than 5 acres.

<table>
<thead>
<tr>
<th>DETACHED ACCESSORY STRUCTURE</th>
<th>Principal building setback</th>
<th>One Side</th>
<th>Other Side</th>
<th>Front</th>
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</table>
GENOA TOWNSHIP APPLICATION FOR VARIANCE
2911 DORR RD. BRIGHTON, MI 48116
(810) 227-5225 FAX (810) 227-3420

Case # 11-05 Meeting Date: 2-15-11 @ 6:30

☑ 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: Ray Henrichson
Property Address: 3856 Beattie Phone: 517-545-2361
Present Zoning: COUNTRY RATES Tax Code: 4711-19-360-007

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: BUILD DETACHED GARAGE IN FRONT OF OUR HOUSE AND CLOSER TO SIDE YARD

2. Intended property modifications: ________________________________

This variance is requested because of the following reasons:

a. Unusual topography/shape of land Location of house on property
(explain) located in back 1/4 of property
Located in back 1/4 of property narrow property

b. Other (explain) ________________________________

Variance Application Requires the Following:

- Plot Plan Drawings showing setbacks and elevations of proposed buildings showing all other pertinent information. Note: Will need 2 copies of any drawings larger than 8 1/2 and 12 in size
- Waterfront properties must indicate setback from water for adjacent homes
- Property must be staked showing all proposed improvements 5 days before the meeting and remain in place until after the meeting
- Petitioner (or a Representative) must be present at the meeting

Date: ____________________________

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 Adam or Amy at the township office to discuss what your next step is.
Hindexed Residences
3056 Beattie Rd.
Howell, MI

North Face

Textured Shingles
Horizontal Siding

West Side

1/8" = 1'
GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 19th, 2011  
6:30 P.M.

MINUTES

Chairman 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 Pledge of Allegiance was then said. The board members in attendance were as follows: Marianne McCready, Chris Grajek, Barbara Figurski and Jeff Dhaenens and Steve Wildman. Also present was Township staff member Adam VanTassell and 2 persons in the audience.

Moved by Figurski, supported by McCready, to approve the agenda as submitted. Motion carried unanimously.

11-01...A request by BMH Realty, Section 09, 4525 E. Grand River for a side and size variance to construct an additional kerosene tank.

Mark Jeffries, BMH Realty, 775 N. Second Street, Brighton was present for the petitioner. Mr. Jeffries related that the size of the tank has changed from 2,000 gallons to 500 gallons.

A call to the public was made with no response.

Moved by Wildman, supported by Grajek, to approve the variance with a 20 foot side yard setback for a variance of 55 feet and a size variance of 500 gallon tank for a variance of 200 gallons. The approval is conditioned upon approval of Township Planner of a horseshoe-like vegetation screening around the tank (open at the front for access and visibility from the store). Practical difficulty is the relation of the tank to the building for security and the advance in tank technology allowing for safer tanks that can be closer to lot lines. Motion carried unanimously.

11-02...A request by Liberty Tax, Section 09, 4072 E. Grand River for a front yard variance to construct an addition.

Steve Schenk, 4072 E. Grand River, was present for the petitioner.

A call to the public was made with no response.

Moved by Grajek, supported by Wildman, to approve the petitioner’s request for a (1) year period with 2 banners, 2 windfeathers and balloons for an additional 3 weeks from the allowed 2 weeks per the ordinance. The finding of fact is the temporary type of seasonal business and the hardship of the
location off the road. **Motion carried as follows:** yeas: Dhaenens, Wildman, Grajek. Nays: Figurski, McCreary.

**Moved** by Figurski, supported by, Wildman to approve the December 14th, 2010 Zoning Board of Appeals meeting minutes with corrections. **Motion carried unanimously.**

Motion to adjourn: Figurski, Wildman. 7:01 pm

Respectfully Submitted:

Adam VanTassell