

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 15, 2017
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. 17-19 ... A request by John Mullaney, 2166 Webster Park Drive, for a variance to exceed the 15 foot deck extension into the waterfront yard for an existing deck.
2. 17-20 ... A request by Brian Catrinar, Oak Tree Court Lot 23, for a rear yard variance to construct a single family home.
3. 17-21 ... A request by Mark Szerlag, 2300 Genoa Business Park Drive, for a front yard variance for an existing building.

Administrative Business:

1. Approval of minutes for the July 18, 2017 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



GENOA CHARTER TOWNSHIP VARIANCE APPLICATION

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

Case # 17-19 Meeting Date: Aug 15, 2017

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: John Mullaney

Property Address: 2166 Webster Park Drive Phone: 248-935-4343

Present Zoning: Residential Tax Code: 1130101026 4711-30-101026

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: I am requesting a variance to Ordinance #11.04.02 (c). My Request is to be allowed to have a 20' deep deck on the lake side of my home.

2. Intended property modifications: To have a 20'' deep deck

a. Unusual topography/shape of land (explain): The 5' of extra deck allows me to see around my neighbors out builds.

b. Other (explain): Having the stair case facing the shoreline saves an addition parking space, as parking is difficult in our area.

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: 7/18/17 Signature: [Handwritten 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.



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

MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 9, 2017
RE: ZBA 17-19

File Number: ZBA#17-19

Site Address: 2166 Webster Park Drive

Parcel Number: 4711-30-101-026

Parcel Size: 0.813 Acres

Applicant: John Mullaney, 2166 Webster Park Drive Howell 48843

Property Owner: Same as applicant

Information Submitted: Application, site plan, building plans

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to exceed the 15 foot deck extension into the waterfront yard for an existing deck.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 30, 2017 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 date of the home being built is uncertain.
- See Real Estate Summary and Record Card.
- In 2015, a variance was obtained from section 24.04.06 which limits the amount of money which is able to be invested in a legal non-conforming structure during any 12 month period.
- The deck was constructed without a land use permit and a building permit.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Summary

The applicant is requesting a variance to exceed 15 feet into the waterfront yard setback for an existing deck. The deck was constructed without any proper permits.

Variance Requests

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

11.04.02 (c)

Allowable projection into the waterfront:	15'
Existing projection into the waterfront:	26'6"
Requested variance amount:	11'6"

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 the deck projection of 15 feet into the waterfront yard would require the applicant to remove 5' of the existing deck and the stairs which is 6'6". Compliance does not unreasonably prevent use of property and granting the variance would not provide substantial justice.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary conditions of the property. 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 would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Call to the public was made with no response.

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

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

Motion carried unanimously.

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

Rickey F. Novak was present for the petitioner.

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

Call to the public:

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

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

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

Motion carried unanimously.

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

The petitioners, Jeff and Susan Wood, were present.

7-21-15 Approved ZBA Minutes

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

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

Call to the public:

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

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

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

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

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

Motion carried unanimously.

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

The petitioner Dave Gruber was present.

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

GENOA TOWNSHIP



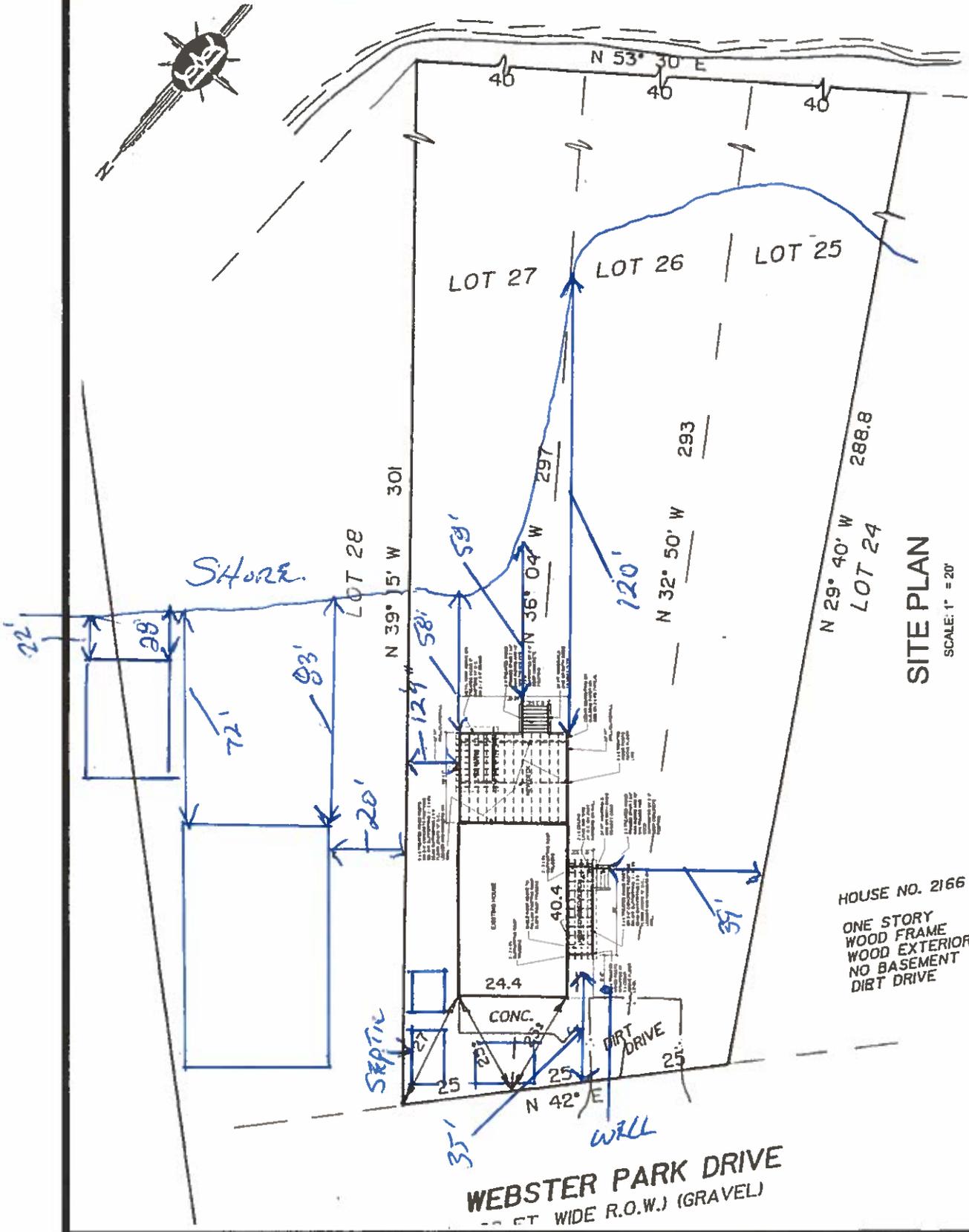


New Deck & Porch
 at 2166 Webster Park Drive, Pardie Lake
 John Mullaney

DATE: 5/17/2017

SITE PLAN

A1

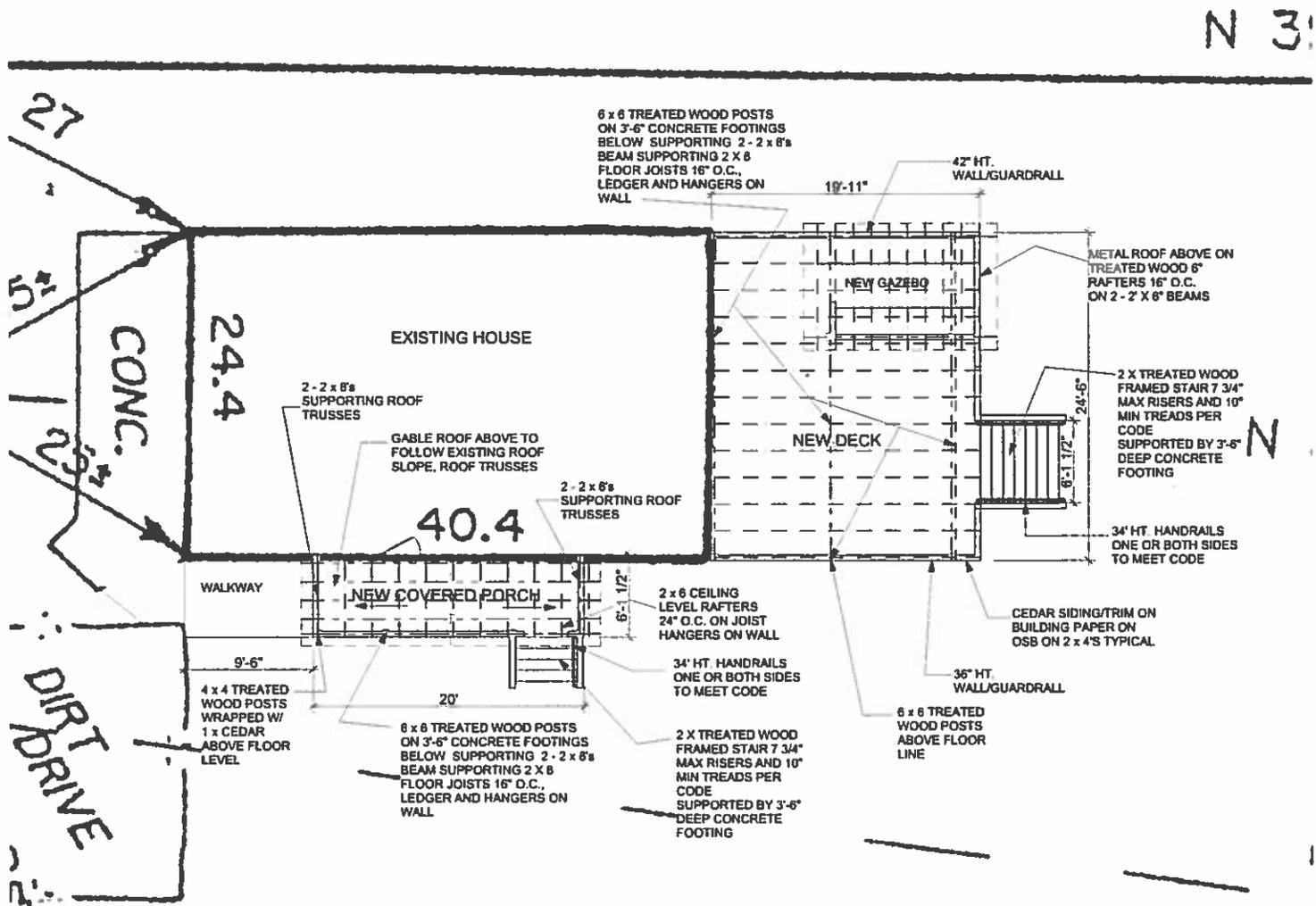


HOUSE NO. 2166
 ONE STORY
 WOOD FRAME
 WOOD EXTERIOR
 NO BASEMENT
 DIRT DRIVE

WEBSTER PARK DRIVE
 25 FT WIDE R.O.W. (GRAVEL)

SITE PLAN
 SCALE: 1" = 20'

D:\Projects\Mullaney\LakePlace\MullaneyLakePlace.pln



FLOOR PLAN

SCALE: 1/8" = 1'-0"

N 31

N



New Deck & Porch
 at 2166 Webster Park Drive, Pardie Lake
 John Mullaney

DATE: 5/17/2017

FLOOR PLAN

A2

Pardee Lake Association

7/17/2017

To whom it may concern,

In regards to the improvement to 2166 Webster Park Drive by John Mullaney. The Pardee Lake neighborhood consciences is that everyone is very happy with John.

The deck that is in question for a size violation on the lakeside of the cottage is beautiful and definitely fits the place and lake property. John put much time and effort in the restoration and now enjoys the entertainment deck area to share the lake view with all of his friends and neighbors, it would be a shame to have to alter the size and we feel it would be totally pointless.

Sincerely,

Jim French,


Pardee Lake Association President

Amy Ruthig

From: Marsha Noble <mjnoble05@yahoo.com>
Sent: Wednesday, August 02, 2017 7:34 PM
To: Amy Ruthig
Subject: John Mullaney variance

Amy
Dale and I are in favor of John Mullaney receiving the requested variance for his deck on Tuesday, August 15, 2017. We are unable to attend the meeting and wanted to give our input. He has improved the site tremendously and as neighbors we are pleased with the upgrades he has made. We urge the Zoning Board to approve his request.

*Marsha & Dale Noble
2187 Webster Park Dr
Howell, MI 48843
517-546-8654*

7 / 13 / 17

GENOA TOWNSHIP BOARD

RE: REQUEST FOR VARIANCE, 2066 WEBSTER PARK DRIVE, HOWELL, MI 48843

Please consider this written statement in support of the request for variance by the current resident, John Mulaney, at 2066 Webster Park Dr,

My residence, 2172 WEBSTER PARK Dr, is immediately adjacent to the property in question. In particular, the physical location of the structure in question is not visible from any interior viewpoint in my residence. Therefore, due to this permanent orientation, any required change or alteration of existing structure at 2066 Webster Park Drive would not and cannot affect viewpoint or general quality of visual characteristics of 2172 Webster Park Drive.

Furthermore, the disposition of these two properties are located on a lowlands peninsula, therefore not obstructing any other viewpoints of the surrounding areas, maintaining a quality of view for all residents. Any required changes will not afford an improvement or change to any viewpoint available.

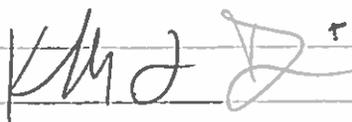
It is my sincere request to grant variance in good faith as any changes would be ineffectual and without intended consequences for future residents.

Also, it is most significant to note this known consequence:

ANY REQUIRED CHANGE WOULD NOT ONLY NEGATIVELY BUT PERMANENTLY AFFECT VIEWPOINTS AFFORDED TO THE REQUESTOR, JOHN MULANEY, AS IS THE BASIS OF HIS REQUEST.

Thank you for your consideration in this matter,

Kelly L. Devine / Trustee, Pardee Lake Homeowners Association
2172 WEBSTER PARK DRIVE, Howell, MI, 48843

 7/13/17

7/15/2017

To whom it may concern at Genoa Township,

My name is Deborah Hall and I live directly across the street from John Mullaney. My address is 2165 Webster Park Drive. It is my understanding that John is asking for a variance allowing a 20' deep deck on the lake side of his property and the Township only allows for a 15' deck.

I am in support of the variance. My property will not be negatively affected if you grant this variance. Please feel free to contact me if you have any questions.

Thank You,

A handwritten signature in black ink, appearing to read "Deborah Hall". The signature is fluid and cursive, with the first name "Deborah" being larger and more prominent than the last name "Hall".

Deborah Hall

Pardee Lake Homeowners Association Trustee

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
BANDLI, RICHARD	MULLANEY JOHN	84,900	10/21/2015	LC	MEMO L/C	2015R-035705	BUYER	100.0					
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)	Date	Number	Status					
2166 WEBSTER PARK DR.		School: HOWELL											
Owner's Name/Address		P.R.E. 100% 10/21/2015											
MULLANEY JOHN 2166 WEBSTER PARK DR. HOWELL MI 48843		MAP #: V17-19		2018 Est TCV Tentative									
Tax Description		X	Improved	Vacant	Land Value Estimates for Land Table 119.PARDEE LK FRT/GALE LAKE								
SEC. 30 T2N, R5E, WEBSTER PARK LOTS 25, 26, AND 27		X	Public Improvements		* Factors *								
Comments/Influences			Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
			Gravel Road		A PARDEE LK FRT	120.00	295.00	1.0000	1.0000	900	100		108,000
			Paved Road		<Site Value B>					0	100		0
			Storm Sewer		120 Actual Front Feet, 0.81 Total Acres				Total Est. Land Value =		108,000		
			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	2018	Tentative	Tentative	Tentative			Tentative		
		JB	12/21/2016	INSPECTED	2017	54,000	22,900	76,900			57,192C		
					2016	54,000	700	54,700			54,700S		
					2015	54,000	15,400	69,400			41,342C		



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 370 80	Type Treated Wood Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: D		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Stories Exterior Foundation Rate Bsmnt-Adj Heat-Adj Size Cost			CntyMult		Bsmnt Garage:	
Yr Built 0	Remodeled 2016	Ex	X	Ord		Min	0 Amps Service			Total Base Cost: 49,388			X	1.510		
Condition: Good		Lg	X	Ord		Small	No Heating/Cooling			Total Base New : 74,575				E.C.F.		
Room List		Doors: Solid X H.C.		(5) Floors			No./Qual. of Fixtures			Total Depr Cost: 49,144			X	0.910	Carport Area: Roof:	
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		(6) Ceilings			Ex. X Ord. Min			Other Additions/Adjustments			Rate		Size Cost	
(1) Exterior							No. of Elec. Outlets			(14) Water/Sewer			4400.00		1 4,400	
X	Wood/Shingle Aluminum/Vinyl Brick			(7) Excavation			Many X Ave. Few			(14) Water/Sewer			2720.00		1 2,720	
	Insulation			Basement: 0 S.F. Crawl: 960 S.F. Slab: 0 S.F. Height to Joists: 0.0			(13) Plumbing			Phy/Ab.Phy/Func/Econ/Comb.%Good= 64/100/100/100/64.0,			Depr.Cost =		44,983	
(2) Windows							Average Fixture(s)			Separately Depreciated Items:						
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			(16) Deck/Balcony			5.93		370 2,194	
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens			Conc. Block Poured Conc. Stone Treated Wood Concrete Floor						Treated Wood,Standard			8.08		80 646	
(3) Roof				(9) Basement Finish						County Multiplier = 1.51 =>					Cost New = 3,313	
X	Gable Hip Flat		Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors No Floor SF						Phy/Ab.Phy/Func/Econ/Comb.%Good= 97/100/100/100/97.0,					Depr.Cost = 3,214	
X	Asphalt Shingle			(10) Floor Support						Treated Wood,Standard					Cost New = 976	
	Chimney: Brick			Joists: Unsupported Len: Cntr.Sup:						Phy/Ab.Phy/Func/Econ/Comb.%Good= 97/100/100/100/97.0,					Depr.Cost = 947	
										ECF (4043 WEBSTER PARK)			0.910 => TCV of Bldg: 1 =		44,721	
										Well, 200 Feet 1000 Gal Septic			4400.00 2720.00		1 4,400 1 2,720	
										Phy/Ab.Phy/Func/Econ/Comb.%Good= 64/100/100/100/64.0,			Depr.Cost =		44,983	
										Separately Depreciated Items:						
										(16) Deck/Balcony			5.93		370 2,194	
										County Multiplier = 1.51 =>					Cost New = 3,313	
										Phy/Ab.Phy/Func/Econ/Comb.%Good= 97/100/100/100/97.0,					Depr.Cost = 3,214	
										Treated Wood,Standard			8.08		80 646	
										County Multiplier = 1.51 =>					Cost New = 976	
										Phy/Ab.Phy/Func/Econ/Comb.%Good= 97/100/100/100/97.0,					Depr.Cost = 947	
										Total Depreciated Cost =					49,144	
										ECF (4043 WEBSTER PARK)			0.910 => TCV of Bldg: 1 =		44,721	

*** 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 # 17-20 Meeting Date: Aug 15, 2017

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: Brian Anthony Catinar

Property Address: Oak Tree Ct, Lot 23 Phone: 248-345-5569

Present Zoning: Residential Tax Code: 4711-28-401-023

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: Dimensional variance of rear setback line (3.6 feet)

2. Intended property modifications: Construction of new single family home
 - a. Unusual topography/shape of land (explain): Setbacks and orientation of lot to street limit where house could be located and ability to preserve large oak tree
 - b. Other (explain): Strict compliance with setbacks would prevent construction of house of similar size and street orientation to others in immediate vicinity and require destruction of large oak tree near front of lot.

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: 7/19/2017 Signature: [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.



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Diana Lowe

MANAGER

Michael C. Archinal

MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 1, 2017
RE: ZBA 17-20

STAFF REPORT

File Number: 17-20
Site Address: None Assigned
Parcel Number: 4711-28-401-023
Parcel Size: 0.393 Acres
Applicant: Brian Anthony Catrinar, 556 Black Oak Trail Howell 48843
Property Owner: Same as Applicant
Information Submitted: Application, site plan, building plans
Request: Dimensional Variance
Project Description: Applicant is requesting a rear yard setback to construct a single family home.
Zoning and Existing Use: MUPUD (Mixed Use Planned Unit Development) – Oak Pointe, Single Family Residential

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 30, 2017 and 300 foot mailings were sent to any real property within 300 feet of the property lines in accordance with the Michigan Zoning Enabling Act.

Background

The following is a brief summary of the background information we have on file:

- The property is vacant.
- In 2014, a variance was previously approved for a rear yard variance. (See attached minutes)
- Pubic sewer and public water are available.
- See Record Card.

Summary

The applicant is proposing to construct a single family home on one of the last vacant lots in Oak Pointe. In order to do this the applicant is requesting a rear yard setback variance. The reason for this variance request is due to the presence of a large oak tree on the front of the property and the presence of a utility easement on the northern line of the property.

Variance Requests

The regulations in the zoning ordinance pertaining to this variance are as follows:

Oak Pointe PUD Rear Yard Setback:

Required Setback:	50
Proposed Setback Request:	46.4
Proposed Variance Request:	3.6

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 the rear yard setback would not prevent the applicant from constructing a single family home. Based on a review of aerial photos it does appear that there are multiple homes in the immediate vicinity that do not meet the required 50 foot rear setback therefor granting the variance would provide substantial justice.
- (b) Extraordinary Circumstances** – Granting this variance would make the orientation of the property consistent with the majority of other properties in the vicinity. The exceptional circumstance on the property is the existing oak tree, the orientation of the lot and the existence of the utility easement to the north.
- (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 proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

The Board stated that they have concerns about the drainage on the property.

A call to the public was made by Al Sharp-3665 Highcrest stated the he has lived here since 1965. This variance will improve the neighborhood and the parking on Highcrest. The applicant is looking for an 11" variance not a 3' variance that was previously requested. It will be a benefit having the garage setback and the drainage taken care of. The Zoning Board of Appeals has approved side yard variances of 3 feet or less. Mr. Sharp is in support of this petition.

Moved by McCreary, supported by Poissant, to approve case #14-28, 3695 Highcrest, for a 5 foot front yard variance with a 30 foot setback and an 11" side yard variance with a 9'1" setback to build an addition to an existing single family home. The finding of fact of practical difficulty is the current location of the home itself and the grade of the lot. The grade and typography of the lot does not allow the addition to take place any other place on the lot. This does not impede on public safety and welfare. This is improving the surrounding neighborhood. The drain runoff will a high priority and address any drainage issues properly. The addition is to be guttered and with appropriate downspouts. **Motion carried.**

14-29...A request by Steven C. Liedel and Janine K. Fogg, Parcel ID 4711-28-401-023, Oak Tree Court, Lot 23, for a rear yard setback variance to build a new home.

Ron Godair, Godair Builders and Steven Liedel, homeowner, were present for the petitioner. The house has been gifted back and the lot is irregular. It is consistent with the houses in the area. The houses adjacent to the north and to the south-east will benefit by moving the house toward the rear of the property. The rear yard also backs up to Brighton Road.

A call to the public was made with no response.

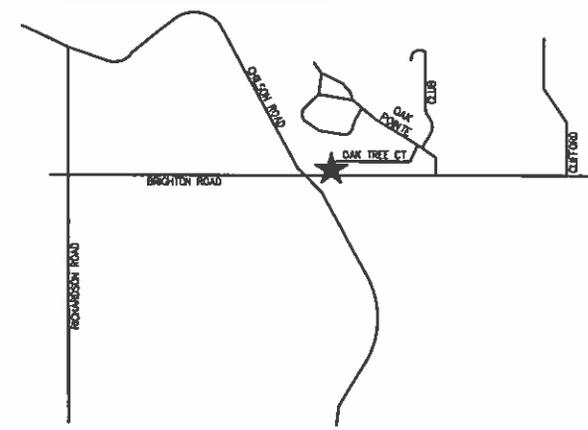
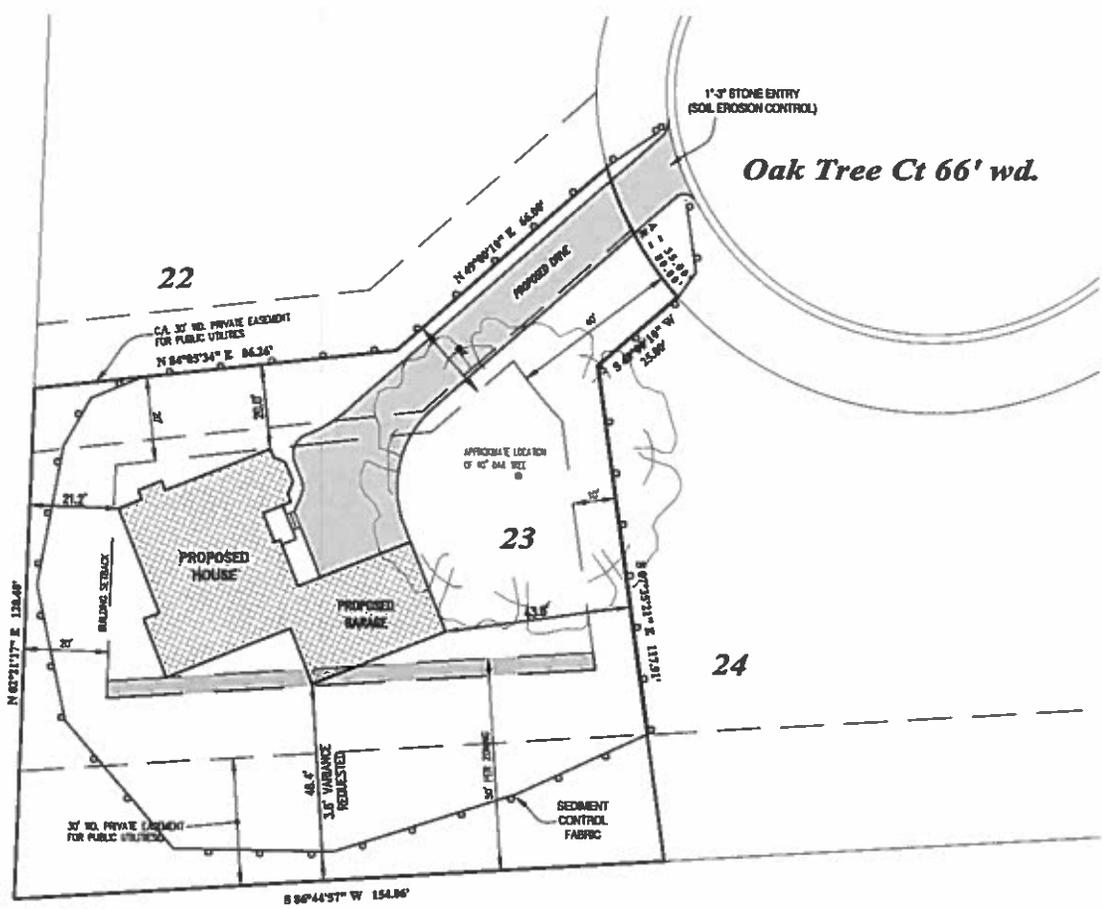
Moved by Ledford, supported by Figurski, to approve case #14-29, lot 23 Oak Tree Court located in Oak Pointe for a rear yard setback variance of 9'9" to construct a single family home. The practical difficulty is the location of the tree to the east and the utility easement to the north. Granting of this variance will make the property consistent with the surrounding area and consistent with Oak Tree Court. **Motion carried.**

Administrative Business:

1. **Approval of Minutes:** **Moved** by Figurski, supported by Poissant, to approve the September 16, 2014 Zoning Board of Appeals minutes. **Motion carried with McCreary abstaining.**
2. **2013 Annual Report Executive Summary:** Akers stated that he addressed what was discussed at the last meeting and the next step would be placing the Summary in correspondence for the Planning Commission and Township Board. **Moved** by McCreary, supported by Figurski to approve the Executive Summary and to forward it to the appropriate committees for review. **Motion carried.**

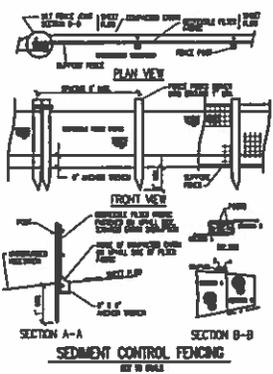
GENOA TOWNSHIP





LOCATION MAP
SCALE: 1" = 2000'

Current Zoning: PUD
MINIMUM SETBACK REQUIREMENTS:
FRONT - 40 FEET
SIDES - 10 FEET (SIDE ONE)
20 FEET (SIDE TWO)
REAR - 50 FEET



START DAY	END DAY	SOIL EROSION CONTROL SEQUENCE OF CONSTRUCTION
1	7	INSTALL SILT FENCE AS SHOWN ON THIS PLAN
3	10	CLEAR AND BUSH GRADE SITE
10	20	EXCAVATE FOR BASEMENT, INSTALL FOOTINGS AND INSTALL BASEMENT WALLS
20	25	INSTALL SANITARY SEWER LEAD SUMP DISCHARGE LEAD, STORM SEWER AND BAKER SERVICE. BACKFILL BASEMENT.
40	180	INSTALL ALL PUBLIC UTILITIES (GAS, ELECTRIC, TELEPHONE, AND CABLE TV)
180	180	COMPLETE BUILDING CONSTRUCTION
130	130	FINISH GRADE AND PAVE DRIVE.
135	180	ESTABLISH VEGETATION ON ALL DISTURBED GROUND AREAS WITH TOPSOIL AND SEED OR SOIL. REMOVE ALL SOIL EROSION CONTROL DEVICES.

- NOTES:**
- 1) THE SOIL EROSION CONTROLS WILL BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT, BY THE BUILDER.
 - 2) SITE WILL BE RESTORED WITH SEED AND MULCH.

Parcel 4711-28-401-023
LOT 23, "OAK POINTS SOUTH" A SUBDIVISION OF PART OF THE SE 1/4 OF SECTION 24, T21N, R3E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. AS RECORDED IN LIBER 23 OF PLATS, PAGE 42 - 43, LIVINGSTON COUNTY RECORDS.



DATE	SCALE
12-19-11	1/4" = 1'-0"
	1/8" = 1'-0"
	1/2" = 1'-0"

PROPRIETOR:
P & B BUILDING COMPANY
8005 NEWPORT DR.
WHITE LAKE, MI 48306
(248) 872-1008

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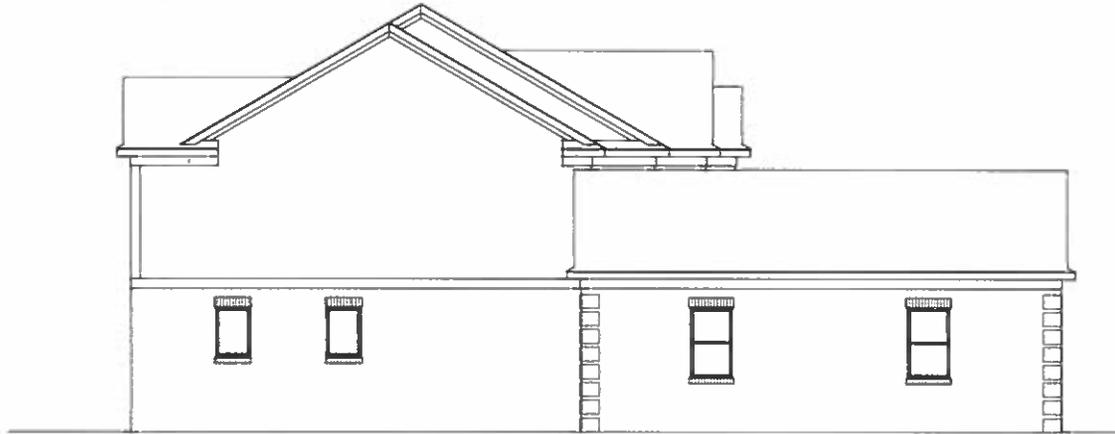
KIEFT ENGINEERING, INC.
REG. PROF. ENGINEER AND REG. LAND SURVEYOR
5625 SOUTH MAIN STREET, CLARKESTON, MICHIGAN 48348
PHONE (248) 625-8251 FAX (248) 625-7110

DATE 6-2-16	CHKD. BY	DATE
DESIGN 07/16		
SECTION 1A		
SECTION 2B		



Preliminary Site & Variance Plan
4711-28-401-023
GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

SCALE 1" = 20'
SHEET 1 OF 1
KE 2016.251



Dick Lindbeck Design, Inc.
rld
RESIDENTIAL DESIGN
rld@rldindesign.com
248.310.4590

PLAN



PLAN





Dick Lindbeck Design, Inc.

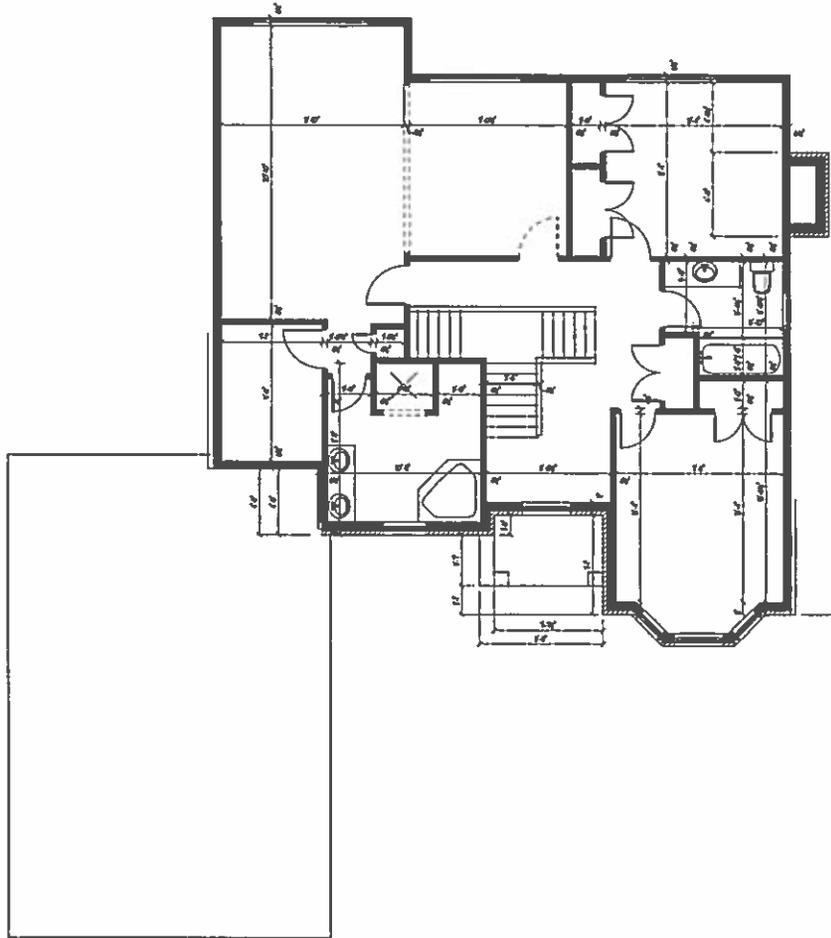
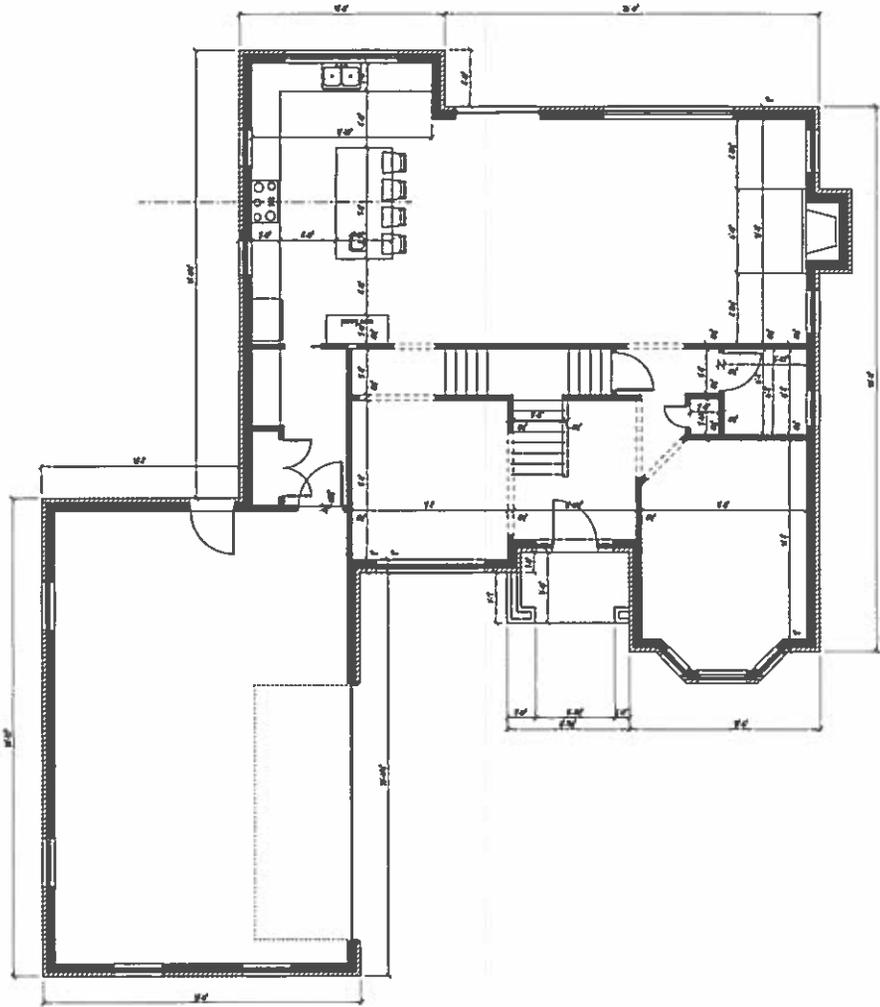
rld
RESIDENTIAL DESIGN
rld@rlddesign.com
248.310.4590

R.D.C.



DATE

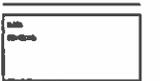




Rich Linbeck Design, Inc.

rld
 RESIDENTIAL DESIGN
 richlinbeckdesign.com
 248.310.4590

PLAN



DOOR



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
LIEDEL STEVEN C & FOGG JAN	CATRINAR BRIAN	49,500	10/20/2016	WD	ARMS-LENGTH	2016R-033715	BUYER	100.0		
EBERSOLE BRADLEY & THERESE	LIEDEL STEVEN C & FOGG JAN	37,000	09/30/2014	WD	ARMS-LENGTH	2014R-029236	BUYER	100.0		
BOSS ENGINEERING CO., INC.	EBERSOLE BRADLEY & THERESE	92,000	12/09/2004	WD	VACANT LAND	4687/0306	BUYER	100.0		
		60,000	02/09/1993	WD	INVALID SALE	16720931	BUYER	0.0		
Property Address		Class: 402 RESIDENTIAL-VA		Zoning: MUPUD	Building Permit(s)		Date	Number	Status	
VACANT		School: BRIGHTON								
		P.R.E. 0%								
Owner's Name/Address		MAP #: V17-20								
CATRINAR BRIAN 556 BLACK OAKS TRAIL HOWELL MI 48843		2018 Est TCV Tentative								
		Improved	X	Vacant	Land Value Estimates for Land Table 00030.OAK POINTE					
Tax Description		Public Improvements		* Factors *					Value	
SEC 28 T2N R5E OAK POINTE SOUTH, LOT 23		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
Comments/Influences		Gravel Road		<Site Value D>	SITE VALUE D				60000 100	60,000
		Paved Road		92 Actual Front Feet, 0.39 Total Acres					Total Est. Land Value =	60,000
		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								
		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
Who		When	What	2018	Tentative	Tentative	Tentative	Tentative		
				2017	30,000	0	30,000	30,000S		
				2016	30,000	0	30,000	30,000S		
				2015	35,000	0	35,000	35,000S		

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*** 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

RECEIVED JUL 21 2017

GENOA TOWNSHIP

Case # 17-21 Meeting Date: August 15, 2017

- 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: MARK STERLAC

Property Address: 2300 GENOA PARK DR. Phone: 248-476-1277

Present Zoning: INDUSTRIAL Tax Code: 11-13-103-002

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:

- Variance requested: A 5 INCH VARIANCE TO THE 50' FRONT SETBACK (SEE SURVEY)
Intended property modifications: NONE
Unusual topography/shape of land (explain): NONE
Other (explain): SEE ATTACHED

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

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

Date: 7/11/17 Signature: Mark Sterlac

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.

2. (b) The CrossPointe Medical Building was built in 2002 by a previous owner. The current owners are under contract to sell the building. The Purchaser is attempting to obtain title insurance for the property without exceptions. A survey of the property prepared by Kemtec on May 30, 2017, discovered that the building encroaches into the front yard setback. The front yard setback per ordinance is 50'. The building, as surveyed, is 49' 7" from the property line. In order for the new owner to obtain title insurance without exceptions, First American Title Company requires that we obtain a variance from Genoa Township. We respectfully request a 5" variance to the front yard setback. Compliance with the ordinance would require removal of the structure. Allowing the 5" discrepancy would do substantial justice to the property and the other properties in the vicinity with very minor encroachments into setbacks.

The extraordinary circumstance is the failure of the title company to issue title insurance with a very small encroachment. A 5" discrepancy does not impact the intent of the ordinance and does not represent a significant deviation from the required setback. Consistency with the majority of other properties in the vicinity is maintained. The need for the variance was not created by the applicant.

Thank you for your consideration.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 9, 2017

RE: ZBA 17-21

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

STAFF REPORT

File Number: ZBA#17-21
Site Address: 2300 Genoa Business Park Drive
Parcel Number: 4711-13-103-002
Parcel Size: 2.59 Acres
Applicant: Mark Szerlag
Property Owner: Crosspointe Brighton LLC., 44090 W. Twelve Mile Road Novi
Information Submitted: Application and survey
Request: Dimensional Variance
Project Description: Applicant is requesting a front yard variance for an existing building.
Zoning and Existing Use: IND (Industrial) Medical office building is located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday July 30, 2017 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 building was built in 2002.
- Site plan approval was obtained in 2000.
- See Assessing Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The applicant is seeking a 5 inch variance for the 4' X 18' architectural feature on the existing building that is located on the property. It was brought to the applicant's attention when trying to obtain title insurance. The existing medical office building obtained site plan approval in 2000 and constructed the building in 2001.

Variance Requests

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

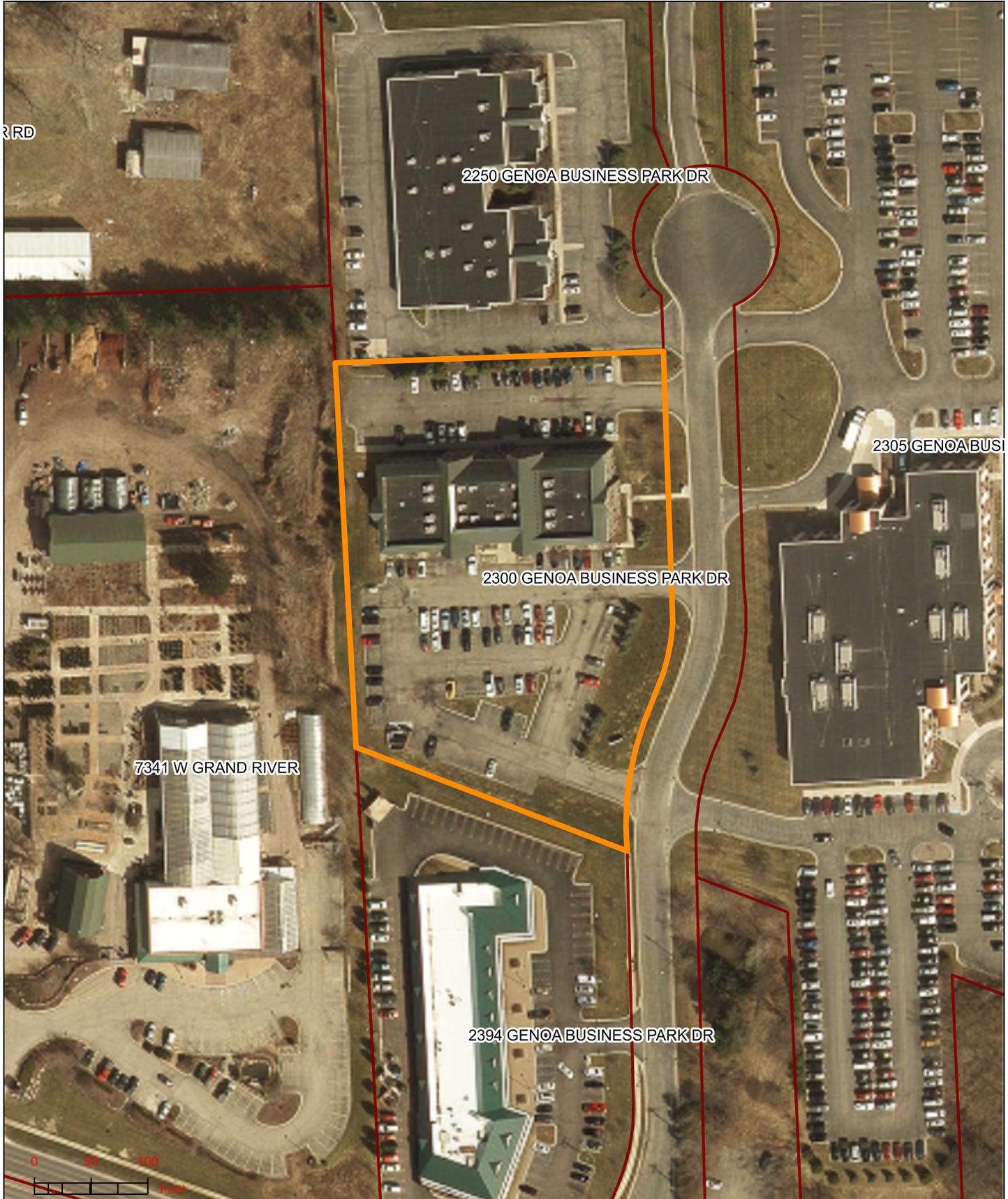
Table 8.03.01 (IND District):	Required Front Yard Setback:	50
	Proposed Front Yard Setback:	49'7"
	Proposed Variance Amount:	5"

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 the front yard setback would make the existing structure non-conforming due to a 5 inch encroachment in the front yard. Granting the variance may give substantial justice to the other structures with minuscule deviations from required setbacks.
- (b) Extraordinary Circumstances** – Given the scale of the deviation, granting of the variance would make it consistent with the buildings in the vicinity. The need for the variance is not self-created by the applicant.
- (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 would have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

GENOA TOWNSHIP



Amy Ruthig

From: Mark Szerlag <MSzerlag@ThomasDuke.com>
Sent: Thursday, August 10, 2017 4:36 PM
To: Amy Ruthig
Subject: FW: Variance Request

Hi Amy, Please read the email below from the new and current owner of 2300 Genoa Business Park Dr.
Thank you! Mark

Mark W. Szerlag, Partner

THOMAS DUKE COMPANY
COMMERCIAL PROPERTY



CoStar
POWER BROKER™ AWARD
"2016 Top Lending Firm" and "2016 Top Sale Firm"

www.thomasduke.com | 37000 GRAND RIVER AVE., STE 360 | FARMINGTON HILLS, MI 48335
mszerlag@thomasduke.com | PH: 248.476.3700 | DIR: 248.476.1277 | FAX: 248.476.3560

From: Joseph Schimizzi [<mailto:jschimizzi@acquirarealty.com>]
Sent: Thursday, August 10, 2017 4:32 PM
To: Mark Szerlag <MSzerlag@ThomasDuke.com>
Subject: RE: Variance Request

Mark – per the request of Ms. Amy Ruthig, I hereby give you the authorization to pursue the variance issue for 2300 Genoa Business Park Drive, on behalf of the current owner, CrossPointe Brighton, LLC.

If anything further is needed, please let me know. Thanks,

Joe

Joseph Schimizzi
Acquira Realty Holdings
44090 12 Mile Road – Novi, MI 48377

(p) 888-560-5540 X101
(c) 248-470-7572
(f) 248.228-3103

ACQUIRA
Realty Holdings

From: Mark Szerlag [<mailto:MSzerlag@ThomasDuke.com>]
Sent: Thursday, August 10, 2017 4:13 PM
To: Joe Schimizzi (jschimizzi@acquirarealty.com) <jschimizzi@acquirarealty.com>
Subject: FW: Variance Request

Joe, Please read below. Can you send me an email giving me the authorization to pursue this variance? Thank you! Mark

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
2300 GENOA BUSINESS PARK L	CROSSPOINTE BRIGHTON LLC	2,650,000	07/26/2017	WD	ARMS-LENGTH	2017R-022813	BUYER	100.0		
GENOA BUSINESS PARK	2300 GENOA BUSINESS PARK I	4,100,000	06/29/2007	WD	ARMS-LENGTH	2007R-024373	BUYER	100.0		
Property Address		Class: 201 COMMERCIAL- IM		Zoning: IND	Building Permit(s)	Date	Number	Status		
2300 GENOA BUSINESS PARK DR		School: HOWELL			TENANT BUILD-OUT	07/25/2013	P13-098	NO START		
Owner's Name/Address		P.R.E. 0%			SIGN	05/06/2011	S11-047	NO START		
CROSSPOINTE BRIGHTON LLC 44090 W TWELVE MILE RD NOVI MI 48377		MAP #: V17-21			SIGN	12/07/2009	09-106	NO START		
Tax Description		2018 Est TCV Tentative			TENANT BUILD-OUT	10/22/2007	07-167	NO START		
SEC 13 T2N R5E GENOA ONE CONDOMINIUM SITE # 2		X Improved		Vacant	Land Value Estimates for Land Table GRIVE.GRAND RIVER FRONTAGE					
Comments/Influences		Public Improvements		* Factors *						
		Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj. Reason Value		
		Gravel Road		GRAND RIVE	3.00 SQ. FT	112820	SqFt 3.00000	100 OFF GRAND RIVER 338,460		
		Paved Road		2.59 Total Acres Total Est. Land Value = 338,460						
		Storm Sewer		Land Improvement Cost Estimates						
		Sidewalk		Description	Rate	CountyMult.	Size %Good	Cash Value		
		Water		Commercial/Industrial	Local Cost	Land Improvements				
		Sewer		Description	Rate	CountyMult.	Size %Good %Arch.Mult	Cash Value		
		Electric		PAVING L,C,D LAND	2.50	1.00	61120.0 59 100	90,152		
		Gas		Total Estimated Land Improvements True Cash Value = 90,152						
		Curb								
		Street Lights								
		Standard Utilities								
		Underground Utils.								
		Topography of Site		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
		Level		2018	Tentative	Tentative	Tentative			Tentative
		Rolling		2017	169,200	1,351,000	1,520,200			1,329,773C
		Low		2016	169,200	1,325,200	1,494,400			1,317,912C
		High		2015	169,200	1,661,300	1,830,500			1,313,971C
		Landscaped								
		Swamp								
		Wooded								
		Pond								
		Waterfront								
		Ravine								
		Wetland								
		Flood Plain								
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan		Who When What								



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

Desc. of Bldg/Section: Calculator Occupancy: Office Building				<<<<<< Calculator Cost Computations >>>>>>						
Class: D Floor Area: 31,688 Gross Bldg Area: 31,688 Stories Above Grd: 2 Average Sty Hght : 10 Bsmnt Wall Hght				Class: D Quality: Good Percent Adj: +0 Base Rate for Upper Floors = 103.45						
Depr. Table : 1.5% Effective Age : 14 Physical %Good: 81 Func. %Good : 100 Economic %Good: 100		Construction Cost <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>High</td> <td>Above Ave.</td> <td>Ave.</td> <td>X</td> <td>Low</td> </tr> </table>		High	Above Ave.	Ave.	X	Low	(10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 103.45	
High	Above Ave.	Ave.	X	Low						
2002 Year Built Remodeled		** ** Calculator Cost Data ** ** Quality: Good Adj: %+0 \$/SqFt:0.00 Heat#1: Package Heating & Cooling 100% Heat#2: Forced Air Furnace 0%		2 Stories Number of Stories Multiplier: 1.000 Average Height per Story: 10 Height per Story Multiplier: 0.950 Ave. Floor Area: 15,844 Perimeter: 608 Perim. Multiplier: 0.943 Refined Square Foot Cost for Upper Floors: 92.68						
Overall Bldg Height		*** Basement Info *** Area: Perimeter: Type: Heat: Hot Water, Radiant Floor		County Multiplier: 1.51, Final Square Foot Cost for Upper Floors = 139.940 Total Floor Area: 31,688 Base Cost New of Upper Floors = 4,434,428 15,844 Sq.Ft. of Sprinklers @ 3.28, County Mult.:1.51 Cost New = 78,472						
Comments:		* Mezzanine Info * Area #1: Type #1: Area #2: Type #2:		Reproduction/Replacement Cost = 4,512,900 Eff.Age:14 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 81 /100/100/100/81.0 Total Depreciated Cost = 3,655,449						
* Sprinkler Info * Area: 15844 Type: Good		Local Cost Items Rate Quantity/Area %Good Depr.Cost GOOD CANOPY 20.25 96 81 1,575		ECF (2012 OFFICE) 0.700 => TCV of Bldg: 1 = 2,559,916 Replacement Cost/Floor Area= 142.47 Est. TCV/Floor Area= 80.79						
(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:				
(2) Foundation:		(8) Plumbing:		Outlets: Fixtures:						
X Poured Conc.	Brick/Stone	Block	Footings	Many Above Ave.	Average Typical	Few None				
(3) Frame:		Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets		Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners		Few Average Many Unfinished Typical				
(4) Floor Structure:				Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct		Incandescent Fluorescent Mercury Sodium Vapor Transformer				
(5) Floor Cover:		(9) Sprinklers:		(13) Roof Structure: Slope=0		(40) Exterior Wall:				
						Thickness Bsmnt Insul.				
(6) Ceiling:		(10) Heating and Cooling:		(14) Roof Cover:						
		Gas Oil Coal Stoker Hand Fired Boiler								

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 18, 2017 6:30 PM**

MINUTES

Call to Order: Vice Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:31 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jean Ledford, Barb Figurski, Dean Tengel and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent was Jeff Dhaenens.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

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

Call to the Public: The call to the public was made at 6:32 pm with no response.

1. 17-11 ... A request by Janet Evans, 4276 Highcrest, for a front yard variance to construct an addition.

Ms. Janet Evans, the owner, and Mr. Mark Carlson, the builder, were present. After receiving comments from the Board in May, they have pushed the entire building back five feet to allow more room for parking. They are now requesting a front yard setback of 17.1 feet for a variance amount of 17.9 feet. They believe they will be able to park four to five cars in the driveway.

Vice-Chairperson McCreary asked Ms. Evans to explain the hardship that is causing the need for the variance. Ms. Evans stated in order to add a garage they would need a variance. There is still 24 feet from the face of the garage to the curb and a normal parking space is nine feet.

Mr. Carlson stated that the well, the grinder pump, the air conditioner, and the gas line are in the north end of the walkway area.

Ms. Evans showed pictures that she took of other homes in the neighborhood showing the length of those driveways and how hers would be very similar.

Vice-Chairperson McCreary is still concerned with the site visibility when vehicles will be pulling out of the driveway as well as for vehicles approaching the home. Mr. Carlson stated there is still five to eight feet before the front of the vehicle is to the curb line because all of the cars will be side by side and not two deep in the driveway. He noted that his neighbor's garage is closer to the road by two feet than what they are proposing.

The call to the public was made at 6:47 pm.

Mr. Dan Mancini of 4212 Highcrest Drive stated that Ms. Evans will have more room for cars than he has.

Ms. Pepper Bergin 4292 Highcrest agrees with what Ms. Evans wants to do. She does not have a lot of visibility pulling out of her driveway and she has never had a problem.

Tom Rafferty 4244 Highcrest feels this is a perfect addition to the neighborhood.

The call to the public was closed at 6:50 pm

Vice-Chairperson McCreary stated that two letters in support were received. One from Blair Bowman of 4252 Highcrest and one from Vince Parlove of 4284 Highcrest.

Moved by Ledford, seconded by Tengel, to approve Case #17-11 for 4276 Highcrest Drive, petitioned by Janet Evans, for a front-yard setback variance of 17.1 feet from the required 35 feet for a front-yard setback of 17.9 feet to construct a 29 x 34 addition to an existing home, based on the following findings of fact:

- Strict compliance with the front-yard setback would prevent the construction of an addition to the existing single-family home; however, there are other homes in the area with reduced front-yard setbacks that would support substantial justice for the applicant and make it consistent with the other homes in the area.
- The need for the variance is not self-created.
- The extraordinary circumstances are the non-conforming location of the existing home and the narrow lot.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties and will have little or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood. Since the location of the property on the curve of Highcrest and the road being located very close to the property line, an increase in congestion and public safety is a concern due to a vehicle backing out of the driveway that could possibly not be seen by oncoming traffic.
- Construction of the second-floor addition will occupy the on-site parking area. The applicant is to ensure that there will be sufficient on-site parking.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the home must be maintained on the lot.
- Sufficient on-site parking shall be maintained at all times.
- The applicant should obtain a survey documenting the location of the front lot line and the edge of the roadway.

The motion carried unanimously.

2. 17-12 ... A request by Brice Nelson, vacant lot Forest Beach Drive, Parcel #11-26-301-024, for two side-yard variances to construct a single-family home.

Mr. Brice Nelson was present. He stated that he has clarified his lot lines and is now only requesting 10-foot setbacks on each side, instead of eight feet on one side he originally requested.

He presented a PowerPoint showing homes in the area, noting that these homes were originally cottages but most of them have been remodeled and increased in size. He believes that what he is proposing is consistent with the neighborhood, and, in fact, his home is more modest than most of these.

He showed a spreadsheet outlining the variances that have been granted to twelve other homes in his neighborhood. The hardship is the narrowness of all of the lots. Every home in the neighborhood needed a variance to build or remodel their homes. Eleven of the twelve homes he presented were granted larger variances than he is requesting.

Additional slides and pictures showed the distance between homes in the area, which included many locations where it is 23 feet, 21 feet, 15 feet, and 12 feet. The home he is proposing will be 25 feet from one neighbor and 75 feet from the other. The homeowner's association is in support of his plan.

Mr. Nelson stated that the size of his lot is non-conforming within the LDR Zoning District because it is less than one acre. It is very narrow lot. What he is proposing is consistent with the neighborhood and will not have a negative impact on his neighbors.

Vice-Chairman McCreary noted that other homes in the neighborhood have detached their garage, which required them to get a smaller variance than what Mr. Nelson is requesting.

Board Member Tengel stated that Mr. Nelson is going to need a variance if he attaches the garage or not. He agrees that what is being proposed is consistent with the neighborhood.

Board Member Figurski feels that the home should be smaller. She noted that the variances that were granted for the neighbors were given a very long time ago.

Ms. VanMarter stated that she reviewed Mr. Nelson's spreadsheet and made some notations so the Board would have complete information. Her information shows when the variance was granted, the width of the homes built, etc. Additionally, some of the homes were eventually built with less of a variance than what was granted.

The call to the public was made at 7:20 pm.

Mike Morgan of 6483 Forest Beach Drive, the President of the Homeowner's Association, stated that the Board reviewed Mr. Nelson's plans and ideas and none of the members had issues with what is being proposed. There was no negative feedback.

The call to the public was closed at 7:21 pm.

Vice-Chairperson McCreary does see the hardship being the size of the lot and it being non-conforming to the LDR Zoning District; however, other homes in the area have accommodated the width of their homes and built detached garages. She would like to have seen some accommodations from the original house plans presented last month.

Mr. Nelson requested that his reason given for needing the variance stated at the previous meeting be stricken from the record. He likes the home that he is proposing because it is more energy efficient and they will be able to save many of the trees on the lot. He added that there is living space behind the garage so it would not be feasible to detach it from the home.

Mr. Tengel stated that the Board's concern is that a variance would be granted that would be detrimental to the neighbors, surrounding neighborhood, or the Township and he does not see Mr. Nelson's proposal doing that.

Moved by Tengel, seconded by Ledford, to approve Case #17-12 for Lot 24 and ½ of 25 of Forest Beach Drive (vacant), petitioned by Brice and Carrie Nelson, for two side-yard setback variances of 20 feet from the required 30 feet for side-yard setbacks of 10 feet to construct a new home, based on the following findings of fact:

- Strict compliance with the side-yard setbacks for the LDR zoning district would make the lot unbuildable. The width of the proposed house is not typical for the narrow lake lot and would not be compatible with the adjacent homes; however the home proposed creates enough distances between the adjacent homes.
- The exceptional or extraordinary condition of the property is that it is a legal, non-conforming lot for the LDR zoning. The non-conformity is the size and width of the lot. The need for the variance is due to the narrowness of the lot. The proposed home could be altered; however, the maker of the motion does not feel it is necessary.
- The need for the variance is not self-created.
- Granting the variance will not impair an adequate supply of light or 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 structure would be of sufficient distance from adjacent structures to no create any fire or other safety hazards.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.
- Granting of this variance will offer substantial justice to the applicant.
- Approval of this variance is conditioned upon the following:
 - The home must be guttered with downspouts with water draining toward the lake.
 - A survey shall be conducted of the property.

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

3. 17-13... A request by Steve and Ann Davis, Cynthia and Richard Lukotch, and Michael and Laura Kipley, 867 Sunrise Park, for a side-yard variance and a variance from the principal structure to construct a detached accessory building.

Steve and Ann Davis, Cindy Lukotch, the owners, and Bob Miller, the contractor, were present.

Mr. Davis stated they would like to take down the old shed on the property and replace it with one new 20 x 24 building for storage. This home is not a full-time residence; it is a day cottage. They are asking for a five-foot variance from the principal structure and a five-foot side-yard setback variance.

If they move the building further away from the lot line, they lose the ability to park cars in this area.

The call to the public at 7:43 pm with no response.

Moved by Figurski, seconded by Ledford, to approve Case #17-13 for 867 Sunrise Park Drive, petitioned by Steve and Ann Davis, Cynthia and Richard Lukotch, and Michael and Laura Kipley, for a rear-yard setback variance of five feet from the required 10 feet for rear-yard setback of five feet and a setback from a principal structure variance of 5 feet from the required 10 feet to construct a 20 x 24 detached accessory structure, based on the following findings of fact:

- Strict compliance with the side-yard setback and setback from the principal building would not allow the applicant to construct the detached accessory structure in the desired location.
- The exceptional or extraordinary condition of the property is the location of the neighbor's shed that is non-conforming, which forces the 10-foot setback and the small narrow lot.
- The need for the variance is not self-created for the side-yard setback.
- The variance from the principal building could be eliminated if the proposed structure was smaller or located more centralized on the lot.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the detached structure must be maintained on the lot.
- The structure must be guttered with downspouts.
- Onsite parking will be provided
- Livingston County Building Department approval for a five-foot setback from a principal structure should be considered.

The motion carried unanimously.

4. 17-14... A request by Bradley Varga, 3009 E. Schafer Road, for a side-yard variance to construct a detached accessory building.

Bradley and Jennifer Varga were present. They would like to build a 30x60 pole barn. If he was to comply with the setback requirements, the building would need to be put directly behind his home. If he moved it to one side, he would need to take down his fruit trees and the driveway is on the other side.

Vice-Chairperson McCreary noted that the property is 10 acres and questioned why the structure could not be put further back and to one side so it would not be directly behind the home. Mr. Varga stated that he only mows 2 acres of the property and the rest is hardwood. If the setback was met, he would be able to see the structure from every window in the back of the house.

Mr. Tengel noted that the property is 340 feet wide so there should be another location where the building could be built. He would not support this motion as he does not find that it meets

the requirements for granting a variance. Vice-Chairperson McCreary agrees. Mr. Varga stated he would have to take out a lot of trees to put it in a different location.

Board Member Ledford believes that Mr. Varga's request is acceptable.

The call to the public was made at 7:58 pm.

Mr. Doug McCray of 5962 Audubon Trail lives to the east of Mr. Varga. He does not have any objections to the request.

The call to the public was closed at 7:59 pm.

Board Member Ledford **moved** to approved Case #17-14 for 3009 E. Schafer Road, petitioned by Bradley Varga, for a side-yard setback variance of 20 feet from the required 40 feet for a side-yard setback of 20 feet to construct a 30 x 360 (18080 square feet) detached accessory structure, based on the following findings of fact:

- The applicant is not limited to the size of the structure due to the conforming Country Estates lot.
- The extraordinary circumstances of the property is the long narrow lot in the Country Estates zoning district, the location of the septic field behind the home, and the orientation of the existing home and driveway location on the lot.
- The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other country estate zoned parcels.
- There are some existing accessory structures in the immediate area that appear to have non-conforming setbacks.
- Granting the variance will not impair an adequate supply of light or 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 Genoa Township.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- Drainage from the structure must be maintained on the lot.
- The petitioner will comply with the accessory structure requirements.

The motion failed for a lack of support.

Moved by Tengel, seconded by Figurski, to deny Case #17-14 for 3009 E. Schafer Road, petitioned by Bradley Varga, for a side-yard setback variance of 20 feet from the required 40 feet for a side-yard setback of 20 feet to construct a 30 x 360 (18080 square feet) detached accessory structure, based on the following findings of fact:

- Strict complaint with eh side-yard setback would not unreasonably prevent the use of the property.
- The variance does not provide substantial justice for the district and is not necessary to preserve or enjoy a property right similar to other CE zoned parcels. There are some existing accessory structures in the immediate area that appear to have non-conforming setbacks.

- The exceptional or extraordinary condition is the property is the long narrow lot in the CE zoning district, the location of the septic field behind the home and the orientation of the existing home and driveway location on the lot; however, the need for the variance is self-created.
- The granting of the 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 variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

The motion carried unanimously.

17-15... A request by Martin and Jennifer Toomajian, 4377 Filbert, for front, side, and waterfront variances in order to construct a second story addition with an attached garage.

Martin and Jennifer Toomajian were present. They would like to build a garage and a second story addition to their existing home. The practical difficulty is that the existing stone home was built in 1926 and is already within the required setbacks. The second story addition will not be going beyond the existing footprint of the home.

Mr. Toomajian presented letters of support from his neighbors who could not be here this evening. He showed photographs of neighboring homes that are closer to the street than what they are proposing.

The call to the public was made at 8:18 pm with no response.

Vice-Chairperson McCreary noted that letters of support were received from Jim and Bar Whims of 4371 Filbert and Chris Sincic of 4383 Filbert.

Moved by Tengel, seconded by Ledford, to approve Case #17-15 for 4377 Filbert, petitioned by Martin and Jennifer Toomajian, for a front-yard setback variance of two feet from the required 35 feet for front-yard setback of thirty-three feet, side-yard setback variance of one foot from the required ten feet for a side-yard setback of nine feet, and a 22.6 foot waterfront setback variance from the required 270.7 feet for a waterfront setback of 248.1 feet to construct a second-story addition with an attached garage, based on the following findings of fact:

- Strict compliance with the front-yard setback and waterfront setback would prevent the applicant from constructing the proposed second-story addition and an attached garage.
- Granting the requested variances would do substantial justice to the applicant as well as to the other property owners in the district, with the exception of the waterfront variance.
- The exceptional or extraordinary conditions of the property are the location of the existing single-family home, which is non-conforming, and the narrowness of the lot.
- The variance would make the property consistent with the majority of other properties in the vicinity, with the exception of the waterfront variance.
- The need for the variance is not self-created for the side-yard setback.
- Granting the variance will not impair an adequate supply of light or 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 Genoa Township.

- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- The structure must be guttered with downspouts.
- The building height will be limited to 25 feet.

The motion carried unanimously.

17-16... A request by Jonathan Bowling, 4800 Dillon Street, for a front-yard setback variance to construct a covered front porch.

Mr. Jonathan Bowling was present. They would like a covered porch to use for additional living space. The practical difficulty is the location of the existing home on the lot. It would increase the value of their home and increase the curb appeal which would indirectly increase the values of other homes. Their home is one of the lower valued homes in the neighborhood and the addition of this covered porch will bring their values closer to their neighbors'. It does not protrude far from their home that would negatively affect their neighbors.

Vice-Chairperson McCreary noted that some homes in the area are closer to the road that what Mr. Bowling is proposing.

The call to the public was made at 8:30 pm with no response.

Moved by Ledford, seconded by Figurski, to approve Case #17-16 for 4800 Dillon, petitioned by Jonathan Bowling, for a front-yard setback variance of three feet from the required 40 feet for front-yard setback of thirty-seven feet to construct a covered front porch, based on the following findings of fact:

- Strict compliance with the front-yard setback would prevent the applicant from constructing the covered porch to the existing single-family home.
- Granting this variance would offer substantial justice to the applicant.
- The exceptional or extraordinary condition of the property is the non-conforming shallow lot and the location of the existing home on the property.
- The need for the variance is not self-created.
- Granting the variance will not impair an adequate supply of light or 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 Genoa Township.
- The proposed variances would have a limited impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.

The motion carried unanimously.

17-17... A request by Jon and Bonnie Unruh, 4220 Highcrest Drive, for a front-yard variance to construct a two-story addition.

Jon Unruh, the property owner, and Kelly House-Seaman, the architect, were present. Mr. Unruh stated they would like to construct an attached garage with a bonus room on the second floor. The location of the existing home on the lot is already non-conforming. The current setbacks were not in place when the home was built. They attempted to design their home to be consistent with their neighbor to the north at 4212 Highcrest. The garage will allow for parking further from the road than the current cement pad. This project will not impede the flow of traffic and will improve the neighborhood.

The call to the public was made at 8:46 pm

David 4212 Highcrest lives next door to Mr. Unruh. The fence between their homes belongs to him and they just learned that it is actually on the property line. The fence will be removed.

The call to the public was closed 8:47.

Moved by Tengel, seconded by Ledford, to approve Case #17-17 for 4220 Highcrest Drive, petitioned by Jon and Bonnie Unruh, for a front-yard setback variance of 15 feet from the required 35 feet for a front-yard setback of 20 feet to construct an attached garage and bonus room to an existing single-family home, based on the following findings of fact:

- Strict compliance with the front-yard setback would prevent the applicant from constructing the addition to the existing single-family home as proposed.
- There are other homes in the vicinity with reduced front-yard setbacks that would support substantial justice to the applicant.
- The exceptional or extraordinary conditions of the property are the non-conforming location of the existing home and the narrow lot.
- Granting the variance would make it consistent with many homes in the vicinity.
- The need for the variance is not self-created.
- Granting the variance will not impair an adequate supply of light or air to adjacent properties. It may cause an increase in congestion to the public streets with parking and the backing of vehicles into the street. The applicant should demonstrate there will be sufficient on-site parking; however, there will be more space than the current cement pad.
- Providing the parking concerns are addressed, the proposed variance would have a limited or no impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

Approval of this variance is conditioned upon the following:

- Drainage from the home must be maintained on the lot.
- The structure must be guttered with downspouts.
- Sufficient on-site parking shall be maintained at all times.
- The neighbor's fence shall be removed.
- Highland Avenue being vacated as noted on the engineer's drawing.

The motion carried unanimously.

17-18... A request by Tim Chouinard, 1253 Sunrise Park, for front, side, waterfront, and rear-yard variances and a lot coverage variance to demo the existing home and construct a new home.

Moved by Tengel, seconded by Figurski, to table Case #17-18 until the next regularly-scheduled meeting, at the applicant's request. **The motion carried unanimously.**

Administrative Business:

Approval of the minutes for the June 20, 2017 Zoning Board of Appeals Meeting

Moved by Figurski, seconded by Ledford, to approve the June 20, 2017 Zoning Board of Appeals Meeting minutes as presented. **The motion carried unanimously.**

Correspondence – Ms. VanMarter had no correspondence.

Township Board Representative Report - Board Member Ledford gave a review of the Township Board meeting held on July 17, 2017.

Planning Commission Representative Report – Board Member Figurski stated there was no Planning Commission meeting in July.

Zoning Official Report – There were no items to report.

Member Discussion – Vice-Chairperson McCreary stated the ZBA is exploring the idea of having an alternate Board Member in the case where there would not be a quorum.

Adjournment

Moved by Figurski, seconded by Ledford, to adjourn the meeting at 9:02 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary