

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
OCTOBER 16, 2018  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

1. 18-29 ... A request by Robert Savage, 1195 Sunrise Park, for a rear yard variance to construct a second story addition.
2. 18-30 ... A request by Rhonda Newton, 5536 Wildwood Drive, for front, side, rear yard variances to construct an attached garage.

Administrative Business:

1. Approval of minutes for the September 18, 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

**PROPERTY MUST BE STAKED SHOWING REQUESTED SETBACKS 7 DAYS PRIOR TO MEETING DATE. FAILURE TO STAKE COULD RESULT IN POSTPONEMENT OR DENIAL OF PETITION.**

Case # 18-29 Meeting Date: Oct. 16, 2018

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

Applicant/Owner: ROBERT SAVAGE Email: bob savage 527c@gmail.com  
Property Address: 1195 SUNRISE PARK ST Phone: 248-321-4225  
Present Zoning: RESIDENTIAL Tax Code: 11-09-201-013

**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: LOCATION TO WATER (LAKE CHEMUNG)

2. Intended property modifications: PROPERTY WILL STAY ON EXACT SAME FOUNDATION. FOOTPRINT REMAINS EXACT. HOUSE DOES HAVE TWO STORIES NOW BUT <sup>NEW</sup> FOOTPRINT COVERS ENTIRE 2ND FLOOR. AND MAKES 2ND FLOOR LIVABLE & SAFE - WHICH IT IS NOT IN PRESENT SHAPE.

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.

*MORE* KEEPING SAME FOUNDATIONAL FOOTPRINT & DECK SIZE CONSISTENT WITH NEIGHBORS STRUCTURES. ALSO 2ND FLOOR, AS IS, IS UNSAFE. STAIRS RUN INTO WALL AND OCCUPANTS NEED TO CRAWL THROUGH CLOBY/HATCHWAY TO GET TO USABLE SPACE

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.

NOT SELF CREATED. HOUSE IS OLD AND AWKWARD DESIGN. CHANGES ARE CONSERVATIVE BUT INCREASE USABILITY OF HOME AND MAKE THE HOUSE CONSISTENT WITH NEIGHBORING STRUCTURES

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.

NO IMPACT

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.

NO IMPACT

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: SEPT 10, 2018 Signature: R. J. [Signature]



## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** October 9, 2018

**RE:** ZBA 18-29

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### STAFF REPORT

**File Number:** ZBA#18-29  
**Site Address:** 1195 Sunrise Park Drive, Howell  
**Parcel Number:** 4711-09-201-013  
**Parcel Size:** .090 Acres  
**Applicant:** Robert Savage, 8436 Woodland Shore Drive, Brighton 48114  
**Property Owner:** Same as Applicant

**Information Submitted:** Application, site plan, conceptual drawings

**Request:** Dimensional Variances

**Project Description:** Applicant is requesting a rear yard variance to construct an addition.

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

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday September 30, 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.

**Background**

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

- No year built was found in assessing records.
- See Assessing Record Card.

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

**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 a second story addition on the existing footprint of the single family home. In order to construct the addition, the applicant is in need of a rear variance. According to the plat, the applicant does not own to the water’s edge as typical in lakefront areas. After date of publication, it was determined that waterfront and lot coverage variances are not required.

**Variance Requests**

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

**Sec. 3.04      DIMENSIONAL STANDARDS**

<b>Table 3.04.01 LRR District</b>	<b>Rear Setback</b>
Requirement	40’
Request	15’
Variance Amount	25’

**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 setbacks would cause the applicant to be unable to construct proposed addition. There are other homes in the vicinity that do not meet the rear yard setback. Therefore the variance would provide substantial justice to the property.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the existing home and shape of the lot. The need for the variance to construct the addition is not self-created.
- (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.

### **Recommended Conditions**

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

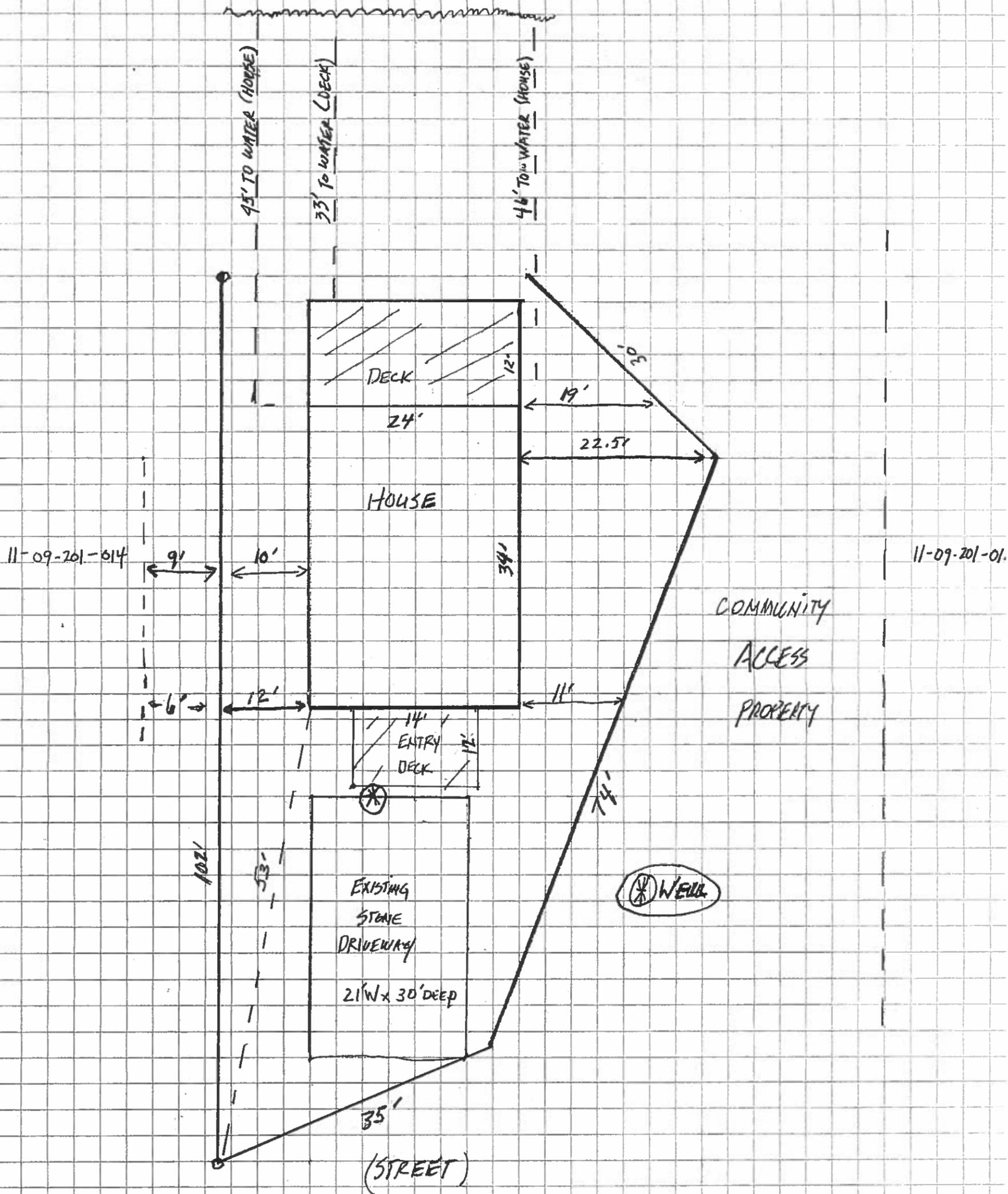
1. Drainage from the structure must be maintained on the lot.
2. Building height cannot exceed 25 feet.

# GENOA TOWNSHIP



LAKE CHEMUNG

WATER

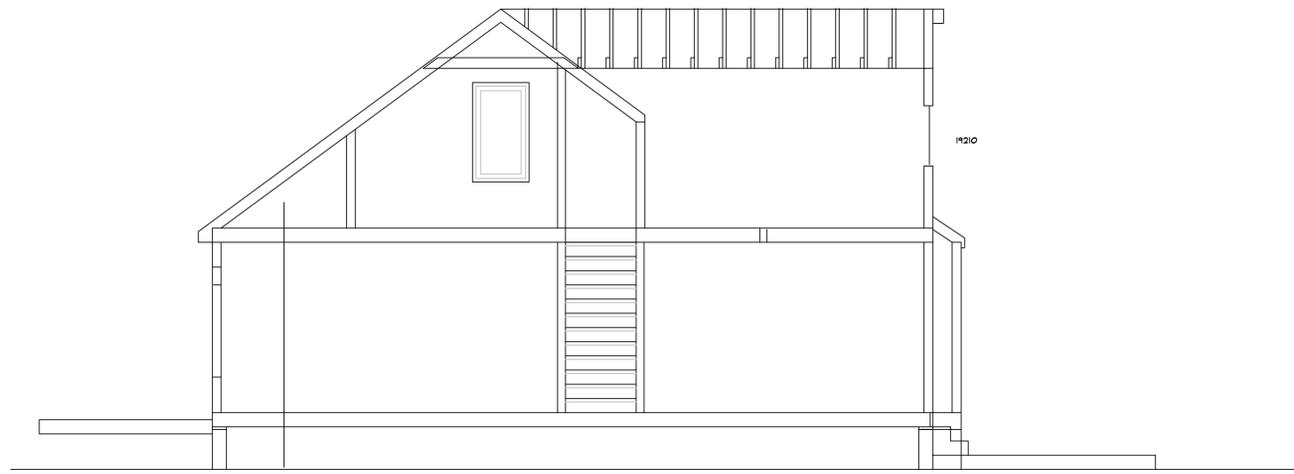


EXISTING & FUTURE SITE PLAN

1195 SUNRISE PARK STREET

11-09-201-013

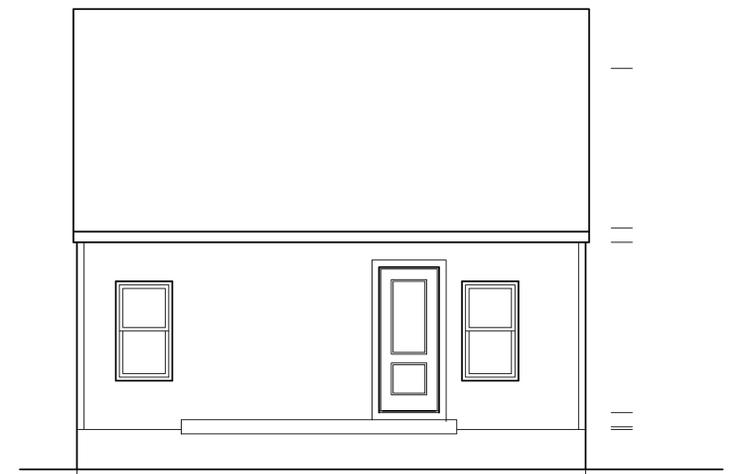
- ROBERT SAVAGE  
 8436 WOODLAND SHORE DR  
 BRIGHTON, MI 48114  
 (248)-321-4225



SECTION A SCALE 1/4" = 1'-0"



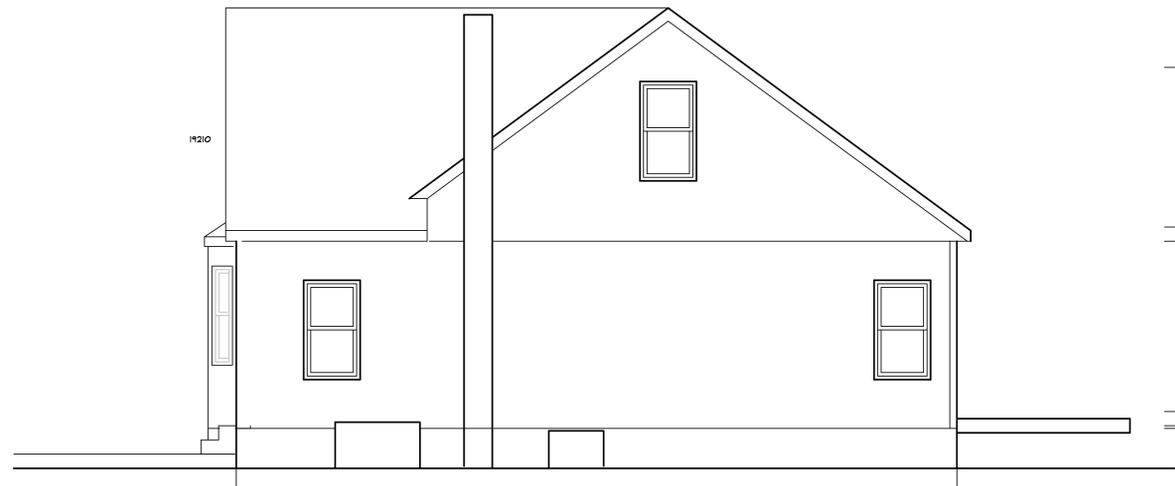
LAKE ELEVATION



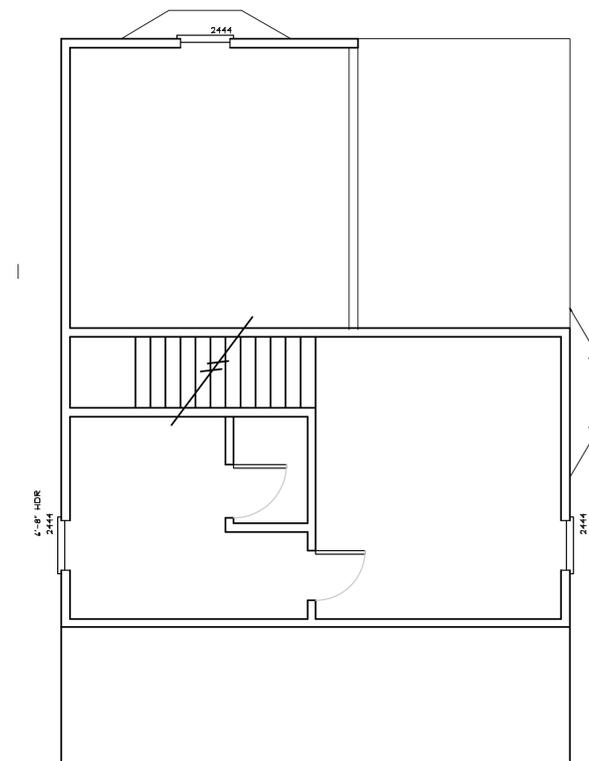
STREET ELEVATION



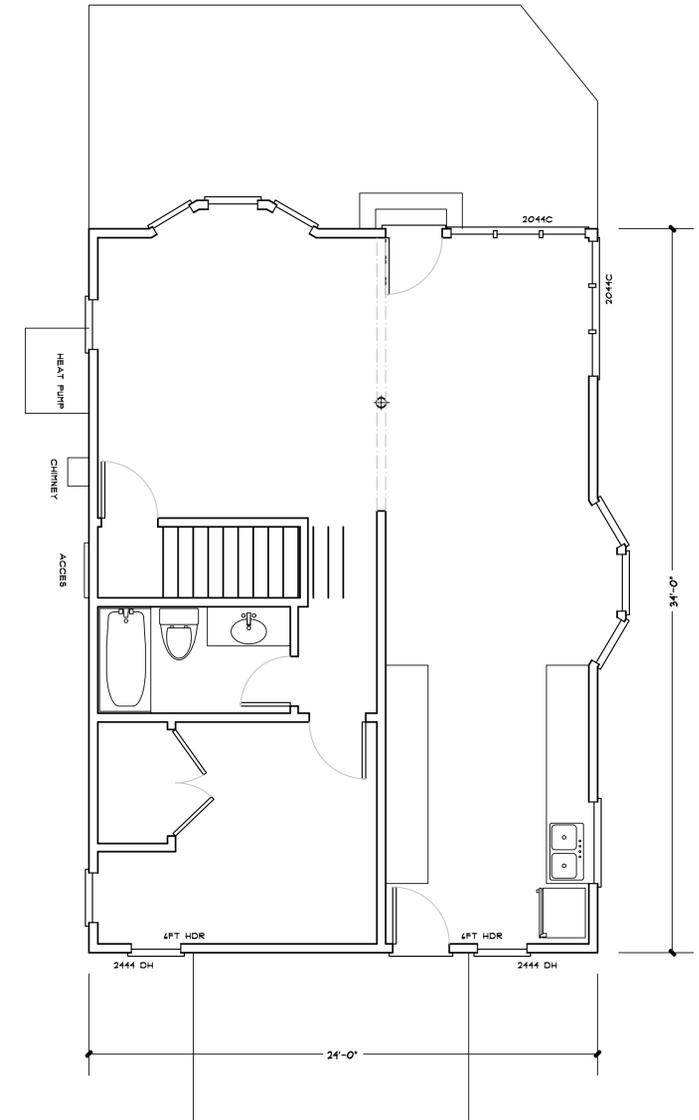
RIGHT ELEVATION



LEFT ELEVATION



EXISTING SECOND FLOOR SCALE 1/4" = 1'-0" 831 SQ. FT.



EXISTING FIRST FLOOR SCALE 1/4" = 1'-0" 831 SQ. FT.

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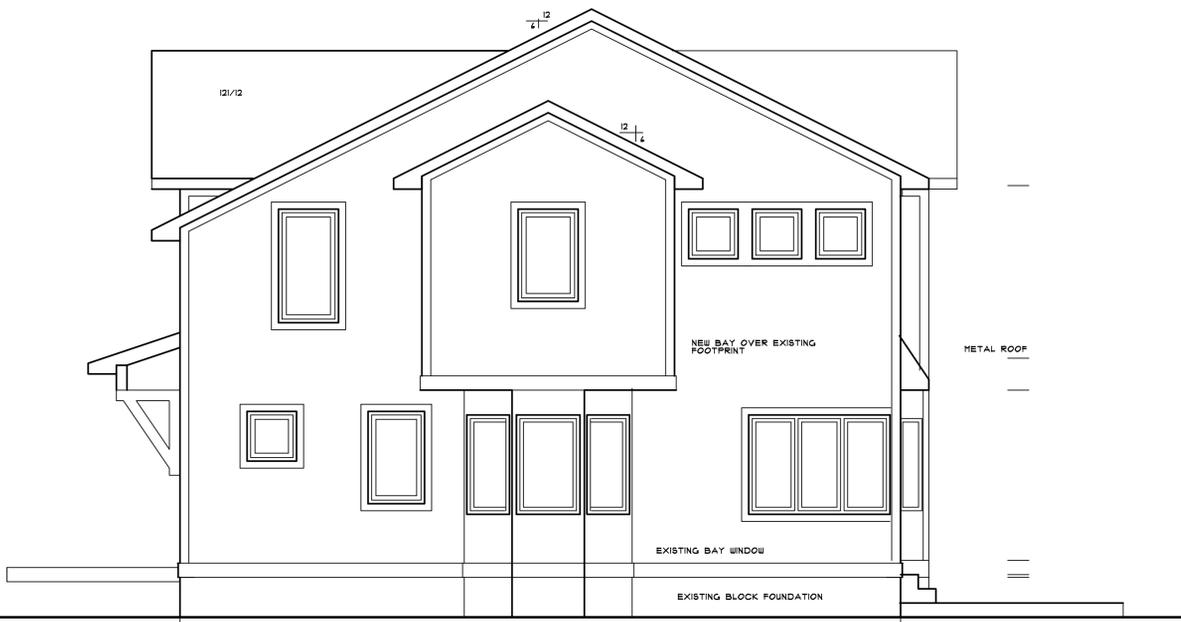
DESIGN BY THOMAS B. COATES JR.  
213 W. MAIN ST.  
BRIGHTON, MICH 480-1  
1-810-229-8916

480-1

FOR BOB SAYAGE  
115 SUNRISE PARK  
LK CHURCHING

DATE

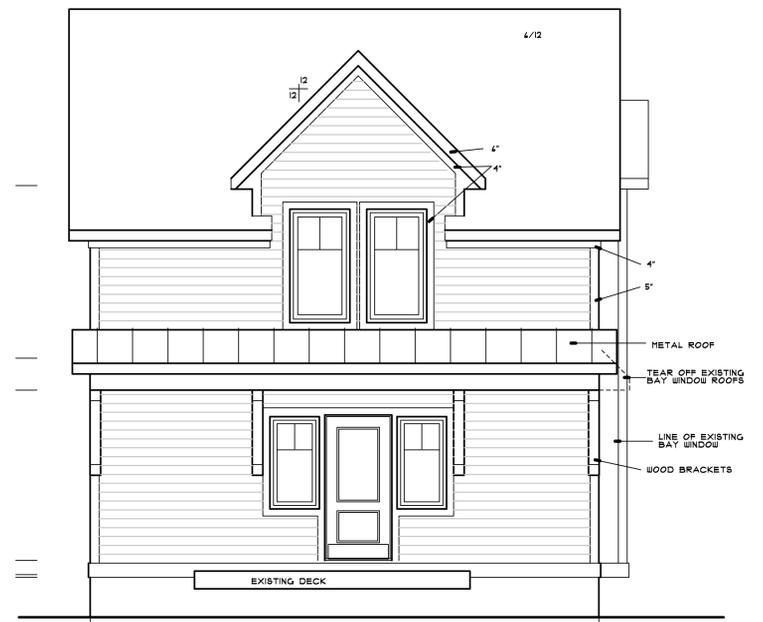
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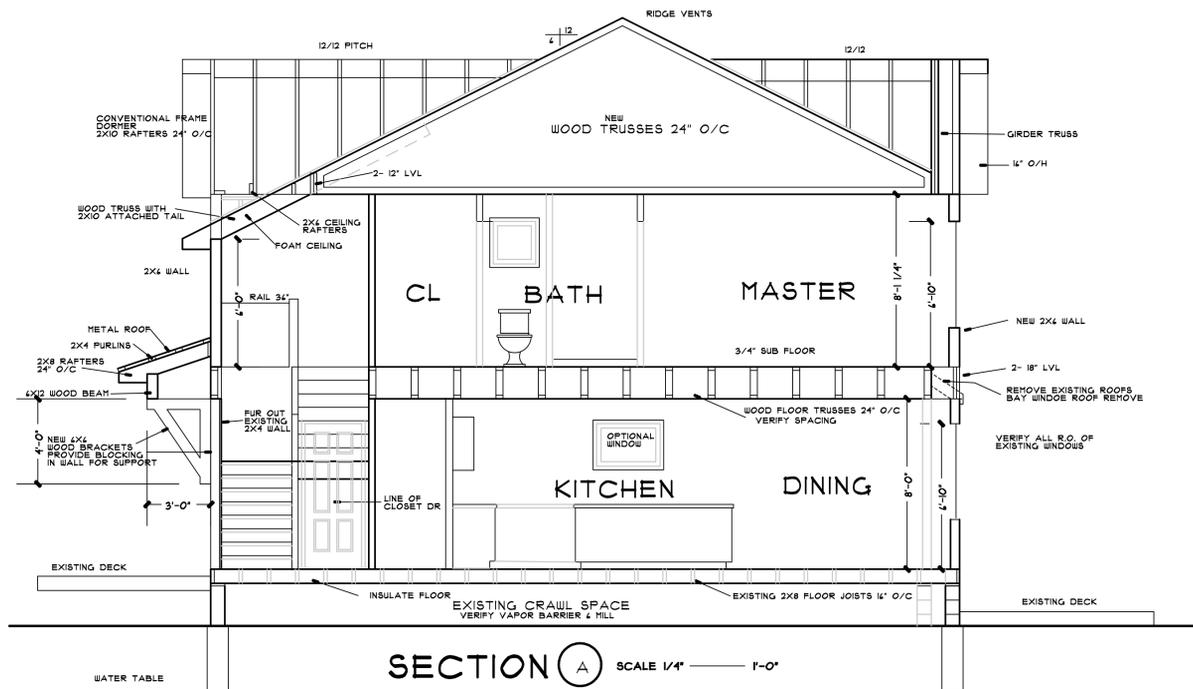
RIGHT ELEVATION SCALE 1/4" = 1'-0"



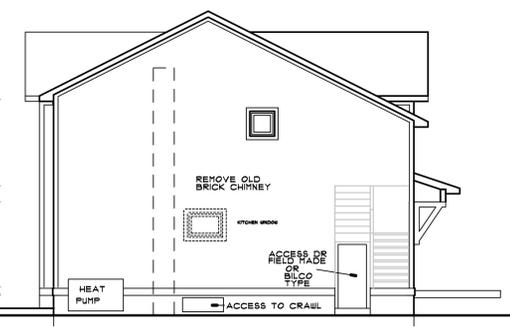
LAKE ELEV SCALE 1/4" = 1'-0"



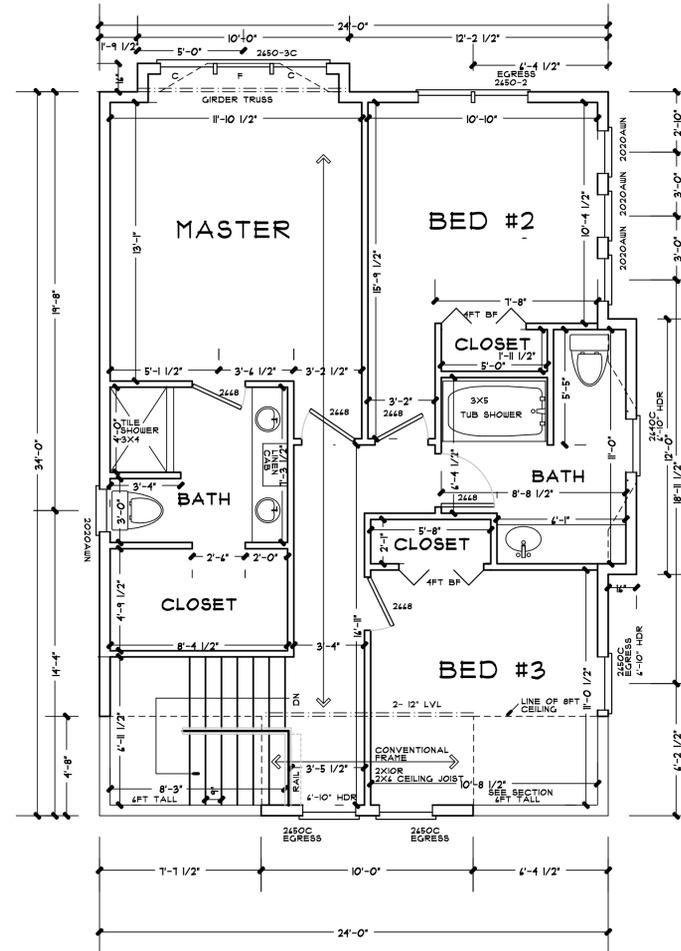
STREET ELEV SCALE 1/4" = 1'-0"



SECTION A SCALE 1/4" = 1'-0"

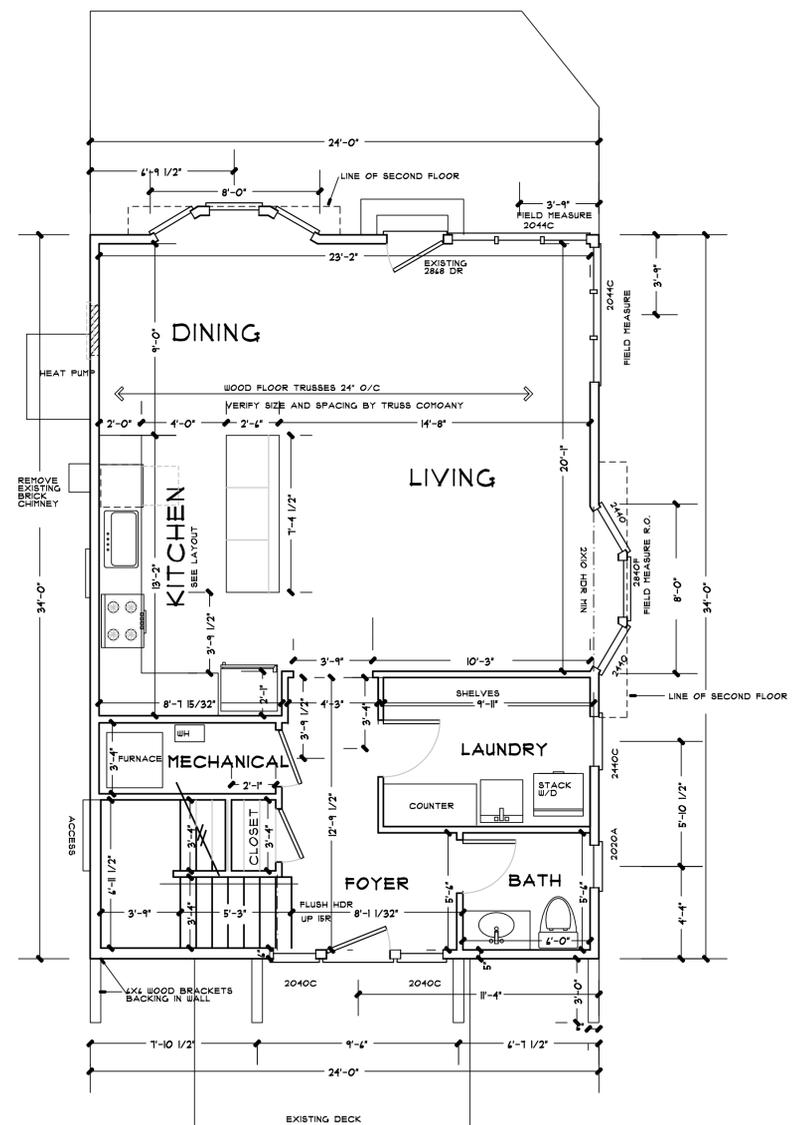


LEFT ELEVATION



FIRST FLOOR SCALE 1/4" = 1'-0"

DIMENSIONS ARE STUD TO STUD  
 1' EXTERIOR WALLS  
 3/2" INTERIOR WALLS  
 2450 WINDOW = 30" WIDE 40" TALL



FIRST FLOOR SCALE 1/4" = 1'-0"

DIMENSIONS ARE STUD TO STUD  
 1' EXTERIOR WALLS  
 3/2" INTERIOR WALLS  
 4' EXTERIOR WALLS EXISTING FIRST FLOOR ONLY  
 2450 WINDOW = 30" WIDE 40" TALL

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
DICKSON JOHN, PAM & DISLER	SAVAGE ROBERT	250,000	06/26/2018	WD	ARMS-LENGTH	2018R-017762	BUYER	100.0				
DICKSON JOHN & PAM	DICKSON JOHN, PAM & DISLER	0	12/15/2006	QC	INVALID SALE	2007R-000116	BUYER	0.0				
WIECHMAN, BILL	DICKSON JOHN & PAM	179,200	05/28/2004	WD	ARMS-LENGTH	4487/0315	BUYER	100.0				
WIECHMAN, BILL		0	12/16/1998	QC	QUIT CLAIM	24950544	BUYER	0.0				
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status			
1195 SUNRISE PARK		School: HOWELL										
		P.R.E. 0%										
Owner's Name/Address		MAP #: V18-29		2019 Est TCV Tentative								
SAVAGE ROBERT 8436 WOODLAND SHORE DR BRIGHTON MI 48114		X Improved		Vacant	Land Value Estimates for Land Table 00006.SUNRISE PARK							
Tax Description		Public Improvements		* Factors *								
SEC. 9 T2N, R5E, SUNRISE PARK LOT 11		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
Comments/Influences		Gravel Road		A LAKE FRONT	30.00	70.00	1.0000	1.0000	2700	100		81,000
		Paved Road		B LAKEVIEW FRT	26.00	70.00	1.0000	1.0000	1600	100		41,600
		Storm Sewer		56 Actual Front Feet, 0.09 Total Acres					Total Est. Land Value =		122,600	
		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	2019	Tentative	Tentative	Tentative		Tentative		
		JB	08/10/2018	REVIEWED R	2018	62,100	68,100	130,200		88,953C		
					2017	52,900	69,600	122,500		87,124C		
					2016	52,900	68,200	121,100		86,347C		

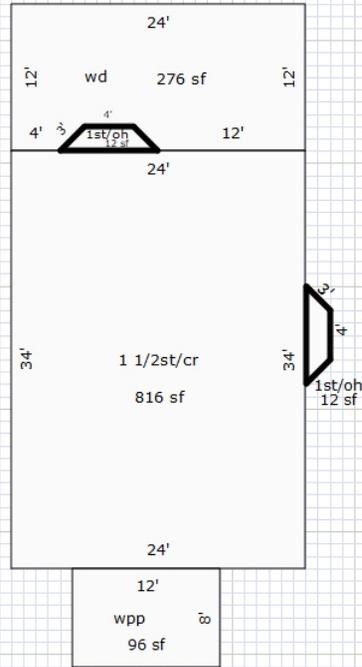


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\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

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 96 288	Type WPP 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: C		Trim & Decoration		Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: C Effec. Age: 33 Floor Area: 1,248 Total Base New : 136,603 Total Depr Cost: 91,523 Estimated T.C.V: 138,383			E.C.F. X 1.512		Bsmnt Garage:	
Yr Built 0	Remodeled 0	Size of Closets		No. Heating/Cooling			No. Heating/Cooling			Total Base New : 136,603			E.C.F. X 1.512		Bsmnt Garage:	
Condition: Good		Lg	X	Ord		Small	No. Heating/Cooling			Total Depr Cost: 91,523			E.C.F. X 1.512		Bsmnt Garage:	
Doors:			Solid	X	H.C.	No. Heating/Cooling			Estimated T.C.V: 138,383			E.C.F. X 1.512		Bsmnt Garage:		
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric			Total Base New : 136,603			E.C.F. X 1.512		Bsmnt Garage:	
	Basement 1st Floor 2nd Floor 2 Bedrooms	Kitchen: Other: Other:		(12) Electric			0 Amps Service			Total Depr Cost: 91,523			E.C.F. X 1.512		Bsmnt Garage:	
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C			Blt 0			
X	Wood/Shingle Aluminum/Vinyl Brick	Ex.		X	Ord.	Min	(11) Heating System: Forced Air w/ Ducts			Ground Area = 816 SF			Floor Area = 1248 SF.			
	Insulation	No. of Elec. Outlets		Phy/Ab.Phy/Func/Econ/Comb. % Good=67/100/100/100/67			Building Areas			Stories			Size			
(2) Windows		(7) Excavation		(13) Plumbing			Other Additions/Adjustments			Porches			Cost New			
X	Many Avg. Few	X	Large Avg. Small	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			1.5 Story Siding 1 Story Siding 1 Story Siding			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
	Insulation	Basement: 0 S.F. Crawl: 816 S.F. Slab: 0 S.F. Height to Joists: 0.0		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			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
(3) Roof		(8) Basement		(14) Water/Sewer			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
X	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		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
	Insulation	Recreation SF Living SF Walkout Doors No Floor SF		Lump Sum Items:			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
(3) Roof		(9) Basement Finish		Lump Sum Items:			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
X	Gable Hip Flat	Gambrel Mansard Shed		Lump Sum Items:			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			
Chimney: Brick		No Floor SF		Lump Sum Items:			Other Additions/Adjustments			WPP Deck Treated Wood Water/Sewer Public Sewer Water Well, 200 Feet			Total: 120,012			

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



2 BEDROOMS  
1 FULL BATH

Sketch by Apex Sketch

\*\*\* 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

PROPERTY MUST BE STAKED SHOWING  
 REQUESTED SETBACKS 7 DAYS PRIOR TO  
 MEETING DATE.  
 FAILURE TO STAKE COULD RESULT IN  
 POSTPONEMENT OR DENIAL OF PETITION.

Case # 18-30 Meeting Date: Oct 16, 2008

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

Applicant/Owner: Rhonda Newton Email: rknewton@yahoo.com  
 Property Address: 5536 Wildwood Dr Phone: 734 699 6999  
 Present Zoning: \_\_\_\_\_ Tax Code: 10-301-132

**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: Our variance will be for setback requirements needed for an attached garage that we would like to build onto our existing home.

2. Intended property modifications: attached garage addition

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.

*We currently do not have an attached garage. The majority of our neighbors have attached garages that do not meet the setback requirements either. This is the only practical location possible due to our lot shape and elevations.*

**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.

*My neighbors have garages both attached and detached that do not meet setback requirements*

**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.

*Right now we have a drive going onto gravel. It is dangerous to pull out. This drive on wildwood would be much safer. The changes we request will not make it unsafe for anyone.*

**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.

*Adding this attached garage will not have a negative impact on our neighbors, including this view of the lake. We also believe it would add value to our property and will help increase our neighbor's properties as well.*

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: 9/15/18 Signature: Rhonda Newton



# MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** October 9, 2018

**RE:** ZBA 18-30

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

---

## STAFF REPORT

**File Number:** ZBA#18-30  
**Site Address:** 5536 Wildwood Drive, Howell  
**Parcel Number:** 4711-10-301-132  
**Parcel Size:** .121 Acres  
**Applicant:** Chad and Rhonda Newton, 5536 Wildwood Drive, Howell  
**Property Owner:** Same as Applicant  
**Information Submitted:** Application, site plan, conceptual drawings  
**Request:** Dimensional Variances  
**Project Description:** Applicant is requesting a side, rear and front yard variance to construct an addition.  
**Zoning and Existing Use:** LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.  
**Other:** Public hearing was published in the Livingston County Press and Argus on Sunday September 30, 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.

### Background

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

- Per assessing records, year built is 1950.
- In 2018, a waiver was issued for the parcel with the home to hook to the municipal water. The water line is located in the lot to the north with the detached garage.
- 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 a 25 x 25 sq. ft. attached garage. In order to construct the attached garage, the applicant is in need of a side, rear and front yard variance. The applicant owns the lot to the south of the parcel (11-10-301-033) that is occupied by a detached accessory structure and is the existing access point from Grand River Ave. for the applicant’s home. The two properties are divided by a 6 foot platted walkway for the subdivision which prevents them from being combined into a single tax parcel. The applicant was encouraged to pursue vacation of the plat through the circuit court as an option to eliminate the separation of the 2 lots. The applicant is proposing an additional driveway off of Wildwood Drive which is proposed to be partially located on the lot to the north. After publication it was determined a lot coverage variance is not required.

**Variance Requests**

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

**Sec. 3.04      DIMENSIONAL STANDARDS**

<b>Table 3.04.01 LRR District</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Building Height</b>
Requirement	35’	10’	5’	40’	25’
Request	2’4”	16’.8”	4’.6”	13’	
Variance Amount	32’8”	NA	.6”	27’	NA

**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 setbacks would cause the lot to be unbuildable as shown on the submitted site plan. It is not typical in the vicinity for homes to have both attached garages and detached garages or multiple driveways, therefore the variance would not provide substantial justice to the property. Also it is not necessary for the preservation and enjoyment of a property right similar to that possessed by other properties. If the applicant were allowed to construct the attached garage, the parcel with the detached garage would become even more non-conforming since it would no longer be the primary garage for the parcels.
  
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the small lot size, irregular shape and platted walkway. Having both an attached and detached garage and two driveways would not make the property consistent with the majority of other properties in the vicinity. The lot constraints are not self-created however; there is already a garage available to this home so the need for an additional garage is a want that is self-created. The applicant should

describe why the addition cannot be located north of the existing home or be reduced in size to be further from Wildwood Drive to ensure the variance requested is the least amount necessary.

**(c) Public Safety and Welfare** – The granting of these variances would not impair an adequate supply of light and air to adjacent property. Granting of these variances could increase the congestion in public streets and increase the danger of fire and endanger the public safety. The proposed driveway location could cause safety issues with the curve and topography of the existing narrow road with vehicles entering and exiting the driveway. The applicant proposing to be 2.4 feet from the front property line puts the structure very close to the road which is a concern for safety and visibility. A sight distance review should be provided from the Livingston County Road Commission.

**(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 detached structure must be maintained on the lot.
2. Must obtain Livingston County Road Commission Approval for a driveway.
3. The driveway on Grand River Avenue shall be vacated and the Grand River Avenue parcel (lot 33) shall be deed restricted to permanently join it to lot 132 with the home. This requirement is intended to prevent future issues with an offsite nonconforming structure and related improvements including the driveway and utilities. The deed restriction shall be approved by the Township Attorney and shall be recorded to the Register of Deeds office prior to issuance of a land use permit.
4. A guard rail or other protection approved by Township Staff with input from the Livingston County Road Commission or Township Engineer shall be installed to protect the corner of the garage nearest to the road right of way.
5. The applicant shall assume the responsibility to obtain all necessary approvals to construct an improved driveway surface within the platted walkway.

# GENOA TOWNSHIP

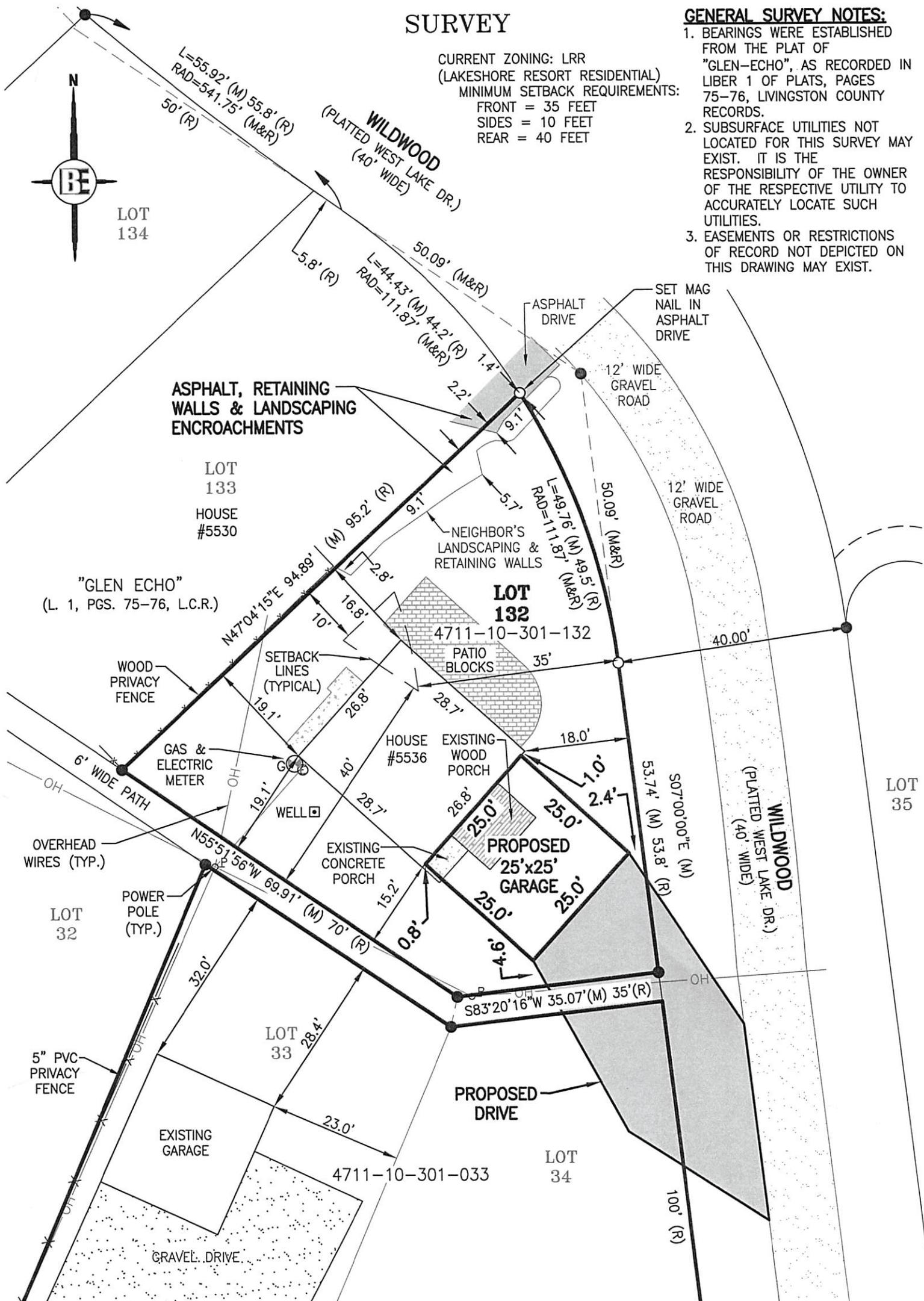


# SURVEY

CURRENT ZONING: LRR  
 (LAKESHORE RESORT RESIDENTIAL)  
 MINIMUM SETBACK REQUIREMENTS:  
 FRONT = 35 FEET  
 SIDES = 10 FEET  
 REAR = 40 FEET

## GENERAL SURVEY NOTES:

1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "GLEN-ECHO", AS RECORDED IN LIBER 1 OF PLATS, PAGES 75-76, LIVINGSTON COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.



### DESCRIPTION:

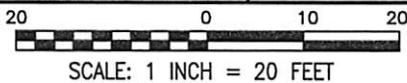
LOT 132 OF "GLEN ECHO", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 1 OF PLATS, PAGES 75-76, LIVINGSTON COUNTY RECORDS.



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



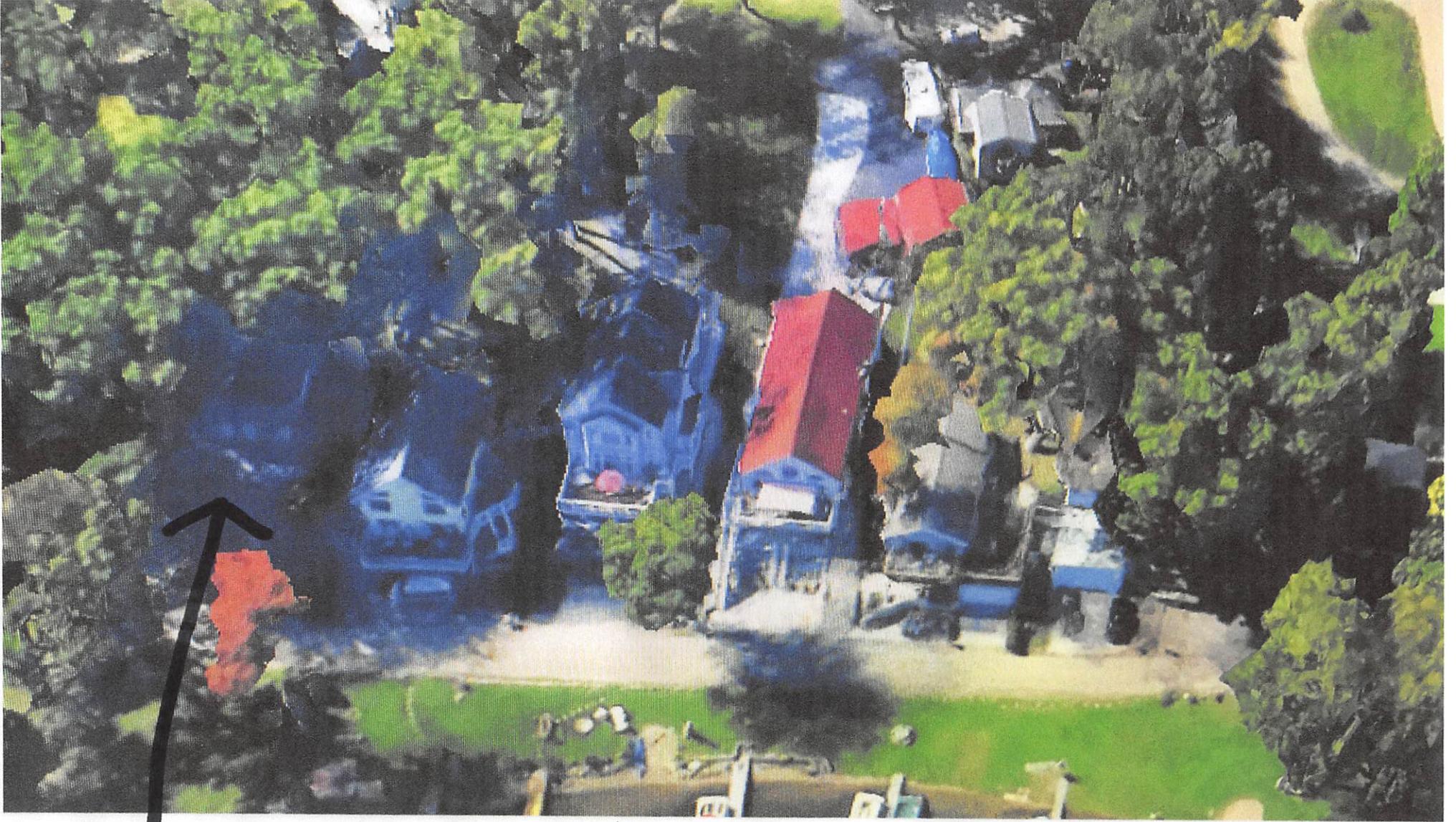
CLIENT: B5 CONTRACTOR SERVICES



### LEGEND

- = IRON SET
- = IRON FOUND
- ⊙ = MONUMENT FOUND
- \* = FENCE
- (R) = RECORDED
- (M) = MEASURED

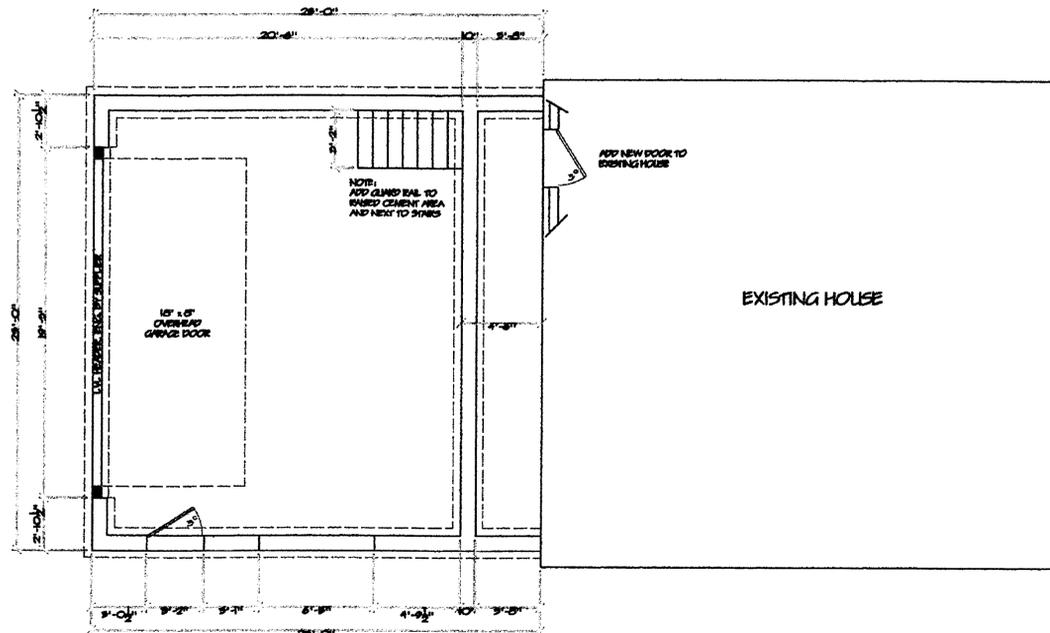
JOB NO.	18-318	DATE	8-31-18	9-17-18	
SHEET	1 OF 1	FB 586	CREW GFD	DR. AEB	CK.



5536

wildwood.

all of the neighbors on this part of Wildwood are currently have driveways in which they back out onto Wildwood. we would like to be able to do the same. Several of the neighbors have driveways that cross over the easement for the abandoned walking path. we would like to be able to do that as well.



**FOUNDATION PLAN**

SCALE: 1/4" = 1'-0"

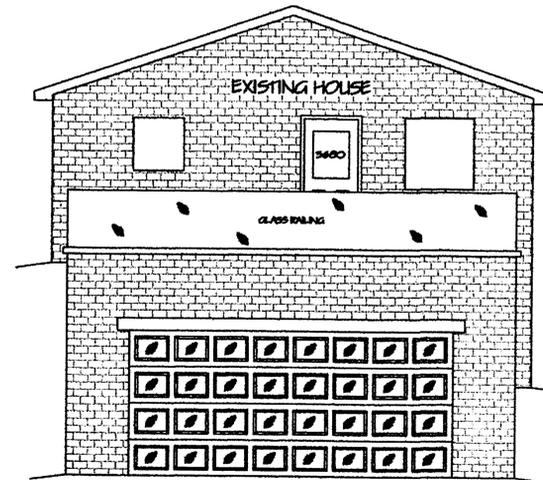
NOTE: DIMENSION WITH LINE INDICATES SIDE OF BEARING.

ROUGH FINISH WALL, FLOOR, CONG. WALL, OR FLOORING

1 WINDOW SIZES ARE APPROXIMATE. A WINDOW SCHEDULE MUST BE OBTAINED FROM THE WINDOW MANUFACTURER FOR EXACT SIZES. ALL WINDOW WINDOWS MUST COMPLY WITH LOCAL REGULATIONS FOR ACCESSIBILITY.

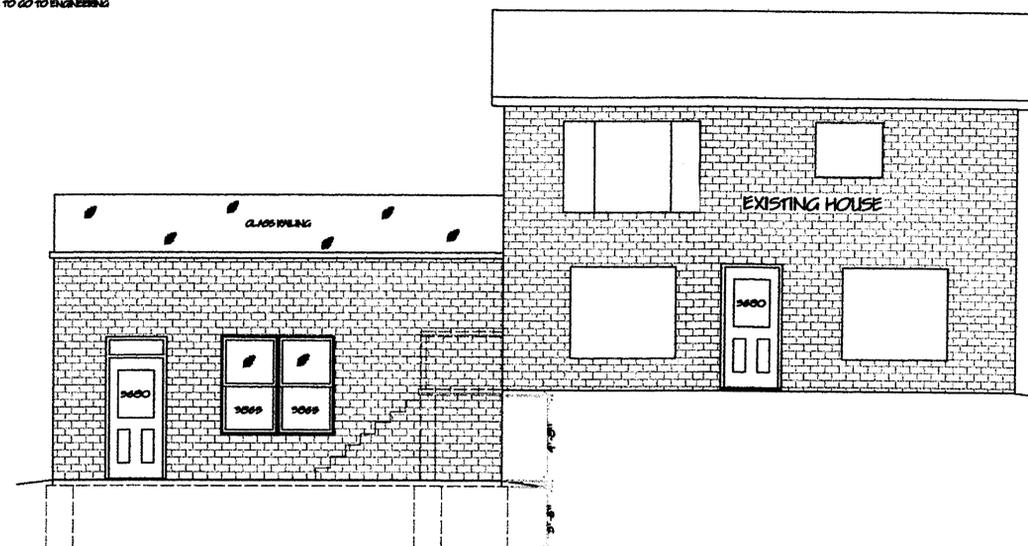
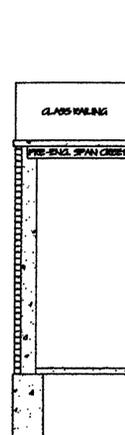
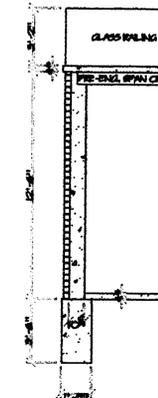
A 2" x 4" SILLING IS REQUIRED FOR ALL WINDOWS.

2 ALL BEAMS, FLOOR SYSTEMS AND ROOF STRUCTURES ARE TO GO TO ENGINEERING FOR APPROPRIATE SIZES.



**LEFT ELEVATION**

SCALE: 1/4" = 1'-0"



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

**BUILDER / CONTRACTOR NOTE:**  
 1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE PRIOR TO CONSTRUCTION.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
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 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

DATE: 9 / 15 / 18

SCALE:

DRAWN:

JOE WARD

JOB:

POPE-WILKWOOD DR.

PROJECT:

DATE:

PRAWARD DESIGNS LLC  
 517-719-6267

REVISIONS	BY

To whom it may concern,

Chad and Rhonda have been our neighbors for the past year. They have told us of their plans to build a garage and we fully support the idea. For many years, the previous property owners did not maintain the grounds and we feel this addition would greatly improve the value of the property. Please grant them the necessary variance for the project to move forward.

Thank you,  
Loretta Camber  
Richard Camber

To whom it may concern,

We, Joe and Jennifer Tiano, are neighbors of Chad and Rhonda Newton. Chad has discussed and reviewed with us their plans for the project on their home. We approve of the plans and are excited to see the final project. It will be a welcome site to our neighborhood. They are fantastic neighbors and have greatly improved the look of the home at 5536 Wildwood Howell.

If you should have any questions, please don't hesitate to contact us at 810-599-3899.

Regards,

Joe Tiano

A handwritten signature in blue ink, appearing to read "Joe Tiano", written over a light blue horizontal line.

Jennifer Tiano

A handwritten signature in blue ink, appearing to read "Jennifer Tiano", written over a light blue horizontal line.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
FONS CRAIG	NEWTON CHAD & RHONDA	300,000	09/27/2017	WD	ARMS-LENGTH	2017R-029030	BUYER	100.0
4K CHEMUNG INVESTMENTS LLC	FONS CRAIG	0	07/22/2016	QC	QUIT CLAIM	2016R-022441	BUYER	100.0
JONES, PERRY & CONSTANCE	NOWKA ALBERT	150,000	08/06/2014	TA	ARMS-LENGTH	2014R-022901	BUYER	100.0
JONES, PERRY & CONSTANCE	NOWKA ALBERT	150,000	08/06/2014	WD	L.C.P.O.	2016R-022434	BUYER	0.0

Property Address	Class: 401 RESIDENTIAL-IM	Zoning: LRR	Building Permit(s)	Date	Number	Status
5536 WILDWOOD	School: HOWELL		Water Connection	09/17/2018	PW18-135	
	P.R.E. 100% 09/29/2017					
Owner's Name/Address	MAP #: V18-30					
NEWTON CHAD & RHONDA 5536 WILDWOOD HOWELL MI 48843	2019 Est TCV Tentative					

X Improved		Vacant	Land Value Estimates for Land Table 00005.WEST LAKE CHEMUNG						
Public Improvements			* Factors *						
Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value	
A LV WEST	70.00	0.00	1.0000	1.0000	2000	100		140,000	
			70 Actual Front Feet, 0.00 Total Acres		Total Est. Land Value =		140,000		

Tax Description  
SEC. 10 T2N, R5E, GLEN ECHO LOT 132  
Comments/Influences

Dirt Road  
Gravel Road  
Paved Road  
Storm Sewer  
Sidewalk  
Water  
Sewer  
Electric  
Gas  
Curb  
Street Lights  
Standard Utilities  
Underground Utils.



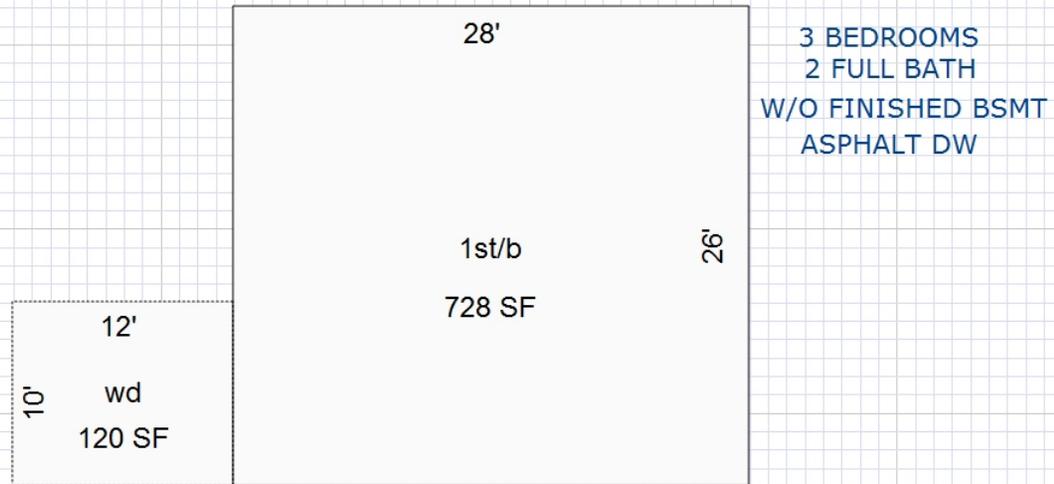
The Equalizer. Copyright (c) 1999 - 2009.  
Licensed To: Township of Genoa, County of Livingston, Michigan

Topography of Site			Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level			2019	Tentative	Tentative	Tentative			Tentative
Rolling			2018	70,000	33,300	103,300			103,300S
Low			2017	66,500	32,300	98,800			98,800S
High			2016	63,000	29,100	92,100			88,464C
Landscaped			Who When What						
Swamp			JB 10/11/2017 REVIEWED R						
Wooded									
Pond									
Waterfront									
Ravine									
Wetland									
Flood Plain									
X REFUSE									

\*\*\* 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 120	Type Pine	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: C		Trim & Decoration		Central Air Wood Furnace			Class: C Effec. Age: 50 Floor Area: 768 Total Base New : 127,954 Total Depr Cost: 63,973 Estimated T.C.V: 63,973			E.C.F. X 1.000		Bsmnt Garage: Carport Area: Roof:				
Yr Built 1950	Remodeled 2016	Size of Closets		(12) Electric			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Air w/ Ducts Ground Area = 768 SF Floor Area = 768 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=50/100/100/100/50 Building Areas			Cls C		Blt 1950				
Condition: Good		Lg	X	Ord		Small	No./Qual. of Fixtures			Total Depr Cost: 63,973		Total Base New : 127,954				
Room List		Doors: Solid X H.C.		0 Amps Service			Ex. X Ord. Min			Total Depr Cost: 63,973		Total Base New : 127,954				
Basement 1st Floor 2nd Floor 3 Bedrooms		Kitchen: Other: Other:		No. of Elec. Outlets			Many X Ave. Few			Total Depr Cost: 63,973		Total Base New : 127,954				
(1) Exterior		(5) Floors		(13) Plumbing			Average Fixture(s)			Total: 104,242		52,118				
X	Wood/Shingle Aluminum/Vinyl Brick	(6) Ceilings		Basement: 768 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			2 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			Basement Living Area		461 13,480 6,740				
Insulation		(7) Excavation		Recreation SF Living SF 1 Walkout Doors No Floor SF			(14) Water/Sewer			Basement Living Area		461 13,480 6,740				
(2) Windows		Conc. Block Poured Conc. Stone Treated Wood Concrete Floor		1 Public Water 1 Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
X	Many Avg. Few	X	Large Avg. Small	Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(8) Basement		Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
(3) Roof		(9) Basement Finish		Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
X	Gable Hip Flat	Gambrel Mansard Shed		Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
X	Asphalt Shingle	(10) Floor Support		Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:			Lump Sum Items:			Basement Living Area		461 13,480 6,740				

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



Sketch by Apex Sketch

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

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
SEPTEMBER 18, 2018 - 6:30 PM**

**MINUTES**

**Call to Order:** Chairman Tengal 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: Dean Tengal, Jean Ledford, Maryanne McCreary, Bill Rockwell, Greg Rassel, Kelly VanMarter, Community Development Director/Assistant Township Manager, Joe Seward, Township Attorney, and Amy Ruthig, Zoning Official.

**Pledge of Allegiance:** The Pledge of Allegiance was recited.

**Introduction:** The members of the Board introduced themselves.

**Approval of the Agenda:**

Chairman Tengal noted that Agenda Item #3, Case #18-27, was requested to be removed from the agenda.

**Moved** by Board Member Rockwell, seconded by Board Member Rassel, to approve the agenda as amended. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:33 pm with no response.

1. 18-18... As ordered by the Circuit Court of Livingston County, the variance request for the property located at 1370 Elmhurst and requested by Rob and Sandra Bialowicz for a waterfront and side yard variance to construct an addition to an existing home.

**Moved** by Commissioner Rassel, seconded by Commissioner Rockwell, to go into closed session at 6:34 p.m. to receive attorney-client privileged information. **The motion carried unanimously with a roll-call vote.**

The ZBA returned to the regular meeting at 6:54 pm.

Mr. and Mrs. Bialowicz and Ms. Jamie Stewart, the attorney for the applicants, were present.

Ms. Stewart stated their position is that the variance approval that was previously granted is still in effect. They are present this evening at the request of Genoa Township.

Mr. Bialowicz stated that the home is currently non-conforming. It is an irregularly-shaped lot and in order to remodel their home, a variance is needed.

Board Member McCreary asked if any of the perimeter walls are being moved further toward the lot lines. Mr. Bialowicz stated they are removing the existing garage and are follow the same footprint that is currently there. In the front, there is already an 8-foot "L" shaped piece of the home that comes out and they are proposing to connect the 8 foot portion to the other side of the house to square it off.

Ms. Stewart said the east side setback is not changing at all. There is no increased burden as a result of this proposal. The footprint of the porch is not changing either; it is simply being covered. Ms. VanMarter stated that because the porch is being covered, it will be considered part of the home, and therefore subject to the waterfront setback requirement.

Ms. VanMarter provided the Board and the public with a map showing the residents who are in support of and against the requested variance.

The call to the public was made at 7:07 pm.

Mr. Tom Halm, the attorney representing Herbert and Donna Wright of 1428 S. Hughes Road, was present. He stated Mr. and Mrs. Wright live next store to the Bialowicz's and the home has been there since 1968. There is nothing that would prohibit someone from living there as it is currently. There is not a hardship and if the variance is granted, it would at a detriment to the Wrights. Their home sits further from the lake than the applicants'. Looking north / northwest from the Wright's property, there is an open space of approximately 36 feet. The current garage sits further back and the existing home currently sits five feet from the lot line. Their concern is that the garage will be brought closer to the lot line by five feet and will be approximately 29 feet high. That is going to tower over the Wright's home and block the sun. The minutes of the July 19, 2018 Zoning Board of Appeals meeting state that the setback is not being decreased; however that is not correct. The applicant is proposing to move it five feet closer to the lot line and move it further toward the water. The existing open porch will be enclosed

and then there will be an additional 10-foot covered porch. This will block the Wright's view of the lake as well as block the sun. He noted that when this item was first before the Board, the Wrights were out of town. Additionally, the application is deficient because it was not filled out with details of how the request meets the requirements for granting a variance. He believes that the applicant can make improvements; however, not at the detriment to the Wrights. They should keep it at the existing setback and not increase the height.

Mr. Herbert Wright of 1428 stated that he and his wife were in Hawaii when this item was before the Board. When he did his additional, they were granted a variance; however, they were not permitted to increase it to two stories. His neighbor did not approach him to show him what his plans were and ask if he had any concerns.

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

Chairman Tengel stated he was not at the meeting when this item was present so he asked Mr. Bialowicz to explain to him the hardship or practical difficulty. Mr. Bialowicz stated covering the porch was part of the plans for their home.

He added that they cut down a lot of shrubs on the property line when they first moved in, which helped with the Wright's view of the lake.

Board Member Ledford stated she visited this site again and this time she noticed there is a tall wooden fence between the two properties. She stood in the back of the Wright's property and she does not see that the view would be obstructed more by this proposal.

Board Member McCreary agrees with Board Member Ledford. She visited the site also and the Wright's home sits significantly back from the Bialowicz's home. She does not believe this addition will block the view any further for the Wrights.

She explained how the setback is determined and although the proposed garage is being moved back, it will not be moved closer to the lot line.

Ms. VanMarter stated that the ordinance for the lakeshore resort residential zoning district allows for the 10-foot setback to be reduced to 5-foot on one side provided there is a minimum separation of 10-feet between adjacent buildings. It is not specific as to which side must have which setback therefore if they received a variance on the opposite side to allow the existing setback which is less than 10-feet they would not

need the variances requested this evening and could be at the requested 5-foot setback by right.

Board Member McCreary has not changed her view on the variance request. Board Member Ledford has not changed her view either.

**Motion** by Rassel, seconded by Rockwell, to reaffirm the original motion and decision made at the June 19, 2018 Zoning Board of Appeals meeting. **The motion carried unanimously.**

**Administrative Business:**

1. Approval of the minutes for the August 21, 2018 Zoning Board of Appeals Meeting.

There were some typographical changes that needed to be made.

**Moved** by Board Member Ledford, seconded by Board Member Rassel, to approve the August 21, 2018 Zoning Board of Appeals Meeting minutes with the changes noted. **The motion carried unanimously.**

2. Correspondence – There were no correspondence this evening.
3. Township Board Representative Report - Board Member Ledford provided a review of the Township Board meetings held on September 4 and 17, 2018.
4. Planning Commission Representative Report – Board Member McCreary provided a review of the Planning Commission meeting held on September 10, 2018.
5. Zoning Official Report – Ms. Ruthig stated she has one item for the October agenda.
6. Member Discussion - There were no items discussed this evening.
7. Adjournment

**Moved** by Board Member Rassel, seconded by Board Member Ledford, to adjourn the meeting at 7:55 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary