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. 15-29 … A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Administrative Business:

1. Approval of the October 20, 2015 Zoning Board of Appeals meeting minutes.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment
GENOA TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 8th, 2015
6:30 P.M.

The Genoa Township Zoning Board of Appeals will hold a public hearing on December 8th, 2015 at Genoa Township Hall, 2911 Dorr Road, Brighton, MI, 48116 to review the following variance requests:

1. 15-29 ...A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time a temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location. Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Please address any written comments to the Genoa Township Zoning Board of Appeals at 2911 Dorr Rd, Brighton, MI 48116 or via email at amy@genoa.org. All materials relating to this request are available for public inspection at the Genoa Township Hall prior to the hearing.

Genoa Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Genoa Township Hall at (810) 227-5225 at least seven (7) days in advance of the meeting if you need assistance.

Published: BA-LCP 11-22-15
GENOA CHARTER TOWNSHIP VARIANCE APPLICATION
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116
(810) 227-5225 | FAX (810) 227-3420

Case # 15-29  Meeting Date: 12-8-15

☑ 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 (see attached).

Applicant/Owner: Patricia Schenck, Owner Liberty Tax Service - Howell

Property Address: 4072 E Grand River Ave  Phone: 517-540-1040

Present Zoning: GCD  Tax Code: 11-04-300-030

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: Five weeks of temporary signage (split between late January and early April, coinciding with the start and end of the 2016 tax season).

2. Intended property modifications: Same as previous years (typical pictures attached)

   a. Unusual topography/shape of land (explain): Poor visibility of office from road and visibility is critically important in the early part of tax season.

   b. Other (explain): Individual income tax preparation is very seasonal; there is a limited time window to raise customer awareness.

The following is required. Failure to meet these requirements may result in tabling of this petition:

1. Property must be staked showing all proposed improvements five (5) days before the meeting and remain in place until after the meeting;

2. Plot Plan drawings must be submitted, showing setbacks and elevations of proposed buildings and all other pertinent information. One paper copy of all drawings is required.

3. Waterfront properties must indicate setback from water for adjacent homes.

4. Petitioner (or a Representative) must be present at the meeting.

Date: 11/5/2015  Signature: Patricia Schenck

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

After the decision is made regarding your Variance approval:
Contact the Genoa Township Zoning office to discuss your next step.
Charter Township of Genoa
ZONING BOARD OF APPEALS
December 8, 2015
CASE #15-29

PROPERTY LOCATION: 4072 E. Grand River

PETITIONER: Steve Schenck, Owner of Liberty Tax Service

ZONING: GCD (General Commercial District)

WELL AND SEPTIC INFO: Water and Sewer Present

PETITIONERS REQUEST: Petitioners are requesting a variance from provisions in the zoning ordinance which limit temporary signs to a fourteen (14) day period once during the stay of a business at the same location or if the business has new owners.

Dates Requested: January 15th thru February 8th (25 days) and April 6th thru April 15th (10 days)

CODE REFERENCE: 16.07.07

STAFF COMMENTS: See Attached Staff Report
MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: December 2, 2015
RE: ZBA 15-29

STAFF REPORT

File Number: 15-29
Site Address: 4072 E. Grand River Ave
Parcel Number: 4711-04-300-010
Parcel Size: 9.876 Acres
Applicant: Steve Schenck, Owner of Liberty Tax Service
Property Owner: Country Corners Shopping Center

Information Submitted: Application, Sign Picture

Request: Dimensional Variances

Project Description: Applicant is requesting a variance from Article 16.07.07 in order to place a temporary sign on the property for a period of time which extends past the maximum fourteen (14) day period and exceeds the requirement of once during the stay of a business at the same location or if the business has new owners.

Zoning and Existing Use: GCD(General Commercial District), Commercial

Other:
The public hearing notice was published in the Livingston County Press and Argus on November 22, 2015 and notices were mailed to any real property within 300 feet of the property lines on November 20, 2015 in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file relevant to this ZBA case:

- The applicant has applied for and been granted variances to place temporary signs for an additional three (3) weeks beyond the two (2) week period six (6) times.
Summary

The applicant is requesting to place temporary signs on the “Country Corners” property for Liberty Tax. The applicant has been approved six (6) times to place these temporary signs on the property. According to the pictures the signs have been located in the grass area between the sidewalk and the parking lot. Placing these temporary signs would require a variance from the temporary sign regulations in the zoning ordinance due to the limitations that the temporary signs can only be utilized once during the business’s stay at the same location and during that one period, can only be out for fourteen (14) days.

Variance Requests

The following is the portion of the zoning ordinance that the variance is being requested from:

1. Article 16.07.07 Temporary signs: One temporary sign may be permitted on the site for a period not to exceed fourteen (14) days. A business shall only be allowed to use a temporary sign once during its stay at the same location or have new owners. The sign shall be no larger than thirty-five (35) square feet in surface display area per side and shall not exceed six (6) feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the temporary sign.

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

The following are findings based upon the presented materials.

- **Practical Difficulty/Substantial Justice** – Strict compliance with this provision of the Zoning Ordinance would not unreasonably prevent the use of the property. The applicants would have the ability to place a wall sign on the building which is visible from E. Grand River. Granting a variance would not do substantial justice to the other tenants within the building who do not have the ability to place temporary signage for periods of time which exceed the provisions in the Zoning Ordinance.

- **Extraordinary Circumstances** – There are no exceptional or extraordinary circumstances or conditions which are different than other properties in the same zoning district. Issuing a variance for the additional temporary signage would not make the property consistent with the majority of other properties in the vicinity as this zoning ordinance requirement is applicable to all businesses.

- **Public Safety and Welfare** – The proliferation of signs can be distracting to motorists. Temporary signs if used in excess can create a traffic safety issue.

- **Impact on Surrounding Neighborhood** – The proposed signs would not create any situation which discourages development, continued use or value of adjacent properties as they are temporary in nature.

Staff Findings of Fact

1. Strict compliance with the standards in 16.07.07 would not unreasonably limit the tenant from placing any signage as there are opportunities for other types of signs in the zoning ordinance.
2. The granting of a variance would not do substantial justice to other business owners in the same zoning district because they are subject to the same temporary sign regulations.
3. There are no conditions or circumstances on the property that are exceptional or extraordinary. Granting this variance would not make the property consistent with the majority of other properties in the vicinity as all are subject to the temporary sign regulations.
4. Temporary signs used in excess can be distracting to motorists and thus can create a public safety issue.
Variance Case #15-29

Applicant: Patricia Schenck, Liberty Tax Service

4711-04-300-010

Meeting Date: December 8, 2015
14-30 ... A request by James Harmon, 4289 Sweet Road, for a variance from the maximum allowable size of a detached accessory building.

Mr. James Harmon was present for the petitioner. Mr. Harmon stated that he would like to construct an addition to store equipment and camper. He stated that the current size of his existing detached structure is 1200 sq.ft.

A call to the public was made with the following response: Ben Marhofer, 4179 Sweet Road, he is in support of this variance. He stated that it would make the neighborhood look better with the equipment stored in the structure.

Moved by Figurski, supported by Poissant to table case #14-30 until the January 13th, 2015 Zoning Board of Appeals meeting at the petitioner's request. Motion carried.

14-31 ... A request by Steve Schenck, Section 4, 4072 E. Grand River, for a variance to permit a temporary sign, which exceeds the allowable period of time. A temporary sign is allowed to be permitted and to exceed the number of times a business is allowed to use a temporary sign during its stay at the same location.

Other street addresses at this parcel include: 4050, 4072, 4080, 4084, 4092, 4096, 4104, 4116, 4128, 4132, 4140, 4144, 4148, and 4160.

Mr. Steve Schenck, Owner of Liberty Tax Service was present for the petitioner. Mr. Schenck stated that 56% of their business is seen by the end of February. They are limited by signage at their location.

Moved by Poissant, supported by Figurski, to approve case# 14-31 for a temporary signage variance due to the unique nature of the business's seasonal period and the need to be more visible. Starting January 16th, 2015 thru February 8th, 2015 and resuming April 6th, 2015 thru April 15th, 2015 for a total of 35 days. Motion carried.

14-32 ... A request by Christian and Damian Karch, 5400 Brady Road, for a side yard setback variance to construct an addition onto an existing detached accessory building.

Mr. Christian and Mr. Damian Karch were present for the petitioner. Mr. Karch stated that they would like to construct an addition on to their existing detached accessory building. They would like to preserve the mature trees that are located on the lot. The property had been surveyed for easements.

Moved by Poissant, supported by Figurski, to approve case# 14-32 for a 13.5 foot side yard setback with a 26.5 foot variance to construct a 2100 sq. ft. addition due to the limitations on the property to building in a different location. Motion carried.

Administrative Business:
Real Estate Summary Sheet

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

Parcel: 4711-04-300-010
Owner's Name: COUNTRY CORNERS SHOPPING CENTE
Property Address: 4046 E GRAND RIVER 4192 HOWELL, MI 48843

Liber/Page: 2303-0782
Split: / / Created: / / Public Impr.: None
Topography: None

Mailing Address:
COUNTRY CORNERS SHOPPING CENTER
P O BOX 637
GARDEN CITY MI 48136

Description:
SEC 4 & 9 T2N R5E COM SW COR SEC 4 TH N86°E 223 FT TO POB, TH N2°W 179.92 FT, TH N85°E 20 FT, TH N2°W 238.88 FT, TH 585°E 293.36 FT, TH 564°E 568.29 FT, TH S2°E 464.59 FT, TH N64°W 989.41 FT, TH N2°W 32 FT TO POB 9.21 AC M/L SPLIT 1-92 FR 009 & 002. CDR 4/17/97 TVF

Most Recent Sale Information
Sold on 04/23/1997 for 0 by SOUTHERN PROPERTIES WEST, INC.

Terms of Sale: INVALID SALE
Libers/Page: 2303-0782

Most Recent Permit Information
Permit W15-201 on 11/24/2015 for $9,000 category TENANT BUILD-OUT.

Physical Property Characteristics

2016 S.E.V.: Tentative
2015 S.E.V.: 3,097,600
Zoning: GCD
PRE: 0.000

2016 Taxable: Tentative
2015 Taxable: 1,912,023
Land Value: 2,187,848
Land Impr. Value: 244,000

Lot Dimensions:
Acreage: 9.88
Frontage: 989.0
Average Depth: 435.0

Improvement Data

# of Commercial Buildings: 2
Type: Shopping Center, Neighborhood
Class: C
Quality: Average
Built: 1997 Remodeled: 0
Overall Building Height: 0
Floor Area: 69,866
Sale Price/Floor Area: 0.00
Estimated TCV: 3,705,134

Image
Parcel Number: 4711-04-300-010

Jurisdiction: GENOA CHARTER TOWNSHIP
County: LIVINGSTON
Printed on 12/03/2015

--- | --- | --- | --- | --- | --- | --- | --- | ---
SOUTHERN PROPERTIES WEST, | COUNTRY CORNERS SHOPPING | 0 | 04/23/1997 | WD | INVALID SALE | 2303-0782 | BUYER | 0.0
INTERNATIONAL SOCIETY | SOUTHERN PROPERTIES W., I | 0 | 04/23/1997 | LC | MEMO L/C | 2180-0371 | BUYER | 0.0
SOUTHERN PROPERTIES W., I | COUNTRY CORNERS SHOPPING | 0 | 04/23/1997 | LC | MEMO L/C | 2180-0374 | BUYER | 100.0

Property Address
4046 E GRAND RIVER 4192

Owner's Name/Address
COUNTRY CORNERS SHOPPING CENTER
P O BOX 637
GARDEN CITY MI 48136

Class: 201 COMMERCIAL- I
Zoning: GCD
Building Permit(s):
School: HOWELL
F.R.E. %
MAP #: V15-29

Est TCV Tentative: SIGN

2016 Est TCV Tentative:

<table>
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<tr>
<th>X</th>
<th>Improved</th>
<th>Vacant</th>
<th>Land Value Estimates for Land Table GRIVE GRAND RIVER FRONTAGE</th>
</tr>
</thead>
</table>

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

Topography of Site
- Level
- Rolling
- Low
- High
- Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain

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

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*** Information herein deemed reliable but not guaranteed***
### Construction Cost

#### High Above Ave. Ave. X Low

- **** Calculator Cost Data ****
- Quality: Average Adj: %0 $/SqFt: 0.00
- Heat 1: Package Heating & Cooling 100
- Heat 2: Package Heating & Cooling 0%
- Ave. SqFt/Story: 60614
- Has Elevators: Yes
- ** Basement Info **
- Area: 
  - Perimeter:
  - Type:
  - Heat: Hot Water, Radiant Floor
  - Mezzanine Info *
  - Area #1:
    - Type #1:
    - Area #2:
      - Type #2:
  - Sprinkler Info *
  - Area:
    - Type: Average

### Interior

### Electrical and Lighting

#### Outlets: Fixtures:

- Few Average
- Many Unfinished
- Typical

### Miscellaneous

#### ECF (2010 BIG BOX)

0.750 → TCV of Bldg: 1 = 3,230,329

### Roof Structure:

- Slope = 0

### Roof Cover:

### Foundation:

#### Footings

- X Poured Conc
- Brick/Stone
- Block

### Frame:

### Floor Structure:

### Floor Cover:

### Heating and Cooling:

- Gas Oil
- Coal Stoker
- Hand Fired Boiler

---

*** Information herein deemed reliable but not guaranteed***
Desc. of Bldg/Section: Calculator Occupancy: Store, Retail
Class: C
Floor Area: 9,252
Gross Bldg Area: 69,866
Stories Above Grd: 1
Average Stg Hght : 16
Bsmnt Wall Hght
Depr. Table : 1.5%
Effective Age : 17
Physical %Good: 77
Func. %Good : 100
Economic %Good: 100
Year Built: 1997
Remodeled
Overall Bldg Height

Comments:

Construction Cost

<table>
<thead>
<tr>
<th>High</th>
<th>Above Ave.</th>
<th>Ave.</th>
<th>X</th>
<th>Low</th>
</tr>
</thead>
</table>

** ** Calculator Cost Data ** **

Quality: Average
Adj: %0 $/SqFt: 0.00
Heat#1: Package Heating & Cooling
Heat#2: Package Heating & Cooling

Ave. SqFt/Story: 9252
Ave. Perimeter: 420
Has Elevators:

** ** Basement Info ** **

Area:
Perimeter:
Type:
Heat: Hot Water, Radiant Floor

* Mezzanine Info *

Area #1:
Type #1:
Area #2:
Type #2:

** ** Sprinkler Info ** **

Area:
Type: Average

(1) Excavation/Site Prep:

(2) Foundation: Footings
X Poured Conc Brick/Stone Block

(3) Frame:

(4) Floor Structure:

(5) Floor Cover:

(6) Ceiling:

(7) Interior:

(8) Plumbing:

<table>
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<th>Many</th>
<th>Above Ave.</th>
<th>Average Typical</th>
<th>Few None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fixtures</td>
<td>3-Piece Baths</td>
<td>2-Piece Baths</td>
<td>Shower Stalls</td>
</tr>
<tr>
<td>Urinals</td>
<td>Wash Bowls</td>
<td>Water Heaters</td>
<td>Water Fountains</td>
</tr>
</tbody>
</table>

(9) Sprinklers:

(10) Heating and Cooling:

Gas
Oil
Coal
Stoker
Hand Fired
Boiler

(11) Electric and Lighting:

(39) Miscellaneous:

Outlets:

Fixtures:

Few
Average
Many
Unfinished
Typical

Flex Conduit
Rigid Conduit
Armored Cable
Non-Metallic
Bus Duct

Incanescent
Fluorescent
Mercury
Sodium Vapor
Transformer

(40) Exterior Wall:

Thickness
Bsmnt Insul.

(13) Roof Structure: Slope=0

(14) Roof Cover:

<<<<<< Calculator Cost Computations >>>>>

Class: C
Quality: Average
Percent Adj: +0

Base Rate for Upper Floors = 56.10

(10) Heating system: Package Heating & Cooling
Cost/SqFt: 0.00 100%
Adjusted Square Foot Cost for Upper Floors = 56.10

1 Stories
Number of Stories Multiplier: 1.000
Average Height per Story: 16
Height per Story Multiplier: 1.090
Ave. Floor Area: 9,252
Perimeter: 420
Perim. Multiplier: 0.948

Refined Square Foot Cost for Upper Floors = 57.97

County Multiplier: 1.51, Final Square Foot Cost for Upper Floors = 87.534

Total Floor Area: 9,252
Base Cost New of Upper Floors = 809,861
Reproduction/Replacement Cost = 809,861
Eff.Age: 17
Phy.%Good/Abnr.Phv./Func./Econ./Overall %Good: 77 /100/100/100/77.0
Total Depreciated Cost = 623,593

Local Cost Items

<table>
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<tr>
<th>Rate</th>
<th>Quantity/Area</th>
<th>%Good</th>
<th>Depr.Cost</th>
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<tbody>
<tr>
<td>LC CANOPY</td>
<td>12.75</td>
<td>99</td>
<td>76</td>
</tr>
<tr>
<td>AVE CANOPY</td>
<td>16.25</td>
<td>690</td>
<td>76</td>
</tr>
</tbody>
</table>

ECF (2010 BIG BOX) 0.750 => TCV of Bldg: 2 = 474,805
Replacement Cost/Floor Area= 88.56
Est. TCV/Floor Area= 51.32

*** Information herein deemed reliable but not guaranteed***
Call to Order: 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: Barb Figurski, Marianne McCreary, Jean Ledford, Jeff Dhaenens and Jerry Poissant. Also present was Township staff member Amy Ruthig. There were 7 in the audience.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of Agenda: Moved by Jean Ledford, seconded by Jerry Poissant to approve the agenda as submitted. Motion passed.

Call to the Public: A call to the public was made with no response.

15-28 ... A request by John and Sasha Klavon at 411 Porta Drive, for a setback variance for a deck surrounding a pool.

Mr. and Mrs. Klavon were present for the petitioner.

Petitioner addressed the Zoning Board of Appeals. He indicated there is no malicious intent to violate the ordinance, but feels that there was miscommunication. He stated that he built the deck to the specific guidelines but there was discrepancy as to the lot line. Petitioner claims the township told him that there was a 10 foot setback. It is impossible to move the deck due to the pole location.

Dhaenens inquired what the orange stakes were located on the property. Petitioner indicated that they represent the lot line. The survey line is missing, but the stakes remain.

McCreary inquired about the accessory structure on the pool permit. Petitioner thought he was pulling permit for both. The backyard was enclosed at the time of the pool permit in 2013.

McCreary questioned what the front yard of the parcel was. The petitioner said the front of his property faces Hacker Road. The petitioner explained the orientation of his property and his pool. Petitioner stated the fence was installed in 2013. Petitioner has been working on the deck for the last 1 ½ years. Petitioner could not utilize his main turnaround to place deck toward the front.
A call to the public was made with the following responses:

Marie Sarrer, 542 South Hacker Road stated that she has no objection to the petition.

Raymond Ducharme, 366 Porta Drive, submitted a letter and photos to the Board. Ducharme reviewed his letter to the Board stating that he was against the variance.

Dhaenens explains that petitioner can have a pool and deck on their property. The petitioners still must pull all permits necessary for both.

Petitioner indicated there is no railing on the deck. Petitioner now understands they need a permit for the pool and a permit for the deck.

Letters were received from Kristi Schaefer and Andrew and Nicole Maloney.

The call to the public was closed.

Moved by Poissant, supported by Jean Ledford, to approve case 15-28 for a setback variance for a deck surrounding a pool, based upon the following findings of fact:

Applicant contacted the Township staff to determine what the setback requirements were for the deck, they were given a copy of the zoning statute, which for decks, is 10 feet. Petitioner relied upon that information and began construction on the deck.

Subsequently, it was determined that the deck would be adjacent to a swimming pool, therefore the setback requirement was 15 feet rather than 10 feet.

The deck, which is now substantially completed and due to the fact that this extraordinary circumstance which was not self-created since it was based upon erroneous advice provided by Township staff. Strict compliance with required rear yard setback requirements would place a substantial burden on the applicant to disassemble, move and reassemble the swimming pool and deck. Granting this variance request would provide the applicants with substantial justice.

The neighboring property immediately adjacent to the property at issue is heavily wooded and undeveloped. A residence has been constructed on the west side of the lot which is across the street from the portion of the lot which is adjacent to the property where the deck is being built. The granting of this variance would not interfere with any future construction of an accessory building on that portion of the property.

The granting of this variance will not impair an adequate supply of light and air to the 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. It will have little impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
This is subject to the following conditions:

Any necessary permits must be pulled in a reasonable period of time. It was decided by the Board to give petitioner to the end of the year 2015 to complete this project. **Motion carried as follows:** Ayes: Dhaenens, Ledford, and Possiant. Nays: Figurski and McCready.

**Administrative Business:**

1. **Approval of the August 18, 2015 and September 15, 2015 Zoning Board of Appeals meeting minutes.** Moved by Figurski, seconded by Poissant to approve the August 18, 2015 minutes. **Motion passed.** Moved by McCready, seconded by Ledford, to approve the September 15, 2015 minutes as submitted. **Motion passed.**
2. **Correspondence:** there was no correspondence at this time for the Board.
3. **Township Board Representative Report:** Ledford stated at the last Township Board meeting on October 19th, 2015 the following took place: Approved Resolution #5- Grand Oaks Drive Special Assessment District slated to be constructed in spring 2016 and SELCRA was discussed.
4. **Planning Commission Representative Report:** Figurski stated that the Planning Commission was canceled due to power outage at the Township and rescheduled for October 26th, 2015.
5. **Zoning Official Report:** Ruthig stated that she and Sharon Stone Francis, Code Enforcement Officer, have been doing code enforcement all over the Township.
6. **Member Discussion:** Ledford inquired about the status of case 14-27, Todd and Julie Hutchins. Ruthig stated they are allowed two extensions. They have received their first one this month. Ledford also inquired about case 14-30, James Harmon. Harmon was supposed to remove the accessory structure this spring. Ledford stated that the neighbors on Pineridge Lane were asking about neighborhood blight. Dhaenens thought there was something about a blight ordinance. Ruthig stated that the Township does have a litter ordinance and she will look into Ledford’s inquiries. McCready discussed the House Bill with regard to the dismissal of their members on the Board of Review. The legislation is coming next month. There is also pending legislation that 7 people, 4 attorneys, 1 appraiser, etc for the tax tribunal. McCready will send the page numbers and material.
7. **Adjournment:** Moved by Dhaenens, seconded by Poissant, to adjourn the meeting at 7:48 p.m. **Motion passed.**

Signed,

Peggy Toms  
Recording Secretary
HOUSE BILL No. 5041

November 3, 2015, Introduced by Reps. Chatfield, Runestad, Maturen, Heise, Aaron Miller, Sheppard, Brunner and Rutledge and referred to the Committee on Local Government.

A bill to amend 2006 PA 110, entitled

"Michigan zoning enabling act,"

by amending section 208 (MCL 125.3208), as amended by 2010 PA 330.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 208. (1) If the use of a dwelling, building, or structure
or of the land is lawful at the time of enactment of a zoning
ordinance or an amendment to a zoning ordinance, then that use may
be continued although the use does not conform to the zoning
ordinance or amendment. This SUBJECT TO SUBSECTIONS (5) TO (7),
THIS subsection is intended to codify the law as it existed before
July 1, 2006 in section 16(1) of the former county zoning act, 1943
PA 183, section 16(1) of the former township zoning act, 1943 PA
184, and section 3a(1) of the former city and village zoning act,
1921 PA 207, as they applied to counties, townships, and cities and
villages, respectively, and shall be construed as a continuation of
those laws and not as a new enactment.

(2) The SUBJECT TO SUBSECTION (5), THE legislative body may
provide in a zoning ordinance for the completion, resumption,
restoration, reconstruction, extension, or substitution of
nonconforming uses or structures upon terms and conditions provided
in the zoning ordinance. In establishing terms for the completion,
resumption, restoration, reconstruction, extension, or substitution
of nonconforming uses or structures, different classes of
nonconforming uses may be established in the zoning ordinance with
different requirements applicable to each class.

(3) The legislative body may acquire, by purchase,
condemnation, or otherwise, private property or an interest in
private property for the removal of nonconforming uses and
structures. The legislative body may provide that the cost and
expense of acquiring private property may be paid from general
funds or assessed to a special district in accordance with the
applicable statutory provisions relating to the creation and
operation of special assessment districts for public improvements
in local units of government. Property acquired under this
subsection by a city or village shall not be used for public
housing.

(4) The elimination of the nonconforming uses and structures
in a zoning district is declared to be for a public purpose and for
a public use. The SUBJECT TO SUBSECTION (5), THE legislative body
may institute proceedings for condemnation of nonconforming uses
and structures under 1911 PA 149, MCL 213.21 to 213.25.
(5) EXCEPT AS PROVIDED IN SUBSECTION (6), THE OWNER OF A RESIDENTIAL PROPERTY USED FOR A NONCONFORMING RESIDENTIAL RENTAL USE OR OF A NONCONFORMING RESIDENTIAL RENTAL STRUCTURE MAY DO ANY OF THE FOLLOWING:

(A) MAKE ANY IMPROVEMENTS OR ADDITIONS TO THE NONCONFORMING RESIDENTIAL RENTAL USE OR NONCONFORMING RESIDENTIAL RENTAL STRUCTURE.

(B) COMPLETE, RESUME, RESTORE, RECONSTRUCT, REMODEL, RECONFIGURE, EXTEND, OR ENLARGE THE NONCONFORMING RESIDENTIAL RENTAL USE OR NONCONFORMING RESIDENTIAL RENTAL STRUCTURE.

(6) SUBSECTION (5) DOES NOT AUTHORIZE ANY OF THE FOLLOWING:

(A) AN INCREASE IN THE MAXIMUM LEGAL OR LICENSED OCCUPANCY OF A RESIDENTIAL RENTAL STRUCTURE.

(B) AN INCREASE IN THE FOOTPRINT OR HEIGHT OF A RESIDENTIAL RENTAL STRUCTURE UNLESS THE INCREASE COMPLIES WITH THE EXISTING ZONING REGULATIONS THAT APPLY TO THE LOCATION OR THE OWNER OBTAINS A VARIANCE AUTHORIZING THE INCREASE.

(7) IN EVALUATING AN APPLICATION FOR A VARIANCE FOR A NONCONFORMING RESIDENTIAL RENTAL STRUCTURE OR NONCONFORMING RESIDENTIAL RENTAL USE, A LOCAL UNIT OF GOVERNMENT SHALL USE THE SAME STANDARDS THAT APPLY TO CONFORMING RESIDENTIAL RENTAL STRUCTURES OR CONFORMING RESIDENTIAL RENTAL USES.

(8) A LOCAL UNIT OF GOVERNMENT SHALL NOT, BECAUSE A RESIDENTIAL RENTAL STRUCTURE OR RESIDENTIAL RENTAL USE IS NONCONFORMING, REVOKE OR ALTER A RESIDENTIAL RENTAL LICENSE, RENTAL CERTIFICATE, OR APPROVAL FOR OR REDUCE THE EXISTING MAXIMUM LEGAL OR LICENSED OCCUPANCY OF THE RESIDENTIAL RENTAL STRUCTURE OR
RESIDENTIAL RENTAL USE.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.
November 19, 2015

Mr. Donald Priest
5601 Pineridge Lane
Brighton, MI 48116

RE: Litter Ordinance Violation/ Vehicle Storage

Dear Mr. Priest

On a recent inspection of the above referenced property it was noted that there were violations of the Genoa Township Litter Ordinance. The Genoa Township Litter Ordinance states, “(1) It shall be unlawful for any person to knowingly dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving, of litter in or upon any public or private property or any waters within the township other than property designated and set aside by the township for such purposes, or except in public receptacles and private receptacles for collection and disposal.” The recent inspection demonstrated that there are pallets wood debris and tarps in the yard.

Also, Genoa Township Zoning Ordinance states in, Section 11.02.06 (d) requires that “all vehicles parked or being worked on outside shall be parked on an improved driveway surface, licensed and operable.” There are currently many vehicles which do not meet these requirements on the property. In order to come into compliance with Zoning Ordinance the vehicle will need to be removed or stored indoors.

The Township offers large item tickets for pick-up of trash and the first tag is free to homeowners. They are available for pick up at the Township Offices. With this in mind, please have the litter removed and the vehicles moved from the yard by December 4, 2015 to avoid further enforcement action.

Please feel free to call me with any questions or concerns.

Sharon Stone
Ordinance Officer
Genoa Township