

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
ELECTRONIC MEETING NOTICE  
FEBRUARY 16, 2021  
6:30 P.M.**

Due to Michigan Department of Health and Human Services requirements, this meeting will be virtual. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone. A link will be posted at [www.genoa.org](http://www.genoa.org) the day of the meeting. Please email [info@genoa.org](mailto:info@genoa.org) or call (810) 227-5225 if you have questions.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
FEBRUARY 16, 2021  
6:30 P.M.  
AGENDA**

Call to Order:

Pledge of Allegiance:

Election of Officers:

Introductions: (Name and Location)

Approval of Agenda:

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

1. 21-02... A request by Lawrence Zalewski, 4480 Golf Club Road, for a side yard setback variance to construct an addition to an existing single family home.
2. 21-03...A request by Jeffrey A. Andersen, 1627 Greenmeadow Drive, for side, front and rear yard setback variances to construct a new home.
3. A request by Ralph Slider, 3470 Pineridge Lane, for an appeal of an administrative decision per Section 23.02.01 determining required waterfront setbacks.

Administrative Business:

1. Approval of minutes for the January 19, 2021 Zoning Board of Appeals meetings.
2. Correspondence
3. Member Discussion
4. Adjournment



**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**  
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 21-02

Meeting Date: Feb 16, 2021 @ 6:30pm

PAID Variance Application Fee

\$215.00 for Residential | \$300.00 for Sign Variance | \$395.00 for Commercial/Industrial

Builder  
Applicant/Owner: Lawrence Zalewski Email: Larry Zalewski 19588 charter. MeT  
Property Address: 4480 Golf Club Rd Phone: 313-600-0622  
Present Zoning: Rural Residential Tax Code: 4711-04-100-001

**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, township officials and township staff 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:

Request to Add an 8x12' Addition on South East corner of existin  
Asking for 30" variance  
Not going any closer than existing already is

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.

existing structure is 2'6" to close to east property line

**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.

Existing structure is 27'6" from east property line. We wish to Add on an 8'x 12' Addition to S.E. corner of existing structure to Allow for a Barrier Free Master Bathroom (which will match existing Building)

**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 interference

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: 1/7/21 Signature: 



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 9, 2021  
**RE:** ZBA 21-02

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**File Number:** ZBA#21-02

**Site Address:** 4480 Golf Club Road, Howell

**Parcel Number:** 4711-04-100-001

**Parcel Size:** .833 Acre

**Applicant:** Lawrence Zalewski

**Property Owner:** Diana Murdock, 4480 Golf Club Road, Howell

**Information Submitted:** Application, site plan, elevations

**Request:** Side yard setback variance

**Project Description:** Applicant is requesting a side yard setback variance to construct an addition to an existing single family home.

**Zoning and Existing Use:** Rural Residential (RR), Single family dwelling is located on the property

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday January 30, 2021 and 300 foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

### Background

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

- Per Assessing Records, the home was built in 1975.
- The property will be serviced by a well and a septic system.
- 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

## **Summary**

The applicant is requesting a side yard setback variance to construct an addition to an existing single family home. The proposed addition would maintain the same side yard setback as the current home.

## **Variance Requests**

The following is the section of the zoning ordinance that the variance is being requested from as well the criteria applicable to your review of variances in this regard.

### **Sec. 3.04      DIMENSIONAL STANDARDS**

#### **Sec. 3    Table 3.04.01 (RR)**

**Required Side Yard Setback:    30'**

**Proposed Side Yard Setback:    27'6"**

**Proposed Variance Amount:      2'6"**

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

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

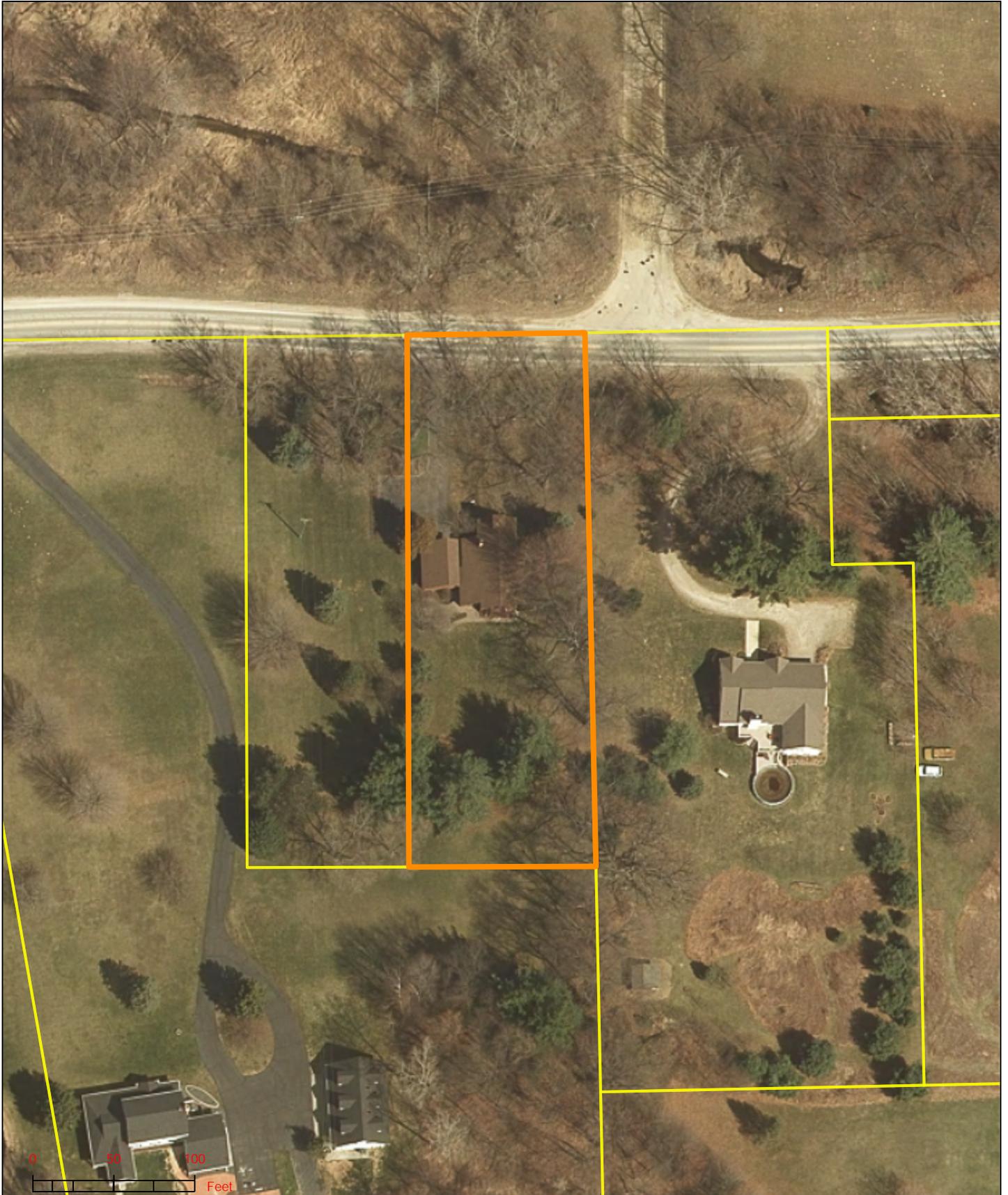
- (a)      Practical Difficulty/Substantial Justice –Strict compliance with the side yard setback would prevent the applicant from constructing the addition in the proposed location. The variance does seem to provide substantial justice for there are a few homes in the surrounding area with non-conforming side yard setbacks due to being located on a narrow lot same as the applicant.
- (b)      Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the existing location of the home, the narrowness of the lot and the location of the septic field. It appears to be the least amount necessary and 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:

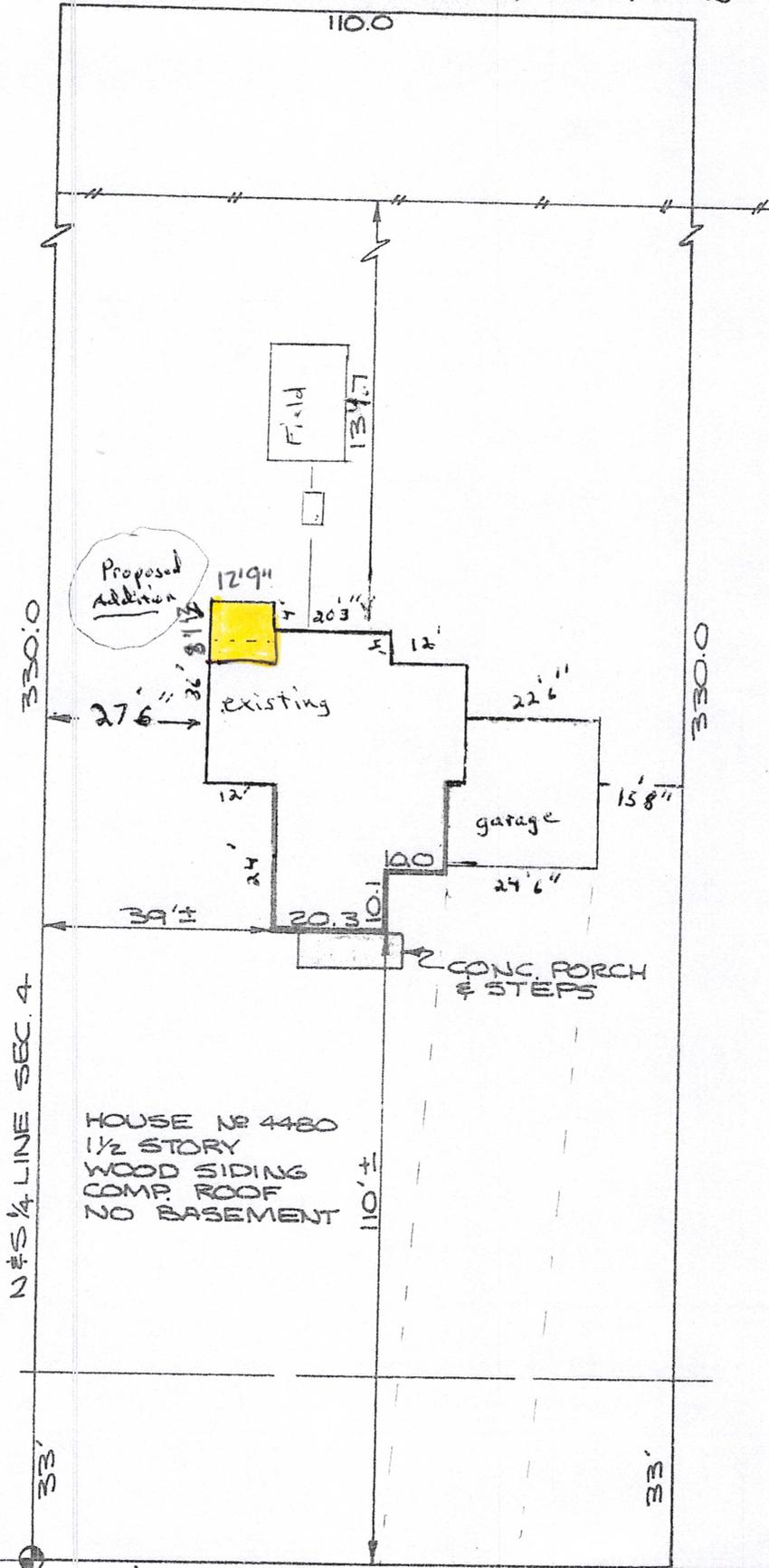
N/A

# GENOA TOWNSHIP



MEETS & BOUNDS  
 GENOA TOWNSHIP  
 LIVINGSTON COUNTY, MICHIGAN

SCALE 1" = 30'  
 FENCE



N 5/4 LINE SEC. 4

HOUSE NO 4480  
 1/2 STORY  
 WOOD SIDING  
 COMP. ROOF  
 NO BASEMENT

N 1/4 COR.  
 SEC. 4  
 T2N R5E

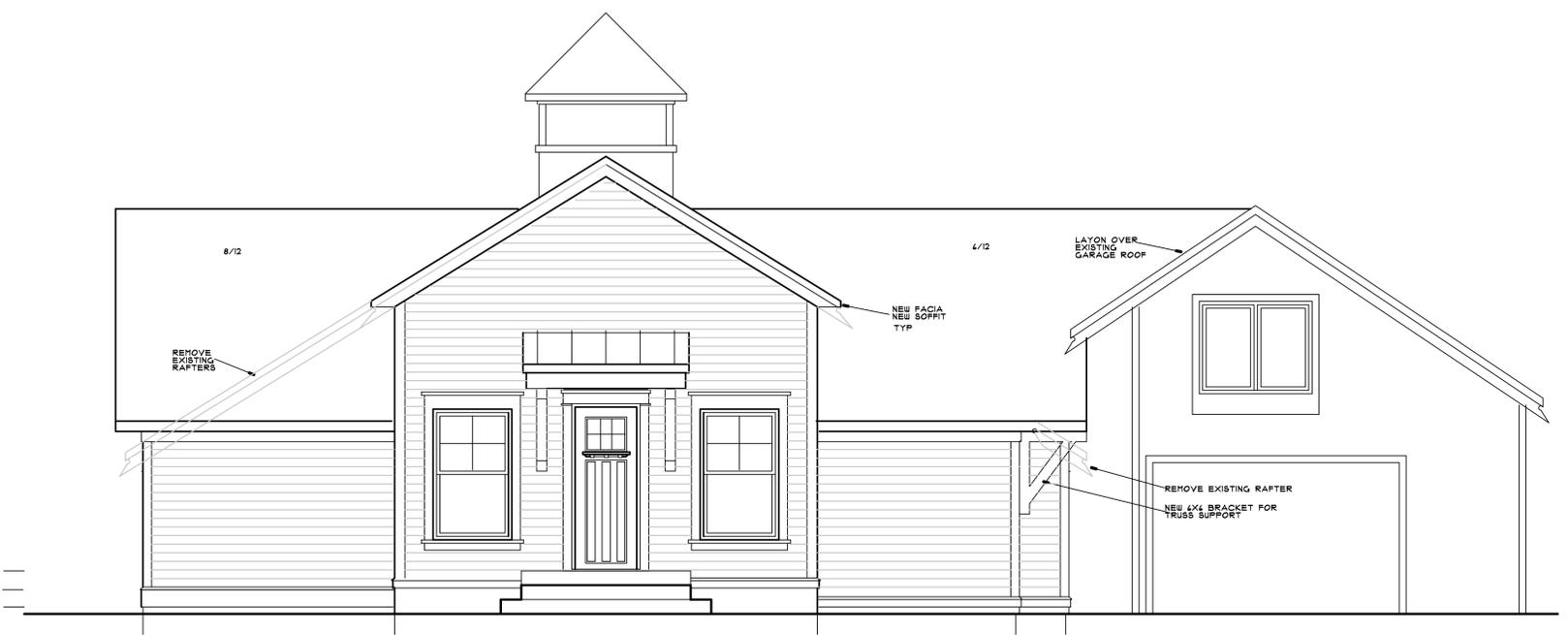




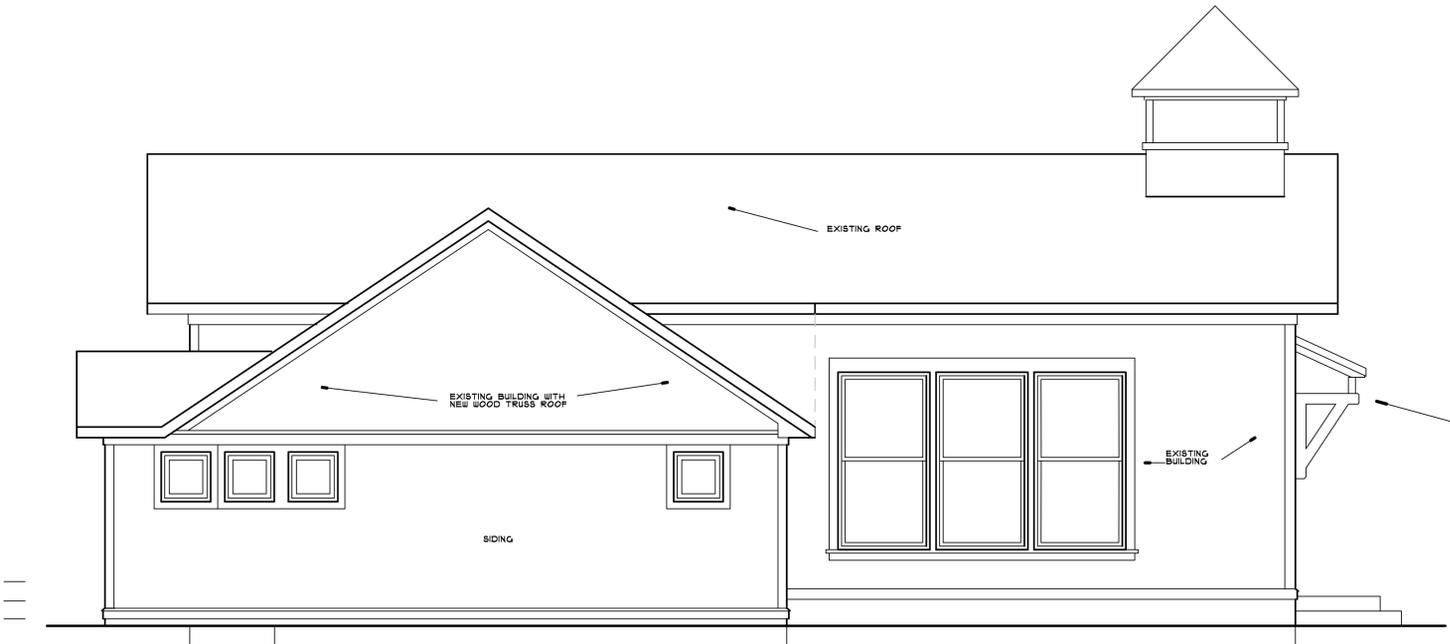




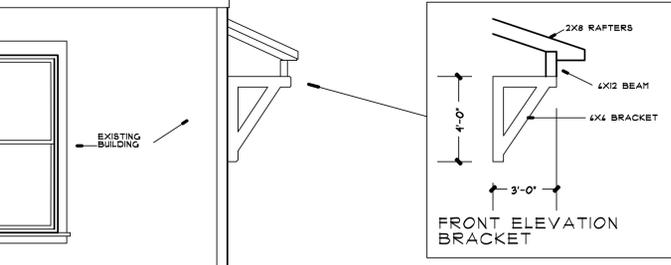
RIGHT ELEVATION  
SCALE 1/8" = 1'-0"



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



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



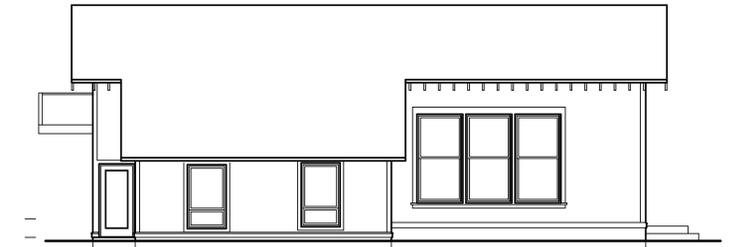
REAR ELEVATION  
SCALE 1/4" = 1'-0"



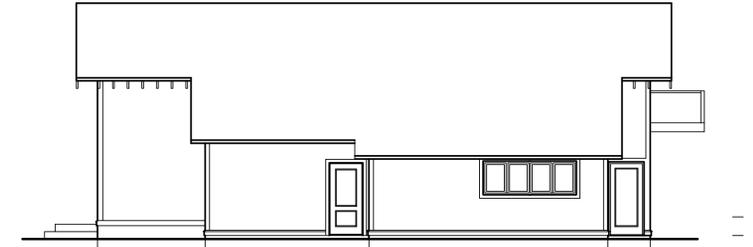
FRONT ELEVATION



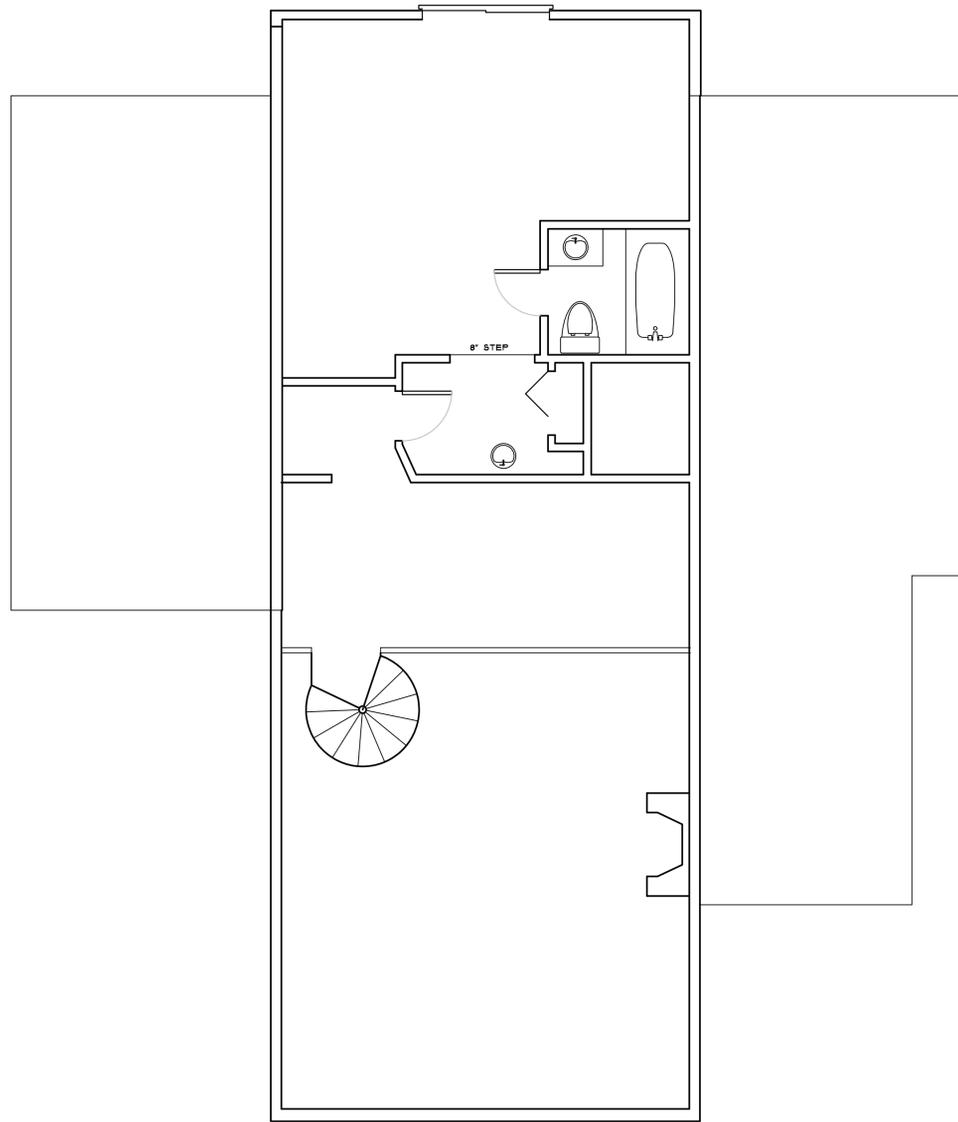
FRONT ELEVATION



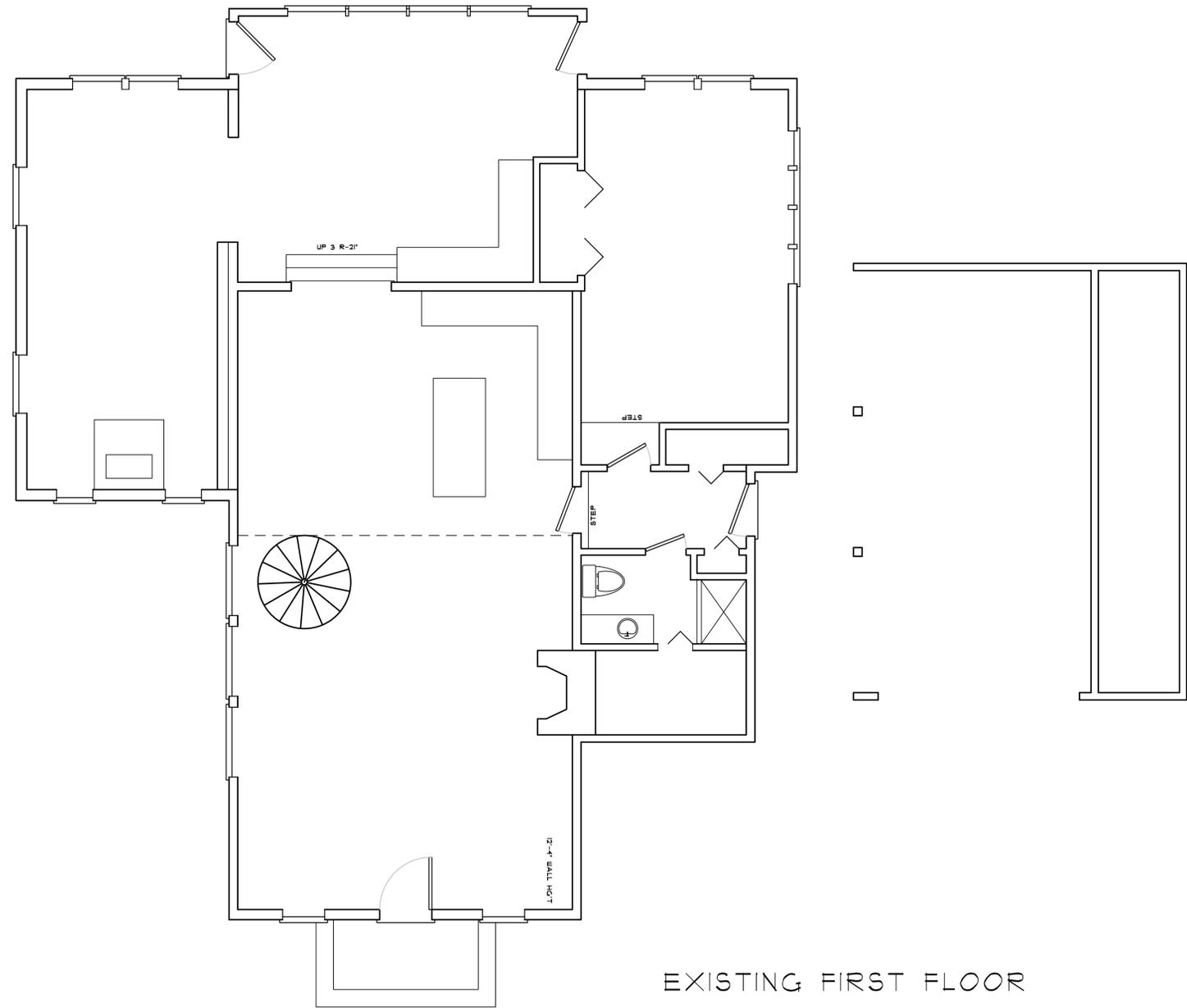
LEFT ELEVATION



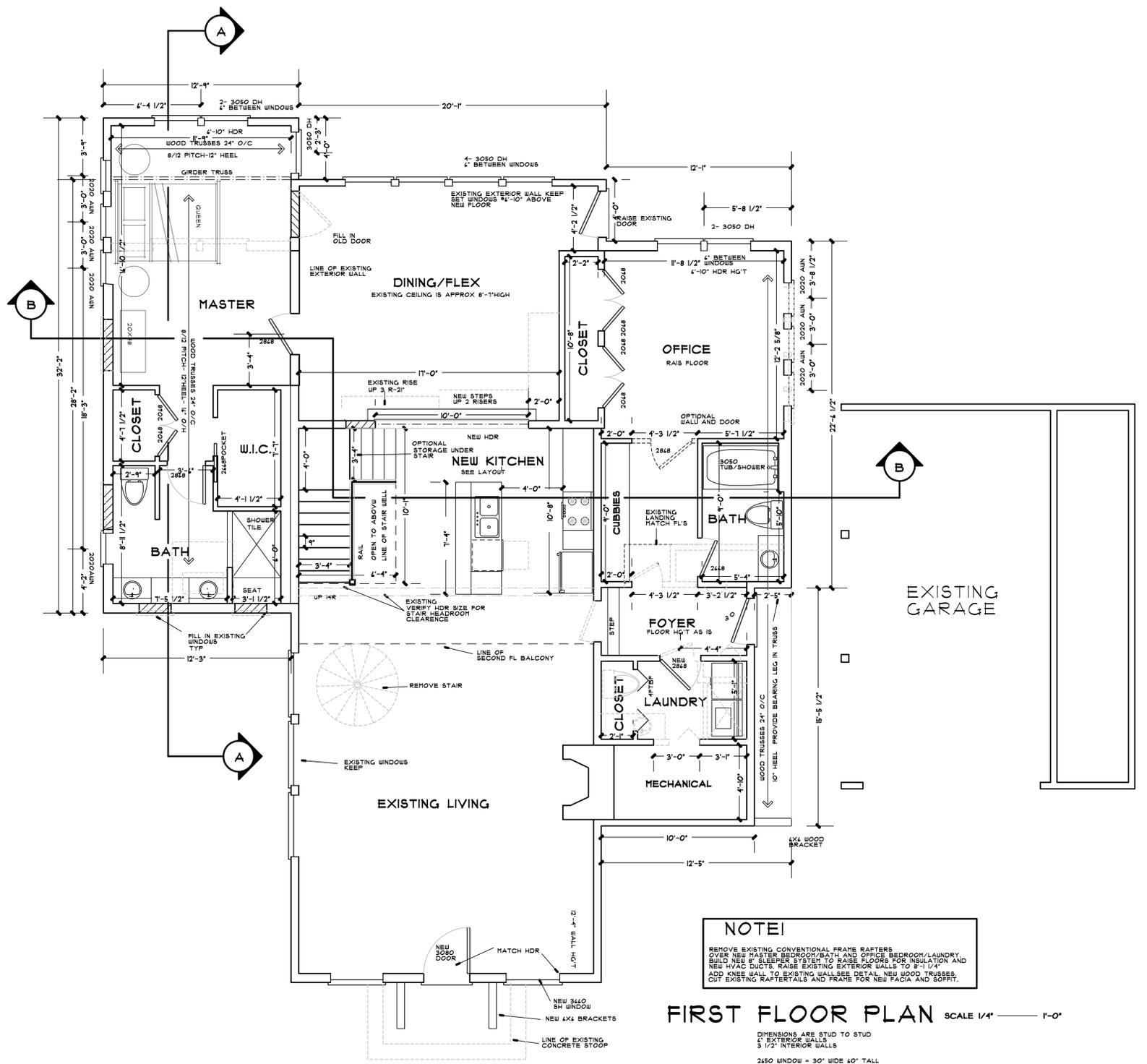
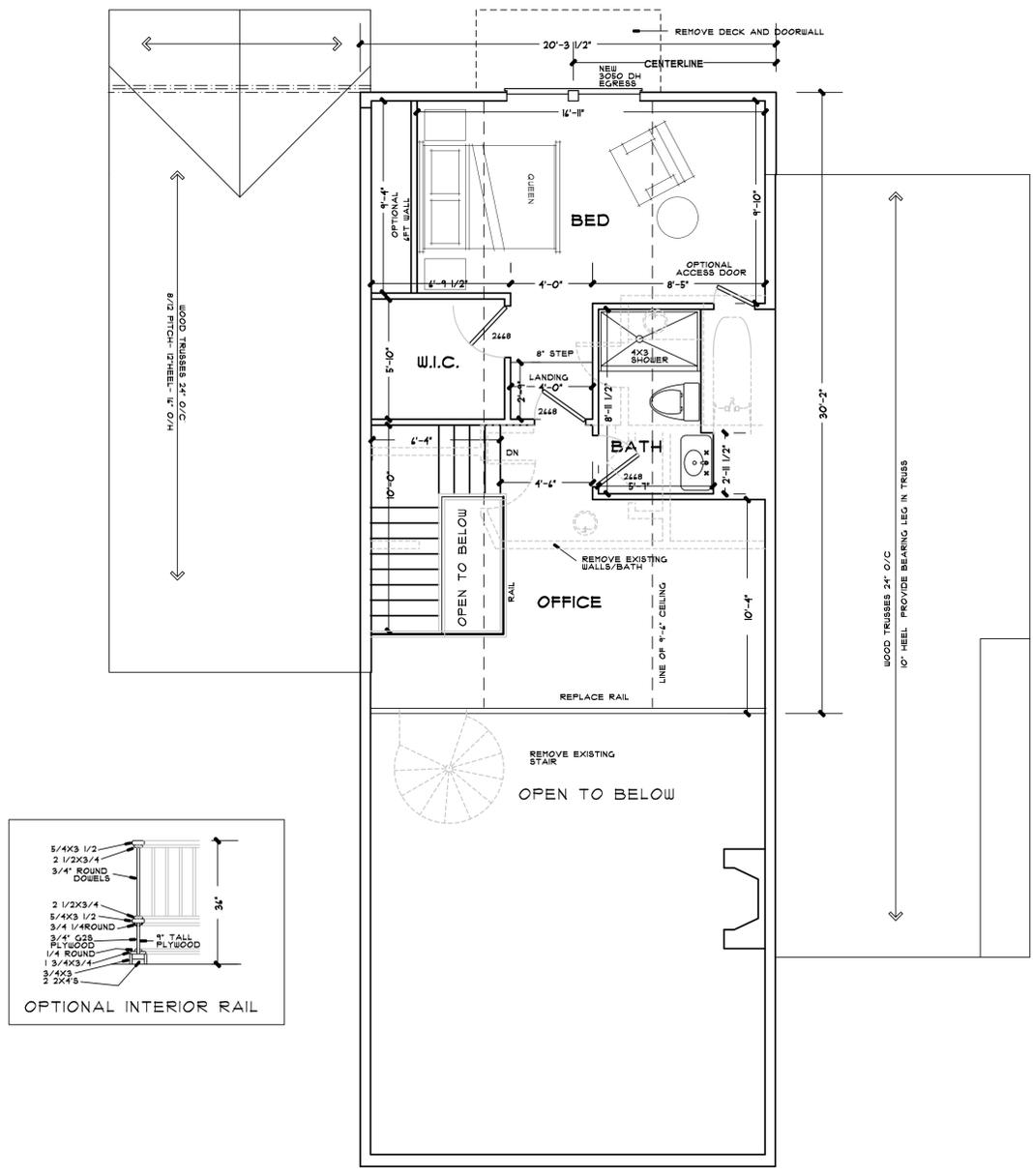
RIGHT ELEVATION



EXISTING SECOND FLOOR



EXISTING FIRST FLOOR

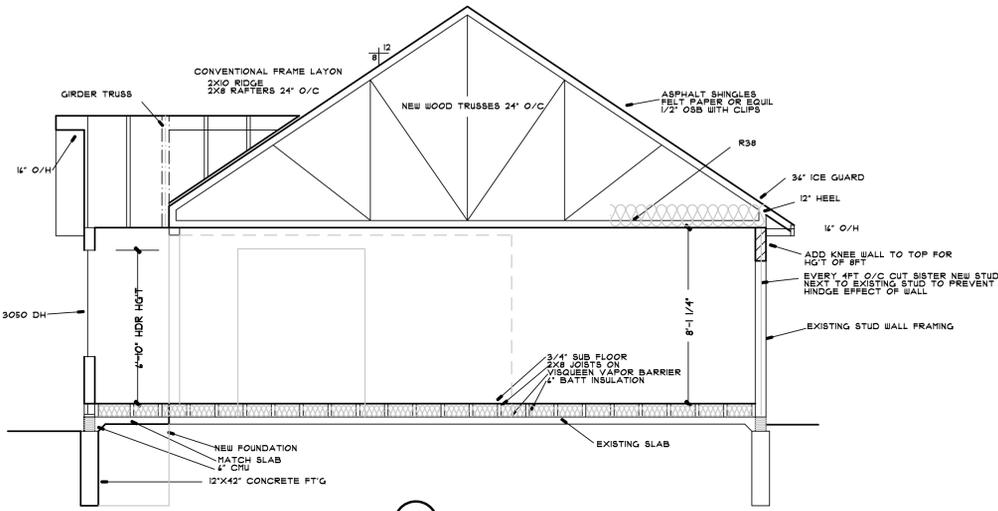


**SECOND FLOOR PLAN** SCALE 1/4" = 1'-0"

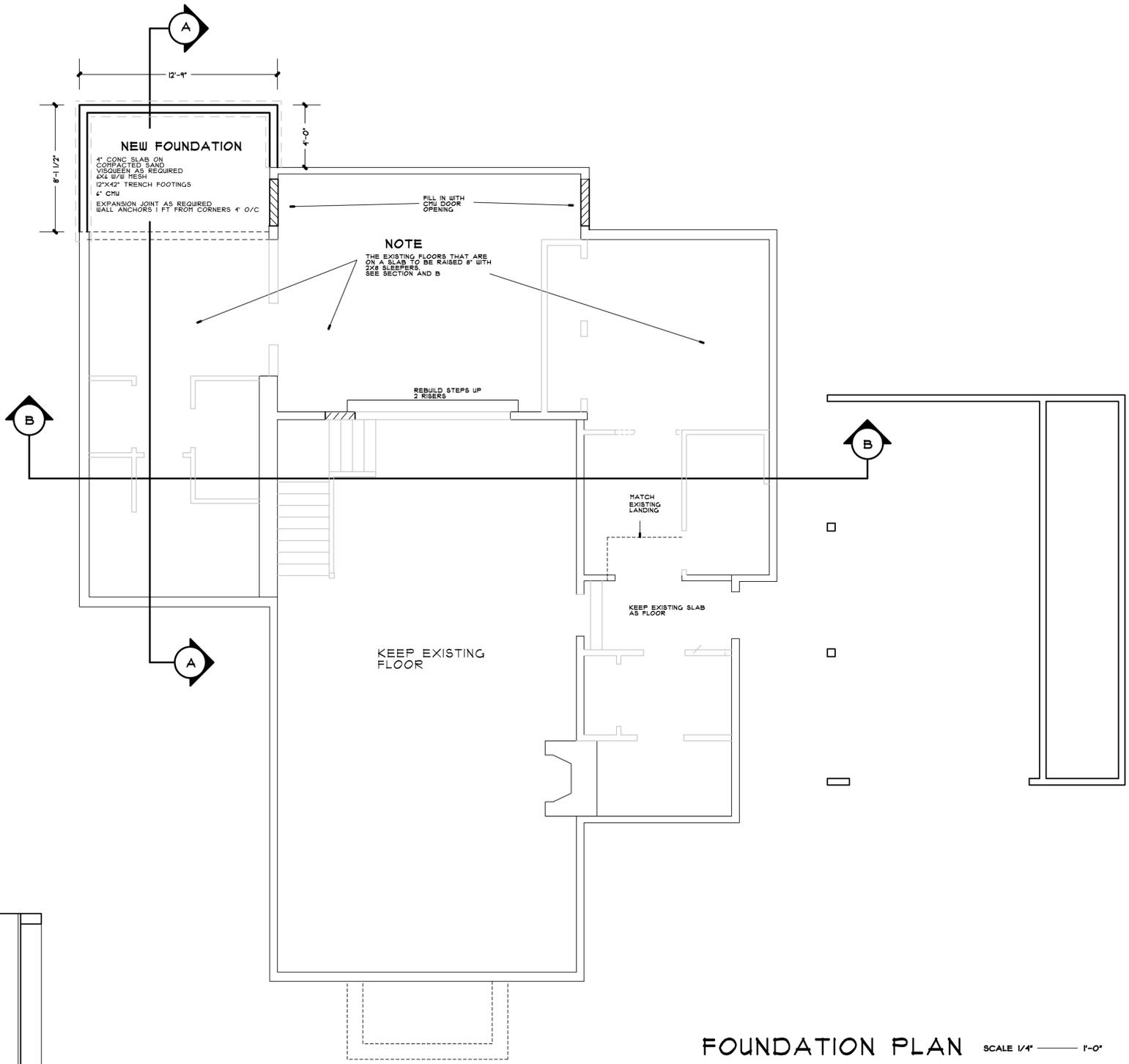
**FIRST FLOOR PLAN** SCALE 1/4" = 1'-0"

# CONSTRUCTION NOTES

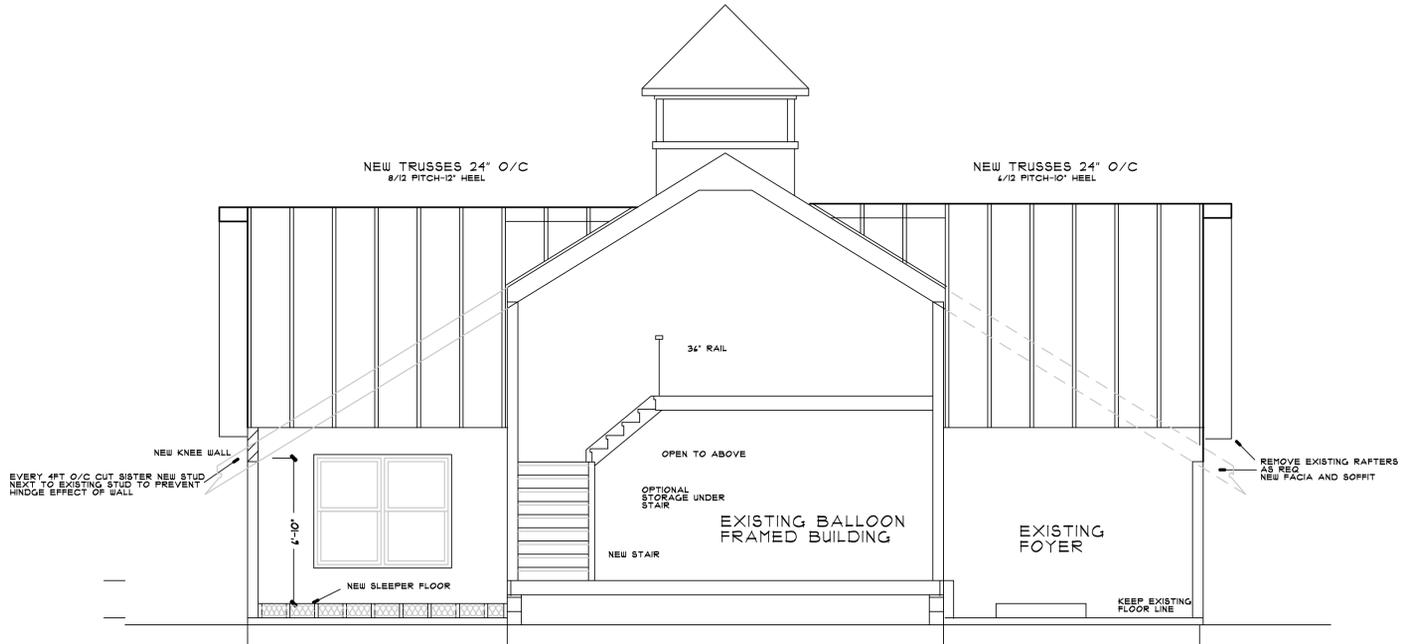
- FOUNDATION**  
 \*3000 PSI CONCRETE FOR ALL FOOTINGS  
 \*MIN. DEPTH BELOW GRADE 3/4' CHECK LOCAL CODES
- FLATWORK**  
 \*ALL FLATWORK TO BE 4000 PSI WITH AIR ENTRAINMENT CONCRETE  
 \*4" THICK, 4x4' MESH, PROVIDE 4 MIL VISQUEEN VAPOR BARRIER ON 4" COMPACTABLE SAND MIN.  
 \*SLOPE TO DRAINS  
 \*ONLY NON-CORROSIVE ADMIXTURES PERMITTED-ADDMIXTURES CONTAINING CHLORIDE IONS ARE NOT PERMITTED  
 \*EXPANSION JOINT MAT AT ALL CONC. SLABS ABUTTING CONCRETE OR MASONRY WALLS  
 \*EXPANSION JOINTS AS PER LOCAL CODES
- SOIL**  
 \*ALL LOADS BASED ON 2500 PSI SOIL  
 \*TRENCH FOOTINGS TO VIRGIN SOIL
- MASONRY**  
 \*USE TYPE M MORTAR  
 \*WALL ANCHORS STRAPS 1 FOOT FROM CORNERS, 4 FOOT O/C  
 \*USE LOAD BEARING MASONRY BLOCK ONLY
- WOOD FRAMING**  
 \*SILL JOINT SEALER  
 \*TREATED SILL PLATES WITH CONTACT WITH MASONRY OR CONCRETE  
 \*2x4 STUD GRADE 1/4" O/C UNLESS NOTED 2x6 EXTERIOR WALLS  
 \*2" TOP PLATES  
 \*ALL FLOOR JOISTS SIZED AS PER PLAN  
 \*LADDERS OR DOUBLERS UNDER ALL PARALLEL LOAD BEARING PARTITIONS  
 \*1/4" OSB SHEATHING EXTERIOR WALLS  
 \*ALL MANUFACTURED JOISTS TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS  
 \*MANUFACTURED PRODUCTS, JOISTS OR TRUSSES, TO BE SIZED & VERIFIED BY MANUFACTURER  
 \*MANUFACTURER TO PROVIDE COMPLETE INSTALLATION INSTRUCTIONS TO INSTALLER, AS REQUIRED  
 \*USE APPROVED HANGERS, ANGLES AND NAILS AS REQUIRED  
 \*BRIDGING METAL OR WOOD 8" O/C  
 \*ALL TRUSSES INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS  
 \*1/2" OSB ROOF SHEATHING WITH CLIPS  
 \*2x4 HEADERS ON ALL NON LOAD BEARING INTERIOR WALLS  
 \*2x10 HEADERS 3' OR LESS 1/2" SOLID PLY BETWEEN  
 \*2x12 HEADERS 3' OR MORE 1/2" SOLID PLY BETWEEN UNLESS NOTED  
 \*INTERIOR WALLS ARE DIMENSIONED STUD TO STUD  
 \*CHECK LOCAL CODES FOR SPECIAL STRAPS, HURRICANE CLIPS, ETC.
- ROOFING**  
 \*2" OF ICE GUARD AT START OF OVERHANG AND VALLEYS  
 \*15# FELT PAPER IF REQUIRED  
 \*30# ASPHALT SHINGLES  
 \*RIDGE VENT  
 \*VENT ROOF AS MARKED AS PER SECTIONS
- INSULATION**  
 \*5 1/2" BATT W/VAPOR BARRIER WALLS R-21  
 \*4" BATT 1" BLOWN IN CEILINGS R-38  
 \*USE BAFFLES AS REQUIRED  
 \*8" BATT IN FLOORS EXPOSED TO OUTSIDE  
 \*PROVIDE SCUTTLE HOLE CASING 2'-8"x3'-0"  
 \*INSULATE BASEMENT WALLS
- DRYWALL**  
 \*1/2" WALLS  
 \*1/2" WATER RESISTANT IN BATHS  
 \*5/8" FIRE CODE IN UTILITY AND AS REQUIRED IN CARPORT/FIREWALLS
- WINDOWS AND DOORS**  
 \*R.O. OF DOORS AND WINDOWS AT 4'-10" UNLESS NOTED  
 \*ALL BEDROOMS TO HAVE EGRESS WINDOWS-CHECK PLAN WITH LOCAL CODES  
 \*EXAMPLE: 2850 CASEMENT 2'-8"x3'-0"  
 \*FIRE CODE DOORS AS REQUIRED  
 \*CHECK LOCAL CODES FOR MINIMUM DOOR SIZE
- MISC.**  
 \*SLOPE GRADE 1 IN 12 AWAY FROM STRUCTURE  
 \*SLOPE WOOD FRAMING 8" ABOVE GRADE  
 \*SMOKE DETECTORS AS REQUIRED BY CODE  
 \*PRE-FABRICATED FIREPLACES SHALL BE ULL APPROVED  
 \*FLUES, CHIMNEY CHASE SHALL BE APPROVED BY AND INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
- \* DESIGN IS BASED ON COMMON CONSTRUCTION PRACTICES  
 AND SUBJECT TO LOCAL CODES  
 ANY SPECIAL ENGINEERING REQUIRED WILL BE THE  
 RESPONSIBILITY OF OWNER/BUILDER



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



FOUNDATION PLAN SCALE 1/4" = 1'-0"



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

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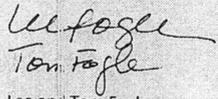
DESIGN BY THOMAS B. COATES JR.  
 213 W. MAIN ST.  
 BRIGHTON, MICH 48104-1001  
 1-810-229-8916

FOR  
 TOM AND LEE FOGLE  
 FARMHOUSE  
 HOWELL MI 48842  
 DATE  
 PAGE 533-1

January 5, 2021

To Whom it May Concern:

We see no issues to the proposed 8x8 addition and updates to our neighbor, Diana Murdock's residence at 4480 Golf Club Road.



Lee and Tom Fogle

4530 Golf Club Road

Howell MI 48843

January 5, 2021

To Whom it May Concern:

We site no issues to the proposed 8'x8' addition and updates to our neighbor,  
Diana Murdock's residence at 4480 Golf Club Road.

*Martin Close*  
*Marilyn Close*  
Martin and Marilyn Close  
4450 Golf Club Road  
Howell MI 48843

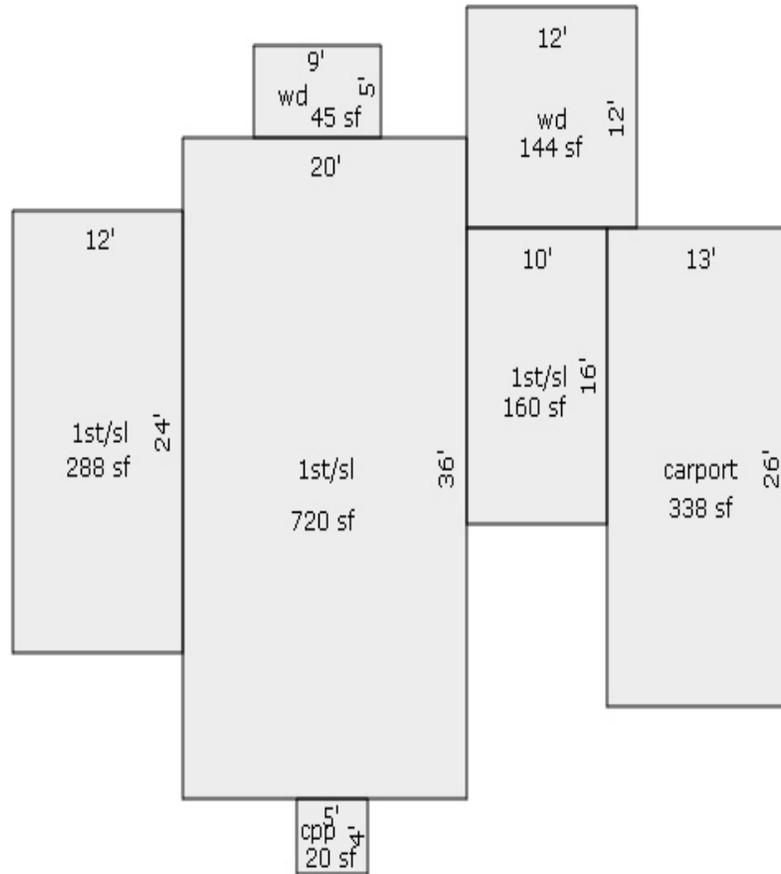
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
MURDOCK, ROBERT	MURDOCK, DIANA	0	04/21/1997	QC	QUIT CLAIM	2185-0052	BUYER	0.0					
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: RR		Building Permit(s)		Date	Number	Status			
4480 GOLF CLUB RD		School: HOWELL PUBLIC SCHOOLS											
Owner's Name/Address		P.R.E. 100% 02/23/2007											
MURDOCK, DIANA 4480 GOLF CLUB RD HOWELL MI 48843		MAP #: AMY1005		2021 Est TCV Tentative									
Tax Description		X Improved		Vacant		Land Value Estimates for Land Table 4500.HOWELL M& B							
SEC 4 T2N R5E BEG AT N 1/4 POST SEC 4, S 330 FT, W 110 FT, N 330 FT, E 110 FT TO BEG		Public Improvements		* Factors *		Description Frontage Depth Front Depth Rate %Adj. Reason		Value					
Comments/Influences		Dirt Road		M & B < .90 ACRE		36,300.000 Sq Ft		1.31 100		47,500			
7/14/04 2005 SUMMER TAX BILL RETURNED WITH "TEMPORARILY AWAY" STICKER. REMAILED.		Gravel Road		0.83 Total Acres		Total Est. Land Value =				47,500			
2005 WINTER TAX BILL RETURNED WITH MOVED LEFT NO ADDRESS FOR ROBERT MURDOCK. RESENT TAX BILL TO PROPERTY ADDRESS. ASSESSMENT NOTICE RETURNED WITH "NOT DILIVERAGLE AS ADDRESSED, UNABLE TO		Paved Road											
		Storm Sewer											
		Sidewalk											
		Water											
		Sewer											
		Electric											
		Gas											
		Curb											
		Street Lights											
		Standard Utilities											
		Underground Utils.											
Topography of Site		Level		Year		Land Value		Building Value		Assessed Value	Board of Review	Tribunal/Other	Taxable Value
X REFUSE		Rolling		2021		Tentative		Tentative		Tentative		Tentative	
		Low		2020		23,800		50,700		74,500		58,760C	
		High		2019		23,800		49,300		73,100		57,665C	
		Landscaped		2018		18,800		47,600		66,400		56,314C	
		Swamp											
		Wooded											
		Pond											
		Waterfront											
		Ravine											
		Wetland											
		Flood Plain											

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

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

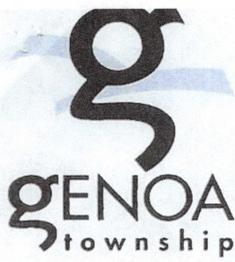
Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher 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	1	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 20 45 144	Type CPP Treated Wood Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:	
X	Wood Frame		(4) Interior Drywall Paneled						Plaster Wood T&G								
Building Style: C		Trim & Decoration		Central Air Wood Furnace			(12) Electric			Cost Est. for Res. Bldg: 1 Single Family C			E.C.F. X 0.980		Cls C Blt 1975		
Yr Built 1975	Remodeled 0	Ex	X	Ord		Min	No. of Elec. Outlets			Ground Area = 1168 SF Floor Area = 1168 SF.							
Condition: Good		Lg	X	Ord		Small	(13) Plumbing			Phy/Ab.Phy/Func/Econ/Comb. % Good=70/100/100/100/70							
Room List		Doors:		Solid	X	H.C.	Average Fixture(s)			Building Areas							
	Basement 1st Floor 2nd Floor -16 Bedrooms	Kitchen: Other: Other:		(6) Ceilings			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			Stories Exterior Foundation 1 Story Siding Slab			Size 1,168		Cost New Depr. Cost		
(1) Exterior		(7) Excavation		No./Qual. of Fixtures			Other Additions/Adjustments			Plumbing							
X	Wood/Shingle Aluminum/Vinyl Brick  Insulation	Basement: 0 S.F. Crawl: 0 S.F. Slab: 1168 S.F. Height to Joists: 0.0		Ex. X Ord. Min			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			Water/Sewer			1000 Gal Septic Water Well, 200 Feet				
(2) Windows		(8) Basement		Many X Ord. Min			Average Fixture(s)			Deck			1,168				
X	Many Avg. Few	X	Large Avg. Small	No. of Elec. Outlets			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			Treated Wood Treated Wood			45 144		1,401 981 2,771 1,940		
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(9) Basement Finish		Many X Ord. Min			Average Fixture(s)			Fireplaces			1		4,429 3,100		
(3) Roof		Recreation SF Living SF Walkout Doors No Floor SF		Many X Ord. Min			Average Fixture(s)			Porches			20		464 325		
X	Gable Hip Flat	Gambrel Mansard Shed	(10) Floor Support		Many X Ord. Min			Average Fixture(s)			Carports			338		5,215 3,650	
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Many X Ord. Min			Average Fixture(s)			Wood Shingle			338		5,215 3,650		
Chimney: Brick		Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic		Many X Ord. Min			Average Fixture(s)			Notes:			Totals:		154,315 108,021		
		Lump Sum Items:		Many X Ord. Min			Average Fixture(s)			ECF (4500 (47070) HOWELL M & B) 0.980 => TCV:					105,861		

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



Sketch by Apex Medina™

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



**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**  
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Applicant/Owner: JEFFREY A. ANDERSEN Email: mmattisonde@aol.com  
Property Address: 1627 Greenmeadows Phone: 248-200-9392  
Present Zoning: \_\_\_\_\_ Tax Code: 11-12-401-053

**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: Variance is requested to  
replace existing 1965 mobile home 12'x52' with 624 sq. ft to  
a new mobile home 15.2' x 66 with 1003 sq. ft.

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.

This variance is needed because Suburban Estates do not meet the Township's minimum requirements. If we cannot upgrade the home to be close to the township's minimum requirements it will become a hardship to us because we won't be able to live on the property for its intended use.

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. Our circumstances were created by the township & previous owners. We are not asking for anything different than other properties in our location. Please find attached The Township's requirements & our dilemma.

**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.

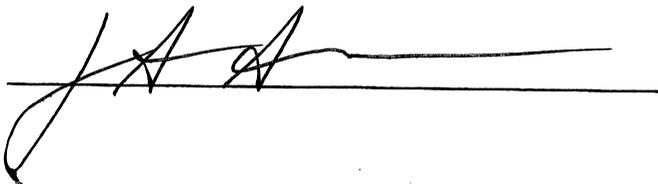
Our proposal will not cause any issues to other properties near our proximity, nor become any kind of public nuisance or cause danger. If anything we're trying to replace an eyesore, unhealthy, fire trap for the welfare of our neighbors & community.

**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 impact of our Variance request will perhaps promote adjacent properties to upgrade & follow township's blight codes.

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: 1-11-2021 Signature: 

Our Variance Request vs Township Requirements

	OURS.	TWP.	DIFFERENCE
LOT SIZE	60'	80'	
MAX BLDG. HGT.	9'	25'	
STORIES	1	2	
SET BACKS:			
FRONT	24'	35'	11'
ONE SIDE	6.5' & 12'	10'	
TOTAL 2 SIDES	18.5'	20'	1.5'
REAR	35'	40'	5'
LIVING AREA (SQ FT)	1003'	900'	103'
MAX LOT COVERAGE BLDG.	1,576 sq ft.	35%	COULD BE 2,625 sq ft
LOT SIZE 60x125	7500 sq ft		

VARIANCE REQUEST MEASUREMENTS



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Amy Ruthig, Zoning Official  
**DATE:** February 9, 2021  
**RE:** ZBA 21-03

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**File Number:** ZBA#21-03

**Site Address:** 1627 Greenmeadows Drive

**Parcel Number:** 4711-12-401-053

**Parcel Size:** .17 Acre

**Applicant:** Jeffrey A. Anderson, 27374 Evergreen Road, Southfield

**Property Owner:** Same as applicant

**Information Submitted:** Application, site plan, elevations

**Request:** Side yard setback variance

**Project Description:** Applicant is requesting a front, side and rear yard setback variance to install a new home.

**Zoning and Existing Use:** Manufacturing Housing Park (MHP), Single family dwelling and detached accessory structure are located on the property

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday January 30, 2021 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 record of year built.
- The property is serviced by a well and a septic system.
- 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

**Summary**

The applicant is requesting a front, side and rear yard setback variance to replace an existing 624 sq. ft. home which is non-conforming in size for living area. The living area requirement for the MHP zoning is 900 sq. ft. The applicant is proposing to replace the home with a new 1,003 sq. ft. home. The proposed home would maintain the same side and rear yard setbacks as the current home.

**Variance Requests**

The following is the section of the zoning ordinance that the variance is being requested from as well the criteria applicable to your review of variances in this regard.

**Sec. 4.05      DIMENSIONAL STANDARDS**

**Sec. 4    Table 4.05.01 (MHP)**

SINGLE FAMILY SETBACK STANDARDS	Side Yard Setback	Front Yard Setback	Rear Yard Setback
Required	10'	35'	40'
Setback Amount Requested	6.5'	24'	35'
Variance Amount	3.5'	11'	5'

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

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

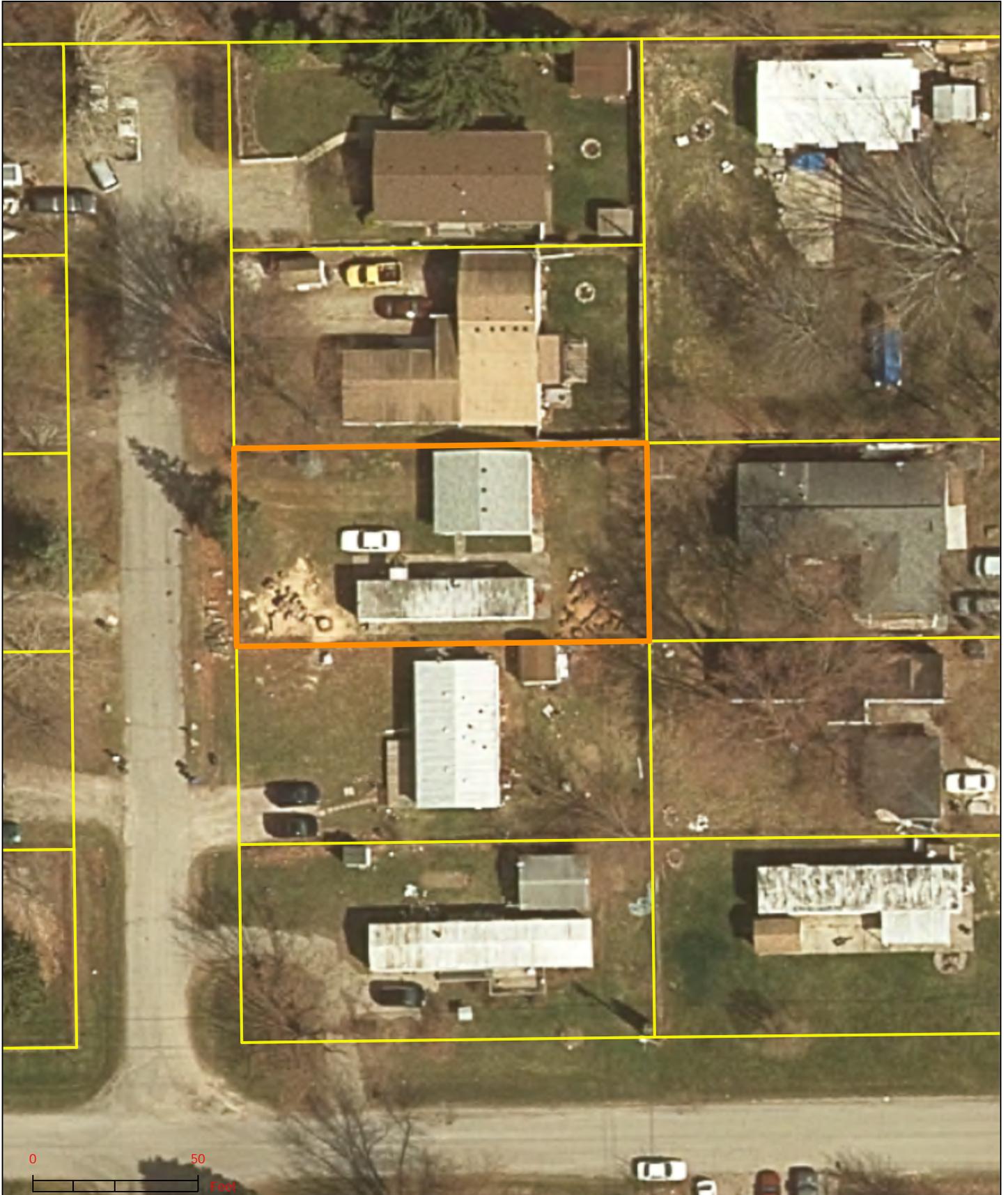
- (a) Practical Difficulty/Substantial Justice –Strict compliance with the front, side and rear yard setbacks would prevent the applicant from replacing the existing non-conforming home in the proposed location. The granting of the variances does seem to provide substantial justice for there are quite a few homes in the surrounding area with non-conforming setbacks.
- (b) Extraordinary Circumstances – The exceptional or extraordinary condition of the property is the location of the septic field and the existing detached accessory structure. The variances appear to be the least amount necessary and are not self-created.
- (c) Public Safety and Welfare – The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood – The proposed variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

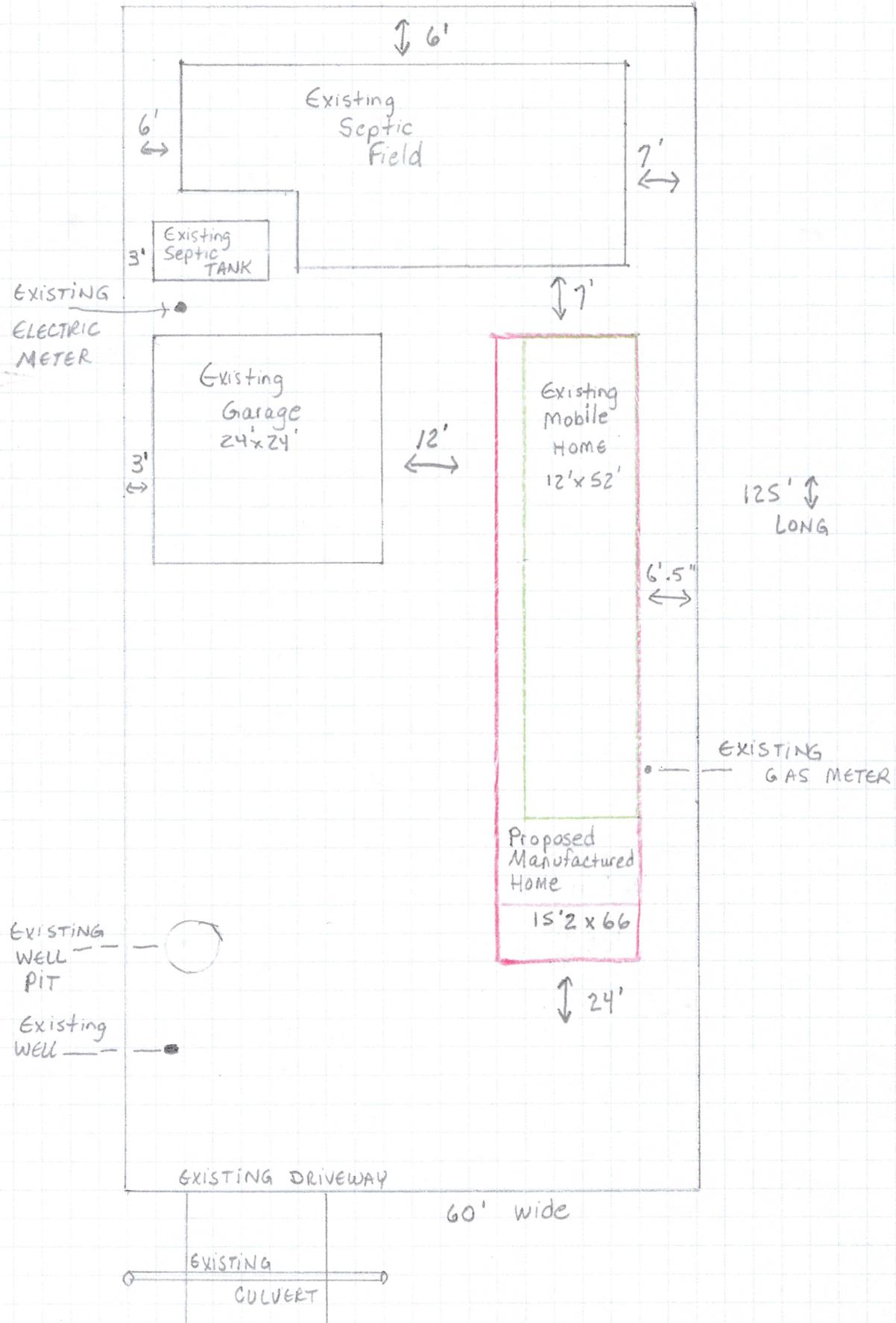
### **Recommended Conditions**

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

1. The structure must be guttered with downspouts.
2. The applicant shall be required to completely remove the detached accessory structure once the existing home is removed under the following conditions:
  - a. If a permit to construct a new principal residence is not issued within 6 months of the ZBA decision; 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).
3. If improvements are requested for the expansion of the current accessory building, they shall comply with Section 24.04.06 of the zoning ordinance.

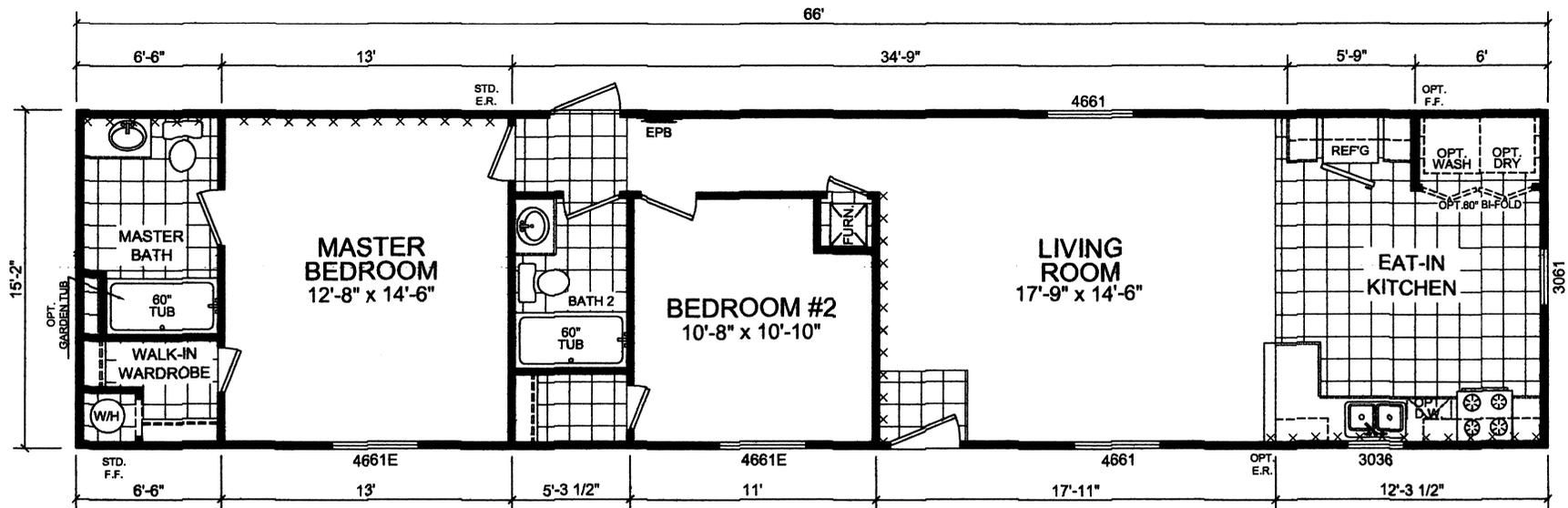
# GENOA TOWNSHIP





SCALE 1" = 12'

1627 GREENMEADOWS  
P.I.D. # 4711-12-401-053



**2 BEDROOM VERSION**



APPROVER'S SEAL

MODIFICATIONS

2	2014 SPECS		09-19-13
3	CODE UPDATE 2014		05-22-14
4	2015 UPDATES	JMD	01-16-15
5	2019 UPDATES	JR	11-26-18

PROPRIETARY AND CONFIDENTIAL  
 THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL.  
 PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION.

MODEL: 1670 203  
 3BR 2BATH

TITLE: LITERATURE PLAN

DRAWN BY: JFALLER

DATE: 02-28-17

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

SHEET:

L-102

REV. A

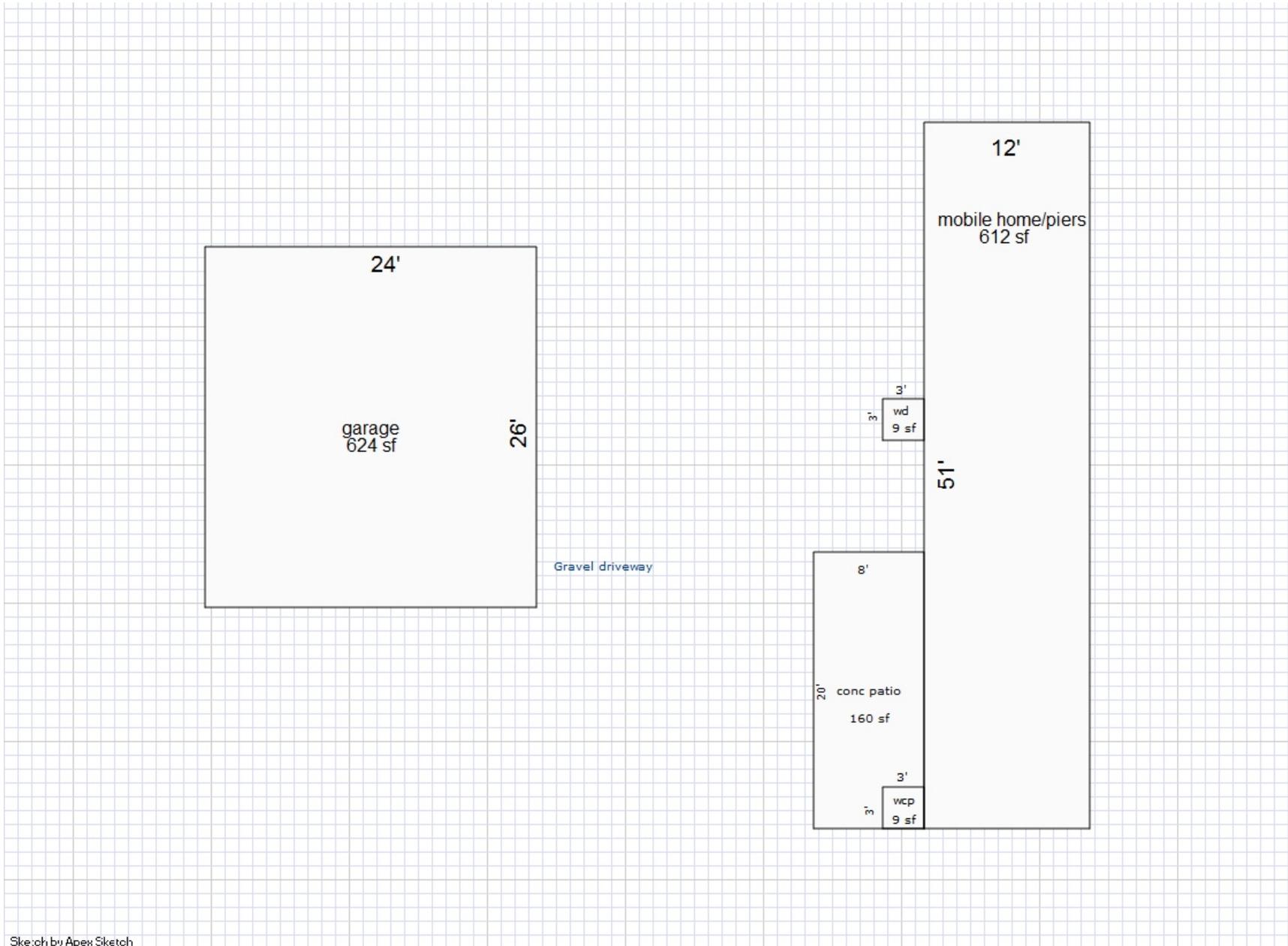
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
ANDERSEN TRUST	ANDERSEN JEFFREY	3,000	05/31/2012	WD	INVALID SALE	2012R-023587	BUYER	100.0		
ANDERSEN, ROGER F.	ANDERSEN TRUST	0	12/15/2005	QC	INVALID SALE	5004/0491	BUYER	0.0		
PRICE	ANDERSEN	25,000	10/01/1999	WD	ARMS-LENGTH	26780193	BUYER	100.0		
MCDONALD TRUST	PETRI	3,995	06/23/1997	WD	ARMS-LENGTH	2203-0134	BUYER	100.0		
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: MHP	Building Permit(s)		Date	Number	Status	
1627 GREENMEADOWS DR		School: HOWELL PUBLIC SCHOOLS								
Owner's Name/Address		P.R.E. 0%								
ANDERSEN JEFFREY 27374 EVERGREEN RD. SOUTHFIELD MI 48076		MAP #: MAILER1								
Tax Description		2021 Est TCV Tentative								
SEC. 12 T2N, R5E, "SUBURBAN MOBILE HOME ESTATES" LOT 53		X	Improved	Vacant	Land Value Estimates for Land Table 4404.SUBURBAN MOBILE HOME ESTATES					
Comments/Influences		Public Improvements		* Factors *						
		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		<Site Value A>	A	SITE VALUE	16000	100		16,000
		Paved Road				0.00	Total Acres	Total Est. Land Value =		16,000
		Storm Sewer		Land Improvement Cost Estimates						
		Sidewalk		Description						
		Water		D/W/P: 3.5 Concrete			Rate	Size	% Good	Cash Value
		Sewer					4.80	160	48	369
		Electric		Total Estimated Land Improvements True Cash Value = 369						
		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	2021	Tentative	Tentative	Tentative		Tentative
		LM	08/29/2014	REVIEWED R	2020	8,000	10,700	18,700		15,442C
					2019	6,000	10,300	16,300		15,155C
					2018	4,000	10,800	14,800		14,800S



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

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





Sketch by Apex Sketch

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

February 12, 2021

Michele Kreutzberg  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

Greg Rassel  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

**VIA EMAIL**

Jean Ledford  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

Bill Rockwell  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

Marianne McCreary  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

Craig Fons  
**GENOA CHARTER TOWNSHIP**  
2911 Dorr Road  
Brighton, MI 48116

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Re: ***3470 Pineridge Lane***

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Dear Ms. Kreutzberg, Ms. Ledford, Ms. McCreary, Mr. Rassel, Mr. Rockwell, and Mr. Fons:

Township staff have sent me a copy of an undated letter from Andrew Babnik to Mr. Archinal appealing a decision by the zoning official that the proposed pool on the Slider property at 3470 Pineridge Lane requires variances before it can be built. Mr. Babnik pursues two different paradigms to reach the conclusion that the proposed pool complies with the ordinances of the Township, variances are not needed. The first is that the Sliders are being treated differently than other property owners that have pools in waterfront yards, and therefore the decision to deny the request was arbitrary or capricious. To reach that conclusion he relies upon Ordinance §23.02.01 that allows for an appeal of a decision made by any administrative official charged with enforcing the zoning ordinance, and he also relies upon §23.05.02 which sets forth the criteria that the ZBA applies to decide an appeal allowed under §23.02.01.

Under §23.05.02(a) a decision that is arbitrary or capricious can be reversed by the ZBA. The basis for the allegation of the denial of the land use permit being arbitrary or capricious is reference to other properties that have pools in the waterfront front yard and that therefore the decision to deny the Sliders' request is arbitrary. He also suggests that the allowance of other items such as firepits, flagpoles and steps in waterfront required yard is not permitted by the language of the ordinance, and therefore the allowance of such items throughout the Township but a denial of the request for a pool by the Sliders also is arbitrary and capricious.

Long ago the Michigan Supreme Court ruled that a governmental entity that at one time issued permits that were in violation of an ordinance does not estop the governmental agency from



enforcing the ordinance later on. See *Fass v. City of Highland Park* 326 Mich. 19 (1949). More recently, the Michigan Court of Appeals in *Lyon Charter Township v. Petty* 317 Mich. App. 482 (2016) addressed whether the Township could enforce its zoning ordinance even though the illegal activities had been ongoing for several decades. The Court of Appeals agreed that failure to enforce the ordinance for decades did not preclude the Township from now enforcing the ordinance.

These cases weigh against the underlying premise that if a permit was issued in error, or if the Township has not enforced its ordinances for others, that it is precluded from enforcing the ordinance presently. Mr. Babnik further posits that by allowing flagpoles, firepits and steps into the required waterfront yard in violation of §11.04.05 supports his client's request that a pool should likewise be treated in the same fashion. §11.04.05(a) only allows docks and mooring apparatuses, decks and no more than one gazebo in the required waterfront yard.

Mr. Babnik is correct in his assertion that flagpoles, firepits and steps are not permitted in the required waterfront yard. The term "structure" is defined in Article 25 as "anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground." That definition would apply to flagpoles and firepits as well as steps. The Township may want to consider a revision of its ordinances to address this anomaly pointed out by Mr. Babnik. Notwithstanding the existence of flagpoles and firepits being in the required waterfront yard, a difference in the size and building standards for a pool does not allow for an easy equation of pools should be treated the same as flagpoles and firepits.

The next argument raised by the Sliders in Mr. Babnik's letter is that the Zoning Administrator made an erroneous interpretation of the ordinance and is appealing that decision as allowed by §23.05.02(d) (erroneous interpretation of the Zoning Ordinance or zoning law). Boiled down to its essence, the Sliders' position is that the setback requirement in Table 3.04.02 applies to the principal building but does not apply when determining what constitutes the required yard. Instead, the Sliders argue that the definition of required yard in Article 25, Yard: "... corresponds to the minimum setback requirement for the district" requires the Zoning Administrator to look at the minimum distance from the lakeshore as written in Table 3.04.02, that being 40 feet for sites connected to public sewer in Lakeshore Resort Residential districts. Their position for the required yard setback essentially moves the required yard to only 40 feet from the shoreline thus extending the non-required yard by approximately 40 feet. They go on to argue that a pool is allowed in the non-required yard and therefore the decision to deny their land use permit was erroneous.

On the other hand, the interpretation utilized by the Zoning Administrator is that in determining the minimum setback from shoreline the Administrator must take into account the phrase, "... or consistent with the setbacks of the adjacent principal buildings, whichever is greater as determined by the Zoning Administrator." The underlying reason for that is the ordinance was intended to limit what construction could be placed in the waterfront yard and is consistent with the overall premise upon which the ordinance is written, as stated in §1.05.01, "... the provision or standard which is more restrictive or limiting shall govern."

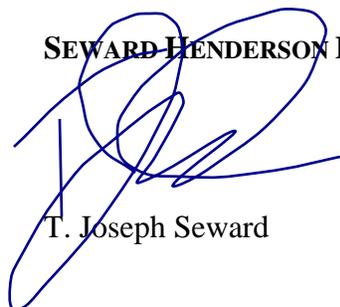


Mr. Babnik has a more detailed analysis of how he presents his position. I have prepared an analysis which is attached as an appendix to this should you desire to delve into the Slider argument even more. Nevertheless, the crux of the differences of opinion is on the interpretation of how the required yard is determined.

I can be available for questions at the meeting should any arise.

Very truly yours,

~~SEWARD HENDERSON~~ PLLC



T. Joseph Seward

TJS/ads



The second aspect of the Slider's appeal is that the Administrator erroneously interpreted the zoning ordinance and therefor the Slider pool is permitted. The Slider's logic involves an analysis of setbacks for waterfront property and drawing a distinction between Principal Building setbacks and required yard. Before delving into the specifics of Mr. Babnik's arguments, courts have stated that when construing an ordinance it is to discern the intent of the legislative body that adopted the ordinance. Most recently in a Grand Rapids case involving Brookstone Capital, a court said words used in an ordinance must be enforced as written when they are clear and unambiguous. With that backdrop, §1.05.01 expresses that if an apparent conflict between the regulations in the ordinance arise, the intent is for the most restrictive provision to apply.

The essence of the Slider interpretation of the ordinance is that the shoreline setback for the principal building is separate and distinct from the required yard determination. To arrive at this conclusion, they take the position that Table 3.04.02 applies to the Principal Building and when coupled with §11.04.01(g) which utilized only the words "detached accessory building" when defining the setback from Shoreline a pool was not intended to be required to meet the setbacks in Table 3.04.02 because a pool does not fit the definition of the building.

Table 3.04.02 requires a minimum setback of 40 feet from the shoreline or the setbacks of the adjacent principal buildings whichever is greater for the Principal Building. The administrator has applied this definition to the pool and has required a minimum setback of 80.5 feet. Article 25 does contain a definition for "accessory building or structure" as well as a definition of the word "building". Looking only at §11.04.01(g) would support the conclusion that because a pool does not fit within the definition of building, the restriction in §11.04.01(g) does not come into play. If the intent of §11.04.01(g) was to apply to more than just buildings, I suggest an amendment to the ordinances is in order. However, even if the Township cannot rely upon §11.04.01(g), the conclusion being sought does not follow. That is, while §11.04.01(g) does not specifically require pools to conform to the setback defined in Table 3.04.02, the belief that therefore pools do not have to comply with that setback does not necessarily follow because it still would have to be located in the Non-required Yard.

The point where the Sliders and the Township Administrator diverge is the determination of required yard versus non-required yard. The Sliders contend that they have sufficient space in the non-required yard to allow for the construction of the pool based on the belief that for determining the required yard the setback is only 40 feet.

Article 3.04 sets forth the dimensional standards for residential and agricultural districts which include Lakeshore Resort Residential, the zoning classification for the property at 3470 Pineridge Lane. Table 3.04.02 specifically states that in Lakeshore Resort Residential districts the required setback from the shore of a lake is at least 40 feet or consistent with the adjacent principal buildings, whichever is greater as determined by the zoning administrator. The path embarked upon by the Sliders is that Table 3.04.02 applies to the principal building only, acknowledging that the primary residence must be approximately 80.5 feet from the shoreline. They go on to say that because the definition of "required yard" looks only to the minimum setback line, the 40 feet stated



in 3.04.02 applies because that is the minimum, ignoring the phrase "... or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator." Thus they conclude the pool is not required to meet the same setback as their residence. In arriving at that result, the Sliders contend that the limitation on waterfront structures set forth in §11.04.05 would not come into play because it limits what can be in the required waterfront yard whereas the pool would fall in the non-required yard if the 40 foot setback is utilized. The Sliders do appear to acknowledge that if the more restrictive 80.5 foot setback is required, the pool would encroach upon that setback, it would encroach upon the required yard.

To arrive at the conclusion that only 40 feet is to be utilized in determining where the required yard/ non-required yard exists, the Sliders focus on the language in the definitions portion of the Zoning Ordinance, Article 25 which says the required yard is, "The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirements for the district." The Sliders read the words "minimum setback requirement" to mean the smaller setback, specifically the 40-foot setback for waterfront lots notwithstanding that Table 3.04.02 states that the minimum is 40 feet or consistent with setbacks of adjacent building whichever is greater as determined by the zoning administrator.

I read into the Slider argument that by using the words whichever is greater, that phrase was intended to be excluded when defining the limits of a required and non-required yard. While I understand the argument being raised by the Sliders, I come back to §1.05.01 which states that when there is a conflict between provisions in the ordinance, the standard which is more restrictive or limiting shall govern. That coupled with the language of Table 3.04.02 which states the minimum setback is 40 feet or consistent with adjacent principal building whichever is greater, I believe the intent of the ordinance was to restrict what could be placed between the principal building and the shoreline by including the word "or" to maximize this distance thus restricting what structures are in the waterfront yard. On the other hand, if the intent of the ordinance is to expand the non-required yard definition, thereby limiting the scope of the required yard requirement, then the Slider interpretation would be correct. I believe that is the purpose and desire of the Sliders and Mr. Babnik to convince the ZBA that their interpretation is the only correct interpretation thus meeting the requirement justifying a reversal of the decision by the Zoning Administrator because the decision was contrary to the ordinance. The ZBA will decide which interpretation is correct.



# BABNIK LAW, PLLC

ATTORNEY AT LAW

[www.BabnikLaw.com](http://www.BabnikLaw.com)

E-MAIL: Andrew@Babniklaw.com

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Suite 150  
Ann Arbor, Michigan 48104  
TELEPHONE (248) 973-7240

75 Valencia Avenue  
Suite 400  
Coral Gables, FL 33134  
TELEPHONE (305) 857-5589

SENT VIA US MAIL and EMAIL (Mike@genoa.org)  
Genoa Charter Township  
Attention Zoning Administrator  
2911 Dorr Road  
Brighton, Michigan 48116

RE: 3470 Pineridge Lane- Notice of Appeal under 23.02.01

Mr. Archinal;

As you are already aware, my office represents Ralph Slider; owner of the property located at 3470 Pineridge Lane. At the December 15<sup>th</sup>, 2020 Zoning Board of Appeals public hearing, the fourth such hearing my client was required to attend on this matter, we were instructed that the board was not prepared to hear arguments that the administrator and boards denial of our client's request to place a pool in his waterfront yard was arbitrary and capricious, based on an erroneous finding of material fact, constituted an abuse of discretion and/or was based on an erroneous interpretation of the Zoning Ordinance. The board instructed my office to file a new notice of appeal and, after a request for clarification, stated that such appeal would not be considered untimely or duplicative from the Dimensional Variance denied improperly at that same meeting. As such, what follows is my client's Notice of Appeal under Section 23.02.01 and 23.05.02 of the Genoa Township Zoning Ordinance for the improper denial of my client's approval for the plans as submitted, seeking to place a pool and retaining walls in the waterfront yard.

## TERMS OF ORDINANCE

Section 23.05.02 provides the criteria applicable to appeals of administrative decisions. It states "[t]he Board of Appeals may reverse an order of an administrative official or the Planning Commission only if it finds that the action or decision appealed meets one (1) or more of the following requirements: (a) Was arbitrary or capricious. (b) Was based on an erroneous finding of a material fact. (c) Constituted an abuse of discretion. (d) Was based on erroneous interpretation of the Zoning Ordinance or zoning law." As outlined hereafter, it is clear that the denial of my client's proposed plans falls into at least one of these enumerated requirements.

## ARBITRARY or CAPRICIOUS

My client's proposed plans were initially erroneously flagged for requiring a dimensional variance based on the interpretation that a under 11.04.01 and 11.04.05 a pool, as an accessory structure, must follow the required shoreline setback of a principal building as set forth in Table 3.04.02 of the ordinance. This was based on the administrator's unfounded belief that the definition of a Required Waterfront Yard as found in 11.04.05 would mirror the required setback in table 3.04.02. A review of other properties located within the Township indicates that either the administrator's interpretation of 11.04.05 and the Required Waterfront Yard is an erroneous interpretation of ordinance (outlined further below) or the application of the administrator's interpretation in being arbitrarily and capriciously applied to only my client to prevent him from utilizing his property as other owners have and continue to do.

The administrator's interpretation would place most, if not all waterfront homes in non-conformity with the Ordinance, and without variances for things such as gazebos, firepits, flagpoles, steps, etc. More specific to my client's plans, the improper interpretation is at odds with properties in the township which have been granted a permit to build pools in the waterfront yard. Exhibit "A" attached hereto and incorporated herein outlines these examples.

Simply put, if the minimum setback of the principal structure determines the required yard, then the properties shown in Exhibit "A" and Exhibit "B" would be in non-compliance and the permits granted for the building of the pools should not have been issued. Exhibit "B" reflects property within the exact same LRR District as my client's property where the pool, as approved and without a needed variance, would violate the administrations current interpretation. When this was raised prior to the fourth ZBA hearing on my client's dimensional variance request, we were informed that this permit was "issued in error". That however only further highlights the arbitrary application of the administers interpretation or its erroneous interpretation as spelled out below. This means my client's denial under 11.04.05 was arbitrarily and capriciously issued based on an interpretation of the ordinance that either was never used prior, or which was not applied to other similar properties. In either event, the board must grant the plans as submitted.

## ERRONEOUS INTERPRETATION OF THE ZONING ORDINANCE OR ZONING LAW

If not the result of an arbitrary or capricious application of the Zoning Ordinance to my client, then the denial is based on an erroneous interpretation of the ordinance. Specifically, the incorrect reading of the definition of a required yard and the minimum v. required setback of an accessory structure such as a pool.

As previously outlined by my client's contractors in its application for a building permit, a plain reading of the Articles 3, 11, and 25 Genoa Township Zoning Ordinance (collectively the "Ordinance") provides that the proposed pool and retaining walls are well within the required zoning setbacks and ordinances. In fact, as again outlined below, it is unclear why approval has been withheld.

Section 3.05.02 Other Requirements (a) specifically states the following:

Article 11, General Provisions, shall be adhered to for general dimensional standards, calculation of (buildable) lot area, access to dedicated streets, projections into yards, supplementary height regulations, principal building, structure, or use, determination of "similar uses", changes in tenancy/ownership, voting place, temporary buildings, and structures, open storage, parking, and repair of vehicles, essential public services, wireless communication facilities, single family dwelling design standards, regulations on accessory dwellings, accessory buildings, and structures, decks, swimming pools, fences, walls, and screens, private boat docks, wind energy conversion systems and reception antennas, and towers. (as amended 3/5/10).

A review of Section 11.04 pertaining to accessory buildings and structures provides no support for the administrator and boards position. Nothing in this ordinance dictates that a pool must meet the setback of the Principal Structure. While Section 11.04.01(g), Accessory Buildings and General Uses, provides that "detached accessory buildings shall be setback at least fifty (50) feet from the nearest edge of any lake shoreline, except in the Lakeshore Resort Residential District where accessory buildings shall meet the shoreline setback requirements for the principal structure as specified in Table 3.04.02." there is no mentions of structures (as indicated by the board at the first ZBA hearing on my client's variance. Because a pool and retaining wall do not meet the definition of an accessory building, we must refer to subsection (f) which states the required setbacks for detached accessory buildings OR structures over (120) sf in total. My client's proposed plans are in conformity with this section.

Turning then to Section 11.04.03 regarding swimming pools, and as previously stated by the Zoning Administrator and supported by the ZBA at the November 17th, this section provides no basis for a denial of the proposed pool. Again, there is nothing in the ordinance that states an accessory structure such as a swimming pool must meet the same setback requirements as the principal structure.

The analysis must then shift to Section 25.02 which defines both a Required and Non-Required Yard. A Required Yard as "the open space between the lot line and the **minimum** setback line. The required yard corresponds to the **minimum** setback requirement for the district." (**emphasis added**). The section also defines the Non-required Yard as "the open space between the minimum setback line and the main building. The non-required yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district."

The distinction here between minimum and required is key and is where the administrator's erroneous interpretation flies in the face of the plain readings of the Ordinance, its defined terms, and its applications to properties in the district such as those shown in Exhibit "A". Article 25 page 25 defines a required setback as follows: "

Setback, Required: The minimum horizontal distance between the building line and a front, rear, or side lot line, a natural feature or a shoreline. Procedures for measuring setbacks for site condominium projects are listed under the definition of

condominium setback. (required setbacks are distinct from actual yard, see definitions for yards, setbacks measurements are illustrated on Figure 25.13).

The ordinance itself makes clear that a Required set back, like those for a principal structure, are separate and distinct from the Minimum set back, used to define a Required Yard.

In the Lakeshore Resort Residential District “LRR” (where this property is located) the **minimum** yard setback is clearly defined as 40 feet (Table 3.04.01). In the instant case, this leaves my client with ample room (approximately 40 additional feet of non-required yard) for which to place the pool. Unlike other items, such as accessory buildings, which are required to meet the same requirements for a principal structure (see 11.04.01(g)), structures, such as a pool as defined in Article 25, are not held to the same requirements. The inference by the administrator that a pool must meet the same requirements as the principal structure is not supported by the language of the ordinance. Simply put the minimum setback which defines a Required Yard is not synonymous with the required shoreline setback of a principal structure. Principal Structures may have a required setback that exceeds the minimum, but the minimum remains no less than 40 feet. This is further supported by table 3.04.01 which outlines the minimum yard setbacks (40 feet for rear yards). Statutes and Ordinances must be interpreted in such a way to prevent conflict when the plain language used within the statute or ordinance is unambiguous. The administrator’s erroneous interpretation falters as it confuses required with minimum.

Section 1.05.01 which states the more restrictive ordinance applies when two or more provisions impose limitations or restrictions has also been erroneously applied in my client’s case. There are no conflicting requirements from any ordinance, and the determination that there are conflicts in itself causes conflict. Section 3.04.02 clearly states the dimensional requirements for a principal structure. To accept this as applicable to other structures that have their own setbacks would conflict with 3.05.02 and essentially make Section 11 null and void. For example, Section 11 provides setback requirements for decks from a lot line, assuming with no basis that a deck must follow the same setback as the principal structure is both erroneous and arbitrary. The same applies to swimming pools, and any other item mentioned in Section 11. Any thought contrary would assume Section 11 is written in error. It should be noted that the pool as proposed meets the required ten-foot lot line and principal building set back as required in Section 11.04.03-Swimming Pools as well as the 11.04.01 (f) Required Setbacks for detached structures under one acre.

With the definition of the required yard and non-required yard now made clear, the issue of the retaining wall and pool as proposed should also be mute. Section 11.04.04 provides no restrictions that would be in conflict with the proposed plans to build the retaining walls within the non-required yard as proposed.

To provide a visual of how the Required Yard, Non-required Yard, and Building Envelope are situated on the Property in accordance with the ordinance, my client’s contractors have provided the attached Exhibit “C”. As you can see, the Pool and Retaining Walls proposed would be constructed in the Non-Required Yard space, leaving the Required Yard, and the views it provides, unaltered. The erroneous interpretation of the Ordinance as proposed by the

administrator and the board is further highlighted by an example. If the definition of required yard was affixed not to the minimum but to the fluctuating required set back as asserted by the administrator, that would create a situation where a property owner, who constructed a home well past the required principal structure setback with the intention of providing an expanded non-required yard, could see that non-required yard eliminated as a result of neighboring construction. This would not only be inequitable, it would be contrary to the intent and purpose of the ordinance, which is to provide a defined buffer along the shoreline while still providing each property owner with the justice of fair use of their property in conformity with similarly situated homes.

As such, we renew our request at this time that zoning administrator approve the plans as provided and allow the project to proceed. In lieu of such, please place this matter on the next Zoning Board of Appeal agenda.

Should you have any questions or concerns please contact my office.

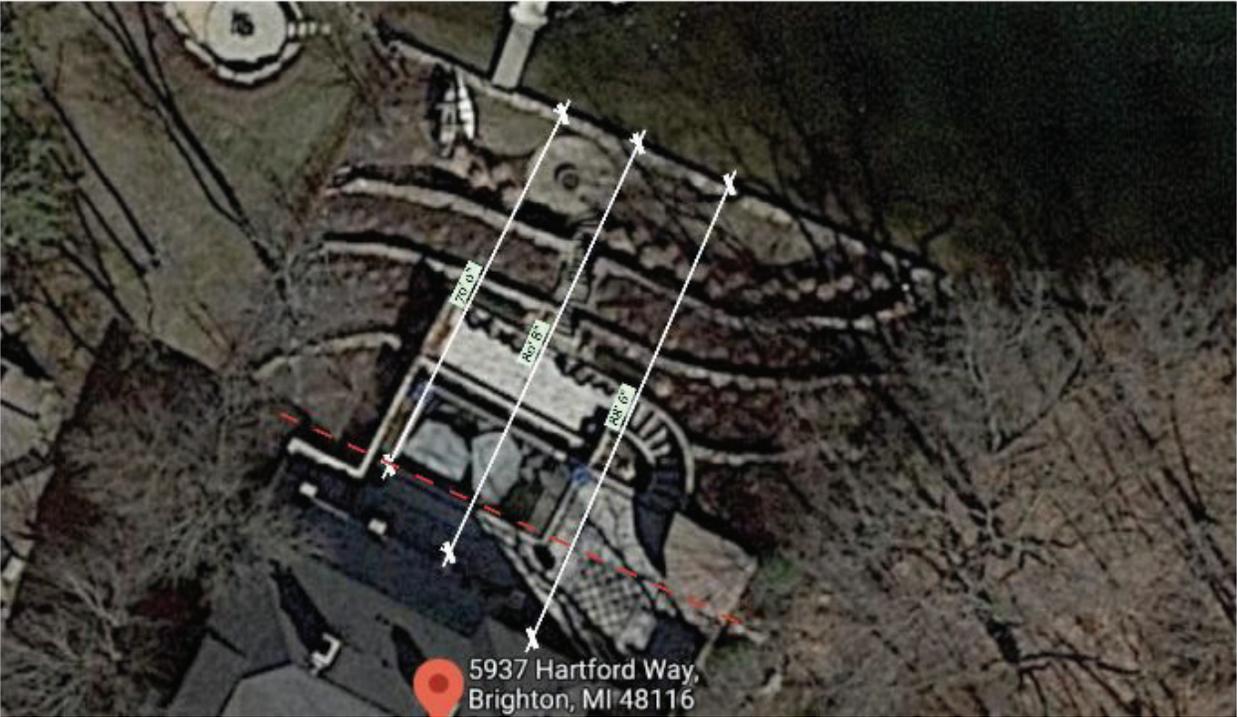
Babnik Law, PLLC



Andrew Babnik Jr.  
cc: Client

# EXHIBIT “A”

Case #1: 5937 Hartford Way, Brighton, MI 48116





**Residential Land Use Permit**

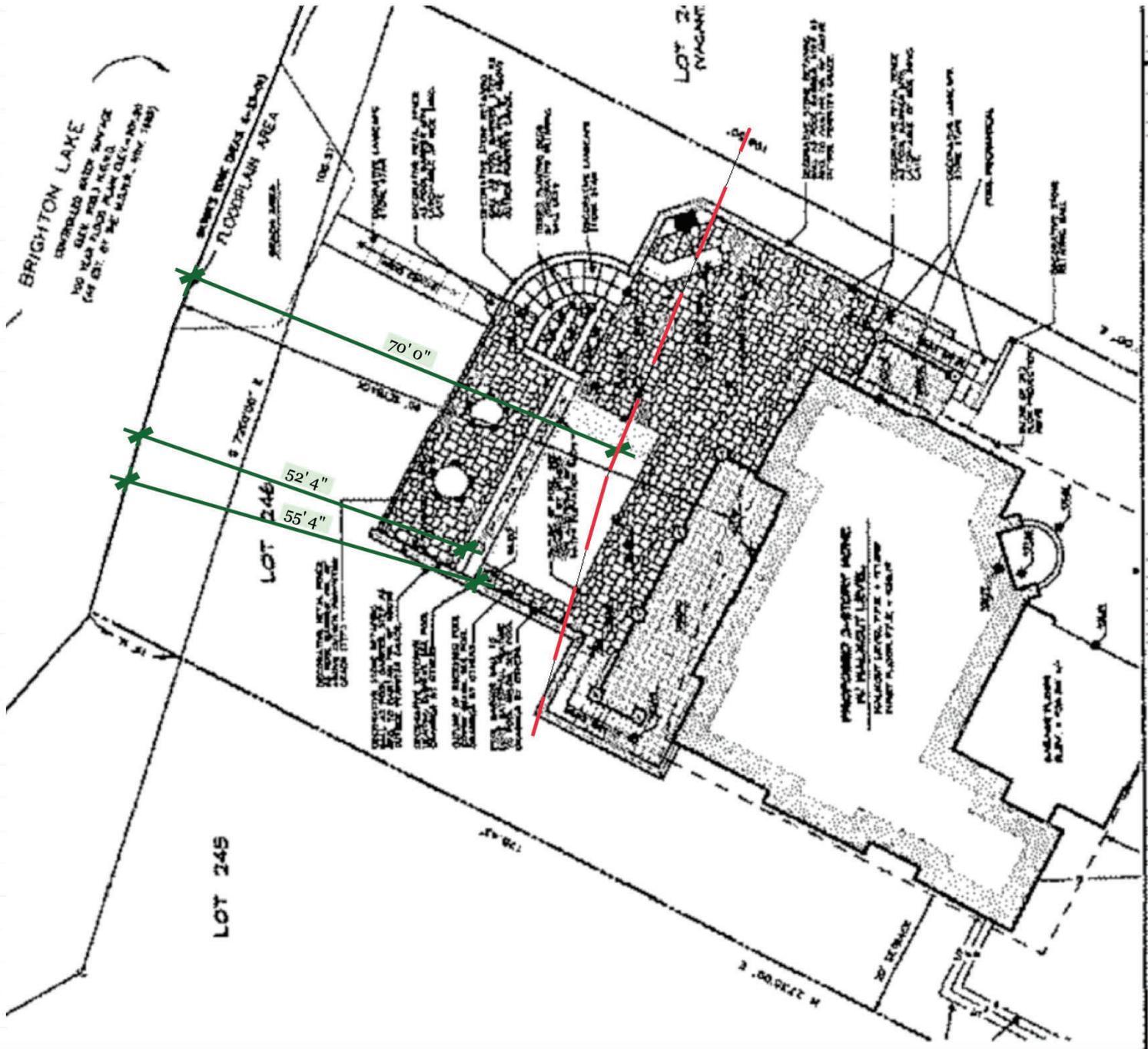
Genoa Charter Township • 2911 Dorr Rd. • Brighton, MI 48116  
 Phone (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

PERMIT NO. 12-098

<b>1. PROJECT INFORMATION</b>			
Site Address: <u>5937 Hartford Way, Brighton MI 48116</u>			Acreage: <u>.50</u>
<b>2. OWNER/APPLICANT INFORMATION</b>			
Owner Name: <u>Dave &amp; Julie Kennedy</u>		Phone No.: <u>(810)444-6185</u> <input type="checkbox"/>	
Owner Address: <u>2158 Pine Bluff Ct.</u>	City: <u>Highland</u>	State: <u>MI</u>	Zip: <u>48357</u>
Applicant is: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Lessee/Renter <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Other:			
Applicant name: <u>/SD Rollins Construction - Steve Rollins</u>		Phone No.: <u>(517)546-5047</u> <input type="checkbox"/>	
Applicant Address: <u>2823 N Hacker Rd</u>	City: <u>Howell</u>	State: <u>MI</u>	Zip: <u>48855</u>
<b>3. TYPE OF IMPROVEMENT</b>			
<b>A. Principal Structure</b>			
<input checked="" type="checkbox"/> New Single Family <input type="checkbox"/> New Multiple Family <input type="checkbox"/> Addition to Existing Building <input type="checkbox"/> Grading/Site Work			
<input type="checkbox"/> Other:			
<b>B. Accessory Structure</b>			
<input checked="" type="checkbox"/> Fence <input checked="" type="checkbox"/> Deck <input type="checkbox"/> Detached Accessory (garage, shed, pole barn)			
<input checked="" type="checkbox"/> Pool/Hot Tub <input type="checkbox"/> Other:			
<b>4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION</b>			
<b>A. Proposed Principal Structure Setbacks (in feet)</b>			
Front: <u>40</u> (measured from front property line, right-of-way line or private road easement, whichever is less)			
Rear: <u>50</u>	Least Side: <u>20</u>	Side: <u>20</u>	Water/Wetland: <u>90</u>
<b>B. Proposed Accessory Structure Setbacks (in feet)</b>			
Front: <u>0</u>	Least Side: <u>0</u>	Side: <u>0</u>	Rear: <u>0</u>   Water/Wetland: <u>0</u>   Distance from Principle Structure: <u>0</u>
<b>C. Proposed Building/Improvement Dimensions</b>			
Size of Building/Improvement: <u>8615</u> square feet		Height: <u>33</u> feet	
<b>5. SIGNATURE OF APPLICANT</b>			
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.			
Signature of Applicant:		Printed Applicant name: <u>Stephen D Rollins Jr</u>	Date:
<b>FOR OFFICE USE ONLY</b>			
<b>FLOODPLAIN</b>			
Floodplain: <u>N/A</u>	Panel #:	Zone #:	
<b>ASSESSING APPROVAL</b>			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>Jimmy Lindberg</u>	Date: <u>8-10-12</u>
<b>ZONING APPROVAL</b>			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Parcel I.D. No.: <u>11/36 301 246</u>	Zoning: <u>RPUD</u>
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>Adam Van Tassel</u>	Date:
Comments/Conditions: <u>8/24/12 - Add retaining wall to support deck on east side (RKL)</u>			
ZBA	Case #/Approval date:	Conditions:	
<b>3. FEES</b>			
Land Use:	\$ <u>7500</u>	Water/Sewer:	\$ <u>2572 16528</u>   Meter: \$ <u>624</u>

*Total*  
\$9799.00

BRIGHTON LAKE  
CONTROLLED ENTRY SERVICE  
100 YEAR FLOOD PLAIN MAP  
(44' ELEV. BY THE MAPS, INC. 1983)



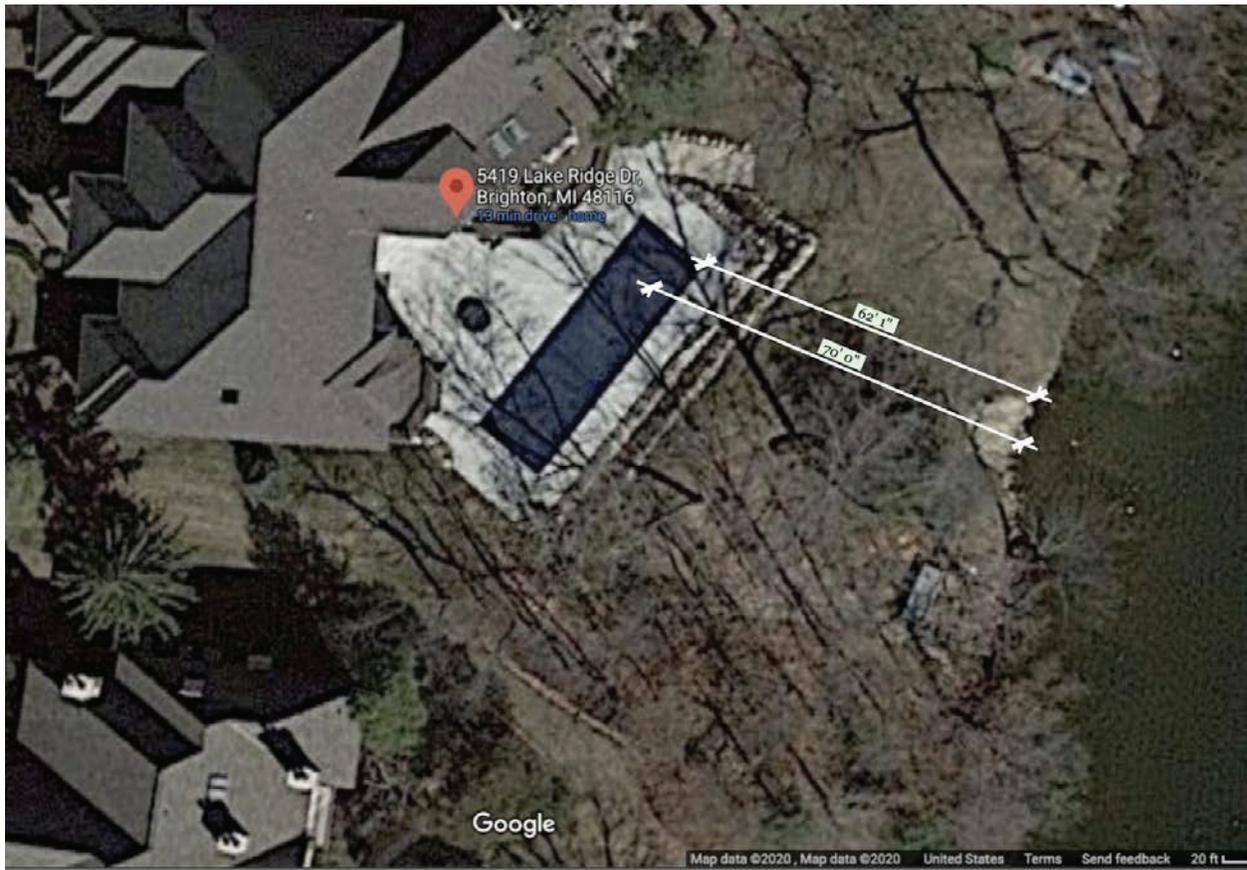
LOT 245

LOT 246

LOT 247  
VACANT

PROPOSED 2-STORY HOME  
IN WALKOUT LEVEL  
FINISH FLOOR FFL = 101.00  
FIRST FLOOR FFL = 102.00

Case #2: 5419 Lake Ridge Dr, Brighton MI 48116



BOTH ARE IN “RPUD”, a zoning district within GENOA

10.03.01 Residential PUD

(b)

Dimensional Standards: **The dimensional standards of the underlying zoning district shall be complied with, provided the lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space.** A table shall be provided on the site plan indicating the cumulative reduction in lot areas and the corresponding amount of open space being preserved. Wetland setbacks may not be reduced. The Planning Commission may approve an RPUD without public water and sewer provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department are met.

Official Zoning Map upon approval.

District Name	Type of District	Permitted Uses	Special Land Uses	Additional Provisions
Residential Planned Unit Development (RPUD)	Overlay of a residential district	Open space or cluster housing projects with one or more types of residential uses	Same as underlying residential district	Sec. 10.03.01
Planned Industrial Parks (PID)	Overlay district of an Industrial District	Uses permitted in the Industrial and Office-Service Districts	Special land uses of the Industrial and Office-Service District	Sec. 10.03.02
Mixed Use Planned Unit Development (MU-PUD)	Separate zoning district	A mixture of public, residential, commercial, recreational or open space uses.	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.03
Redevelopment Planned Unit Development (RDPUD)	Overlay of a commercial district	Same as underlying district	Same as underlying district	Sec. 10.03.04
Non-residential Planned Unit Development (NR-PUD)	Separate zoning district	A mixture of public, office, commercial, light industrial, recreational and open space uses. See Sec. 10.03.05(c).	Special land uses of the zoning districts applicable to each PUD component.	Sec. 10.03.05
Interchange Commercial PUD (ICPUD)	Separate zoning district	See Sec. 10.03.06 c	Special land uses of the General Commercial or Regional Commercial District, as may be approved by the Township, except those specifically listed in Sec. 10.03.06 c	Sec. 10.03.06
Interchange Campus PUD (CAPUD)	Separate zoning district	See Sec. 10.03.06 c	See Sec. 10.03.06 c	Sec. 10.03.06

(as amended 12/31/06 and 09/04/18)

There underlying zoning district would either be Suburban Residential, or Urban Residential, both of which have a rear setback of 50'

**BUT**

requirements shall be maintained along all street frontages.

- (g) **Natural Features Setback:** A minimum twenty five (25) foot setback shall be maintained from all MDEQ regulated wetlands, ponds and streams, subject to the requirements of Section 13.02. Setbacks from lake shore are described below, unless a greater distance is required by the MDEQ under PA 347 of 1972:

<b>Table 3.04.02 Shoreline Setback</b>	
<b>Condition</b>	<b>Required Setback from Shoreline or Ordinary High Water Mark of a Lake*</b>
	<b>Principal Building</b>
Sites lacking public sanitary sewer	Minimum 100 feet
Sites connected to public sewer	Minimum 70 feet
Sites connected to public sewer in Lakeshore Resort Residential Dist.	Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.
Paved parking areas	All paved parking areas shall be setback a minimum 25 feet from any shoreline.

\* This setback shall be measured on a horizontal plane from the nearest point of the water's edge to the nearest point of the building or structure.

***Therefore, the minimum setback from the shoreline from this district is 70'***

***So, if the minimum setback of the principal structure determines the required yard this would not be in compliance as per below:***

**11.04.05** Waterfront Accessory Structures: Waterfront structures and appurtenances are permitted structures on waterfront property, subject to the requirements of this section. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e. the minimum required setback from the ordinary high water mark.) **in all zoning districts.**

**\*\*\*\* This permit was approved based on compliance of 11.04.01 (g), which the board and district has acknowledged does not apply since a pool is not a building, its a structure. However even with its application, or the application of 11.04.01 (f) which they have stated is the proper guidance, that still does not bypass 11.04.05 about waterfront accessory structures.**

**1. Logical Arguments**

- a. **The required yard is NOT determined by the required setback of the principal structure, it is determined by the minimum required setback, and uses the Natural Features Setback for waterfront of 25' under 3.04.02 (g)**

**OR**

- b. Accessory structures are permitted in the required waterfront, as long as they are in combination with a permitted “projection” under 11.01.04. I.e. a guard rail on a terrace, or a pool on a terrace.**

In either scenario, there has been no case that has defined the required yard as the required setback of the principle structure, and therefore enforced 11.04.05.



# Genoa Township

2911 Dorr Road, Brighton, Michigan 48116  
 Phone: 810.227.5225 Fax: 810.227.3420 www.genoa.org

## Planning & Zoning

**Residential Land Use**

**Swimming Pool**

**P18-167**

Issued: 09/05/2018  
 Expires: 09/05/2019

LOCATION	OWNER	APPLICANT
5419 LAKE RIDGE DR 4711-36-101-052 Zoning: RPUD	COLEY RANDALL L. 5419 LAKE RIDGE DR. BRIGHTON MI 48116 Phone: E-mail:	HOME WATER SPORTS  Fenton MI 48430 Phone: (810) 629 1772 E-mail:

Work Description: 12x25 inground lap pool with code compliant auto cover

**PROJECT INFORMATION:**

Front Setback: 7	Side Setback: 7	Water/Wetland:
Least Side Setback: 7	Rear Setback: 7	Distance from Principal Structure:
Construction Value: \$50,000.00	Height:	Total Square Feet: 01
ZBA Approval: n/a		

**Comments/** Per 11.04.01(g) shoreline setback is 50' minimum required.

**Conditions:** Pool enclosure/cover shall be authorized by Livingston County Building Department

Permit Item	Permit Fee	Fee Basis	Item Total
Deck/Fence/Swimming Pool	Permit Fee	1.00	\$0.00

Fee Total:	\$50.00
Amount Paid:	\$50.00
Balance Due:	\$0.00

Issuance of this permit confirms the applicants certification that all information and data attached to and made part of this permit are true and accurate and to the best of the applicants knowledge and belief. The applicant has certified that the proposed work has been authorized by the owner of record and that the applicant has been authorized by the owner to obtain this permit as the authorized agent. The applicant has agreed to conform to all applicable laws, codes and ordinances of the State of Michigan, Livingston County and Genoa Township. The applicant acknowledges that private covenants and restrictions are potentially enforceable by private parties. This permit authorizes on-site inspections by an official representative of Genoa Charter Township. This permit is valid for a period of 12 months from the date of issue and the applicant agrees that any modifications must be approved by Genoa Township.

# EXHIBIT “B”

GENOA TOWNSHIP



Residential Land Use Permit  
 Genoa Charter Township • 2911 Dorr Rd. • Brighton, MI 48116  
 Phone (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

MAY 22 2014

PERMIT NO. 14-062

14-062 revised 2/21/14

<b>1. PROJECT INFORMATION</b>			
Site Address: 4252 and 4260 Highcrest, Brighton, MI 48116			Acreage: N/A 0.98
<b>2. OWNER/APPLICANT INFORMATION</b>			
Owner Name: PB Development, LLC		Phone No.: 248.207.8040	
Owner Address: 46100 Grand River Ave.	City: Novi	State: MI	Zip: 48374
Applicant is: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Lessee/Renter <input type="checkbox"/> Architect/Engineer <input type="checkbox"/> Other:			
Applicant name: Blair M. Bowman, Manager		Phone No.: ABOVE	
Applicant Address: ABOVE		City:	State: Zip:
<b>3. TYPE OF IMPROVEMENT</b>			
<b>A. Principal Structure</b>			
<input checked="" type="checkbox"/> New Single Family <input type="checkbox"/> New Multiple Family <input type="checkbox"/> Addition to Existing Building <input type="checkbox"/> Grading/Site Work			
<input type="checkbox"/> Other: _____			
<b>B. Accessory Structure</b>			
<input type="checkbox"/> Fence <input type="checkbox"/> Deck <input type="checkbox"/> Detached Accessory (garage, shed, pole barn) <input type="checkbox"/> Pool/Hot Tub			
<input checked="" type="checkbox"/> Other: As per submitted plans			
<b>4. PROPOSED SETBACK AND DIMENSIONAL INFORMATION</b>			
<b>A. Proposed Principal Structure Setbacks (in feet)</b>			
Front: 25 (measured from front property line, right-of-way line or private road easement, whichever is less)			
Rear: 73	Least Side: 5	Side: 10	Water/Wetland: 73
<b>B. Proposed Accessory Structure Setbacks (in feet)</b>			
Front:	Least Side:	Side:	Rear: Water/Wetland: Distance from Principle Structure: SEE PLAN
<b>C. Proposed Building/Improvement Dimensions</b>			
Size of Building/Improvement: 3,892 square feet		Height: _____ feet	
<b>5. SIGNATURE OF APPLICANT</b>			
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent. The owner and applicant agree to conform to all applicable ordinances of Genoa Township. Any modification to location, size or dimensions must be approved by Genoa Township. A Land Use Permit is valid for a period of 12 months from the date of issue. In signing of this application, I am permitting an official representative of Genoa Charter Township to do on-site inspections. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.			
Signature of Applicant:		Printed Applicant name: Blair Bowman	Date: 5.21.14
FOR OFFICE USE ONLY			
<b>FLOODPLAIN</b>			
Floodplain: Yes	Panel #: 340D	Zone #: A	
<b>ASSESSING APPROVAL</b>			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Approved by: Johnny Dendrey	Date: 5/23/14	
<b>ZONING APPROVAL</b>			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Parcel I.D. No.: 11-22-302-209	Zoning: LRR	
Approved by:		Date: 5/23/14	
Comments/Conditions: Sec 24.04.06 - Applicant has demonstrated that improvements to "beach abara" will not exceed 1/2 of the value of structure (see appraisal). Pool shall be enclosed by a 48" barrier or fence with self latching gate. Beach abara shall not be used as an accessory dwelling.			
ZBA Case #/Approval date: 14-07/4-15-14	Conditions: House is gutted		
<b>3. FEES</b>			
Land Use: \$ 75.00	Water/Sewer: \$ —	Meter: \$ —	

\* legal non-conforming accessory building ("beach abara") shall not be encroached or added onto without a variance from the ZBA.



**GENOA TOWNSHIP ASSESSING DEPARTMENT  
REQUIRED LAND USE INFORMATION FORM**  
2911 Dorr Road ♦ Brighton, Michigan 48116  
Phone: (810) 227-5225 ♦ Fax: (810) 227-3420 ♦ www.genoa.org

PERMIT NO. A 14-062  
D 14-062

<b>1. PROJECT INFORMATION</b>									
Site Address: 4252 & 4260 Highcrest, Brighton, MI 48116					Parcel I.D. No.: 4711-22-302-209			Zoning: LRR	
<b>2. TYPE OF IMPROVEMENT</b>									
A. <u>Principal Structure</u> <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Addition to Existing Building									
B. <u>Accessory Structure</u> <input checked="" type="checkbox"/> Fence <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Detached Accessory (garage, shed, pole barn) <input type="checkbox"/> Sunroom <input checked="" type="checkbox"/> Pool/Hot Tub: <input type="checkbox"/> Above ground <input checked="" type="checkbox"/> In ground									
C. Total Project Cost: \$ <u>1605,720.00</u>									
<b>3. SELECTED CHARACTERISTICS OF IMPROVEMENT</b>									
Building Style		<input type="checkbox"/> Ranch			<input type="checkbox"/> 1.5 Story			<input checked="" type="checkbox"/> 2 Story	
Frame		<input checked="" type="checkbox"/> Masonry, Wall Bearing		<input checked="" type="checkbox"/> Wood Frame		<input type="checkbox"/> Structural Steel		<input type="checkbox"/> Reinforced Concrete	
Exterior		<input checked="" type="checkbox"/> Brick		<input checked="" type="checkbox"/> Stone		<input type="checkbox"/> Siding		<input checked="" type="checkbox"/> Wood	
Foundation		<input checked="" type="checkbox"/> Basement			<input type="checkbox"/> Crawl			<input type="checkbox"/> Slab	
Area		New Building Square Footage:				Addition Square Footage:			
Bedrooms		No. of: 4							
Bathrooms		No. of Full: 4		No. of Half: 1		No. of Sinks: 7		No. of Showers 4	
Basement		Walkout: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Finished: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Finished Square Footage:		Basement Baths: 1	
Central Air		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Fire Suppression:			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Fireplace		<input type="checkbox"/> Direct Vent		<input checked="" type="checkbox"/> Pre-fab			<input type="checkbox"/> Other:		
Garage		<input checked="" type="checkbox"/> Attached <input type="checkbox"/> Detached		Height:      feet		Depth:      feet		Width:      feet	
Inground Pool		<input type="checkbox"/> Fiberglass			<input checked="" type="checkbox"/> Gunitite			<input type="checkbox"/> Plastic	
Driveway		<input type="checkbox"/> Gravel <input checked="" type="checkbox"/> Asphalt		<input type="checkbox"/> Concrete		<input type="checkbox"/> Brick		<input type="checkbox"/> Other _____	
Accessory Structure		Height:      feet		Depth:      feet		Width:      feet		Flooring: <input type="checkbox"/> Concrete <input type="checkbox"/> Dirt <input type="checkbox"/> Wood	
<b>4. APPLICANT SIGNATURE (below)</b>									
I hereby certify that all information attached to this application is true and accurate to the best of my knowledge. I certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and agree to conform to all applicable ordinances of Genoa Township. I acknowledge that private covenants and restrictions are potentially enforceable by private parties.									
Signature of Applicant:					Date: 5.21.14				



**MAINTENANCE NOTES FOR SOIL EROSION CONTROL MEASURES:**

1. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures.

2. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures.

3. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures. The contractor shall be responsible for the maintenance of all erosion control measures.

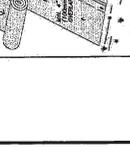
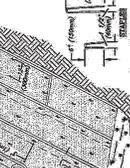
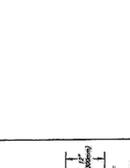
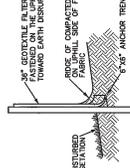
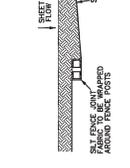
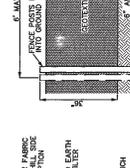
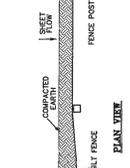
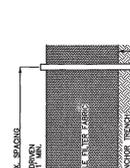
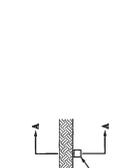
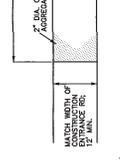
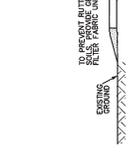
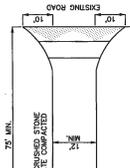
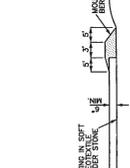
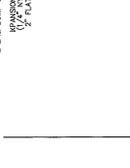
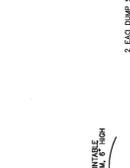
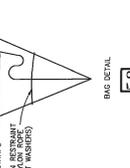
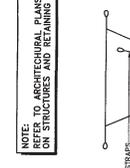
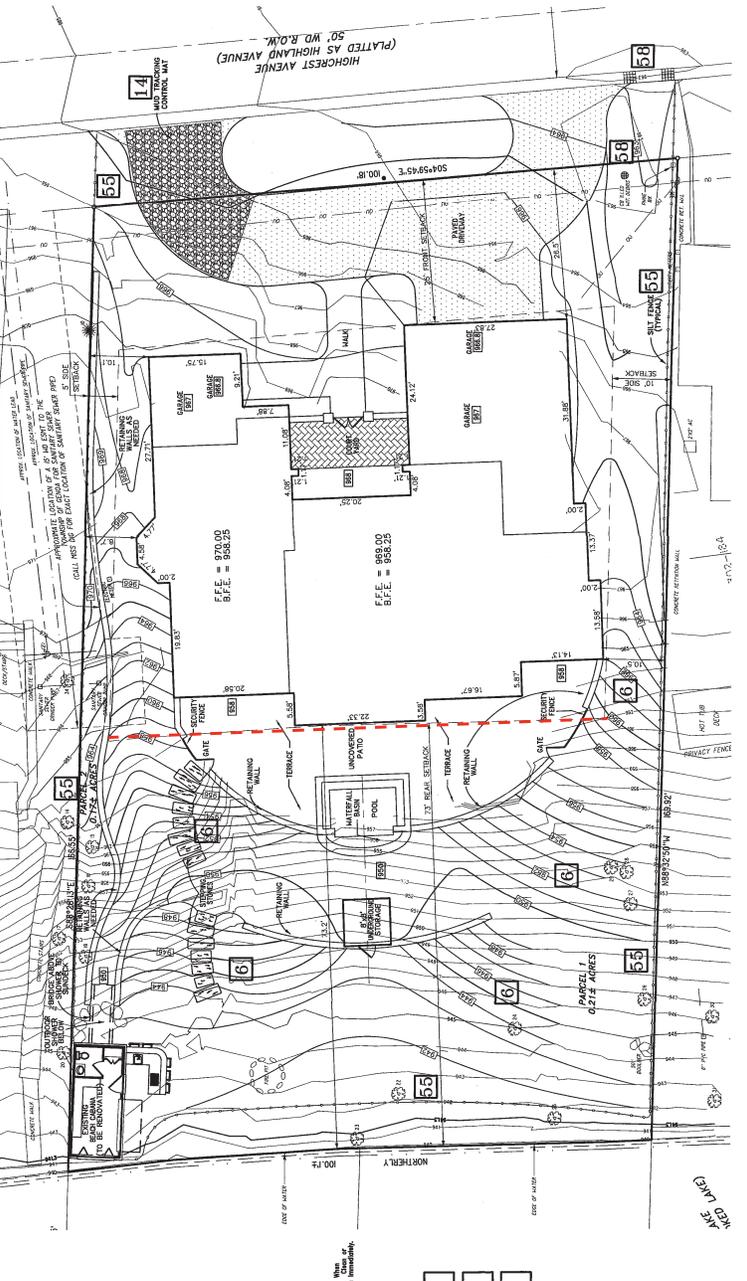
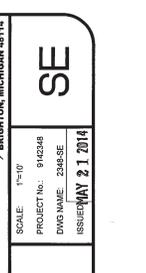
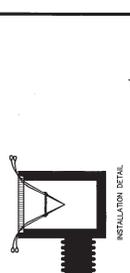
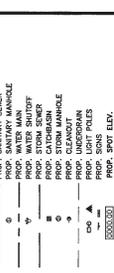
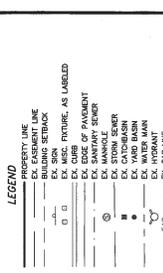
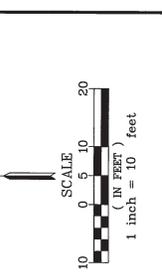
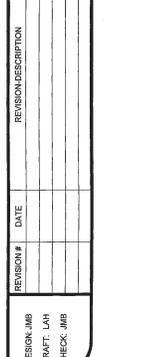
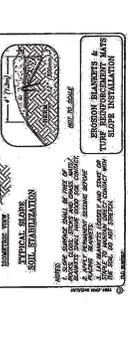
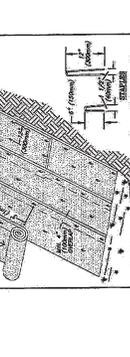
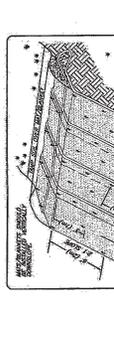
**SOILS EROSION MEASURES**

6. **SOILS EROSION MEASURES**

5.5. **SOILS EROSION MEASURES**

5.8. **SOILS EROSION MEASURES**

T = TEMPORARY, P = PERMANENT



**SE**

PROJECT No.: 9142348  
 DWG NAME: 2348-SE  
 ISSUED: MAY 21, 2014

CLIENT:  
 BLAIR BOWMAN  
 4232 HIGHEST DR.  
 BRIGHTON, MICHIGAN

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 ISSUED: MAY 21, 2014

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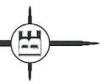
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 DWG NAME: 2348-SE  
 ISSUED: MAY 21, 2014

# EXHIBIT “C”

- LEGEND**
- 900 - PROPOSED CONTOUR
  - 900 - EXISTING CONTOUR
  - EXISTING SPOT ELEVATION
  - 971.0
  - OP - POWER POLE
  - 1 - GUY WIRE
  - ⊞ - ELECTRICAL RISER
  - ⊞ - U.G. ELECTRICAL MARKER
  - ⊞ - ELECTRICAL METER
  - ⊞ - U.G. TELEPHONE MARKER
  - ⊞ - GAS METER
  - ⊞ - DECIDUOUS TREE
  - - STEEL ROD SET
  - - STEEL ROD OR PIPE FOUND
  - - MONUMENT FOUND
  - - SANITARY SEWER
  - - GAS MAIN
  - - OVERHEAD WIRES
  - FG - PROPOSED SPOT ELEVATION
  - 971.0

**APPROVED**  
By Kelly VanMarter at 1:17 pm, Jul 17, 2020

Revised Elevation



**PLOT PLAN**

**GENOA TOWNSHIP**  
**Amy Ruthig**  
5-26-2020 \*SEE CONDITIONS  
PERMIT APPROVED

- GENERAL SURVEY NOTES:**
1. BEARINGS WERE ESTABLISHED FROM A PREVIOUS SURVEY BY BOSS ENGINEERING, JOB NO. 08115, DATED 05-19-08. RECORD BEARINGS WERE ESTABLISHED FROM THE PLAT OF "GRANDALL'S CROOKED LAKE HEIGHTS NO. 1", AS RECORDED IN LIBER 5 OF PLATS, PAGE 37, LIVINGSTON COUNTY RECORDS.
  2. ACCORDING TO THE PLAT ALL NUMBERED LOTS EXTEND TO THE WATER'S EDGE OF CROOKED LAKE.
  3. 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.
  4. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
  5. ELEVATIONS WERE ESTABLISHED BY GPS TO THE STATE PLANE, MICHIGAN SOUTH ZONE. (NAD83 DATUM)
  6. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
  7. ALL ELEVATIONS ARE SHOWN TO THE NEAREST 0.01 FOOT; HOWEVER SOFT-SURFACE ELEVATIONS CAN ONLY BE PRESUMED ACCURATE TO THE NEAREST 0.1 FOOT.
  8. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
  9. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.



**Non Required Yard**

**Building Envelope**

**Required Yard**

**DESCRIPTION OF PARCEL #4711-22-202-014, PER LIVINGSTON COUNTY TAX ROLL:**  
LOT 14 AND SOUTH 1/2 OF LOT 15, PLAT OF "GRANDALL'S CROOKED LAKE HEIGHTS NO. 1", PART OF THE SW 1/4 OF THE NW 1/4 AND PART OF NW 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 15 NORTH, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 5 OF PLATS, PAGE 37, LIVINGSTON COUNTY RECORDS.

THE EXACT AND EXTENT OF EXISTING UNDERGROUND UTILITIES IS SHOWN ON THESE DRAWINGS AS ONLY APPROXIMATE. NO GUARANTEE IS MADE BY THESE DRAWINGS AS TO THE EXACT LOCATION AND DEPTH OF ANY UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY UNEXPECTED UTILITIES ARE FOUND. THE LOCATION OR DEPTH OF ANY UNEXPECTED UTILITIES SHALL BE SHOWN ON THE PLANS.

**PROFESSIONAL SURVEYOR**  
WILLIAM WASCHER  
No. 51608  
STATE OF MICHIGAN

**MISS DIG**  
BE CALL MISS DIG  
1-800-482-7171  
MISS DIG IS A SERVICE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION

NO	BY	REVISION PER	DATE
1	WM	ADDED EXISTING WELL	1-23-19
2	WM	SHORELINE SETBACK	3-1-19
3	KJ	PROT PLAN	3-20-20
4	WM	PROT PLAN - REVISIONS	5-7-20
5	WM	PROPOSED NEW WELL LOCATION	6-18-20
6	KJ	LOWER FEET - 2 FEET	7-15-20

PROJECT: #3470 PINE RIDGE LANE  
PREPARED FOR: RALPH & MARY SLIDER  
7230 CUESTA WAY DRIVE NE  
ROCKFORD, MICHIGAN 49341  
616-240-4957

**PLOT PLAN**

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

DESIGNED BY: WRW  
CHECKED BY:  
SCALE: 1" = 20'  
JOB NO. 18-397  
DATE: 11-26-18  
SHEET NO. 1 OF 1  
BOSS ENGINEERING

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
JANUARY 21, 2021 - 6:30 PM  
Via ZOOM**

**MINUTES**

**Call to Order:** Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:33 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michele Kreutzberg, Jean Ledford, Craig Fons, and Amy Ruthig, Zoning Official. Absent were Marianne McCreary and Bill Rockwell.

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

**Election of Officers:**

Chairman Rassel noted that there are two Board Members absent today. **Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to postpone the Election of Officers until the February 16, 2021 meeting.

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

**Approval of the Agenda:**

**Moved** by Board Member Ledford, seconded by Board Member Fons, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

The call to the public was made at 6:36 pm with no response.

1. 21-01... A request by Yvette Whiteside, 5780 Glen Echo Drive, for a rear yard setback variance to add an addition to an existing single family home.

Mr. and Mrs. Whiteside were present. Ms. Whiteside stated they would like to build an addition approximately 10 feet from the back of the dwelling. There is already a variance on this lot and without a variance; it would not be buildable as a residence due to the size of the lot. This additional will would allow them to store items inside instead of having them outside.

Board Member Kreutzberg asked for details on the addition. Ms. Whiteside stated they will be putting a concrete slab and a lean to in order avoid having to add additional trusses and add to the roof line. They would like to keep the existing shed.

Board Member Ledford noted that when the applicant was before the Board previously, they were not the legal owner of the property. Ms. Whiteside said they are now the legal owners.

Board Member Ledford questioned the location of the well. Ms. Whiteside stated the well is on the neighboring property behind them and there is a lifetime easement for access to this well.

Board Member Fons asked if the addition will be enclosed. Ms. Whiteside stated it would be closed on all sides. It will not be accessible from inside the dwelling. He questioned the stairs shown on the plans. Ms. Whiteside stated the stairs will lead from the addition down to the crawl space.

The call to the public was made at 6:54 pm.

Mr. Alan Walblay of 5741 East Grand River, Howell stated he is not in favor of the new owner encroaching onto his property. Ms. Ruthig explained that the structure would be four feet from the property line on the applicant's property and not encroaching into the public walkway or Mr. Walblay's property. After hearing the clarification, he is in favor of granting the request.

The call to the public was closed at 6:57 pm.

**Moved** by Board Member Kreutzberg, seconded by Board Member to Ledford, to approve Case #21-01 for Yvette Whiteside of 5780 Glen Echo Drive for a rear yard variance of 36 feet for a setback of four feet to build a 10 x 64 addition to an existing structure.

- Strict compliance with the setback would unreasonably prevent or restrict the use of the property or cause it to be unbuildable. This variance would provide substantial justice in granting the applicant similar rights as others in the area and is not self-created. There are other homes in the area with reduced rear setbacks.
- The exceptional or extraordinary condition of the property is the small and shallow lot size. The rear lot line of the property is bordered by a six-foot platted walkway for the subdivision.
- The granting of the variance will not impair adequate light or air to adjacent properties or increase congestion or increase fire threaten the public safety, comfort, morals or welfare.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. An easement shall be recorded for the use of the well on a separate lot.
2. Structure shall be guttered with downspouts.
3. Parking must be maintained on the lot and shall not impede the access to the sewer pump station.

4. Applicant should verify that if the current well fails, there is room on the lot to install a new well meeting the required setbacks from the sewer required by the Livingston County Environmental Health Dept.

**The motion carried unanimously.**

**Administrative Business:**

1. Approval of minutes for the December 15, 2020 Zoning Board of Appeals meetings.

**Moved** by Board Member Kreuzberg, seconded by Board Member Ledford, to approve the minutes of the December 15, 2020 ZBA meeting as presented. **The motion carried unanimously.**

2. Correspondence - Ms. Ruthig stated there will be a meeting in February and there will be at least two items on the agenda.
3. Member Discussion - There were no items to discuss this evening.
4. Adjournment - **Moved** by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 7:04 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary