

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 21, 2020
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. 20-01 ... A request by Tim Chouinard, 941 Sunrise Park, for front and rear yard setback variances to construct an addition to an existing home.

Administrative Business:

1. Approval of minutes for the December 17, 2019 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 # 20-01

Meeting Date: January 21, 2020
@ 6:30pm

PAID Variance Application Fee

\$215.00 for Residential

| \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Applicant/Owner: Tim Chouinard Email: timchouinard@sbcglobal.net

Property Address: 941 Sunrise Park St Howell Phone: 517-404-6527

Present Zoning: LRR Tax Code: 11-09-201-048

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

Each application for Variance is considered individually by the ZBA. The ZBA is a 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 application, 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/intended property modifications: 29' 9" front yard setback a 36' 8"

rear yard setback and a
XXXX
XXXX
XXXX

The following is per Article 23.05.03 of the Genoa Township Ordinance:

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.

Because of the shape of the lot the existing foot print of the house is past building envelope making it necessary to get a variance for the alteration of the second story. Because of the shape of the lot the existing buildings foot print depth of existing garage and proximity to the road it requires a variance

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.

The shape of the lot as well as the existing structure are the extrodinary circumstances which require a variance

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.


The granting of the variance will not negatively affect the inhabitants of Genoa Township in any way

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.

The project will only have a positive impact on the surrounding neighborhood

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: 1-15-2020 Signature: 



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: January 7, 2020

RE: ZBA 20-01

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

STAFF REPORT

File Number: ZBA#20-01
Site Address: 941 Sunrise Park Drive
Parcel Number: 4711-09-201-048
Parcel Size: .243 Acres
Applicant: Tim Chouinard, Chouinard Building
Property Owner: Kniivila, David, 941 Sunrise Park Drive, Howell
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a front and rear yard setback 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 January 5, 2020 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 there is no constructed date of the home.
- Parcel is serviced by public sewer and private well.
- See 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 proposed project is to construct an addition on an existing home. In order to construct the proposed addition, the applicant would be required to obtain a front and rear yard variance. The applicant is proposing to maintain the same rear yard setback as the existing home and increasing the front yard setback by 2 feet.

Variance Requests

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

Table 3.04.01 (LRR District):

SINGLE FAMILY STRUCTURE	Front Setback	Rear House Setback
Required Setbacks	35	40
Setback Amount Requested	29.8'	36.7'
Variance Amount	5.2'	3.3'

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 and rear yard setbacks would prevent the applicant from constructing the proposed addition. The proposed placement of the addition in the front yard is increasing the front yard setback by 2 feet. The second story addition will maintain the same rear yard setback as existing structure. The variances requested appear to be the least necessary to provide substantial justice and granting of the requested variances is necessary for the preservation and enjoyment of the property.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the shallow depth of the lot with the location of the platted park bordering a portion of the rear of the property. The front and rear yard variances would make the property consistent with other properties in the vicinity.
- (c) Public Safety and Welfare** – The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variances would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

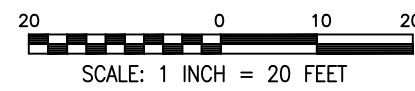
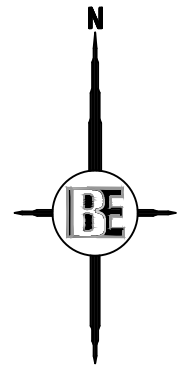
If the Zoning Board of Appeals grants the variance requests staff recommends the following conditions be placed on the approval.

1. Structure must be guttered with downspouts.

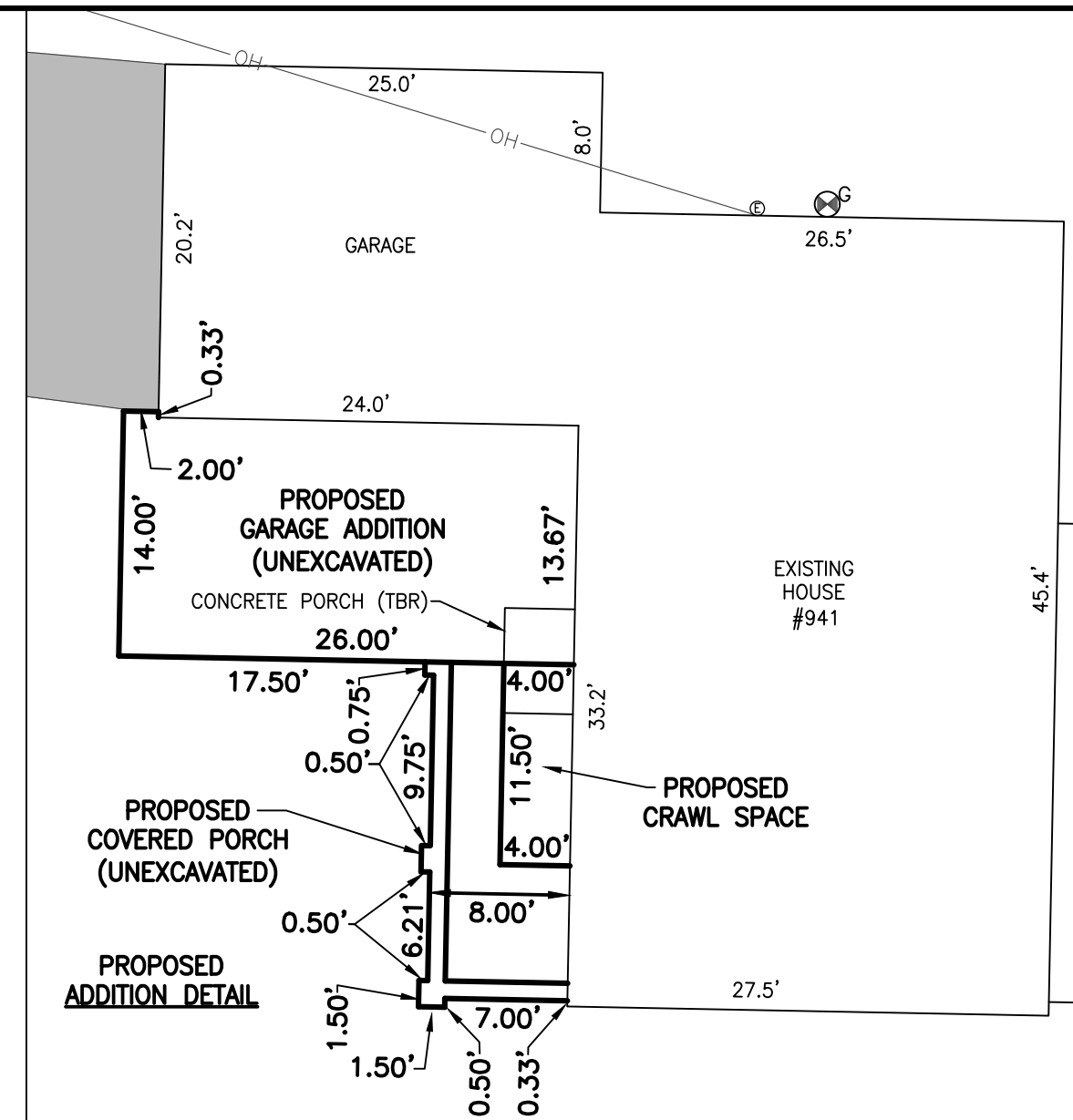
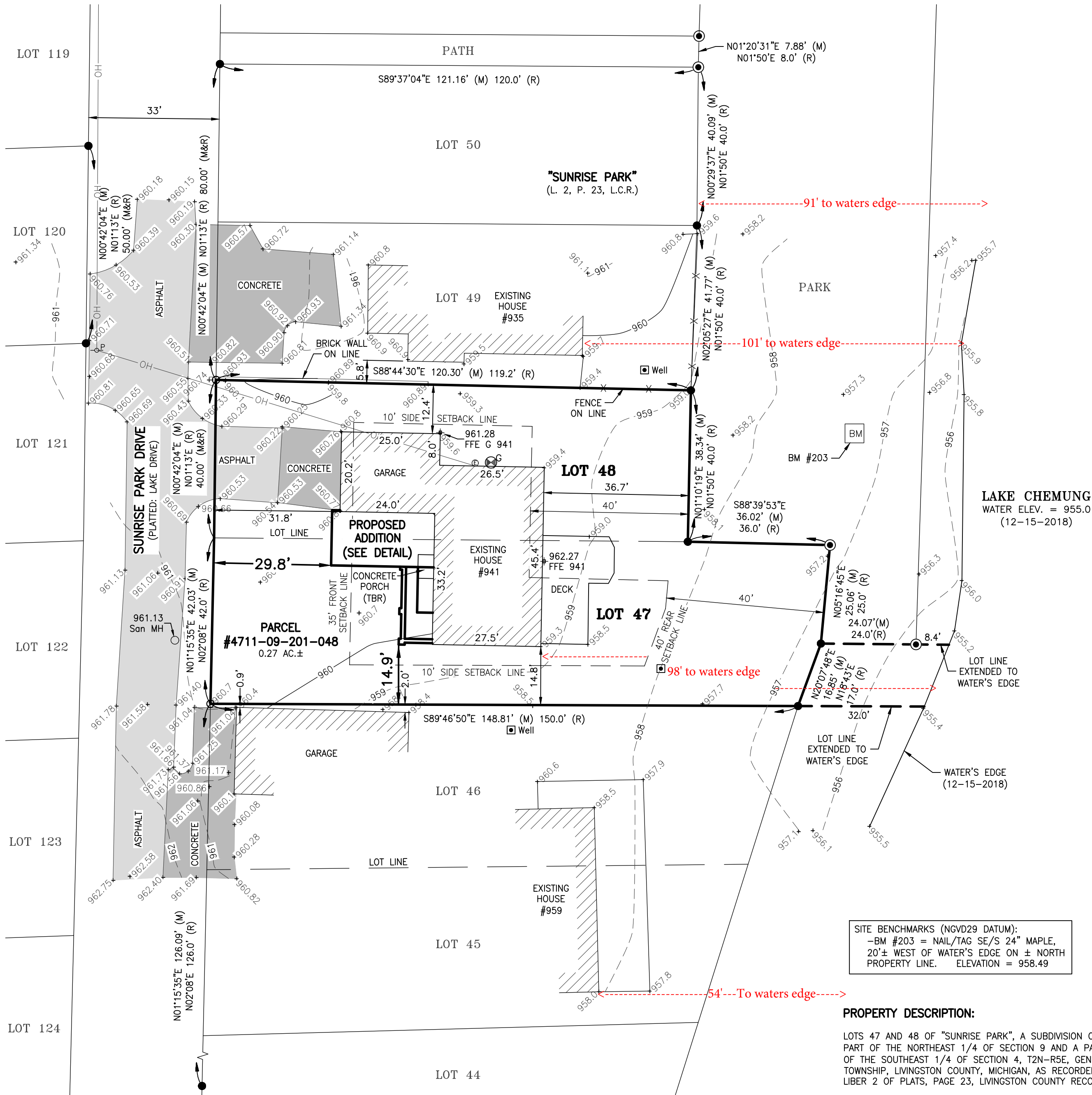
GENOA TOWNSHIP



BOUNDARY/TOPOGRAPHICAL SURVEY/PLOT PLAN



CURRENT ZONING: LRR (LAKESHORE RESORT RESIDENTIAL)
 MINIMUM SETBACK REQUIREMENTS:
 FRONT = 35 FEET
 SIDES = 10 FEET
 REAR = 40 FEET
 MAXIMUM BUILDING HT. = 25 FEET OR (2) STORIES



LEGEND

- 900 - EXISTING CONTOUR
- + 922.00 - EXISTING SPOT ELEVATION
- P - POWER POLE
- ⊙ - ELECTRICAL METER
- ⊠ - WELL
- ⊙ - GAS METER
- - STEEL ROD SET
- - STEEL ROD OR PIPE FOUND
- ⊙ - MONUMENT FOUND
- OH - OVERHEAD WIRES
- X - FENCE
- SAN MH - SANITARY MANHOLE
- L - LIBER
- P - PAGE
- L.C.R. - LIVINGSTON COUNTY RECORDS
- (M&R) - MEASURED AND RECORD
- FFE - FINISHED FIRST FLOOR ELEVATION

GENERAL SURVEY NOTES:

- BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.
- SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
- EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
- ELEVATIONS WERE ESTABLISHED RELATIVE TO BENCHMARK INFORMATION BY BOSS ENGINEERING AS SHOWN ON JOB NO. 17-415, DATED 12-18-17. (NGVD29 DATUM)
- CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
- SUBJECT PROPERTY IS DESIGNATED AN AREA DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOOD ELEVATION FOR LAKE CHEMUNG, THE ESTIMATED ELEVATION IS 961.5, NGVD29 DATUM, AS ESTABLISHED BY MDEQ.
- ENTIRE LOTS 47 AND 48 ARE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.

SITE BENCHMARKS (NGVD29 DATUM):
 - BM #203 = NAIL/TAG SE/S 24" MAPLE,
 20'± WEST OF WATER'S EDGE ON ± NORTH
 PROPERTY LINE. ELEVATION = 958.49

PROPERTY DESCRIPTION:

LOTS 47 AND 48 OF "SUNRISE PARK", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 9 AND A PART OF THE SOUTHEAST 1/4 OF SECTION 4, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.

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

3 WORKING DAYS
 BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171
(TOLL FREE)
 FOR THE LOCATION OF UNDERGROUND UTILITIES

BOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 517.546.4836 FAX 517.548.1670

PROJECT: **LOTS 47 & 48 OF "SUNRISE PARK"**
 PREPARED FOR: **CHOUNARD CUSTOM HOMES**
 932 SUNRISE PARK DRIVE
 HOWELL, MICHIGAN 48843
 517-546-6587

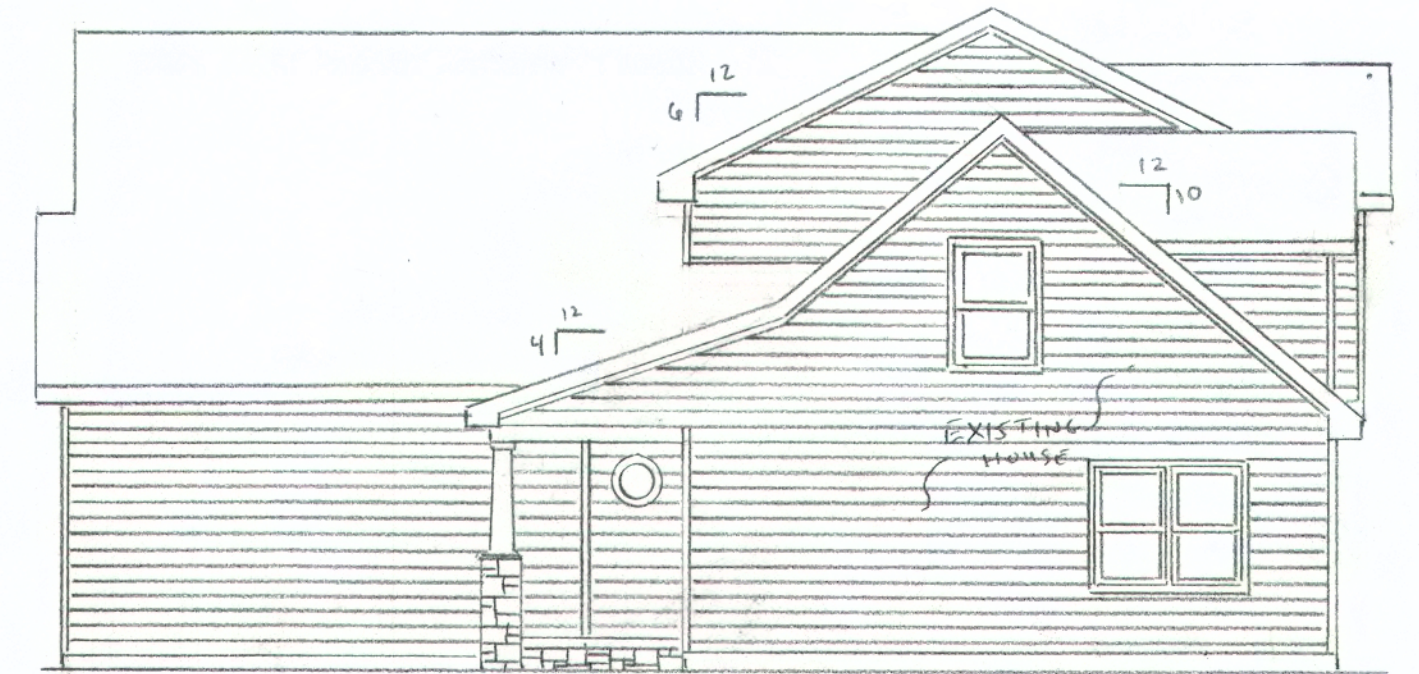
TITLE: **BOUNDARY/TOPOGRAPHICAL SURVEY/PLOT PLAN**

NO	BY	PROPOSED HOUSE REVISION PER	DATE
1	AEB		10-30-19

DESIGNED BY: _____
 DRAWN BY: WRW
 CHECKED BY: _____
 SCALE: 1" = 20'
 JOB NO. 18-456
 DATE: 1-10-19
 SHEET NO. **1 OF 1**



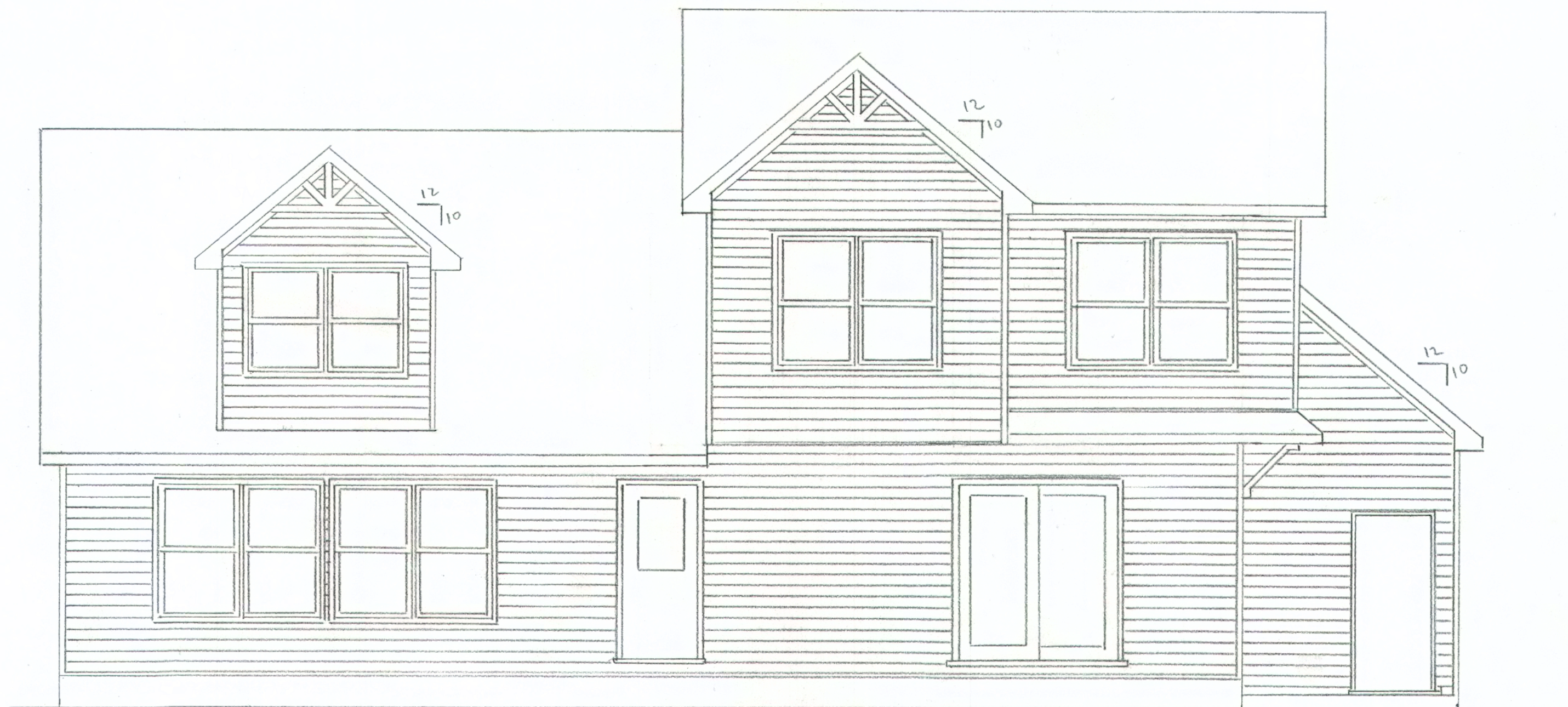
FRONT ELEVATION
SCALE: 1/4" = 1'0"



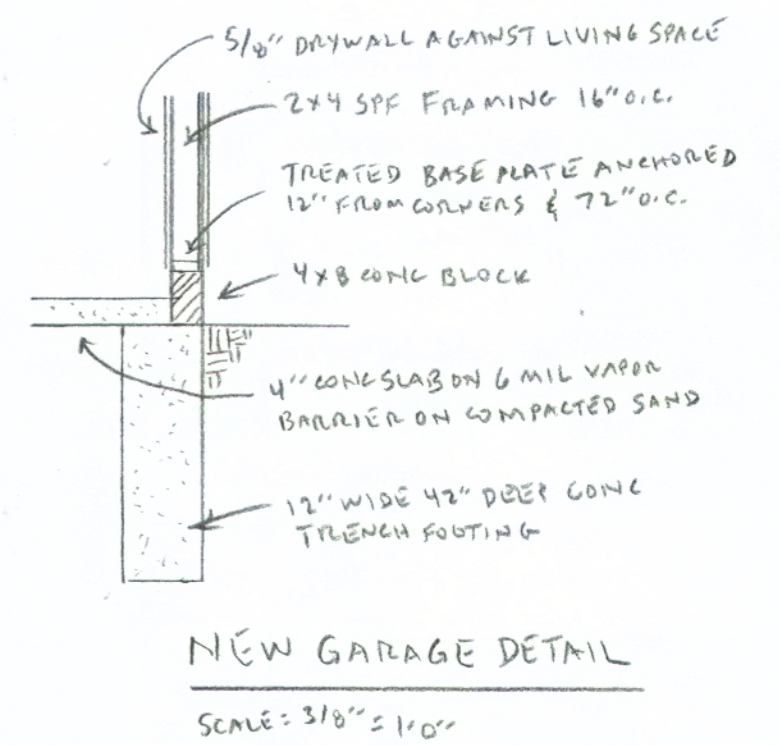
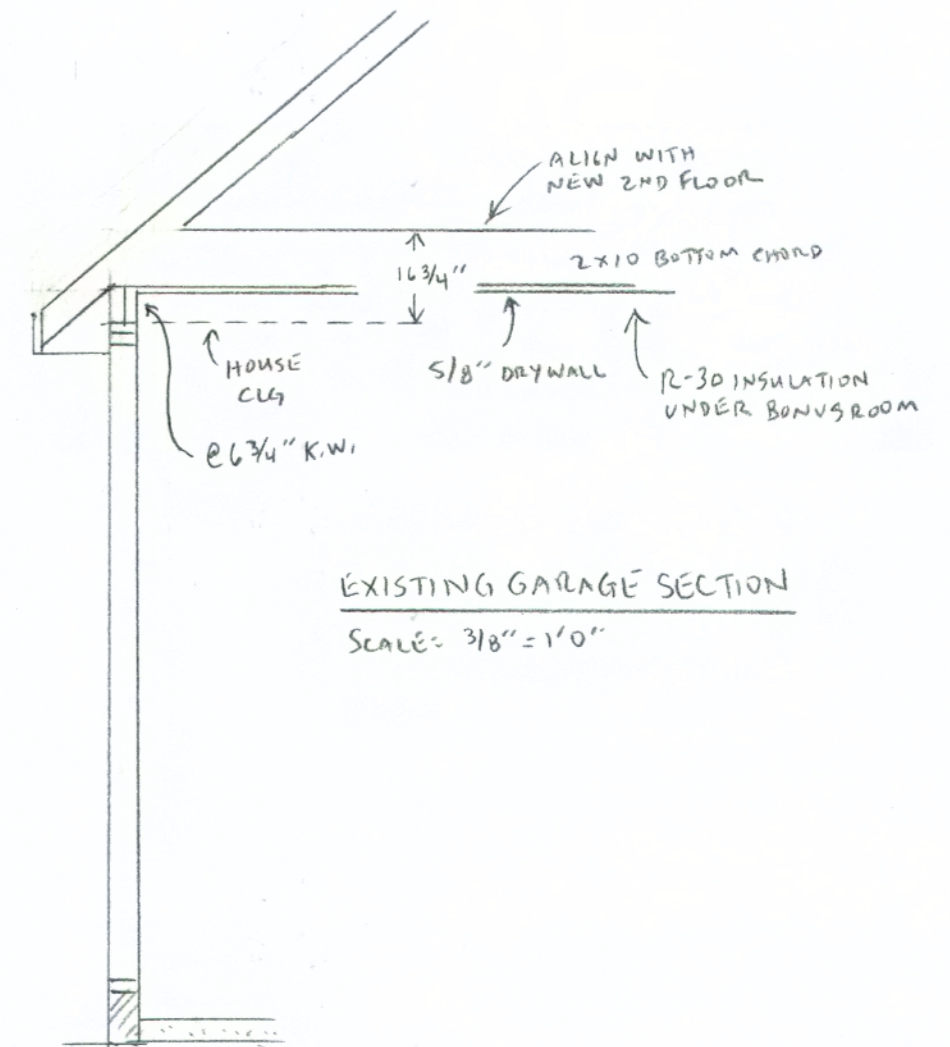
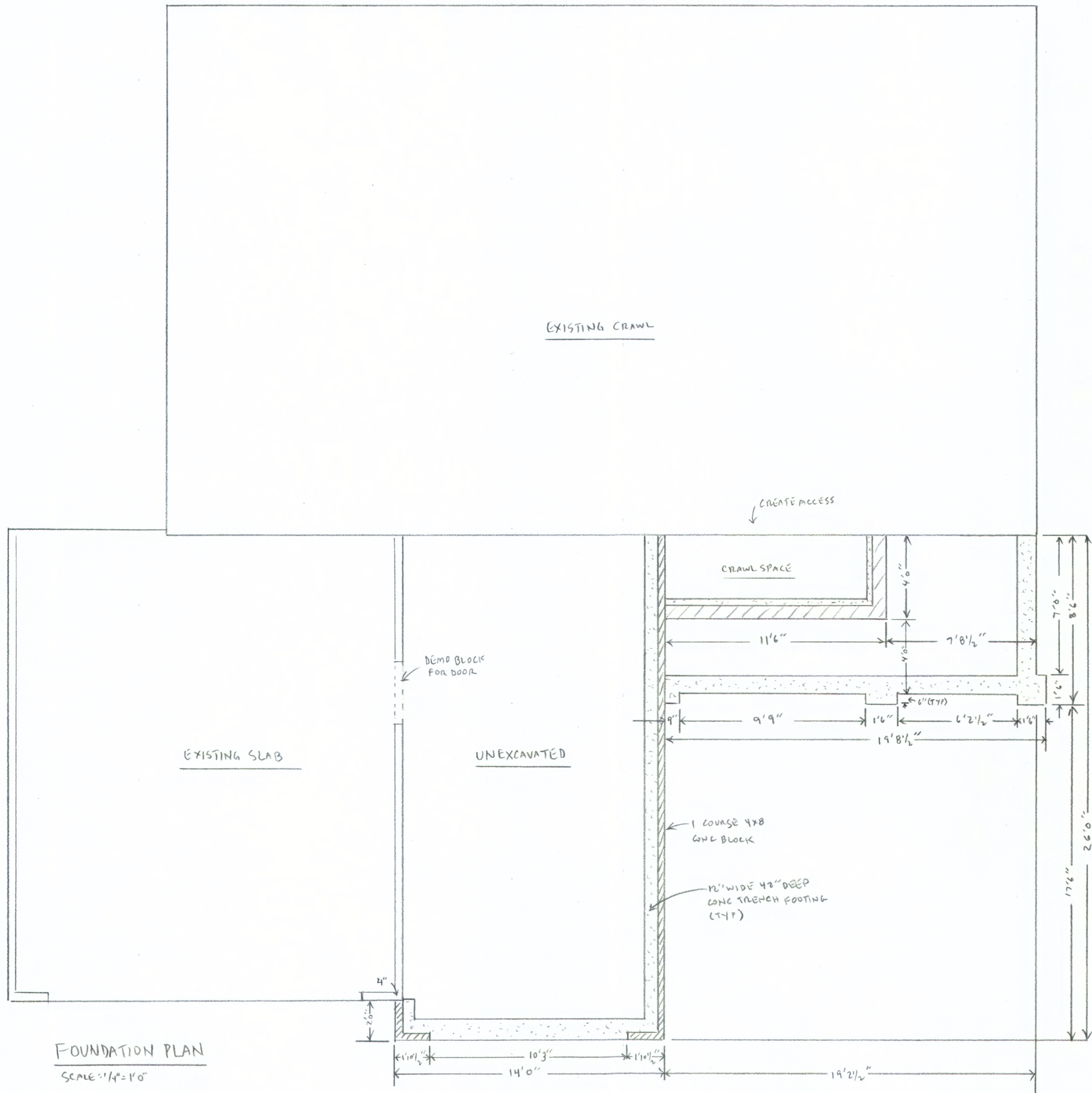
RIGHT ELEVATION
SCALE: 1/8" = 1'0"

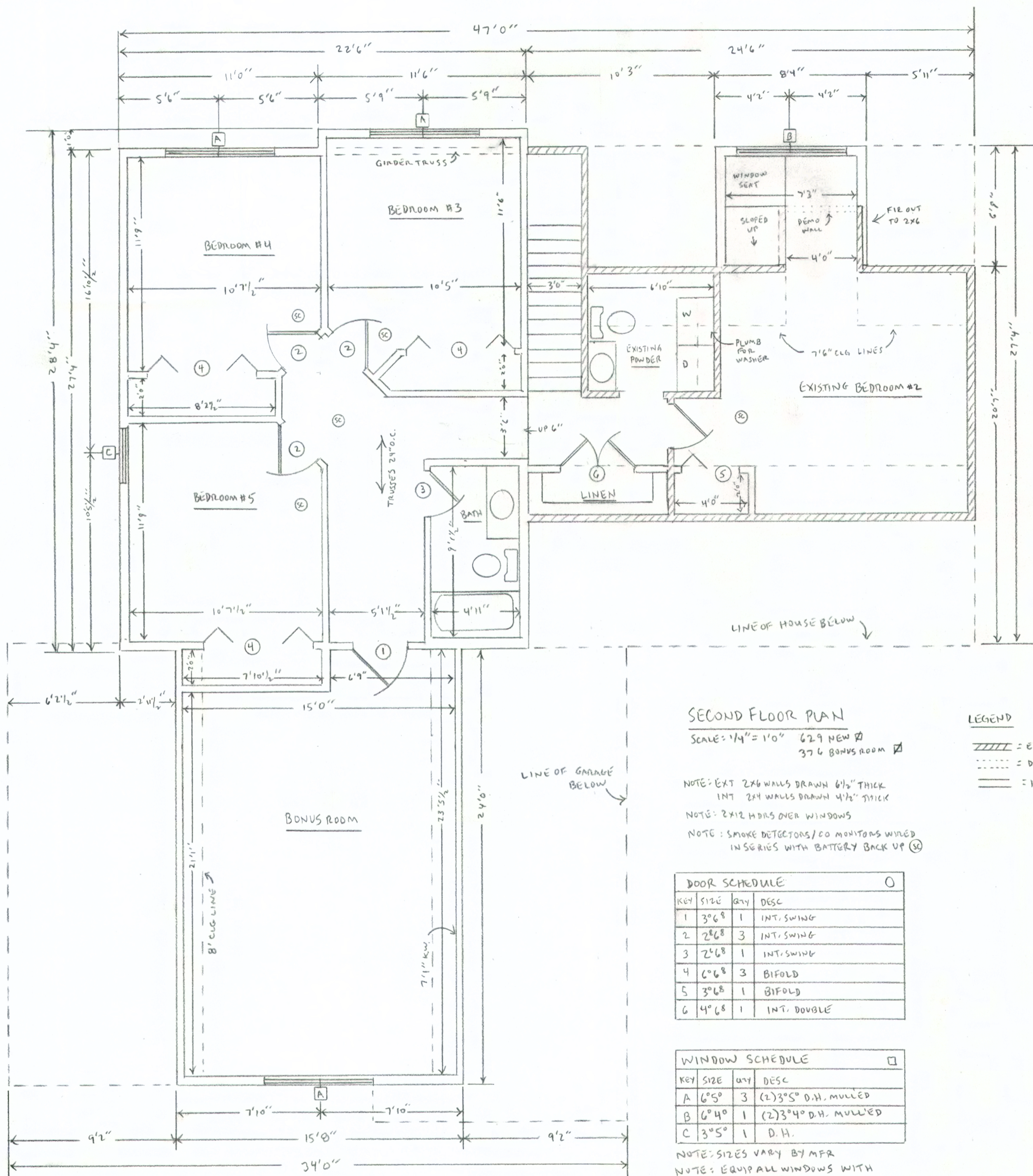


LEFT ELEVATION
SCALE: 1/8" = 1'0"



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





SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0" 629 NEW # 376 BONUS ROOM

NOTE: EXT 2x6 WALLS DRAWN 6 1/2" THICK
 INT 2x4 WALLS DRAWN 4 1/2" THICK
 NOTE: 2x12 HDRS OVER WINDOWS
 NOTE: SMOKE DETECTORS/CO MONITORS WIRED IN SERIES WITH BATTERY BACK UP

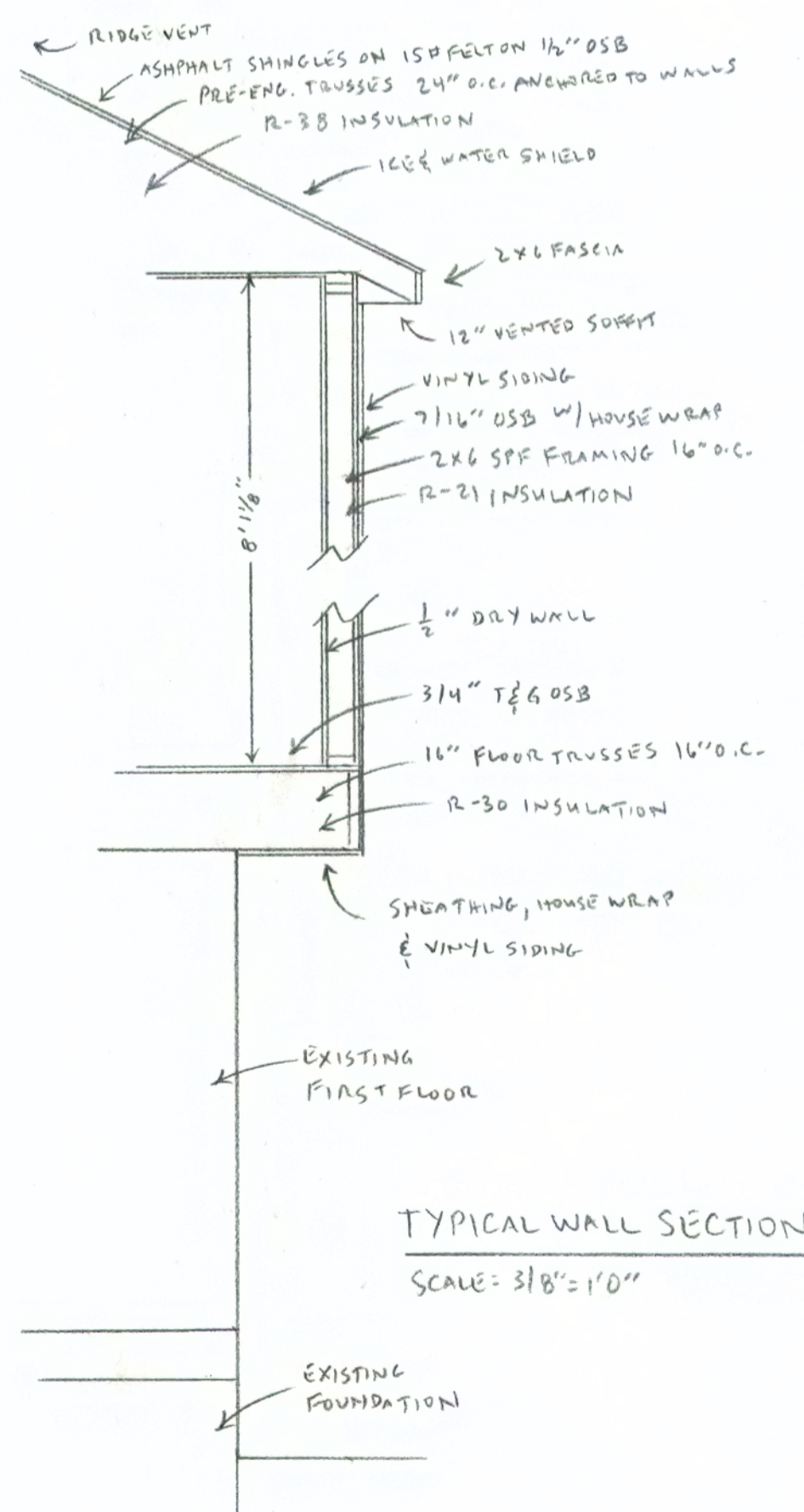
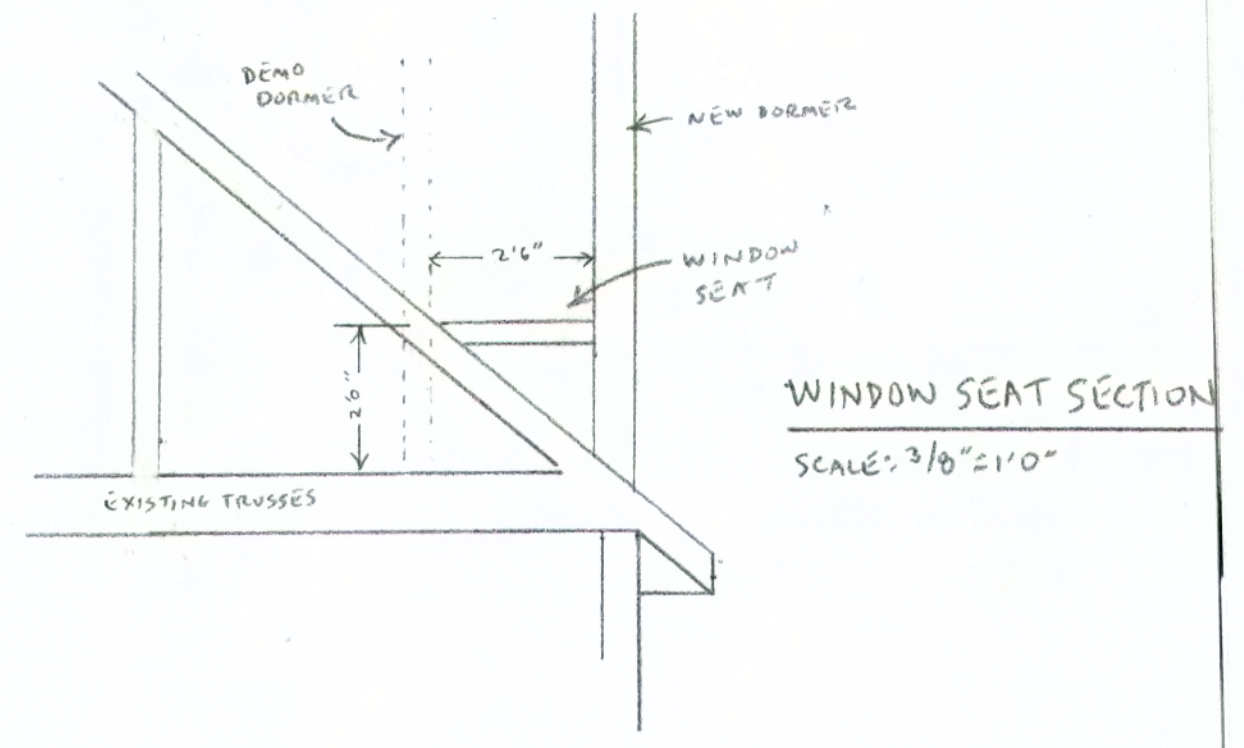
LEGEND

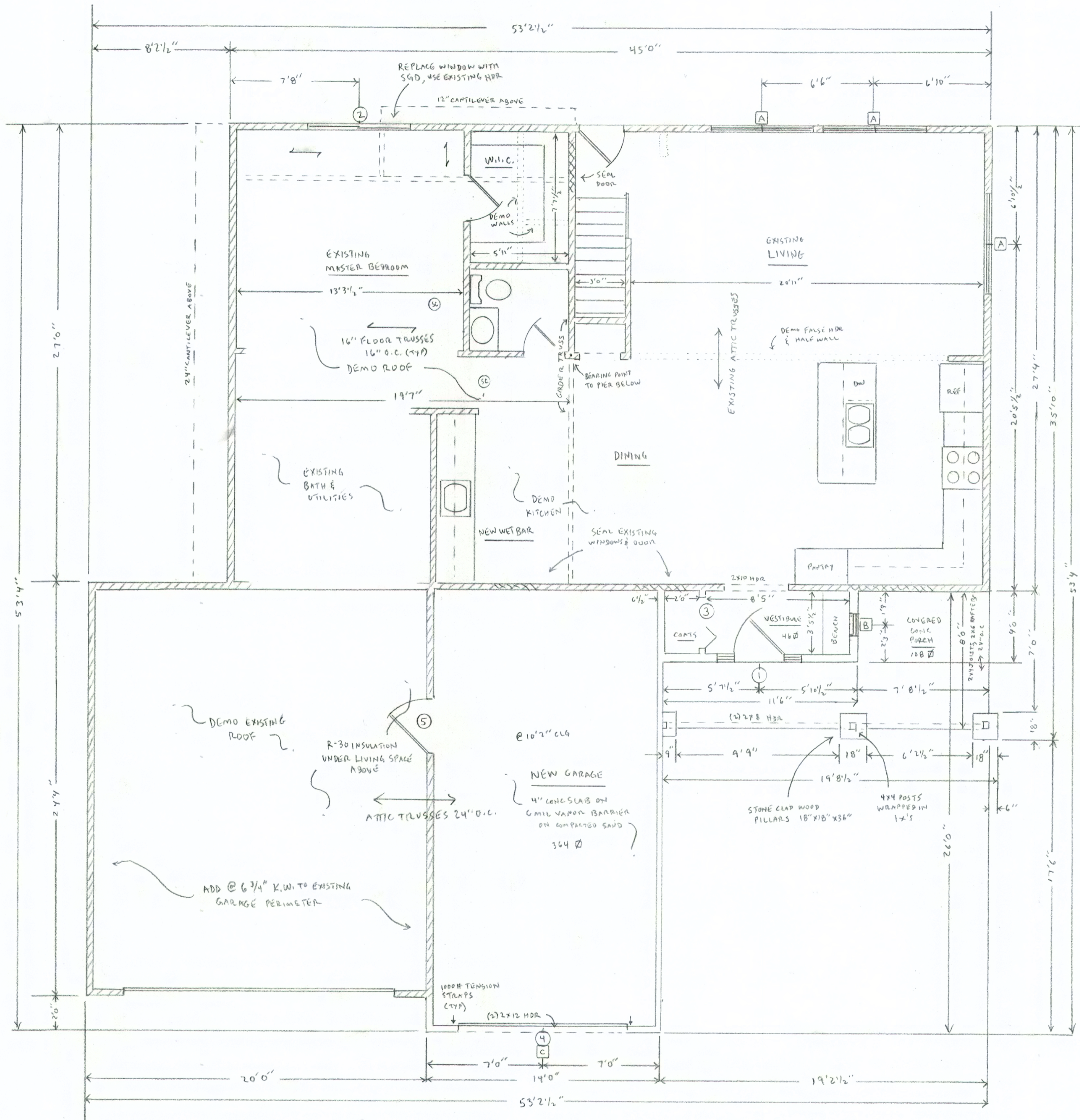
- = EXISTING
- = DEMO
- = NEW

DOOR SCHEDULE			
KEY	SIZE	QTY	DESC
1	3'0" x 6'8"	1	INT. SWING
2	2'6" x 6'8"	3	INT. SWING
3	2'6" x 6'8"	1	INT. SWING
4	6'0" x 6'8"	3	BIFOLD
5	3'0" x 6'8"	1	BIFOLD
6	4'0" x 6'8"	1	INT. DOUBLE

WINDOW SCHEDULE			
KEY	SIZE	QTY	DESC
A	6'0" x 5'0"	3	(2) 3'5" D.H. MULL'D
B	6'0" x 4'0"	1	(2) 3'4" D.H. MULL'D
C	3'0" x 5'0"	1	D.H.

NOTE: SIZES VARY BY MFR
 NOTE: EQUIP ALL WINDOWS WITH SAFETY STOPS





FIRST FLOOR PLAN

SCALE: 1/4" = 1'0"

NOTE: NEW EXT 2x6 WALLS DRAWN 1/2" THICK
 EXISTING & GARAGE 2x4 WALLS DRAWN 1/8" THICK

NOTE: 2x12 HDAS OVER NEW WINDOWS & DOOR

NOTE: SMOKE DETECTORS/CO MONITORS W/AGED IN
 SONES WITH BATTERY BACK UP (SC)

LEGEND

▨ = EXISTING
 ▩ = SEALED
 - - - = DEMO
 — = NEW

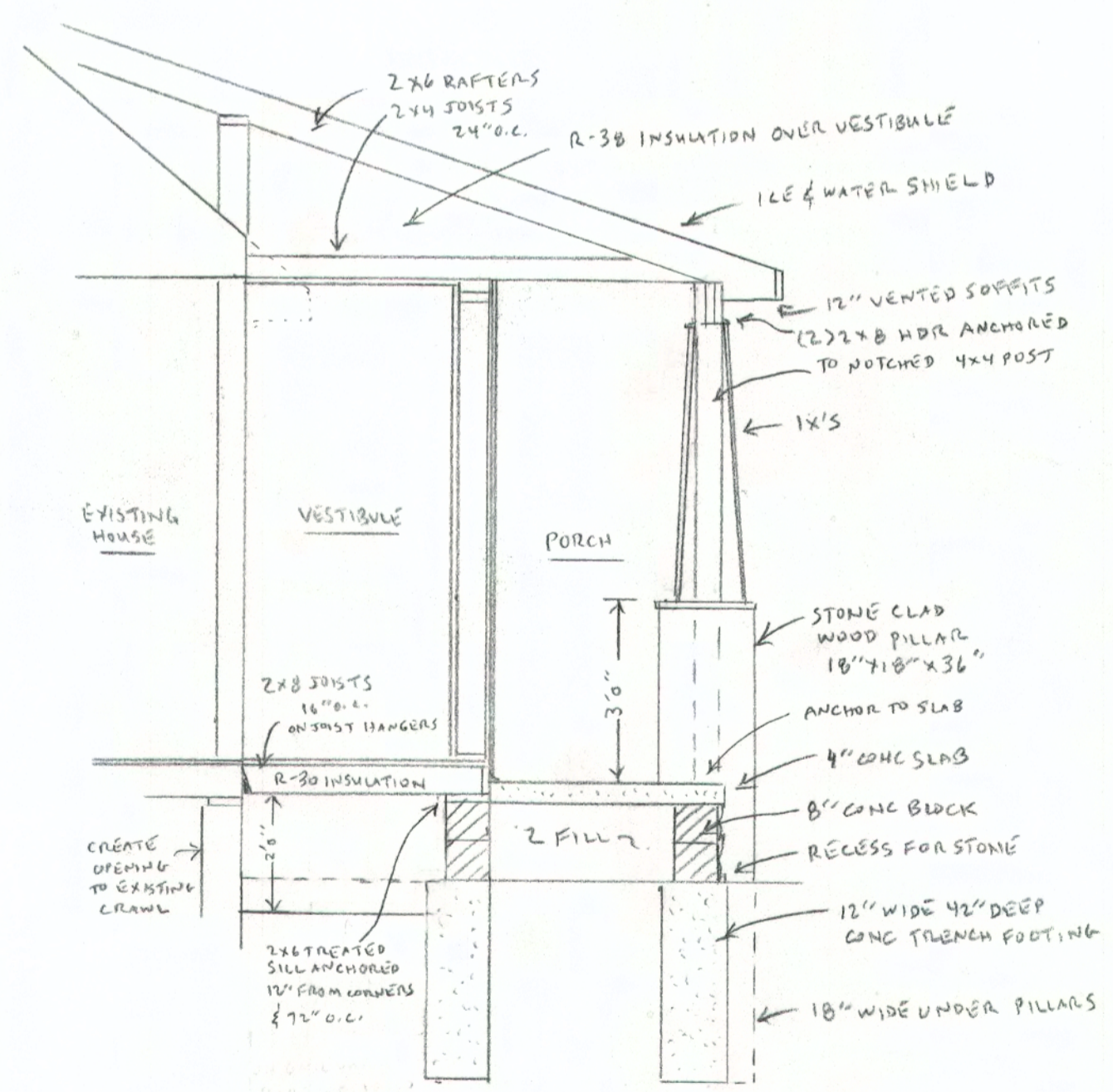
DOOR SCHEDULE

KEY	SIZE	QTY	DESC
1	5'6"	1	3'6" PANEL w/ 12" SIDINGLES
2	6'6"	1	SLIDING GLASS
3	3'6"	1	BIFOLD
4	10'8"	1	OVERHEAD GARAGE
5	3'8"	1	INT. SWING

WINDOW SCHEDULE

KEY	SIZE	QTY	DESC
A	6'5"	3	(2) 3'5" D.H. MULL'ED
B	16" DIA	1	FIXED ROUND
C	2'2"	1	FIXED (IN GABLE)

NOTE: SIZES VARY BY MFR



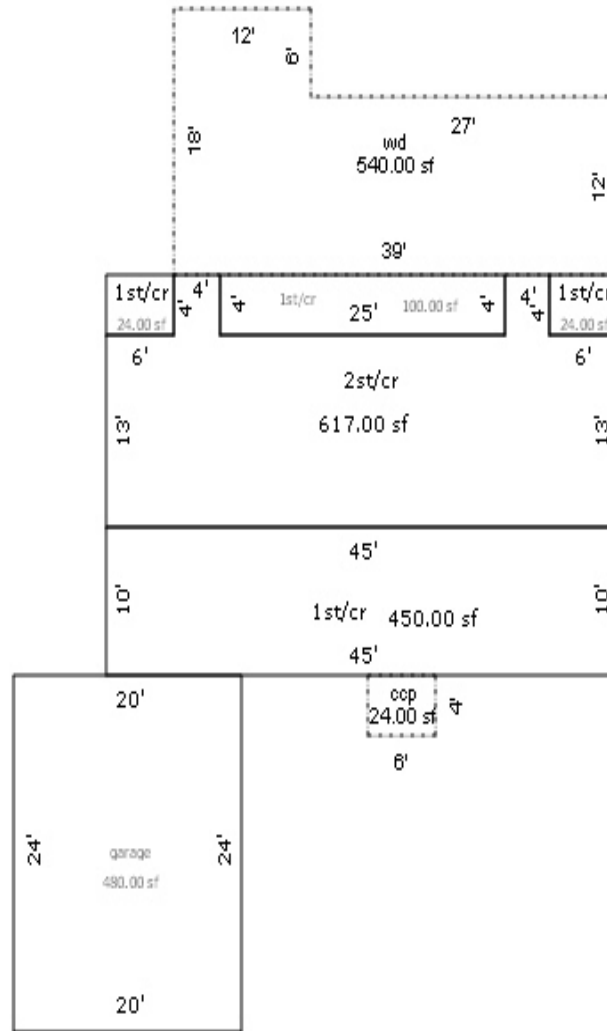
VESTIBULE/PORCH SECTION

SCALE: 3/8" = 1'0"

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
WILLIAMS TRUST & WILLIAMS	KNIIVILA DAVID	230,000	12/29/2011	WD	INVALID SALE	2012R-000392	BUYER	100.0			
WILLIAMS TRUST & WILLIAMS	WILLIAMS TURST & WILLIAMS	0	10/07/2010	QC	INVALID SALE	2010R-027213	BUYER	0.0			
WILLIAMS WARREN J & CARL H	WILLIAMS TRUST & WILLIAMS	0	02/26/2008	QC	INVALID SALE	2008R-007502	BUYER	0.0			
WILLIAMS, CHARLOTTE E.	WILLIAMS WARREN J & CARL H	0	04/28/2007	QC	INVALID SALE	2007R-013644	BUYER	100.0			
Property Address		Class: 401 RESIDENTIAL-IM		Zoning: LRR	Building Permit(s)		Date	Number	Status		
941 SUNRISE PARK		School: HOWELL									
		P.R.E. 100% 12/29/2011									
Owner's Name/Address		MAP #: V20-01									
KNIIVILA DAVID 941 SUNRISE PARK HOWELL MI 48843		2020 Est TCV Tentative									
		X	Improved	Vacant	Land Value Estimates for Land Table 4302.SUNRISE PARK						
		Public Improvements		* Factors *							
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road		A LAKE FRONT	50.00	141.00	1.0000	1.0000	2800	100	140,000
		Paved Road		B LAKEVIEW FRT	25.00	141.00	1.0000	1.0000	1600	100	40,000
		Storm Sewer		75 Actual Front Feet, 0.24 Total Acres Total Est. Land Value = 180,000							
		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	2020	Tentative	Tentative	Tentative		Tentative	
					2019	97,200	130,300	227,500		106,469C	
					2018	93,100	124,700	217,800		103,974C	
					2017	81,500	127,200	208,700		101,836C	
Tax Description		SEC. 9 T2N, R5E, SUNRISE PARK LOTS 47 AND 48									
Comments/Influences		WATERFRONT INCLUDES PARK ACCESS									
											
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 24 396	Type CCP (1 Story) Pine	Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 480 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		(4) Interior Drywall Paneled		Plaster Wood T&G				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 X Forced Heat & Cool Heat Pump No Heating/Cooling							
Building Style: C		Trim & Decoration		Ex			X	Ord	Min	Class: C Effec. Age: 20 Floor Area: 1,832 Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
Yr Built 1990	Remodeled 0	Size of Closets		Lg	X	Ord		Small	Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:		
Condition: Good		Doors:			Solid	X	H.C.		Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:		
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric 0 Amps Service			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:		(12) Electric 0 Amps Service			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Heat & Cool, Air Conditioning Ground Area = 1215 SF Floor Area = 1832 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=80/100/100/100/80 Building Areas			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
	Wood/Shingle X Aluminum/Vinyl Brick	Ex.		X	Ord.	Min	No. of Elec. Outlets			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
	Insulation	(7) Excavation		Many			X	Ave.	Few	Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
(2) Windows		Basement: 0 S.F. Crawl: 1215 S.F. Slab: 0 S.F. Height to Joists: 0.0		(13) Plumbing			Average Fixture(s) 2 3 Fixture Bath 1 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			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
X	Many Avg. Few	X	Large Avg. Small	(8) Basement			Conc. Block Poured Conc. Stone Treated Wood Concrete Floor			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	(9) Basement Finish		Recreation SF Living SF Walkout Doors No Floor SF			(14) Water/Sewer			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
(3) Roof		(10) Floor Support		Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Lump Sum Items:			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
X	Gable Hip Flat		Gambrel Mansard Shed	Joists: Unsupported Len: Cntr.Sup:			Notes: ECF (4302 SUNRISE PARK LAKEFRONT) 1.500 => TC			Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
X	Asphalt Shingle									Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	
Chimney: Brick										Total Base New : 240,167 Total Depr Cost: 192,135 Estimated T.C.V: 288,203			E.C.F. X 1.500		Bsmnt Garage: Carport Area: Roof:	

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



Sketch by Apex Medina™

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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DECEMBER 17, 2019 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel 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: Greg Rassel, Marianne McCreary, Jean Ledford, Bill Rockwell, and Amy Ruth, Zoning Official. Absent was Michelle Kreutzberg.

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 Rockwell, 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. 19-31...A request by Cathy Cedar, vacant, Parcel #11-22-302-029, Noble Drive, for a variance to allow a three story structure with side, front, and rear yard setback variances, lot coverage variance, and a height variance to construct a new home. (Request to postpone)

Ms. Ruthig stated that the applicant requested to have this item postponed this evening and is aware that her request can only be postponed one more time until it will need to be withdrawn.

Moved by Board Member McCreary, seconded by Board Member Ledford, to postpone Case #19-31 until the end of 2020, at the applicant's request. **The motion carried unanimously.**

2. 19-41 ... A request by Wallace and Sons Enterprises, LLC, 855 Victory Drive, for a front yard setback and natural features setback variance to allow existing structures.

Ms. Rebecca Cassell, representing the applicant, and Mr. Wallace were present. Ms. Cassell believes that her client is now in compliance with the ordinance. Mr. Wallace has worked over the last month to meet the requirements.

They are requesting two variances. Both of these are after-the-fact variances.

One from the front road setback for a small corner of the building. The building has already been completed. While it was being built, the contractor who laid the foundation put the footings just a little wider in one area and it resulted in one corner of the building to be built two feet, two inches into the 50-foot setback. It is not for the entire building; it is just the one corner.

The second one is the natural features setback. The applicant has hired ASTI to perform a wetlands study and that information was provided to the Township. This is where the cement storage bins are located. They encroach by four feet. It is not all of the bins, just the northern four bins.

Both of these variances were errors done by the contractors and they believed they were doing them properly. This is not a case where Mr. Wallace simply did not follow the ordinance. All of the proper steps were attempted to be taken when they were being built. They do not believe that approving these variances would be setting a precedent. The practical difficulty and substantial justice are that this is a 9,000 square foot building and the storage bins are poured concrete with rebar. If the variances are denied, both the building and the bins would have to be demolished and re-erected.

ASTI noted that the concrete bins are a great barrier to ensure nothing being stored in them would leach into the wetlands. The structures are very sturdy.

The contractors did their work in good faith and believed they were following the plans.

She noted that the public safety and welfare are not different than if the site was in strict compliance with the ordinance. Granting the variances does not pose a safety risk and the impact on the surrounding neighborhood is the same. They are relatively-small encroachments.

They have completed the permit for the overflow detention basin and submitted it to EGLE and are waiting for their response.

She added that no work or storage is being done on the site. They are aware that the building permits have expired and the completion of the building is on hold pending the outcome of these variance requests.

Board Member McCreary questioned Mr. Wallace as to when he learned that the footings were put in the wrong location. Mr. Wallace stated that the day the work was being done, the footings had to be twice as wide as they should have been because the soil was collapsing. Then the block contractor put the blocks in the incorrect location. He learned of this when the engineer provided the as-built plans. She advised him that he was required to report this information to the Township. Mr. Wallace stated the footings were in compliance; unfortunately the block contractor made the error. He did not follow the plan and followed the footings. Ms. Cassell

stated that the fact that the footings were built larger did not require the site plan to be reviewed and approved. Mr. Wallace knows that since he was the general contractor, he should have re-measured after the footings were installed.

Board Member McCreary questioned how the cement bins were built incorrectly. Mr. Wallace stated that he had the location for the bins marked; however, he was not on site the day the work was done and the contractor made the mistake. She understands that the contractor made the error; however, the applicant is responsible. She also noted that Mr. Wallace is on a land contract for this property so now the current property owner is affected by these errors. She reviewed the numerous citations that the Township issued and ignored. She believes the applicant was negligent and disrespected the Township by ignoring the citations.

Board Member Ledford asked the applicant that if he receives these variances, would he comply with the Township's requirements, obtain the proper permits, etc. Mr. Wallace answered, yes. Ms. Cassell stated that Mr. Wallace has hired her to assist him with the process and ensure that all of the steps are completed properly.

Board Member Rockwell asked if any of the contractors have admitted their negligence and Mr. Wallace stated, no. He asked why the bins were put so far back on the property and so close to the wetlands. Mr. Wallace agrees that he should have marked off further away from the wetlands than what he did to allow for any error by the contractor. Ms. Cassell noted the business that Mr. Wallace operates uses large and heavy equipment so there needs to be room for it to maneuver around the site and in and out of the building.

Board Member McCreary asked if a wetlands surveyor marked the area for the wetlands. Mr. Wallace stated that the engineer marked it off with ribbons. He noted the brush in that area was very dense and there may have been areas that were not able to have ribbons placed. Board Member McCreary advised Mr. Wallace that when work is being done near wetlands it needs to be done properly.

Chairman Rassel asked how these errors were discovered. Ms. Ruthig stated that she and Ms. VanMarter were performing a site visit and noticed how close the bins were to the wetlands so they requested as-built plans. Those plans showed the error for the bins as well as the building setback.

Board Member McCreary asked if soil borings were done and Mr. Wallace stated, yes. Based on the engineer's plans, he had to bring in sand and have it compacted to raise the grade. This is what collapsed when they were putting in the footings.

The call to the public was made at 7:21 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to deny Case #19-41 for Wallace and Sons Enterprises, LLC of 855 Victory Drive for a front yard setback and natural features setback to allow existing structures, based on the following finds of fact

- This is self-created, which is one of the compliance features that has to be shown, that it is not self-created.
- There are no extraordinary circumstances except that the as-builts and submitted plans were not complied with to follow the plans approved by the Planning Commission.
- Granting this variance would not increase the congestion on streets or endanger the safety of the inhabitants of Genoa Township.
- The impact on the surrounding neighborhood could be questioned because there could be some impact on the significant wetlands in the area and they cannot just be ignored; it would set a precedent.

The motion carried (Ledford - no; Rockwell - yes; McCreary - yes; Rassel - yes).

New Business

3. 19-42 ... A request by Sandra Gavin, 7900 Collingwood Drive (4711-13-400-003 and 4711-13-401-045), for a variance to split property to create a non-conforming lot.
(Request to withdraw)

Ms. Ruthig stated that this request can be withdrawn because it is in compliance.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to withdraw Case #19-42 for Sandra Gavin of 7900 Collingwood Drive for a variance to split property to create a non-conforming lot. **The motion carried unanimously.**

Administrative Business:

1. Approval of the minutes for the October 16, 2019 Zoning Board of Appeals Meeting.

Board Member McCreary noted one change to be made.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes from the October 16, 2019 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

2. Approval of the minutes for the November 17, 2019 Zoning Board of Appeals Meeting.

Board Member McCreary noted one change to be made.

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve the minutes from the November 17, 2019 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

Zoning Board of Appeals Meeting
December 17, 2019 Unapproved Minutes

3. Correspondence – Ms. Ruthig stated there are two cases for next month’s meeting.
4. Township Board Representative Report - Board Member Ledford provided a review of the December 2 and December 16 Board Meetings and the December 10 joint meeting between the Board and the Planning Commission.
5. Planning Commission Representative Report – Board Member McCreary provided a review of the November 19, 2019 Planning Commission meeting.
6. Zoning Official Report – Ms. Ruthig had nothing to report.
7. Member Discussion - There were no items to discuss this evening.
8. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Rockwell, to adjourn the meeting at 7:48 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary