

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 16, 2016
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. 16-19 ... A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.
2. 16-23 ... A request by Jeffrey and Mary Christina Beyers, 5373 Wildwood Drive, a variance to install a fence in the required waterfront.
3. 16-27... A request by Tim Chouinard, 1253 Sunrise Park, for a front, two side yard rear, lot coverage and waterfront variance to construct an addition to an existing home.

Administrative Business:

1. Approval of minutes for the July 19, 2016 Zoning Board of Appeals meeting.
2. Correspondence
3. Township Board Representative Report
4. Planning Commission Representative Report
5. Zoning Official Report
6. Member Discussion
7. Adjournment



Steve 810 623-6508M

GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116
(810) 227-5225 | FAX (810) 227-3420

Case # 16-19 Meeting Date: 6/16/16

- 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: Stephen Paul Gucciardo

Property Address: 4133 Highcrest Brighton MI Phone: 810-623-6508

Present Zoning: LRR Tax Code: 11-22-302-137

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

2. Intended property modifications: Add GARAGE & 2nd story addition
Improve Roof Line

a. Unusual topography/shape of land (explain): The narrow peninsula like area
the homes were constructed on in the 50's makes land
use challenging

b. Other (explain): _____

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: 5/13/16 Signature: _____

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.**

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 19, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Marianne McCreary, Jean Ledford, Barb Figurski, Jerry Poissant, and Kelly VanMarter, Assistant Township Manager/Community Development Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by McCreary, seconded by Figurski, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:34 pm with no response.

1. **16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.**

Mr. Stephen Gucciardo was present and stated that he was not been able to secure someone to perform the staked survey until recently so he does not have it for tonight's meeting. He asked to have his item tabled until the next ZBA meeting.

Moved by Poissant, seconded by McCreary, to table Case #16-19 for 4133 Highcrest at the petitioner's request until the next regularly-scheduled ZBA meeting. **The motion carried unanimously.**

2. **16-22...A request by Timothy S. McCotter, 4523 Filbert, for waterfront variance to construct an addition to an existing home.**

Mr. Timothy McCotter, the architect for the project, was present. They originally requested waterfront and side yard setback variances; however, after the project has been redesigned, they will not be removing the entire front of the home and will be adding a second story to the new addition. They are requesting an 11.55 foot waterfront variance. He noted that the Road Commission owns the drain and not the Livingston County Drain Commission. He is working with them to have the easement revised. They are in agreement to abandon the easement on the east side of the property and provide a new one on the west side.

The call to the public was made at 6:43 pm with no response.

Mr. Berean requested to withdraw his request for the use variance to allow for horses in a Rural Residential zoning district.

Moved by Poissant, seconded by Ledford, to approve Case #16-18 by Michael Berean, Parcel ID 4711-12-100-008 for a fence height variance of two feet from the required five feet and a wetland setback variance of 15 feet from the required 25 feet due to the following findings of facts:

- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of Genoa Township.
- The proposed variance would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the applicant receiving approval for his request to rezone the property from Rural Residential to Country Estates. **The motion carried (Ledford – yes; Dhaenens – yes; Poissant – yes; Figurski – no; McCreary – no).**

2. 16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.

Mr. Stephen Gucciardo was present. He is requesting a 29-foot front yard setback variance to construct a garage and a second story on his home. He noted that one of the homes adjacent to his property is closer to the road than what he is proposing.

Board Member McCreary would like to see a staked survey to confirm that the property lines that are being proposed are correct.

Mr. Gucciardo requested to have his request tabled until he can obtain a staked survey.

The call to the public was made at 7:23 pm with no response.

Moved by McCreary, seconded by Poissant, to delay Case #16-19 for 4133 Highcrest at the petitioner's request until the next regularly-scheduled ZBA meeting of July 19, 2016. **The motion carried unanimously.**

3. 16-20...A request by Jeff Jacobs, 4391 Skusa, for a rear yard setback variance to build an addition to an existing home.

Mr. Jeff Jacobs was present. He would like to build an addition in order to move his mechanical equipment from his Michigan basement as well as add a bedroom. He feels the location of the existing home on the lot is his hardship. The home is fifty feet from the front yard property line and only 30 feet is required.

The call to the public was made at 7:30 pm with no response.

Moved by Ledford, seconded by Poissant, to approve Case #16-20 for 4391 Skusa from Jeff Jacobs of 4487 Filbert for a six-foot rear yard setback variance from the required 40 feet to 34

Amy Ruthig

From: Steve Gucciardo <Steve.Gucciardo@obarausa.com>
Sent: Friday, July 08, 2016 9:41 AM
To: Amy Ruthig
Subject: 4133 Highcrest Front Yard Variance Request

Per our conversation today I would like to be present to discuss my status with the board members on the 19th.

I have been having difficulty finding a company that can perform the work either on time or at a reasonable cost. Only 2 companies responded of 6 called and both were excessive in price.

I am not opposed to getting a survey to find the corners of my lot but I find it not value added at the costs I am being quoted. In the last meeting the survey was requested to find the lines to determine the exact distance to front yard line. Many of the homes around the lake do not meet or are worse than the conditions I am proposing. Not to say that makes the request of survey not required, rather the proposed construction not unreasonable based on the information provided, the proximity to the road of many homes, and my immediate neighbors.

In any case, I am still pursuing the survey at a reasonable cost and I would like the opportunity to present my status to the board on July 19th.

Thanks Amy.

Steve Gucciardo
Obara Corp. USA – Product Research and Development
26800 Meadowbrook Road, Suite 111, Novi – MI – 48377
Office: (586) 755-1250
Direct: (586) 554-2759
Fax: (586) 755-6790
Cell: (810) 623-6508
Email: steve.gucciardo@obarausa.com



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 9, 2016

RE: ZBA 16-19

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

STAFF REPORT

File Number: ZBA#16-19
Site Address: 4133 Highcrest
Parcel Number: 4711-22-302-137
Parcel Size: .148
Applicant: Stephen Paul Gucciardo
Property Owner: Same as applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a front yard variance in order to construct a second story addition and an attached garage.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday June 5, 2016 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 existing home on the parcel was constructed in 1958.
- In 2012, a permit was issued for a new roof.
- See Real Estate Summary and Record Card.
- This request was tabled at the June ZBA meeting and the July ZBA Meeting. Minutes are included.

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

The proposed project is to construct a second story addition and an attached garage to an existing single family home. Due to the current location of the existing home the applicant would be required to obtain a front yard variance. At the June 2016 ZBA meeting, this item was tabled to give petitioner time to obtain a survey. The petitioner indicated that he contracted a survey company to place stakes showing the lot lines. He did not obtain a full survey due to the cost. The petitioner indicated that the lot would be staked for the ZBA members to review the setbacks. The petitioner also indicated that the request is correct.

Variance Requests

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

Table 3.04.01 (LRR District):	Required Front Yard Setback:	35'
	Existing Front Yard Setback:	30'
	Proposed Front Yard Setback:	6'
	Proposed Variance Amount:	29'

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 23.05.03.

The following are findings based upon the presented materials.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front yard setback would prevent the applicant from constructing a second story addition and an attached garage to the existing single family home.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home. The need for the variance is not self-created. Constructing the addition with attached garage would make the property consistent with the properties in the vicinity.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Staff Findings of Fact

1. Strict application of the front setback would prevent the applicant from constructing a second story addition and an attached garage to an existing single family home.
2. The need for this variance is due to the location of the existing single family home.
3. Granting of the requested 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.
4. Granting the requested variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

If the Zoning Board of Appeals grants the variance request staff recommends the following conditions be placed on the approval.

1. Drainage from the structure must be maintained on the lot.
2. Structure must be guttered with downspouts.

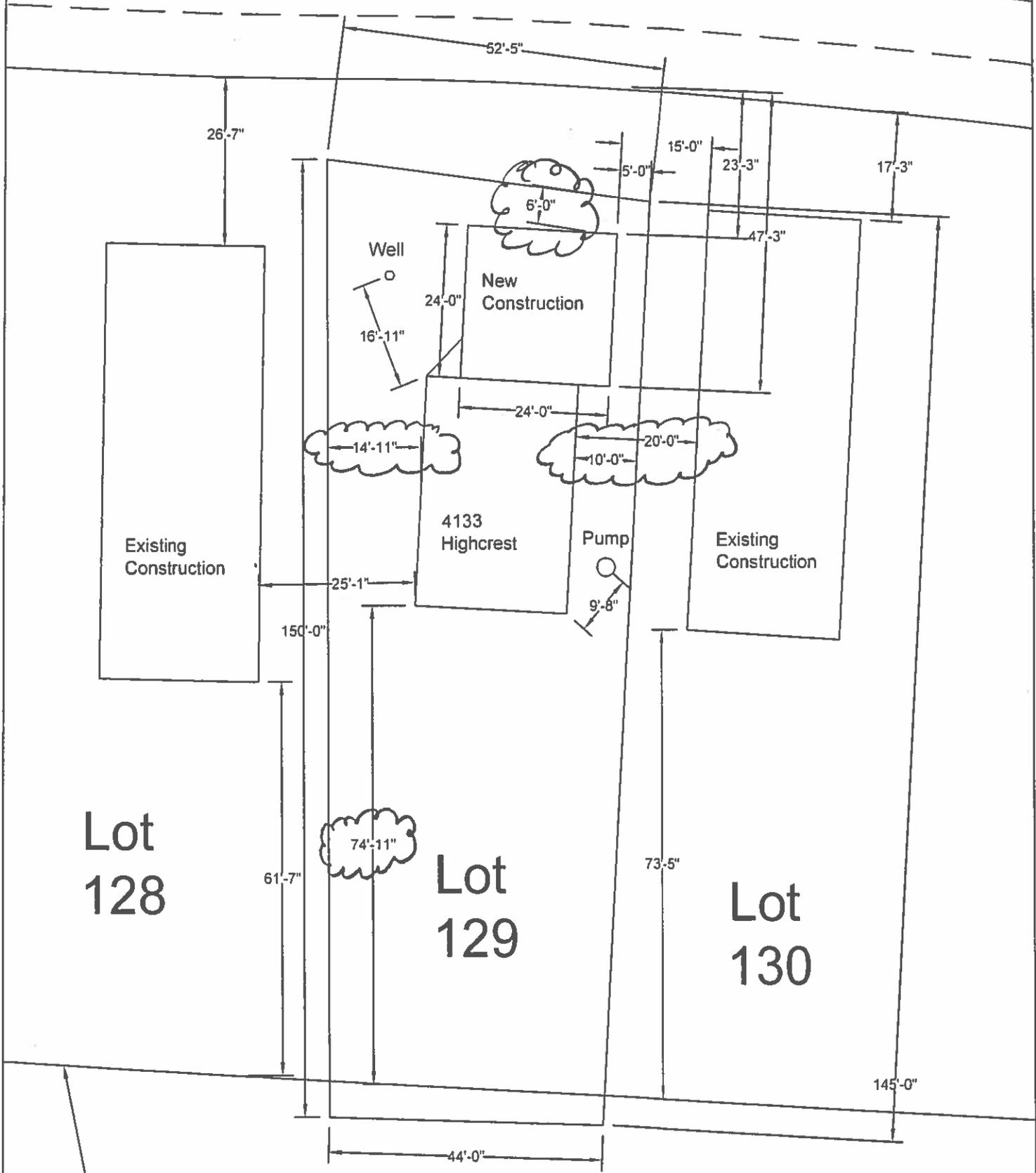


HIGHCREST



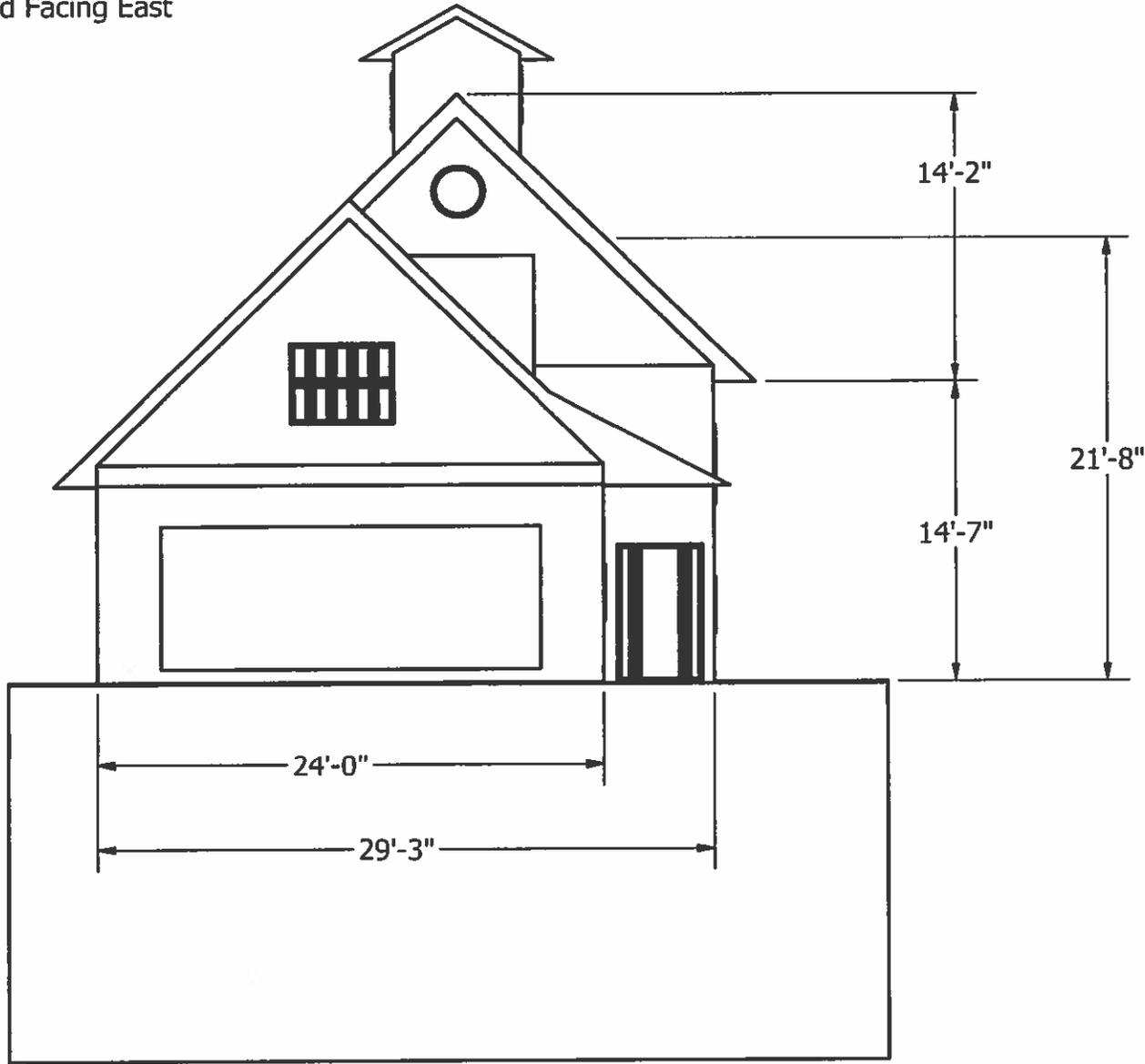
Orthophotos Flown Spring 2015
Parcel lines are a representation only;
Not intended for survey purposes.

4133 Highcrest Brighton, MI 48116
Actual Dimensions (2016) +/- 1' where no previous survey avail.
Application for Front Yard Variance (Garage to lot line 6')
Scale: proportional



This Line Represents the Water Edge

Elevation
From Road Facing East



Elevation
From Side Facing North

2

1

B

B

21'-8"

A

A

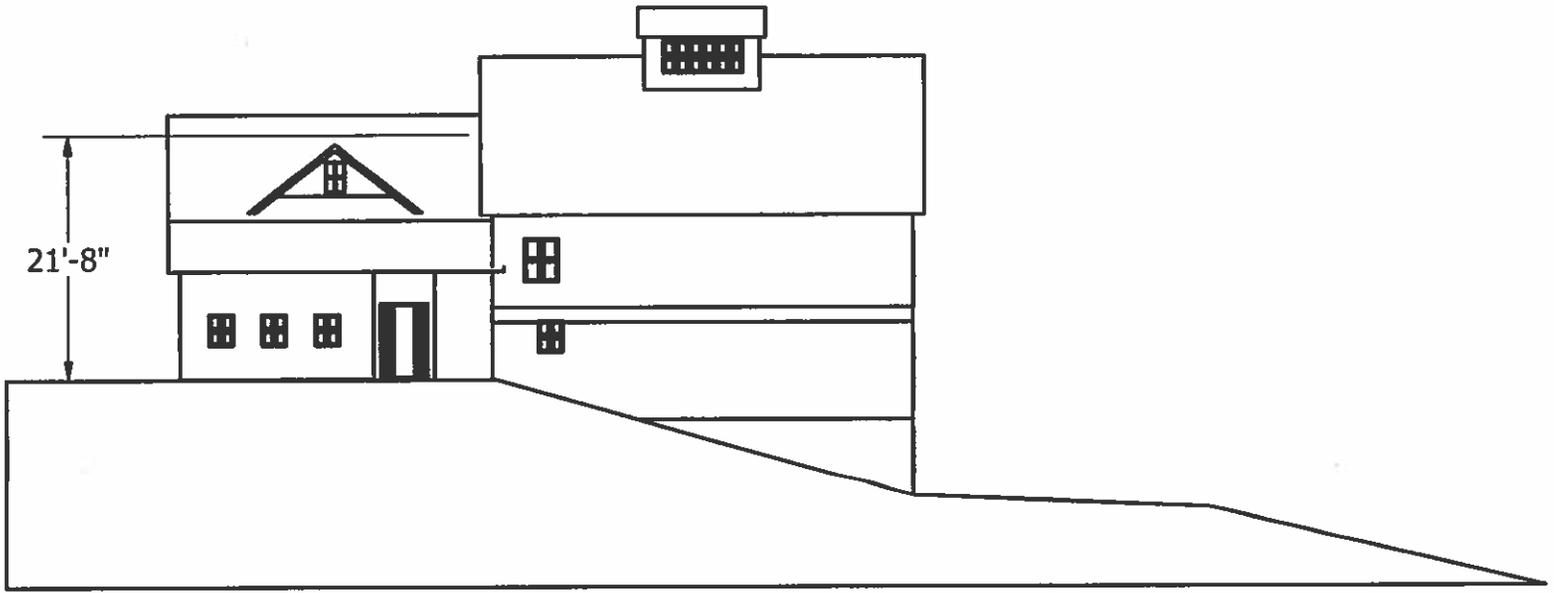
A

A

2

1

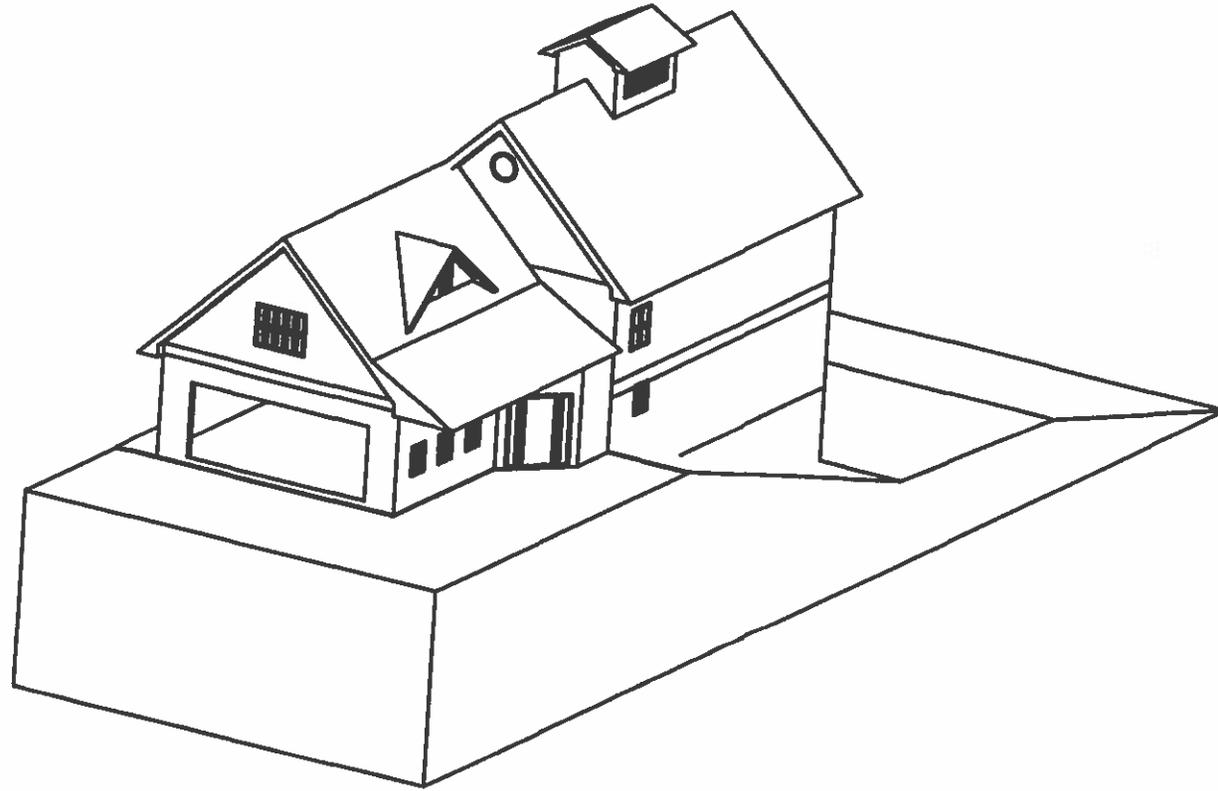
A



Elevation
From Lake Facing West



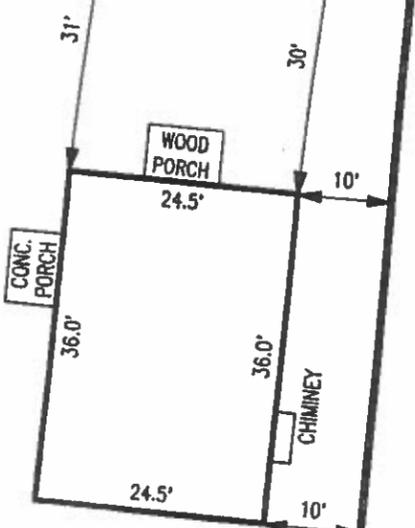
Elevation
Isometric View From Road Facing North East





HIGHCREST STREET 50 FT. WD.
 (PLATTED AS HIGHLAND AVENUE)
 (20' DIRT SURFACE)

S 735' W R. 52.02'



4133 HIGHCREST
 ONE STORY WOOD & BLOCK FRAME
 ALUMINUM SIDED RESIDENCE
 W/ WALKOUT BASEMENT

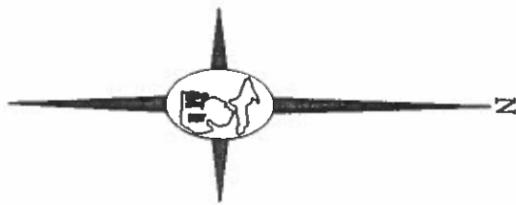
R. 150'

R. 145'

LOT 128

LOT 129

LOT 130



S 4'20" W R. 44'

ROUND LAKE

JOB NO.: M - 00247
 DATE: 1-31-90
 SCALE: 1" = 20'
 DRAWN BY: TAD



THE MICHIGAN ENGINEERING & SURVEYING GROUP, INC.
 7600 GRAND RIVER • BRIGHTON, MI. • (313) 227-8013

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
GREENLEE RYAN	GUCCIARDO STEPHEN	230,000	10/23/2015	TA	ARMS-LENGTH	2015R-034586	BUYER	100.0
PARLOVE LYNN	GREENLEE RYAN	124,500	10/28/2011	WD	ARMS-LENGTH	2011R-032380	BUYER	100.0
PARLOVE, FRANK	PARLOVE LYNN	0	04/28/2010	QC	INVALID SALE	2010R-016529	BUYER	100.0

Property Address	Class: 401 RESIDENTIAL-I	Zoning: LRR	Building Permit(s)	Date	Number	Status			
4133 HIGHCREST	School: BRIGHTON		REROOF	04/30/2012	W12-059	NO START			
	P.R.E. 100% 10/27/2015								
Owner's Name/Address	MAP #: V16-19								
GUCCIARDO STEPHEN 4133 HIGHCREST BRIGHTON MI 48116	2017 Est TCV Tentative								
	X Improved	Vacant	Land Value Estimates for Land Table 00083.TRI LAKES LAKE FRONT						
	Public Improvements		* Factors *						
	Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj.	Reason	Value
	Gravel Road		LAKE FRONT	44.00	147.00	1.0000	1.0247	2300 100	103,699
	Paved Road		44 Actual Front Feet, 0.15 Total Acres Total Est. Land Value = 103,699						
	Storm Sewer		Land Improvement Cost Estimates						
	Sidewalk		Description	Rate	CountyMult.	Size	%Good	Cash Value	
	Water		D/W/P: Patio Blocks	6.84	1.00	16	92	101	
	Sewer		Total Estimated Land Improvements True Cash Value = 101						
	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								
	X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	Who	When	What	2017	Tentative	Tentative	Tentative		Tentative
	LM	06/22/2012	DATA ENTER	2016	51,800	37,200	89,000		89,000S
	LM	08/22/2011	DATA ENTER	2015	51,800	34,700	86,500		77,935C
				2014	49,600	31,800	81,400		76,708C



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		Gas Wood	Oil Coal	X 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 Ga			Area	Type	Year Built:	Car Capacity:										
X	Wood Frame	(4) Interior Drywall Paneled		X Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			1			20	CPP			Class:	Exterior:	Brick Ven.:	Stone Ven.:	Common Wall:	Foundation:	Finished ?:	Auto. Doors:	Mech. Doors:	Area:	% Good:	Storage Area:	No Conc. Floor:
Building Style: D		Trim & Decoration Ex X Ord Min		Central Air Wood Furnace			Class: D Effec. Age: 59 Floor Area: 864 Total Base Cost: 66,935 Total Base New : 101,742 Total Depr Cost: 45,784 Estimated T.C.V: 75,680			CntyMult X 1.520 E.C.F. X 1.653			Bsmnt Garage:		Carpport Area:		Roof:									
Yr Built	Remodeled	Size of Closets Lg X Ord Small		(12) Electric 0 Amps Service			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj Size Cost			Rate Bsmnt-Adj Heat-Adj			Size Cost		Size Cost											
1958	0	Doors Solid X H.C.		No./Qual. of Fixtures Ex. X Ord. Min			1 Story Siding Basement 50.11 0.00 0.48 864 43,710			Other Additions/Adjustments Rate			Size Cost		Size Cost											
Condition for Age: Good		(5) Floors Kitchen: Other: Other:		No. of Elec. Outlets Many X Ave. Few			(9) Basement Finish Basement Living Finish 14.75 775 11,431 Walk out Basement Door(s) 625.00 1 625			Basement Living Finish 14.75 775 11,431			Size Cost		Size Cost											
Room List		(6) Ceilings		(13) Plumbing Average Fixture(s) 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			(13) Plumbing 3 Fixture Bath 1650.00 1 1,650			Well, 200 Feet 4400.00 1 4,400			Size Cost		Size Cost											
Basement 1st Floor 2nd Floor 2 Bedrooms		(7) Excavation Basement: 864 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		2			(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Fireplace: Exterior 1 Story 3050.00 1 3,050			CPP, Standard 28.93 20 579 CPP, Standard 28.93 20 579			Size Cost		Size Cost								
(1) Exterior		(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Phy/Ab.Phy/Func/Econ/Comb.%Good= 45/100/100/100/45.0, Depr.Cost = 45,784 ECF (4306 TRI LAKES LAKE FRONT) 1.653 => TCV of Bldg: 1 = 75,680			Lump Sum Items:						Size Cost		Size Cost								
X Wood/Shingle Aluminum/Vinyl Brick		(9) Basement Finish Recreation SF Living SF 1 Walkout Doors No Floor SF		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic												Size Cost		Size Cost								
Insulation		(10) Floor Support Joists: Unsupported Len: Cntr.Sup:		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic												Size Cost		Size Cost								
(2) Windows Many Avg. Few X Large Avg. Small																Size Cost		Size Cost								
X Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens																Size Cost		Size Cost								
(3) Roof Gable Hip Flat X Gambrel Mansard Shed X Asphalt Shingle																Size Cost		Size Cost								
Chimney: Brick																Size Cost		Size Cost								

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



GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116
(810) 227-5225 | FAX (810) 227-3420

Case # 16-23 Meeting Date: 7-19-16

PAID Variance Application Fee
\$125.00 for Residential | \$300.00 for Commercial/Industrial

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: Beyers, Jeffrey and Mary Christina
Property Address: 5373 Wildwood Dr Phone: 734-788-5820 or 6976
Present Zoning: LRR Tax Code: 4711-10-102-023

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: waterfront setback variance

2. Intended property modifications: Fence 3 foot black aluminum
 - a. Unusual topography/shape of land (explain): existing stone wall = see letter attached
 - b. Other (explain): _____

The following is required. Failure to meet this requirement may result in postponement or denial of this petition.

Property must be staked showing all proposed improvements seven (7) days before the meeting and remain in place until after the meeting.

Date: 6-13-16 Signature: Mary Christina Beyers

Application must be completely filled out before submittal to Township and all submittal requirements must accompany application.

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

After the decision is made regarding your Variance approval a land use permit will be required.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 9, 2016

RE: ZBA 16-23

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

STAFF REPORT

File Number: ZBA#16-23
Site Address: 5373 Wildwood Drive
Parcel Number: 4711-10-102-023
Parcel Size: .127
Applicant: Jeffrey and Mary Christina Beyers
Property Owner: Same as applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to install a fence in the required waterfront setback.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 3, 2016 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 existing home on the parcel was constructed in 1940
- 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

The applicant is proposing to install a fence in the required waterfront setback which is prohibited by sec. 11.04.04 (b) of the Zoning Ordinance. The applicant listed two addresses that currently have fences in the waterfront yard however there is no permits or approvals on file for those fences which makes them illegal non-conforming structures. The petitioners indicated that they were out of the town during the meeting and they did not know that they had to attend the meeting.

Variance Requests

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

Sec.11.04.04 (b)

(b) Chain link fences shall not be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the Planning Commission. **Fences shall not be permitted in the required waterfront yard.**

Summary of Findings of Fact- After reviewing the application and materials provided, I offer the following possible findings for your consideration:

Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) **Practical Difficulty/Substantial Justice** - Compliance with the strict letter of the restrictions would not unreasonably prevent the use of the property. Granting of the requested variance would not provide substantial justice or to other property owners in the district. The variance request is not 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 no exceptional or extraordinary conditions of the property or the intended use. The need for the variance is self-created.
- (c) **Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) **Impact on Surrounding Neighborhood** – The proposed variance could have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood by allowing the proposed fence in the waterfront.

Recommended Conditions

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

1. The fence shall not obstruct views of the lake from the adjacent residential owners.



WILDWOOD



Orthophotos Flown Spring 2015
Parcel lines are a representation only;
Not intended for survey purposes.

Mr. and Mrs. Jeffrey Beyers
5373 Wildwood Dr., Howell, MI 48843
734-788-8120 or 734-788-6976
j.beyers@att.net
cbeyers@att.net

JUNE 8, 2016

Amy Ruthig
Zoning Official
Genoa Township
2911 Dorr Rd., Brighton, MI 48116

Dear Ms. Ruthig,

Regarding our telephone conversation today 6/7/16:

We recently purchased our home and are restoring it to as close to original as possible. We want to put up a fence to keep our small-dog in, without having to walk outside with her on a leash and put her on a tie out, every time she wants to go out. We would like to be able to just open the door to let her out and in.

In our conversation you stated that we will not be able to put our fence where we want it. However, you also stated that we may be able to get a variance. We are requesting that variance per the information below.

We want a 3 foot, black, aluminum, decorative fence. Pictures of 4-foot fence design enclosed. However, ours will only be 3 feet. We have an existing stone wall, built before 1940(pictures enclosed). We would like to put the fence 18 inches toward the house from the face of the wall (drawing enclosed). We believe that this would complement the design of the original structure. This would put the fence 38 feet from the lake. We feel that if we put the fence back to 40 or 50 feet from the lake, it would change the entire design of the original builders of this beautiful stone house with complimenting stone wall.

We have spoken with neighbors on both sides of our house and they are in agreement with the placement and design of the fence. Below are their addresses and signatures agreeing to the contents of this letter.

Sincerely,

Jeffrey Beyers and Mary Christina Beyers

5 enclosures

5377 Wildwood Dr., Howell, MI

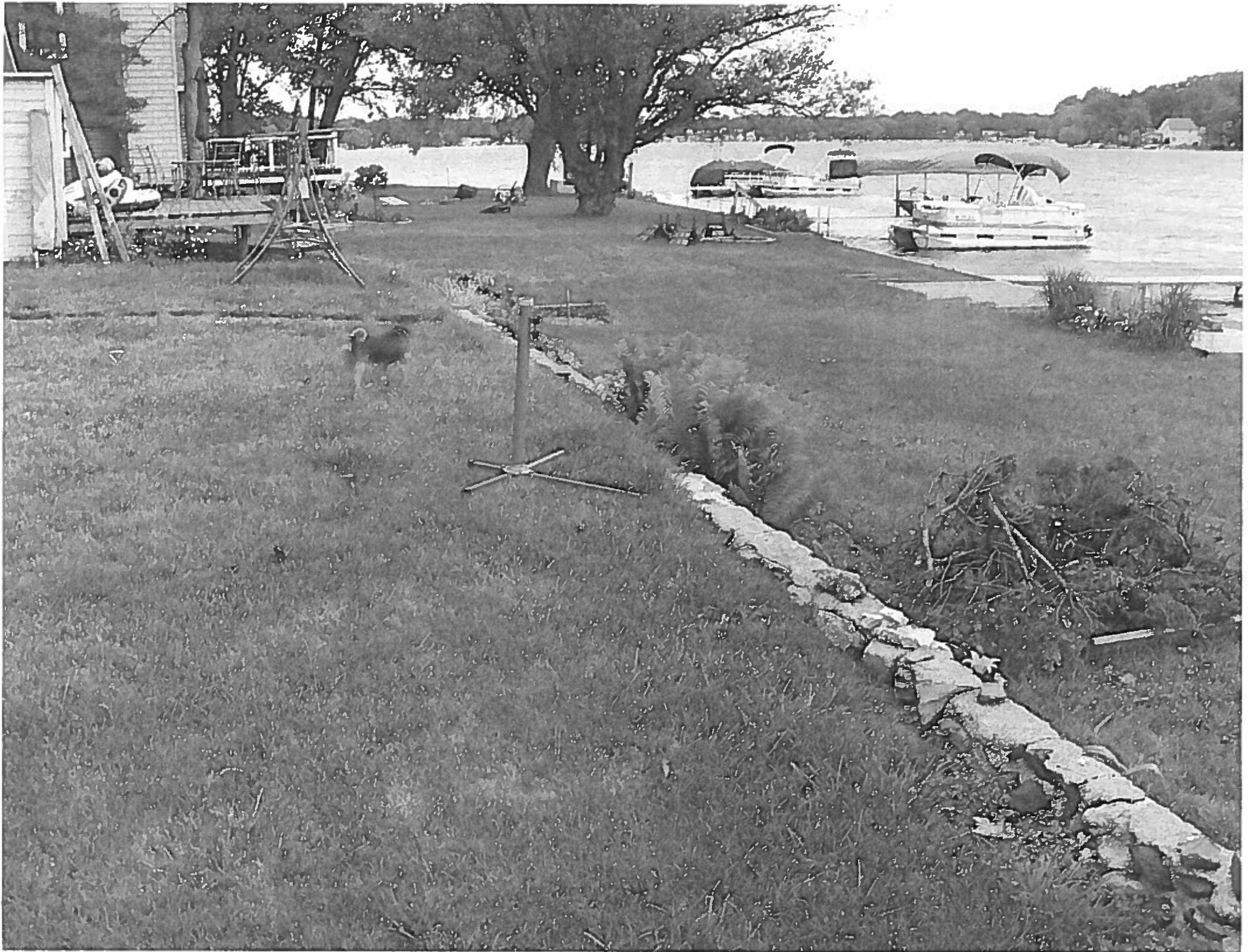
Eric

Eric Moore
Eric Moore 6.9.16
734 972 5683

5365 Wildwood Dr., Howell, MI

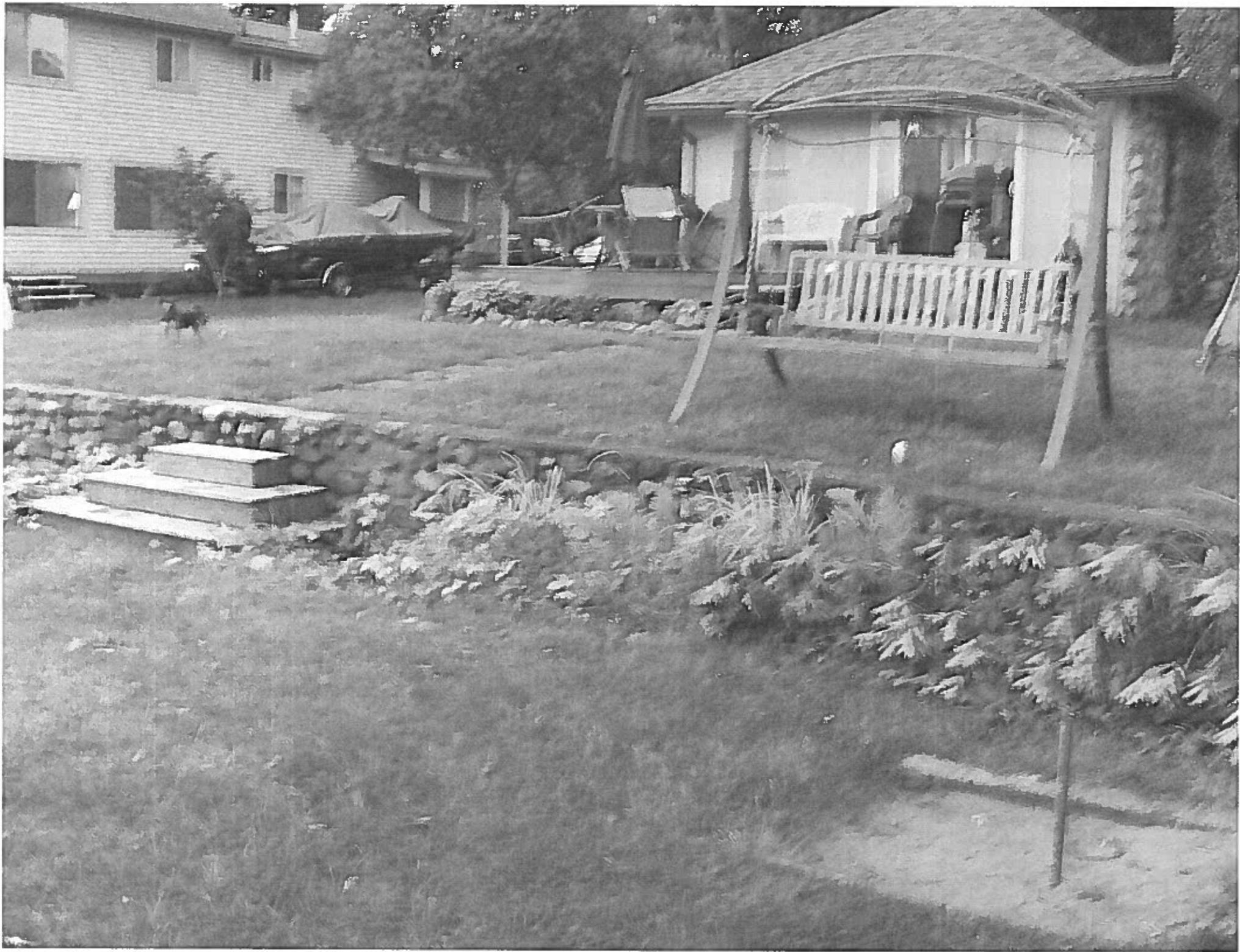
Mark WEST

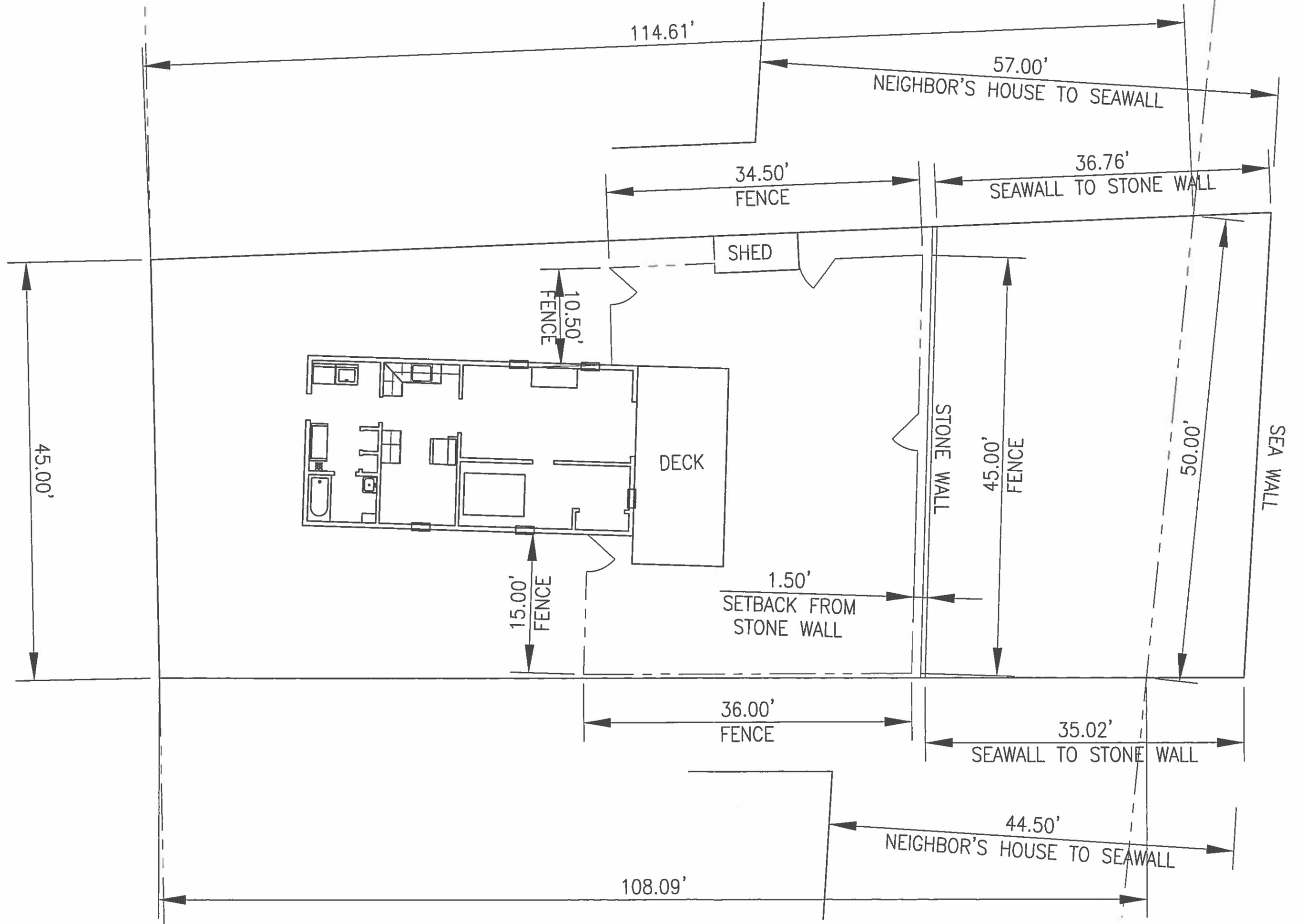
Mark West 6/10/16
810 673 3768











Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
OHANIAN DAWN & MICHAEL OR	BEYERS JEFFREY & MARY CHR	218,000	04/08/2016	WD	ARMS-LENGTH	2016R-015487	BUYER	100.0				
OHANIAN DAWN	OHANIAN DAWN & MICHAEL OR	0	10/05/2010	QC	INVALID SALE	2010R-027765	BUYER	0.0				
NICHOLSON FORD A IV	OHANIAN DAWN	209,000	10/08/2004	WD	ARMS-LENGTH	4617/0251	BUYER	100.0				
NICHOLSON, LINDA L.	NICHOLSON, FORD A.	119,000	06/09/2000	TA	PTA		BUYER	100.0				
Property Address		Class: 401 RESIDENTIAL-I		Zoning: LRR	Building Permit(s)		Date	Number	Status			
5373 WILDWOOD		School: HOWELL										
Owner's Name/Address		P.R.E. 0%										
BEYERS JEFFREY & MARY CHRISTINA 5373 WILDWOOD HOWELL MI 48843		MAP #: V16-23										
Tax Description		2017 Est TCV Tentative										
SEC 10 T2N R5E KIRKS LANDING LONG LAKE SUB, LOT 23		X Improved	Vacant	Land Value Estimates for Land Table 00005.WEST LAKE CHEMUNG								
Comments/Influences		Public Improvements		* Factors *								
		X Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
		X Gravel Road		LAKE FRONT	50.00	111.00	1.0000	1.0000	2300	100		115,000
		Paved Road		50 Actual Front Feet, 0.13 Total Acres				Total Est. Land Value =		115,000		
		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										
		X REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
		Who	When	What	2017	Tentative	Tentative	Tentative		Tentative		
		CG	05/26/2016	REVIEWED R	2016	57,500	27,000	84,500		72,404C		
					2015	57,500	27,500	85,000		72,188C		
					2014	57,500	24,000	81,500		71,052C		



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Licensed To: Township of Genoa, County of Livingston, Michigan

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



Case # 116-27

Meeting Date: July 19, 2016

PAID Variance Application Fee
\$125.00 for Residential | \$300.00 for Commercial/Industrial

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: Tim C. HOWARD

Property Address: 1253 SUNRISE PARK ST Phone: 517-546-6587

Present Zoning: LRR Tax Code: 4711-09-201-002

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: FROST YARD SIDEYARD REAR

2. Intended property modifications: REMOVE EXISTING HOME BUILD NEW *Full Time Home*

a. Unusual topography/shape of land (explain): THE ~~SHAPE~~ AND SIZE OF LOT

AS WELL AS THE LACK OF HOMES ON NEIGHBORING LOTS TO SET

b. Other BUILDING ENVELOPE (explain):

The following is required. Failure to meet this requirement may result in postponement or denial of this petition.

Property must be staked showing **all** proposed improvements seven (7) days before the meeting and remain in place until after the meeting.

Date: 6-24-16 Signature: 

Application must be completely filled out before submittal to Township and all submittal requirements must accompany application.

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

After the decision is made regarding your Variance approval a land use permit will be required.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: July 8, 2016
RE: ZBA 16-27

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

STAFF REPORT

File Number: ZBA#16-27
Site Address: 1253 Sunrise Park Drive
Parcel Number: 4711-09-201-002
Parcel Size: .136
Applicant: Tim Chouinard, Chouinard Building
Property Owner: Glen and Sally Hope, 9137 Meadowdale Brighton, MI 48116

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: Applicant is requesting a side, rear, front and waterfront variance in order to construct an addition to existing single family home.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 31, 2016 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 existing home on the parcel was constructed in 1955.
- In 2012, a permit was pulled to construct a deck.
- See Real Estate Summary and Record Card.
- This item was tabled from the July 19th, 2016 ZBA meeting.

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

The proposed project is to construct an addition to an existing single family home. The builder has stated that a majority of the existing home will be demolished however not the entire structure. In order to construct the addition, the applicant would be required to obtain side, front, rear, waterfront and lot coverage variances. In constructing the addition the applicant would be increasing the front yard and north side yard setbacks while decreasing the waterfront and south side property line setbacks. The existing shed will be removed.

- Notice was published and 300 foot letters mailed to include lot coverage variance.
- In regards to comments made by the owner of Lot 1 at the July meeting, the applicant has shifted the home to the north to be more centered on the lot. They have also moved the proposed home closer to the road and further from the water.

Variance Requests

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

Table 3.04.01 (LRR District): (REVISED)

SINGLE FAMILY STRUCTURE	Front	One Side (South)	Other Side (North)	Rear	Water front	Height	Lot Coverage
Setbacks of Zoning	35	5	10	40	128.3	25	35%
Setbacks Requested	16.1	8.3	5	38	91.2	25	36%
Variance Amount	18.9	-	5	2	37.1	-	1%

Summary of Findings of Fact- After reviewing the application and materials provided, I offer the possible findings of fact for your consideration:

Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with front, rear and waterfront setbacks would prevent the applicant from constructing the addition to the existing single family home. The applicant could reduce the size of the proposed addition to lessen the waterfront variance being requested. The variances requested may not be the least restrictive necessary to provide substantial justice.

(b) Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the small lot size and the large waterfront setback of the adjacent home. The variance would make the property consistent with other waterfront properties in the vicinity. The need for the variance is not self-created.

(c) 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.

(d) Impact on Surrounding Neighborhood – The proposed variances would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The neighbor adjacent to the north has the potential to be impacted by a diminished view of the lake due to the depth of the proposed home.

Recommended Conditions

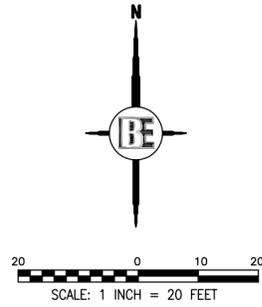
If the Zoning Board of Appeals grants the variance requests staff recommends the following conditions be placed on the approval.

1. Drainage from the home must be maintained on the lot.
2. Structure must be guttered with downspouts.
3. The existing shed is to be removed.
4. No other structure or building is allowed on this lot due to lot coverage.



Orthophotos Flown Spring 2015
Parcel lines are a representation only;
Not intended for survey purposes.

BOUNDARY/TOPOGRAPHICAL SURVEY



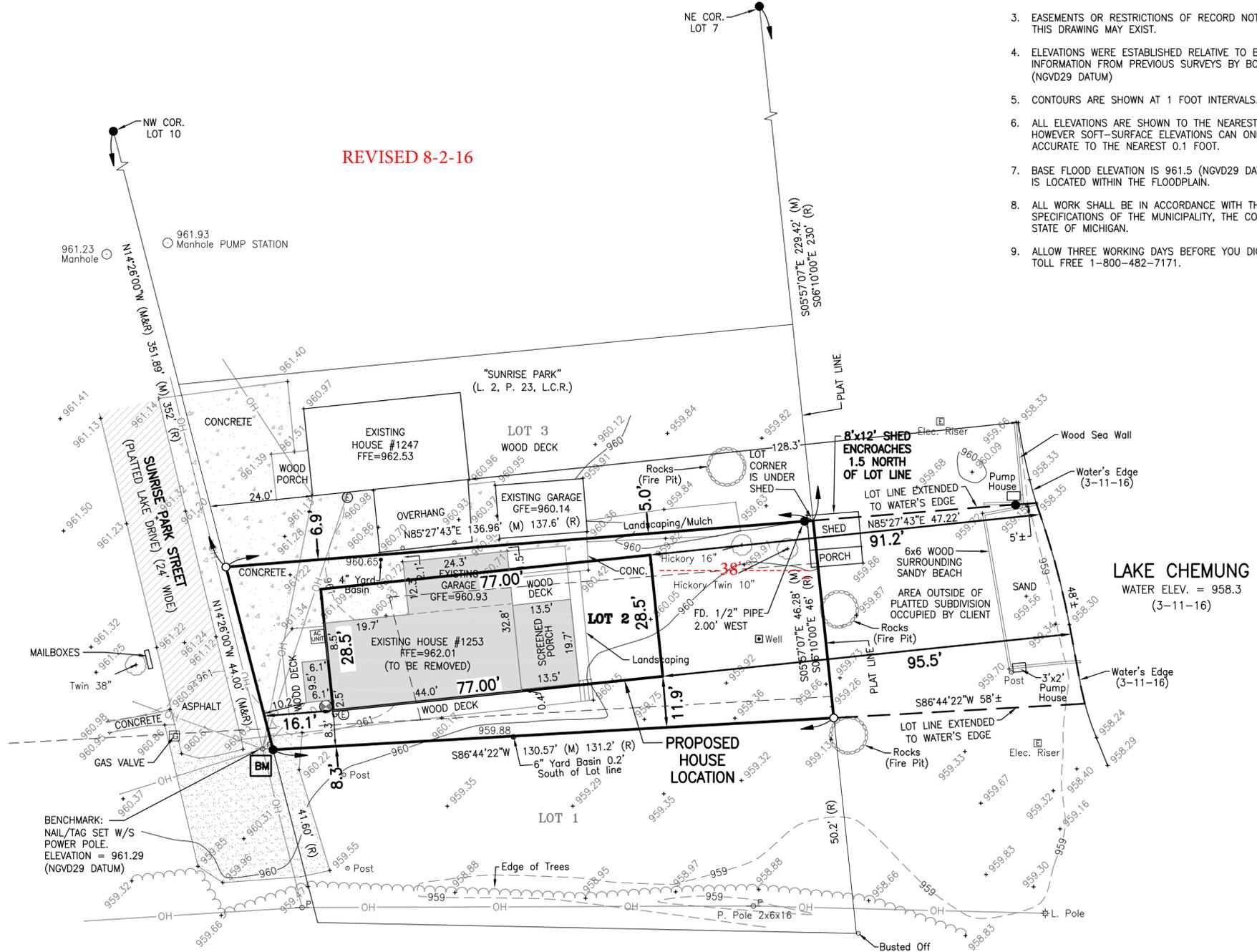
GENERAL SURVEY NOTES:

- BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 22, LIVINGSTON COUNTY RECORDS.
- SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
- EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
- ELEVATIONS WERE ESTABLISHED RELATIVE TO BENCHMARK INFORMATION FROM PREVIOUS SURVEYS BY BOSS ENGINEERING. (NGVD29 DATUM)
- CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
- ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
- BASE FLOOD ELEVATION IS 961.5 (NGVD29 DATUM). ENTIRE LOT IS LOCATED WITHIN THE FLOODPLAIN.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
- ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

BOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 800.246.6735 FAX 517.548.1670

LEGEND

- - - 900 EXISTING CONTOUR
- + 922.00 EXISTING SPOT ELEVATION
- P- POWER POLE
- ⊕ ELECTRICAL RISER
- ⊖ ELECTRICAL METER
- ⊠ AIR CONDITIONING UNIT
- ⊛ LIGHT POLE
- ⊡ WELL
- MANHOLE
- ⊗ GAS METER
- ⊕ GAS VALVE
- DECIDUOUS TREE
- CAPPED 1/2" STEEL ROD SET
- STEEL ROD/PIPE FOUND
- ⊙ MONUMENT FOUND
- OH- OVERHEAD WIRES
- L LIBER
- P. PAGE
- L.C.R. LIVINGSTON COUNTY RECORDS
- (R&M) RECORD AND MEASURED



REVISED 8-2-16

DESCRIPTION OF PROPERTY:

Lot 2 of "Sunrise Park, a subdivision of part of the Northeast 1/4 of Section 9 and a part of the Southeast 1/4 of Section 4, T2N-R5E, Genoa Township, Livingston County, Michigan, as recorded in Liber 2 of Plats, Page 23, Livingston County Records.

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



PROJECT: **LOT 2 OF "SUNRISE PARK"**
 PREPARED FOR: **CHOUINARD CUSTOM HOMES**
 422 E. GRAND RIVER
 HOWELL, MI 48843
 517-404-6527
 TITLE: **BOUNDARY/TOPOGRAPHICAL SURVEY**

NO	BY	REVISION	PER	DATE

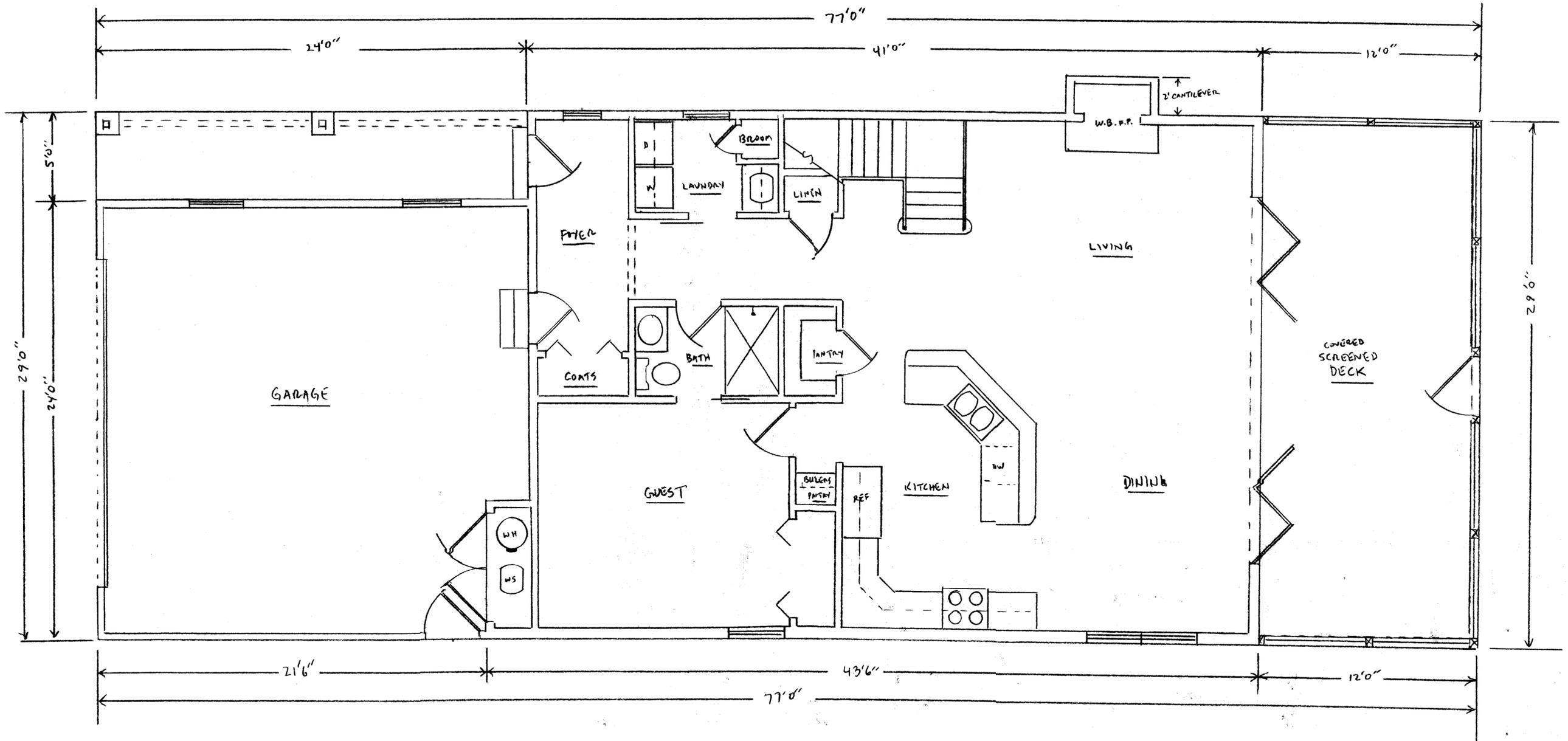
DESIGNED BY:
 DRAWN BY: AEB
 CHECKED BY:
 SCALE 1" = 20'
 JOB NO. 16-065
 DATE 3-16-16
 SHEET NO. **1 OF 1**



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

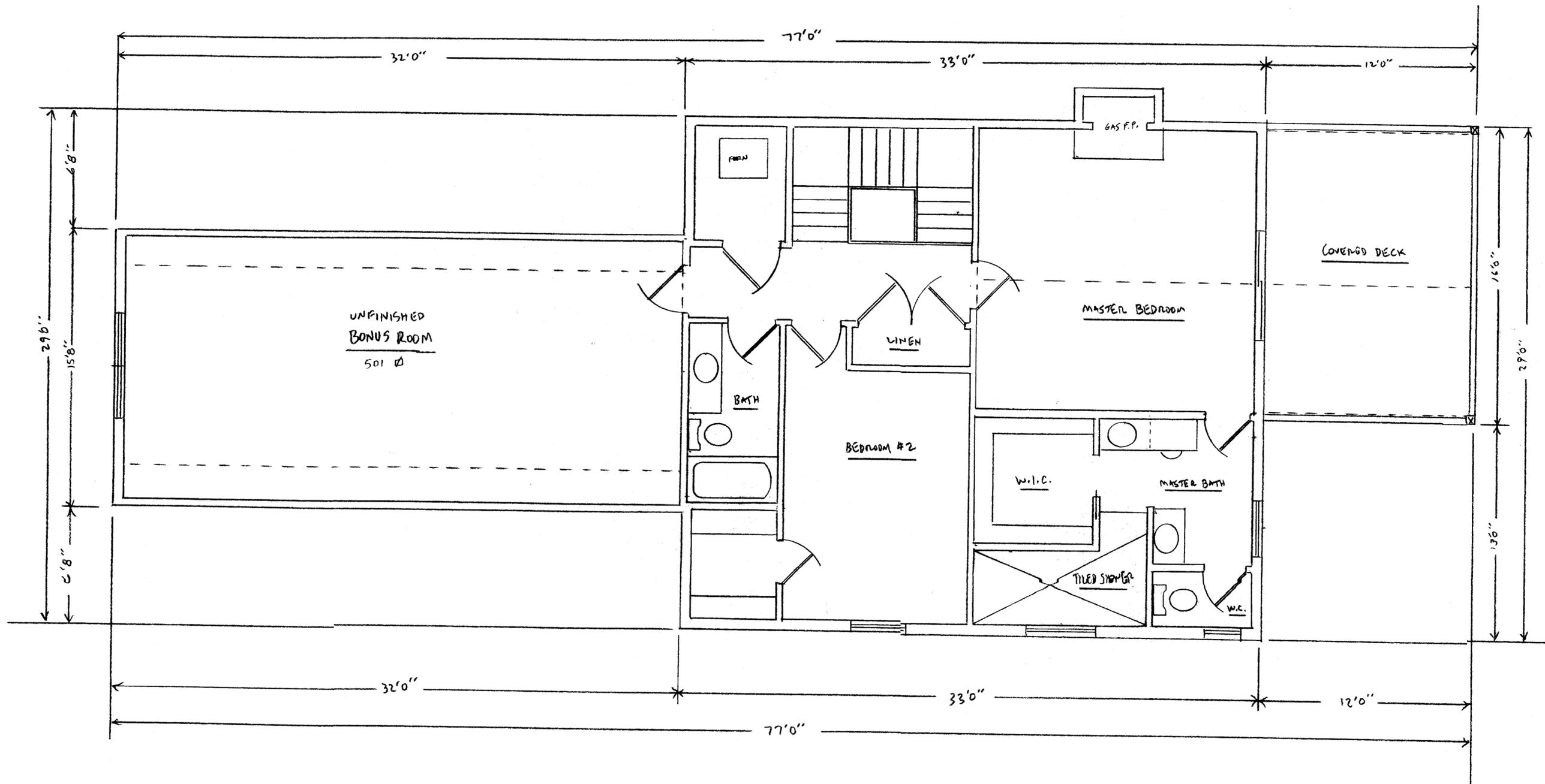


REAR (LAKE) ELEVATION
SCALE = 1/4" = 1'0"



FIRST FLOOR PLAN

SCALE: 1/4" = 1'0" 1207 ⌀



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'0" 957 sq ft

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 Ga	Area 16 250	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		(4) Interior Drywall Paneled	X	Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling											
	Building Style: D		Trim & Decoration Ex X Ord Min		Central Air Wood Furnace											
	Yr Built 1940		Size of Closets Lg X Ord Small		(12) Electric 0 Amps Service											
	Condition for Age: Good		Doors Solid X H.C.		No./Qual. of Fixtures Ex. X Ord. Min											
	Room List Basement 1st Floor 2nd Floor 1 Bedrooms		(5) Floors Kitchen: Other: Other:		No. of Elec. Outlets Many X Ave. Few											
	(1) Exterior		(6) Ceilings		(13) Plumbing Average Fixture(s) 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											
X	Wood/Shingle Aluminum/Vinyl Brick		(7) Excavation Basement: 660 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
	(2) Windows Many Avg. Few Large Avg. Small		(8) Basement Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(9) Basement Finish Recreation SF Living SF Walkout Doors No Floor SF		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
	(3) Roof Gable Hip Flat		(10) Floor Support Joists: Unsupported Len: Cntr.Sup:		(14) Water/Sewer Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic											
	Asphalt Shingle															
	Chimney: Brick															

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 19, 2016, 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:32 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Marianne McCreary, Jean Ledford, Barb Figurski, Jerry Poissant, and Kelly VanMarter, Assistant Township Manager/Community Development Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by McCreary, seconded by Figurski, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public: The call to the public was made at 6:34 pm with no response.

1. **16-19...A request by Stephen Gucciardo, 4133 Highcrest, for a front yard variance to build a second-story addition and an attached garage.**

Mr. Stephen Gucciardo was present and stated that he was not been able to secure someone to perform the staked survey until recently so he does not have it for tonight's meeting. He asked to have his item tabled until the next ZBA meeting.

Moved by Poissant, seconded by McCreary, to table Case #16-19 for 4133 Highcrest at the petitioner's request until the next regularly-scheduled ZBA meeting. **The motion carried unanimously.**

2. **16-22...A request by Timothy S. McCotter, 4523 Filbert, for waterfront variance to construct an addition to an existing home.**

Mr. Timothy McCotter, the architect for the project, was present. They originally requested waterfront and side yard setback variances; however, after the project has been redesigned, they will not be removing the entire front of the home and will be adding a second story to the new addition. They are requesting an 11.55 foot waterfront variance. He noted that the Road Commission owns the drain and not the Livingston County Drain Commission. He is working with them to have the easement revised. They are in agreement to abandon the easement on the east side of the property and provide a new one on the west side.

The call to the public was made at 6:43 pm with no response.

Moved by Ledford, seconded by Figurski, to approve Case #16-22, 4523 Filbert, from Timothy McCotter, architect, and Clyde and Nadra Johnson, owners, for a 11.55 foot waterfront setback variance from the required 66.05 feet to 54.5 feet to construct an addition to an existing single-family home within the existing building footprint due to the following findings of fact:

- The exceptional or extraordinary condition of the property is the narrowness of the lot and the location of the existing single-family home.
- The need for the variance is not self-created and would provide substantial justice to the property owner.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood as the adjacent home to the west may have an impaired view of the lake due to the addition of a second story on the waterfront elevation.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the detached accessory structure must be maintained on the lot.
- The applicant must obtain approval from the Livingston County Drain Commission and/or the Livingston County Road Commission

The motion carried unanimously.

3. **16-23...A request by Jeffrey and Mary Christina Beyers, 5373 Wildwood Drive, a variance to install a fence in the required waterfront.**

The applicant was not present this evening. **Moved** by McCreary, seconded by Ledford, to move Case #16-23 to the end of the meeting in the event the applicant arrives. **The motion carried unanimously.**

4. **16-24...A request by Donald Davis, 3907 Homestead, for front and side yard variances to construct a second-story addition to an attached garage.**

Mr. Dennis Dinser, the architect, was present. He read the letter he submitted to the Township dated 6/21/16. They would like to create a sleeping space for a growing family without expanding the home toward the lake. They do not feel they are impeding their neighbors' views of the lake or changing the drainage conditions. They believe this request is reasonable relative to other front yard setback variances granted on Homestead, specifically one granted in 2009 for a 23.5 foot front yard setback variance and another for a 22 foot front yard setback variance as they are requesting a 12'4" variance. They have taken great care to preserve the open space between homes, not impede views, and not encroach on the rear yard setback.

The call to the public was made at 6:58 pm.

Mr. Carolyn Kerr of 4540 Seim Road owns the property to the west of this home. She would prefer to see the fourth bedroom attached to the home. She feels at some point the garage with this room could be separated from the home and then there would be two houses on this site.

Mr. Mike Peal of 3883 Homestead agrees with Ms. Kerr.

Ms. VanMarter stated that the Township Ordinance prohibits two homes on one lot. If interior work, such as plumbing, would be done on the addition a permit would be needed and it would be denied because it is against the ordinance.

Mr. Dinser stated that the homeowner will commit legally to prohibit the breezeway being removed resulting in two separate homes. It was suggested this be added as a deed restriction. Board Member Ledford stated this could be a condition of the approval for the variance and would follow the property in perpetuity.

Moved by Poissant, seconded by McCreary, to approve Case #16-24 for Donald Davis at 3907 Homestead for a front yard variance of 12' 4" from the required 35 feet to 22' 8" and a side yard variance of 6" from the required 5 feet to 4' 6" to construct a second-story addition above an attached garage, which is currently non-conforming, due to the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the addition to the existing garage.
- The exceptional or extraordinary condition of the property is the small size of the lot and this is the most practical location for this addition.
- The granting of these variances will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage must be maintained on the lot.
- The petitioner shall draft a deed restriction indicating the breezeway cannot be removed, creating a second and separate dwelling, and shall follow the property in perpetuity. The deed restriction is subject to Township Attorney approval and shall be done before a land use permit is issued. The deed restriction shall be recorded by the Township.
- The additional shall not contain a kitchen.

The motion carried (Ledford – yes; Dhaenens – yes; Poissant – yes; Figurski – no; McCreary – yes).

5. **16-25...A request by Ronald Abner, 2805 Acorn Lane, for a side yard variance to construct a detached garage.**

Mr. Abner was present. He stated the practical difficulty is the topographical limitations at the rear of his property. He would like to place the garage in the proposed location to allow for access to the rear of the lot for maintenance of the well, etc.

The call to the public was made at 7:19 pm.

Moved by Ledford, seconded by McCreary, to approve Case #16-25 for 2805 Acorn Lane from Ronald Abner for a 20 foot side yard setback variance from the required 30 feet to 10 feet to build a 24 x 18 detached accessory structure due to the following findings of fact:

- The need for the variance is not self-created.
- The exceptional or extraordinary condition of the property is the severe topography at the rear of the lot.
- Granting the variance would provide substantial justice because there are other multiple detached accessory structures in the vicinity.
- The granting of this variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion on public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the residents of the Township of Genoa.
- The proposed variance would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

6. **16-26...A request by Pet Supplies Plus, 2749 E. Grand River, for a variance to install a sign within the road right of way setback.**

Mr. Kyle Johnson, one of the owners of Pet Supplies Plus, was present and stated they have occupied this building for 15 year and have never had a monument sign. Having a sign would help with the visibility for his customers looking for his store. The practical difficulty is his property line is 29 feet from the sidewalk, which equates to a 75-foot right of way. This is significantly wider than his neighbors' properties. If he was to comply with the ordinance, the sign would need to be placed in his parking lot.

The call to the public was made at 7:25 pm with no response.

Moved by Figurski, seconded by Ledford, to approve Case #16-26 from Pet Supplies Plus at 2649 East Grand River for a 10-foot sign variance from the required 10 foot setback to a zero foot setback to erect a 6 x 12 monument sign due to the following findings of fact:

- The right of way at this property is larger than others in the area.
- The variance is not self-created.
- Strict compliance with the ordinance would prevent the applicant from installing a sign.

- It will have no impact on the surrounding properties.

This approval is conditioned upon the following:

- The sign shall not block the visibility for motorists on Meadowview Drive.
- Approval by MDOT shall be obtained if necessary.

The motion carried unanimously.

7. **16-27...A request by Tim Chouinard, 1253 Sunrise Park, for front, side, rear, and waterfront variances to construct an addition to an existing home.**

Mr. Tim Chouinard was present. He stated they have redesigned the plans and they are no longer requesting a side yard setback variance. Chairman Dhaenens advised the applicant that it was determined that the proposed addition is causing the lot coverage limit to be exceeded. This variance request was not published so the applicant will need to return to the ZBA.

Chairman Dhaenens feels the requested waterfront variance is very large. Board Member Poissant believes it will block the view of the lake for the neighbor to the north. Mr. Chouinard stated their view is already blocked by their own garage. He stated they need to move the home far back on the lot in order to allow enough room for the car to enter and exit the garage.

Chairman Dhaenens suggested to Mr. Chouinard that he reconsider the waterfront setback variance being requested since he must come back to the Board for the lot coverage variance.

The call to the public was made at 7:34 pm.

Mr. William Linholm lives across the street and also owns the vacant land to the south of this property. He feels the placement of the home will affect his view as well as his use of his vacant land. He would like the home to be moved more toward the west side of the lot.

The call to the public was closed at 7:39 pm.

Moved by McCreary, seconded by Ledford, to table Case #16-27 from Tim Chouinard at 1253 Sunrise Park Street to allow the applicant to apply for the lot coverage variance. **The motion carried unanimously.**

The applicant for Case #16-23 did not arrive to the meeting. **Moved** by McCreary, seconded by Ledford, to postpone Case #16-23 from Jeffrey and Mary Christina Beyers at 5373 Wildwood Drive until the August 16, 2016 ZBA meeting. **The motion carried unanimously.**

Administrative Business:

1. Approval of minutes for the June 21, 2016 Zoning Board of Appeals Meeting

In the discussion regarding Case #16-19, it should say "**staked** survey", not "**mortgage** survey".

"The motion carried unanimously" was not included in the motion for Case #16-20.

In the motion for Case #16-21, it should read "...to construct a 14 x 20 **detached** accessory structure....", not "...**attached** accessory structure".

Moved by Figurski, seconded by Poissant, to approve the June 21, 2016 Zoning Board of Appeals Meeting minutes as corrected. **The motion carried unanimously.**

2. Correspondence - There was no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford gave a review of the Township Board Meeting of July 18, 2016.
4. Planning Commission Representative Report – Board Member Figurski gave a review of the Planning Commission meeting of July 11, 2016
5. Zoning Official Report - Ms. VanMarter had nothing to report.
6. Member Discussion

Board Member Figurski suggested that when the Board is approving a variance that includes removing an existing structure, "dust control measures" should be included as a condition of approval.

7. Adjournment

Moved by Ledford, seconded by Figurski, to adjourn the meeting at 8:14 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary