

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 20, 2018
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. 18-04 ... A request by Thomas and Karen Hemsteger, 1427 S. Hughes, for a rear yard variance and a size variance to construct an addition to an existing detached garage.

Administrative Business:

1. Approval of minutes for the February 20, 2018 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 # 18-04 Meeting Date: March 20, 2018

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

Applicant/Owner: Thomas + Karen Hemsteger Email: themsteger@wccnet.edu

Property Address: 1427 S. Hughes, Howell Phone: 517 404-2235

Present Zoning: LDR Tax Code: _____

ARTICLE 23 of the Genoa Township Zoning Ordinance describes the Variance procedure and the duties of the Zoning Board of Appeals (see attached).

Each application for Variance is considered individually by the ZBA. The ZBA is board of limited power; it cannot change the Zoning Ordinance or grant relief when it is possible to comply with the Zoning Ordinance. It may provide relief where due to unique aspects of the property with strict application of the zoning ordinance to the land results in practical difficulties or unnecessary hardship.

The applicant is responsible for presenting the information necessary to support the relief requested. While much of the necessary information is gathered through the completed applicant, other information may be gathered by on-site visits, other sources, and during the ZBA meeting. ZBA members may visit the site without prior notification to property owners.

Failure to meet the submittal requirements and properly stake the property showing all proposed improvements may result in postponement or denial of this petition.

Please explain the proposed variance below:

1. Variance requested: Rear property line setback requirement

2. Intended property modifications: Garage addition 24'x26' attached to front of existing garage. To be located where vehicles are currently parked in driveway.

The following is per Article 23.05.03:

Criteria Applicable to Dimensional Variances. No variance in the provisions or requirements of the Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

Under each please indicate how the proposed project meets each criteria.

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.

See attached

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.

see attached

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.

see attached

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.

See attached

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 with additional site plan and construction plans.

Date: Feb. 10, 2018 Signature: [Handwritten Signature]

Garage Variance 1427 S. Hughes, Howell

Practical Difficulty/ Substantial Justice

Seasonal wet areas and drainage makes other areas of the property problematic for building. Access is restricted during winter and spring thaws, and after rain year-round. (see attached photos taken January 22, 2018) Raising the grade would risk flooding elsewhere, including our home, and adjoining neighbors. Raising the grade would also kill trees and destroy the natural habitat.

Due to the layout of the old farmhouse (circa 1880) and the flooding and drainage concerns, on this property an attached garage is not a viable option.

It is our understanding that properties of 2 acres or more with an attached garage are also allowed to have 1200 square feet of accessory structures.

We would like to preserve the chicken coop which is the only remaining structure from the original farm and provides character to our property and the neighborhood. The 446 square feet we are requesting is equal to or less than a typical attached garage.

Extraordinary Circumstances

Prior to 1980 when we purchased the property, the irregular property shape was laid out when the original farmstead was split. The existing buildings were already in place near the rear property line. Since the Woodland Springs development around 2000, seasonal flooding has increased, as evidenced by our yard, Jimmy Kings property to the south, and Hughes Rd to the north of us. The grade of the Woodland Springs subdivision was raised 4-6 feet above our properties so run off from that area has increased.

Public Safety and Welfare

The addition will not be visible to the Woodland Springs neighbors behind us, nor will it block airflow or light. The view from Hughes Road would remain the same. The addition will be constructed of fire resistant materials such as a steel roof.

Impact on Surrounding Neighborhood

The variance location would be the least intrusive to the neighbors. A suggested location beside the house would require raising the grade and would block drainage from the property, block access to the backyard, block the light and airflow to the Wallace, Tesch, Howard, and King yards. These neighbors have all indicated they would prefer to keep the view open and space as it is, and would like the garage left in its existing location. (see attached letter) The property is unusual in its shape, with those four homes backing up to the space. The neighbors enjoy access and play space in that area.

This proposal will allow us to increase the rear setback from zero feet to seven feet and improve the view for the neighbor behind us by removing the lean-to from the back of the existing garage.

We feel the requested variance for size and set back is an improvement to the neighborhood and benefits all the contiguous neighbors and is consistent with the intent, spirit, and purpose of the zoning ordinance.



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: March 14, 2018

RE: ZBA 18-04

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

STAFF REPORT

File Number: ZBA#18-04
Site Address: 1427 S. Hughes Road
Parcel Number: 4711-10-200-012
Parcel Size: 2.00 acres
Applicant: Hemsteger, Thomas MacKay 1427 S. Hughes Road, Howell
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a rear yard variance and a size variance to construct an addition to a detached accessory structure.

Zoning and Existing Use: LDR (Low Density Residential) Single Family Dwelling located on property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday March 4, 2018 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act. Applicant was advised that a full board was not present and any approval would require three votes for approval.

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 and an addition in 1993. However, owner states in application that the home was built in 1880.
- 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

Summary

The proposed project is to construct an addition to an existing detached accessory structure. In order to construct the addition as proposed, the applicant is required to obtain a rear yard variance due to the non-conforming location of the detached structure and a size variance. The applicant has stated that the existing roofed unenclosed portion in the rear of detached structure will be removed along with the roof for the wood pile as indicated on the supplied site plan. The removal of the unenclosed portion will decrease the non-conforming setback of the detached structure. The applicant has stated that they would like to preserve the chicken coop due to it being the only remaining structure from the original farm. The chicken coop is being used for storage as chickens are not allowed per the zoning.

Variance Requests

(LDR District):	Required Rear Yard Setback:	60'
	Proposed Rear Yard Setback:	27'2"
	Proposed Variance Amount:	32'10"

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

Section 11.04.01 (H) Maximum Size: Maximum Size: The combined total of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two (2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres. Accessory buildings and structures located on conforming lots in Agricultural and Country Estates Districts shall not be limited by size, provided all required setback are met.

	Allowable Square Footage:	1200 Sq. Ft.
	Proposed Square Footage:	1642 Sq. Ft.
	Proposed Variance Amount:	446 Sq. Ft.

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 and the square footage requirement would prevent the applicant from constructing an addition to the existing detached accessory structure. The property is a conforming 2 acre lot zoned LDR in an area with a majority of non-conforming LDR lots due to their small lot size. Since the features on this lot prevent the applicant from expanding the home to provide additional square footage, granting of the variance would provide substantial justice to allow this parcel storage and garage space that is commensurate with other parcels in the LDR zoning. Other homes in the LDR zoning are allowed a 1200 sq. ft. detached accessory structure in addition to an attached garage.

(b) Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the historical nature of the property, location of the existing home, the odd shaped lot and topographical challenges related to drainage which prevent the applicant from constructing an attached garage. Granting of the variance would make it consistent with the amount of building square footage allowed homes on 2 acre lots in the LDR zoning. The challenges with construction an attached garage were not 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 variances would have little or no impact on 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 requests staff recommends the following conditions be placed on the approval.

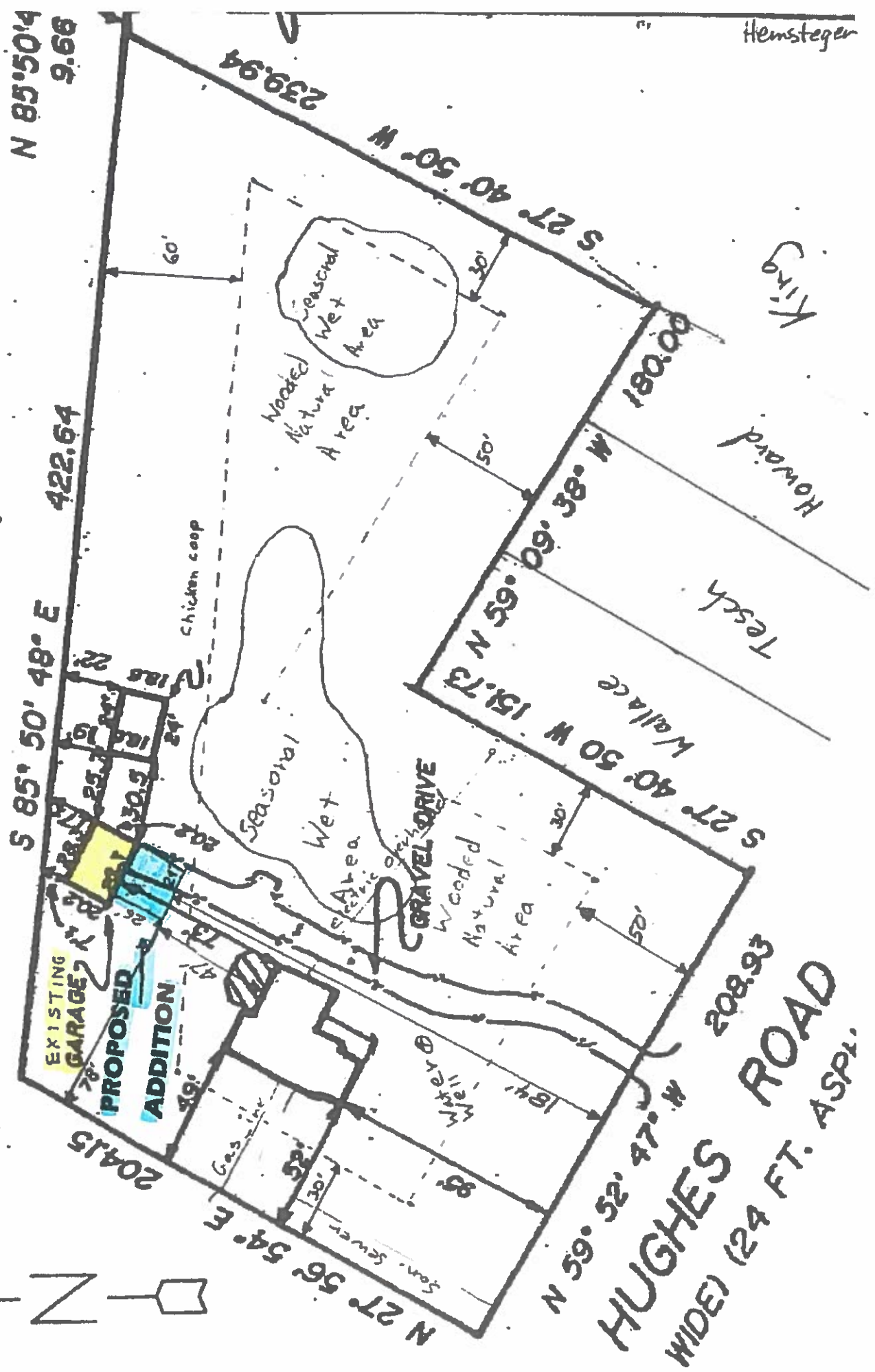
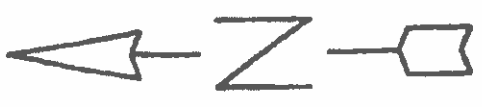
1. Drainage from the structure must be maintained on the lot.
2. Structure must be guttered with downspouts.

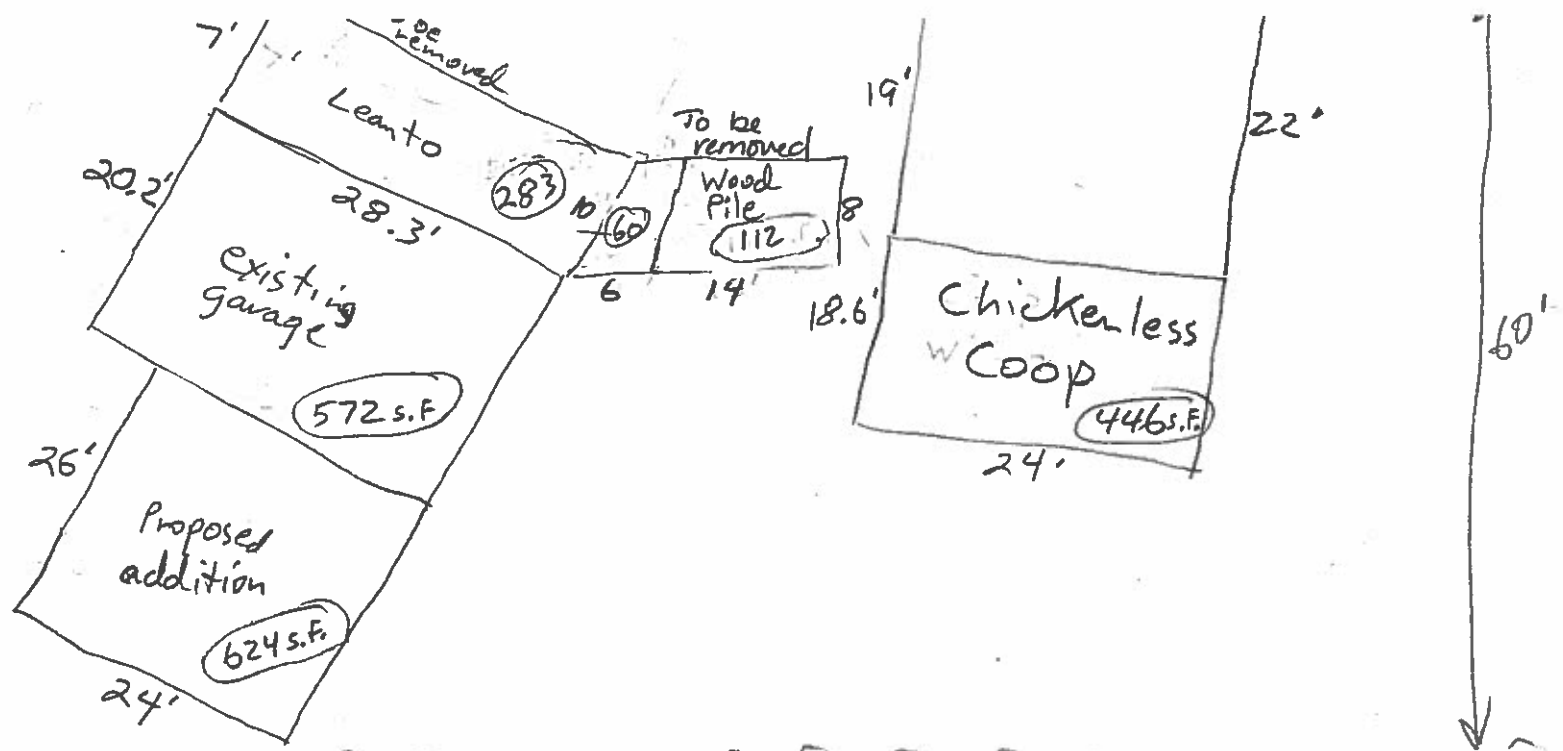
GENOA TOWNSHIP



Hemstegen

Woodland Springs Sub.







Henstey





12
4 Pitch

16'

Average Height
14'

12'

10'

10'

9'

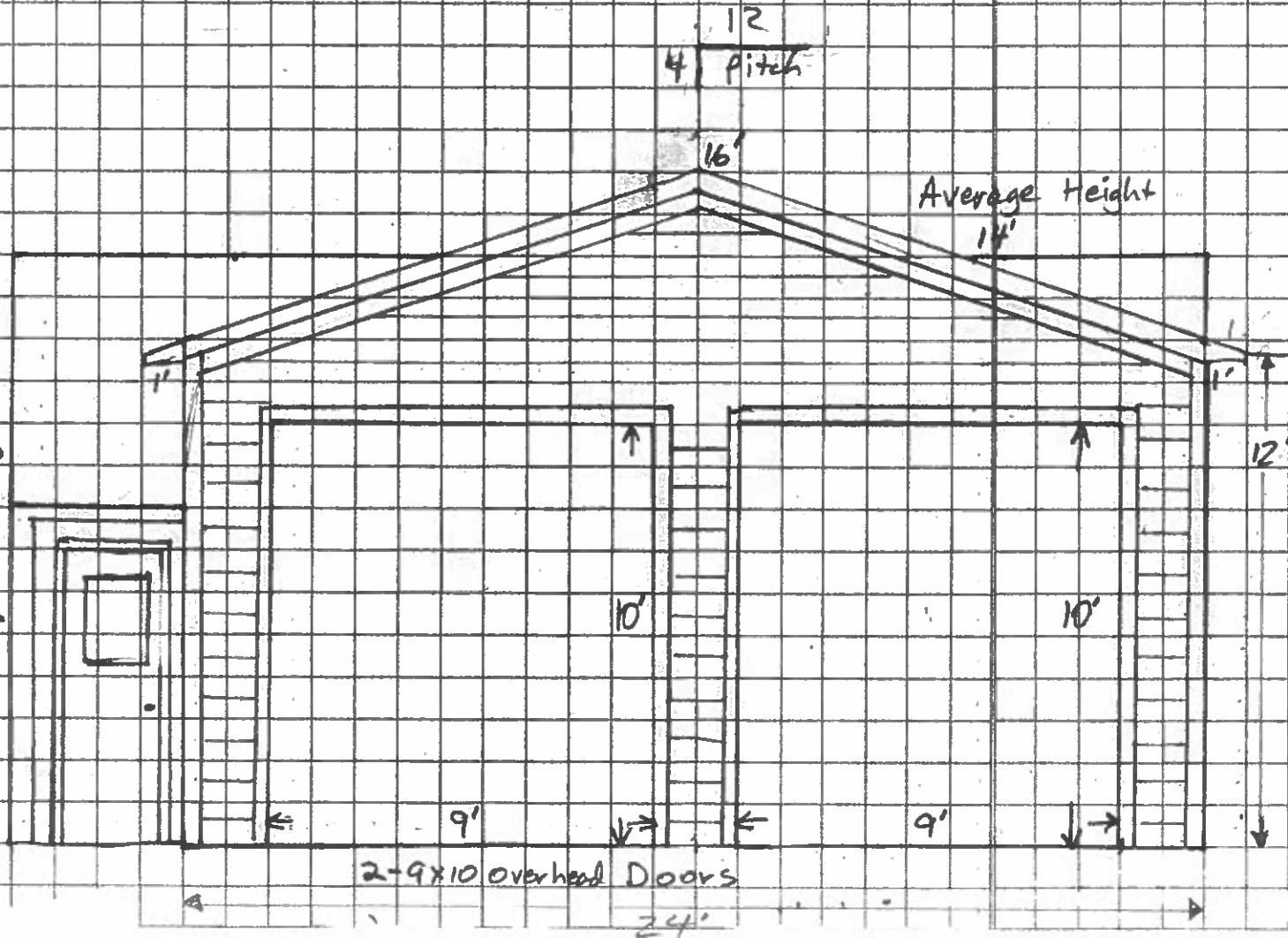
9'

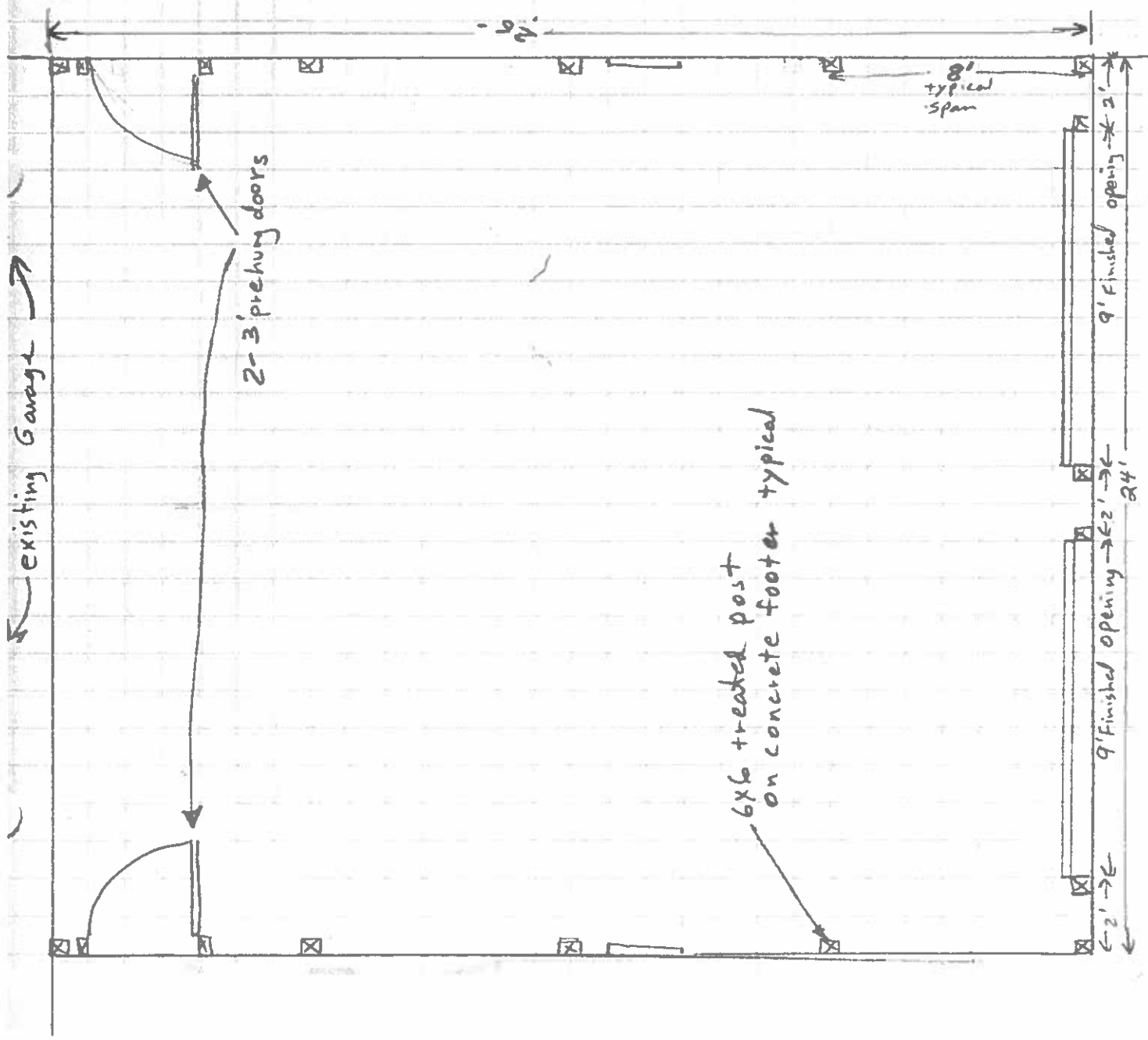
2-9x10 overhead Doors

24'

existing

Hemstayer





existing Garage →

60'

2-3 prehung doors

6x6 treated post
on concrete footer typical

8'
typical
span

9' Finished opening →

9' Finished opening →

← 2' →

24'

Hunter Green Steel Rib Roof

2'

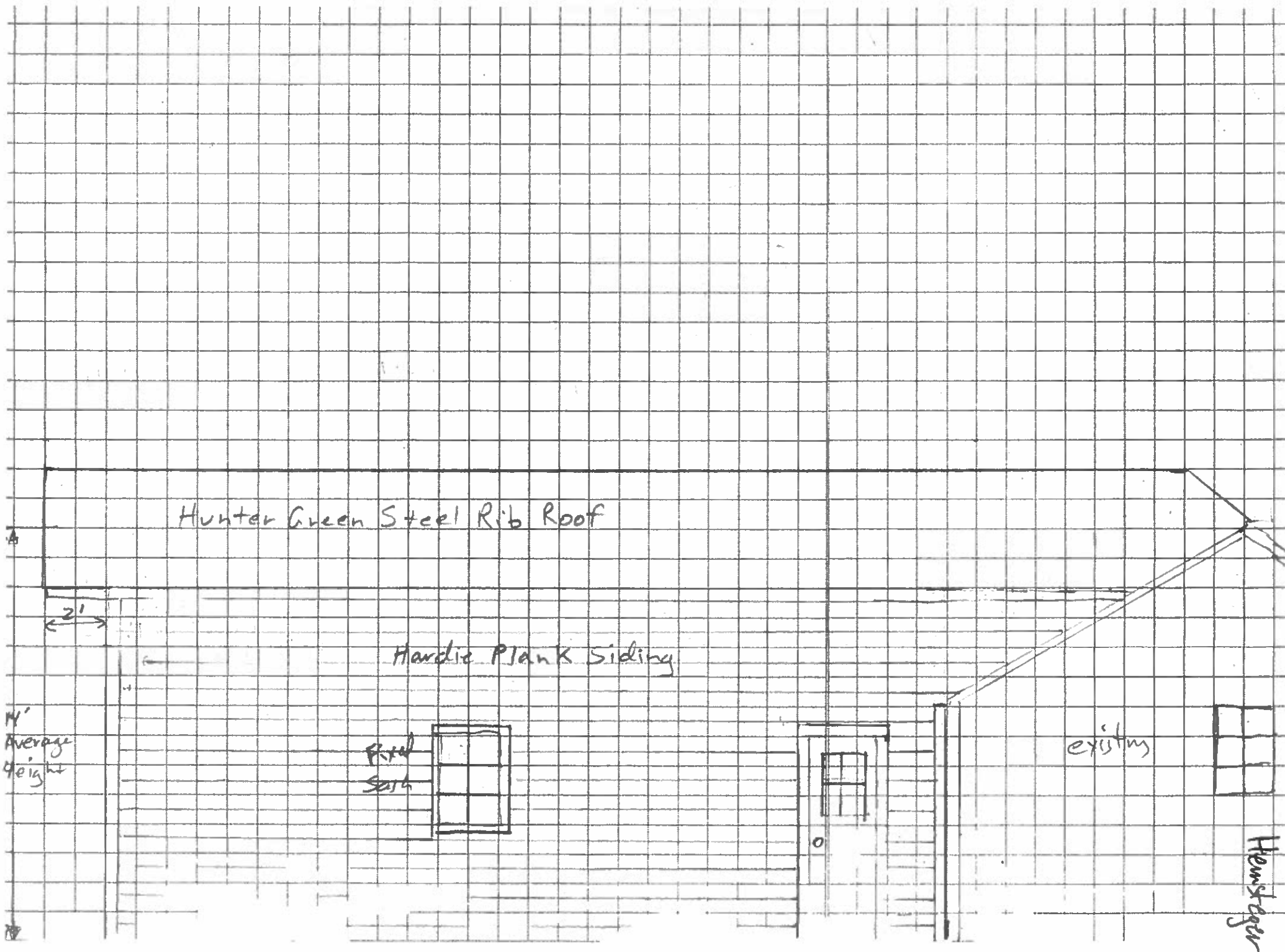
Hardie Plank Siding

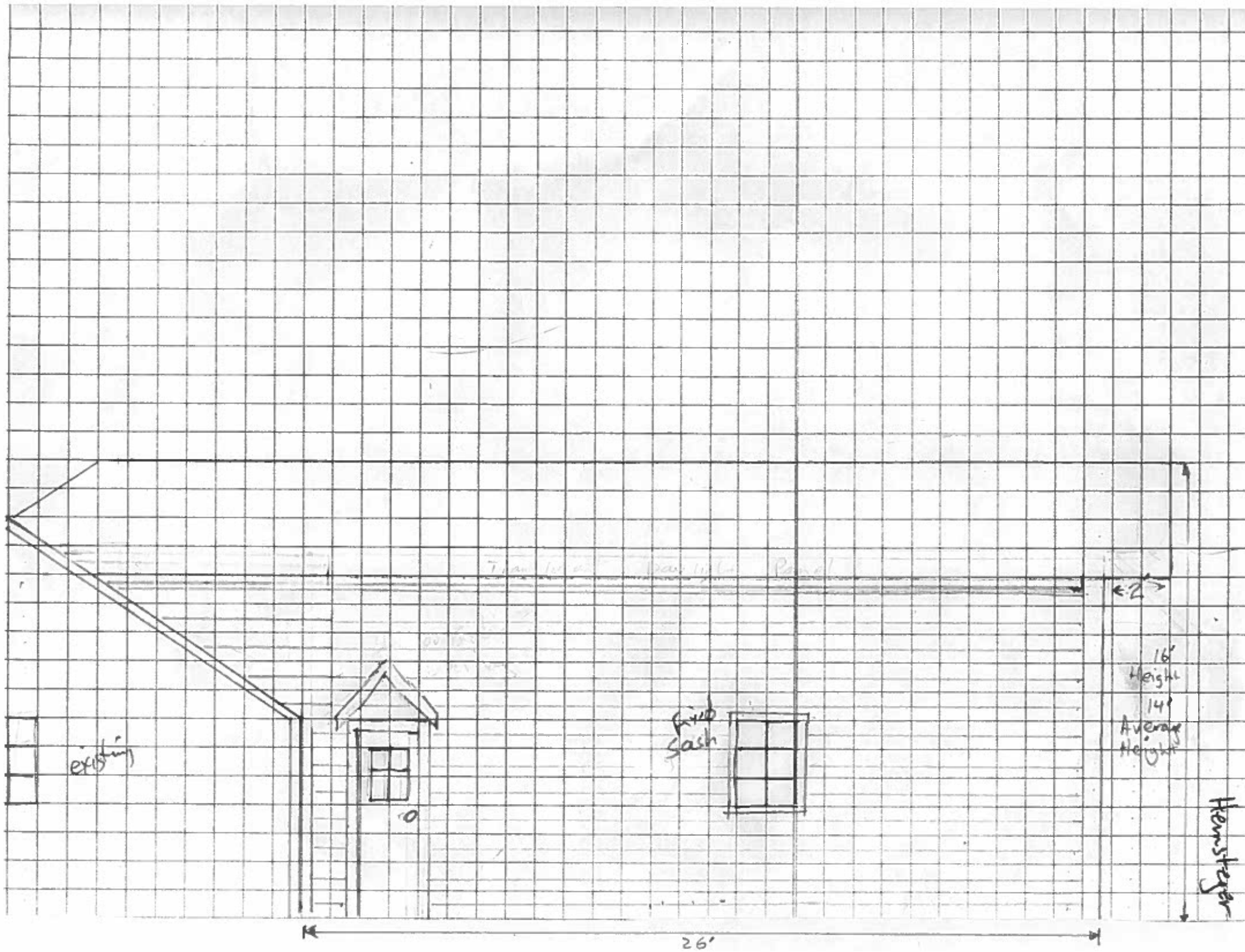
existing

Fixed
Sash

House
elevation

14'
Average
Height





existing

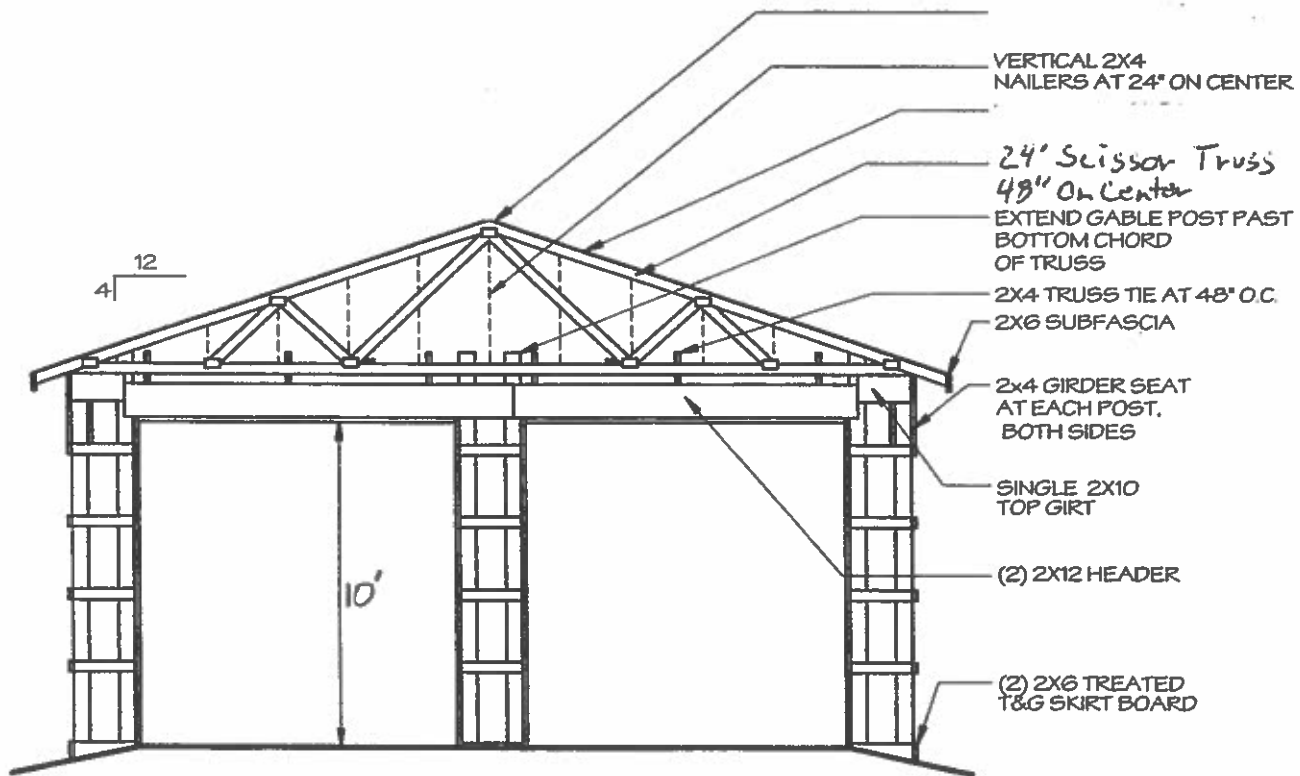
Transom Panel Panel Panel

Fixed Sash

16'
Height
14'
Average
Height

Hensinger

26'

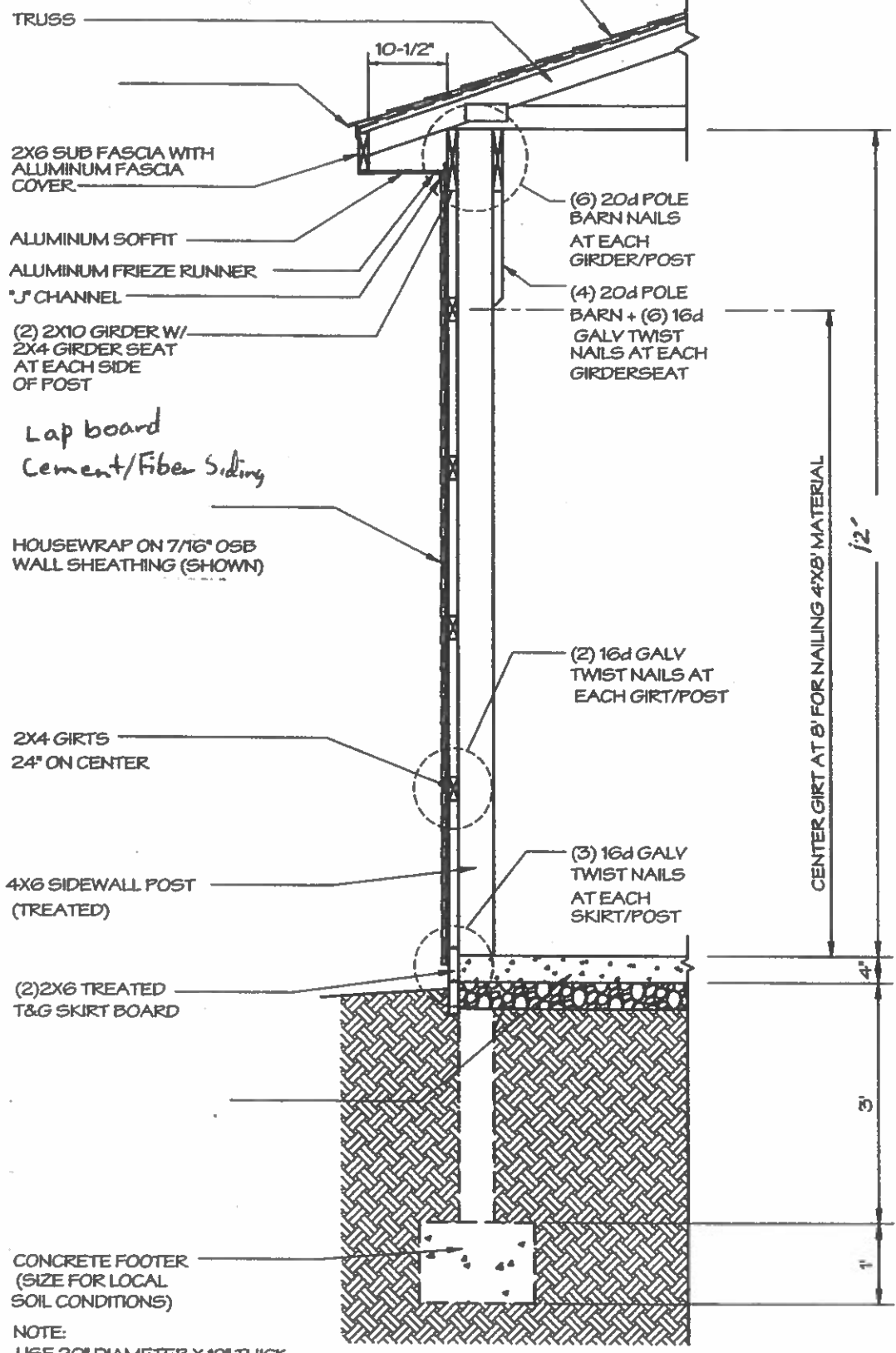


Front Framing Elevation

Scale: 3/16" = 1' With 2 (9' x 10' Overhead Doors (Option)

Hemsteger

Steel Rib Roofing
on 2x4 purlins



TRUSS

10-1/2"

2X6 SUB FASCIA WITH ALUMINUM FASCIA COVER

ALUMINUM SOFFIT
ALUMINUM FRIEZE RUNNER
"J" CHANNEL

(2) 2X10 GIRDER W/ 2X4 GIRDER SEAT AT EACH SIDE OF POST

HOUSEWRAP ON 7/16" OSB WALL SHEATHING (SHOWN)

2X4 GIRTS 24" ON CENTER

4X6 SIDEWALL POST (TREATED)

(2) 2X6 TREATED T&G SKIRT BOARD

CONCRETE FOOTER (SIZE FOR LOCAL SOIL CONDITIONS)

(6) 20d POLE BARN NAILS AT EACH GIRDER/POST

(4) 20d POLE BARN + (6) 16d GALV TWIST NAILS AT EACH GIRDERSEAT

(2) 16d GALV TWIST NAILS AT EACH GIRT/POST

(3) 16d GALV TWIST NAILS AT EACH SKIRT/POST

CENTER GIRT AT 8' FOR NAILING 4X8 MATERIAL

1/2"

4"

8"

1"

NOTE:
USE 20" DIAMETER X 12" THICK CONCRETE FOOTER W/SHINGLE ROOF, 30 PSF LIVE LOAD AND 2000 PSF SOIL BEARING

Wall Section
Scale: 1/2" = 1'

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LDR	Building Permit(s)	Date	Number	Status			
1427 S HUGHES RD		School: HOWELL			ADDITION	01/01/1993	92-074	NO START			
Owner's Name/Address		P.R.E. 100% / /									
HEMSTEGER, THOMAS MACKAY 1427 S HUGHES RD HOWELL MI 48843		MAP #: V18-04									
Tax Description		2018 Est TCX 128,117 TCX/TFA: 62.07									
SEC 10 T2N R5E COMM AT E 1/4 OF SEC, TH N 678 FT, TH N 85*50'48"W 9.66 FT TO POB, TH S 27*40'50"W 239.94 FT TH N 59*09'38"W 180 FT, TH S 27*40'50"W 151.73 FT TO NELY R/W OF HUGHES RD, TH N 59*52'47"W 208.93 FT, TH N 27*56'54"E 204.15 FT, TH S 85*50'48"E 422.64 FT TO POB		X	Improved	Vacant	Land Value Estimates for Land Table 00004.LAKE CHEMUNG						
Comments/Influences		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		ACERAGE TABLE A			2.000	Acres	16,250	100	32,500
		Paved Road		2.00 Total Acres Total Est. Land Value =					32,500		
		Storm Sewer									
		Sidewalk									
		Water									
		Sewer									
		Electric									
		Gas									
		Curb									
		Street Lights									
		Standard Utilities									
		Underground Utils.									
		Topography of Site									
		Level									
		Rolling									
		Low									
		High									
		Landscaped									
		Swamp									
		Wooded									
		Pond									
		Waterfront									
		Ravine									
		Wetland									
		Flood Plain									
		REFUSE		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
		X	Who	When	What	2018	16,300	47,800	64,100		46,502C
			CG	05/24/2016	REVIEWED R	2017	16,200	46,700	62,900		45,546C
			LM	05/23/2016	REVIEWED R	2016	16,200	35,200	51,400		45,140C
						2015	16,200	34,200	50,400		45,005C



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

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	Type	Year Built: Car Capacity: Class: CD Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 580 % Good: 0 Storage Area: 0 No Conc. Floor: 0			
X	Wood Frame		Drywall Paneled		Plaster Wood T&G								126 160 364	WGEP (1 Story) WCP (1 Story) Treated Wood					
Building Style: CD		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Class: CD Effec. Age: 47 Floor Area: 2064 Total Base Cost: 123,171 Total Base New : 185,988 Total Depr Cost: 98,574 Estimated T.C.V: 95,617			CntyMult X 1.510 E.C.F. X 0.970			Bsmnt Garage:			
Yr Built 1955	Remodeled 0	Size of Closets		0 Amps Service			No./Qual. of Fixtures			Stories Exterior			Foundation Rate			Bsmnt-Adj Heat-Adj		Size Cost	
Condition: Good		Lg X Ord Small		No. of Elec. Outlets			Many X Ave. Few			Other Additions/Adjustments			Rate			Rate		Size Cost	
Room List		(5) Floors		Kitchen: Other: Other:			(13) Plumbing			(16) Porches			Public Sewer			Well, 200 Feet		1 1,025 1 4,675	
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		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			(16) Deck/Balcony			Solar Room			Base Wall			74.75		96 7,176	
(1) Exterior		(7) Excavation		Basement: 756 S.F. Crawl: 552 S.F. Slab: 0 S.F. Height to Joists: 0.0			(14) Water/Sewer			Class:CD Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost 18.39 Phy/Ab.Phy/Func/Econ/Comb.%Good= 53/100/100/100/53.0, ECF (4300 LK CHEMUNG NON WATERFRONT) 0.970 => TCV of Bldg: 1 =			Depr.Cost = 98,574					95,617	
X	Wood/Shingle Aluminum/Vinyl Brick	(8) Basement		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			(14) Water/Sewer			(17) Garages			Treated Wood,Standard			6.20		364 2,257	
(2) Windows		(9) Basement Finish		Recreation SF Living SF Walkout Doors No Floor SF			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	
X	Many Avg. Few	X	Large Avg. Small	Lump Sum Items:			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	
(3) Roof		(10) Floor Support		Lump Sum Items:			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	
X	Gable Hip Flat		Gambrel Mansard Shed	Lump Sum Items:			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	
X	Asphalt Shingle			Lump Sum Items:			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	
Chimney: Brick				Lump Sum Items:			Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Treated Wood,Standard			6.20			364		2,257	

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
February 20, 2018 - 6:30 PM**

MINUTES

Call to Order: Chairman Dhaenens called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm at the Genoa Charter Township Hall. The members and staff of the Zoning Board of Appeals were present as follows: Jeff Dhaenens, Jean Ledford, Dean Tengel, Bill Rockwell, Greg Rassel, and Kelly VanMarter, Community Development Director/Assistant Township Manager. Absent was Marianne McCreary.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board introduced themselves.

Approval of the Agenda:

Moved by Board Member Ledford, seconded by Board Member 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.

Old Business:

1. 17-29... A request by Brian and Carol Morgan, 1054 Sunrise Park, for a front-yard variance to construct a roof over a deck.

Mr. Morgan was present. He stated they would like to build an extension of three feet of the roof to cover the entire depth of the deck. The need for the variance is due to his continuing health issues. He needs to be able to have as much fresh air as possible and stay out of the sun so this would allow him to sit outside on his porch.

Chairman Dhaenens advised Mr. Morgan than the Board can sympathize with his needs; however, that is not a reason to grant a variance.

Board Member Ledford questioned Mr. Morgan if he knew of a practical difficulty with the property. Mr. Morgan stated that if the roof does not extend the entire width of the porch, it would not look right.

Ms. VanMarter stated there are other options for a covered seating area for Mr. Morgan's home, such as on the west side of the house. It would not require a variance.

The call to the public was made at 6:46 pm.

Mr. Gary Srock of 3335 Dianne suggested to Mr. Morgan that he put a retractable awning on the roof.

Robert Lay of 1824 S. Hughes questioned why Mr. Morgan needs a variance if he is not extending the footprint of the home. Chairman Dhaenens stated the ordinance does not allow for the roof to be extended.

Chairman Dhaenens stated John Hull of 1065 Sunrise Park, who lives across the street from the Morgan's, submitted a letter stating he has no issues with the Morgan's request.

The call to the public was closed at 6:48 pm.

Moved by Board Member Tengal, seconded by Board Member Ledford, to deny Case #17-29, 1054 Sunrise Park by Brian and Carol Morgan for a front-yard variance to construct a roof over a deck based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from extending the existing covered deck but does not unreasonably prevent the use of the property. Other homes in the surrounding area do not appear to have a portion of the deck covered in the front yard therefore granting the variance would not provide substantial justice and is not necessary for the preservation and enjoyment of a substantial property right.
- The variance would not make the property consistent with other properties in the vicinity.
- The need for the variance is self-created.
- There is no practical difficulty or external circumstances related to the property.

The motion carried unanimously.

New Business:

1. **18-01 ... A request by Robert Lay, 1824 S. Hughes, for a front yard and side yard setback variance to build a second story addition to an existing single family home.**

Mr. Robert Lay was present. He stated he has three daughters and a wife and he needs to increase the size of his home. It is a lake lot and the only way to expand it is to go up. He will be reducing the footprint because he is removing the covered porch on the rear of the house. He is also going to be expanding the driveway.

The call to the public was made at 7:00 pm with no response.

Moved by Board Member Ledford, seconded by Board Member Rockwell, to approve Case #18-01 1824 S. Hughes, by Robert Lay for a front-yard variance of three feet from the required 35 feet for a setback of 32 feet and side-yard setback variance of two feet from the required five feet for a setback of three feet to build a second story addition to an existing single family home and remove the existing non-conforming covered deck facing the waterfront based on the following findings of fact:

- The plans for this second-story addition also include replacement of siding and windows for the entire home and enlarging the existing driveway.
- Strict compliance with the front and side yard setbacks would prevent the applicant from constructing a second story addition. There are many 2-story homes in the vicinity therefore granting of a requested variance 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.
- The exceptional or extraordinary condition of the property is the small size of the lot and the non-conforming location of the existing home. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created and the variance requested is the least amount necessary.
- 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, public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa. Zoning Board of Appeals
- 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 following conditions shall be complied with for the approval of the variances.

1. The final architectural design shall not exceed the 25' height requirement.
2. The applicant is aware that they are approaching the maximum lot coverage requirements which will impact the ability for additional improvements on the property.
3. The structure must be guttered with downspouts and drainage must be toward the lake.

The motion carried unanimously.

- 2. 18-02... A request by Alice and Allen Beckner, 3679 Conrad Road, for a front-yard setback variance to construct a new single-family home.**

Mr. Allen Beckner was present. He stated that his existing home is 540 square feet. He is proposing to remove this home and build a modular home. It comes in widths of 28, 30 and 32 feet. He would like to purchase the 30 foot wide one because that has the option for wider interior doors that are handicap accessible.

The hardship is the utility poles on his property. The home must be 10 feet away from the poles. There is also an existing 15-foot-wide easement through his property. He advised that he is asking for more of a variance that he believes he will actually need.

He noted that he has asked Detroit Edison to put the electricity underground. If this is done, he would still need a variance; however, it would be less.

Board Member Tengel questioned the location of the current home. Mr. Beckner stated the new home will be moved an additional 10 feet away from the property line.

Board Member Ledford wanted to ensure that dust control measures will be taken during the demolition of the existing home.

The call to the public was made at 7:26 pm.

Mr. Greg Cameron of 3615 Conrad asked how the water runoff will be handled. Mr. Beckner stated that the runoff will drain to the south and remain on his property. It currently drains toward the road.

The call to the public was closed at 7:28 pm.

Moved by Board Member Tengel, seconded by Board Member Rassel, to approve Case #18-02, 3679 Conrad Road by Alice and Allen Beckner for a front-yard setback variance of 20 feet to construct a new single-family home based on the following findings of fact:

- Strict compliance with the front yard setback while maintaining a 10 foot separation from the utility poles and overhead lines provides a building envelope depth of only 15 feet and would prevent the applicant from constructing the proposed new home. Other homes in the vicinity do not meet the front yard setback from Conrad Road, therefore granting of the requested variance would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the location of the private road easement and overhead lines/utility poles. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created.
- The applicant should provide additional information to confirm that the variance requested is the least amount necessary.

- 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 Genoa Township.
- 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 following conditions shall be complied with for the approval of the variances.

1. The applicant shall be required to completely remove the detached accessory structure under the following conditions:
 - a. If construction on the new principal residence is not commenced within 90 days of removal of the existing home; and/or
 - b. If the applicant fails to obtain final occupancy certification from the Livingston County Building Department within 1 year of Land Use permit issuance.
 - c. Township staff shall have discretion to approve extensions to the above deadlines under proven special or extenuating circumstances but in no case shall that extension exceed 6 months for Item (a) or 12 months for Item (b).
2. The final architectural design shall not exceed the 25' height requirement.
3. The structure must be guttered with downspouts and drainage must be maintained on the lot.
4. Dust control measures must be applied while the existing home is being demolished.

The motion carried unanimously.

3. 18-03... A request by Marc Kremers, 1230 Sunrise Park, for a front-yard setback variance to construct a new single-family home.

Mr. Marc Kremers was present. He stated he has removed the existing home and shed and would like to build a new home with a second-story deck. He wanted to place the home further from the road and more in line with the homes on either side of his property.

The call the public was opened at 7:44 with no response.

Moved by Board Member Ledford, seconded by Board Member Rassel, to approve Case #18-03, 1230 Sunrise Park by Marc Kremers of 933 Westbury Blvd, Howell, 48843 for a 12-foot front-yard variance from the required 35 feet for a setback of 23 feet to construct a new single-family home on the site of a recently demolished home and shed based. The front setback includes a two-foot soffit overhang because of it being

outside of the allowed three-foot projection into the required front yard. This variance is granted based on the following findings of fact:

- The other homes in the vicinity do not meet the front yard setback therefore granting of the requested variance would do substantial justice to the applicant and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity.
- The extraordinary circumstance of the property is the small lot size. The variance would make the property consistent with other properties in the vicinity.
- The need for the variance is not self-created.
- 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.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties.

The following conditions shall be complied with for the approval of the variances.

1. The final architectural design shall not exceed the 25' height requirement.
2. The structure must be guttered with downspouts and drainage maintained on the lot.

The motion carried unanimously.

Administrative Business:

1. Approval of the minutes for the January 16, 2018 Zoning Board of Appeals Meeting.

Board Member Ledford noted changes typographical changes that needed to be made.

Moved by Board Member Ledford, seconded by Board Member Tengel, to approve the January 16, 2018 Zoning Board of Appeals Meeting minutes with the changes noted.

The motion carried unanimously.

2. Correspondence – Ms. VanMarter shared training opportunities with the Board Members.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on February 5th and February 19, 2018.
4. Planning Commission Representative Report – Ms. VanMarter provided a review of the Planning Commission meeting held on February 12, 2018.

5. Zoning Official Report – Ms. VanMarter stated that Ms. Ruthig will be returning to work tomorrow, February 21st. Currently, there is one item on the agenda for next month's ZBA meeting.

6. Member Discussion

Board Members Rockwell and Rassel were welcomed by the Board.

Chairman Dhaenens would like to encourage applicants to delineate the building envelope when they present plans to the Board.

7. Adjournment

Moved by Board Member Ledford, seconded by Board Member Tengel, to adjourn the meeting at 8:012 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary