

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
AUGUST 16, 2022
6:30 P.M.
AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Approval of Agenda:

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

Old Business:

1. 22-16...A request by Jeremy Clarke, 3742 Westphal, for a side yard and rear yard setback variance to construct a detached accessory structure.

New Business:

2. 22-17...A request by Brody and Ara Adams, 600 Black Oaks Trail, for a fence variance to allow an existing 6-8-foot-tall fence to remain.

Administrative Business:

1. Approval of minutes for the July 19, 2022 Zoning Board of Appeals meeting.
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 # 22-16 Meeting Date: 7/19-22
@6:30 pm

PAID Variance Application Fee

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

Applicant/Owner: Jeremy Clarke Email: jclarke26@sbccglobal.net
Property Address: 3742 Westphal Phone: _____
Present Zoning: CE Tax Code: 4711-19-400-025

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: Barn to be built
20' from property line on two sides
of property

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.

Many other properties in the area have barns close to their property lines and setbacks.

Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant.

The proposed area is the only spot on the property it fits. Wetlands and septic fields are in the way.

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.

~~XXXXXX~~ The building is far enough to prevent danger.

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.

There will be no negative affects to surrounding properties.

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: 5/24/22 Signature: [Signature]



REVISED MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 11, 2022

RE: ZBA 22-16

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

STAFF REPORT

File Number: ZBA# 22-16
Site Address: 3742 Westphal Road
Parcel Number: 4711-19-400-025
Parcel Size: 7.470 Acres
Applicant: Jeremy Clarke, 3742 Westphal Road, Howell
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variances

Project Description: ~~Applicant is requesting a side and rear yard setback variance to construct a 50 x 80 detached accessory structure.~~ Revised request requires a rear yard setback variance only for a 40 x 50 detached accessory structure.

Zoning and Existing Use: CE (Country Estates) Single Family Dwelling and one detached accessory structure is located on the property.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 3, 2022 and 300-foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

Background

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

- Per assessing records the existing home on the parcel was constructed in 2003.
- ~~The variance request was postponed at the July 19, 2022 ZBA meeting. (See attached minutes)~~
- In 2007, a land use permit was issued to install an inground pool. (See Attached)
- In 2001, a land use permit was issued to construct a new home. (See Attached)
- See Assessing Record Card

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

Summary

~~The proposed project is to construct a 50 x 80 detached accessory structure. The applicant is seeking a side and rear yard setback variance.~~ The applicant is proposing to access the proposed building by utilizing the private driveway easement that borders the property to the north side property line. It states in the property’s legal description that the applicant has a right to use the easement for ingress and egress.

Applicant has submitted new information with the size of the structure reduced to 40 x 50 and the requirement for a rear yard setback variance only.

Variance Requests

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

11.04.02 Accessory Buildings

(1) On lots greater than one (1) acre detached accessory buildings over two hundred (200) square feet of total floor area shall meet the setback requirements for principal buildings. (as amended 10/04/21)

Country Estates (CE) Principal Setbacks

Rear Yard:	
Required Rear Yard Setback	60'
Proposed Rear Yard Setback	30' 20'
Proposed Variance Amount	30' 40'

Side Yard:	
Required Side Yard Setback	40'
Proposed Side Yard Setback	20'
Proposed Variance Amount	20'

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

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

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the rear yard setback would prevent the construction of the proposed structure but would not unreasonably prevent the use of the property. There are multiple detached accessory structures in the vicinity that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the vicinity. ~~However, the size of the proposed structure is larger than the majority of detached accessory structures in the vicinity.~~
- (b) Extraordinary Circumstances** – The extraordinary and exceptional condition of the property is the narrow shape of the lot, location of septic field, pond and wetlands on the property. The applicant should address if the variances requested are the least amount necessary due to the large size of the proposed building.
- (c) Public Safety and Welfare** – The granting of ~~this~~~~these~~ variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or

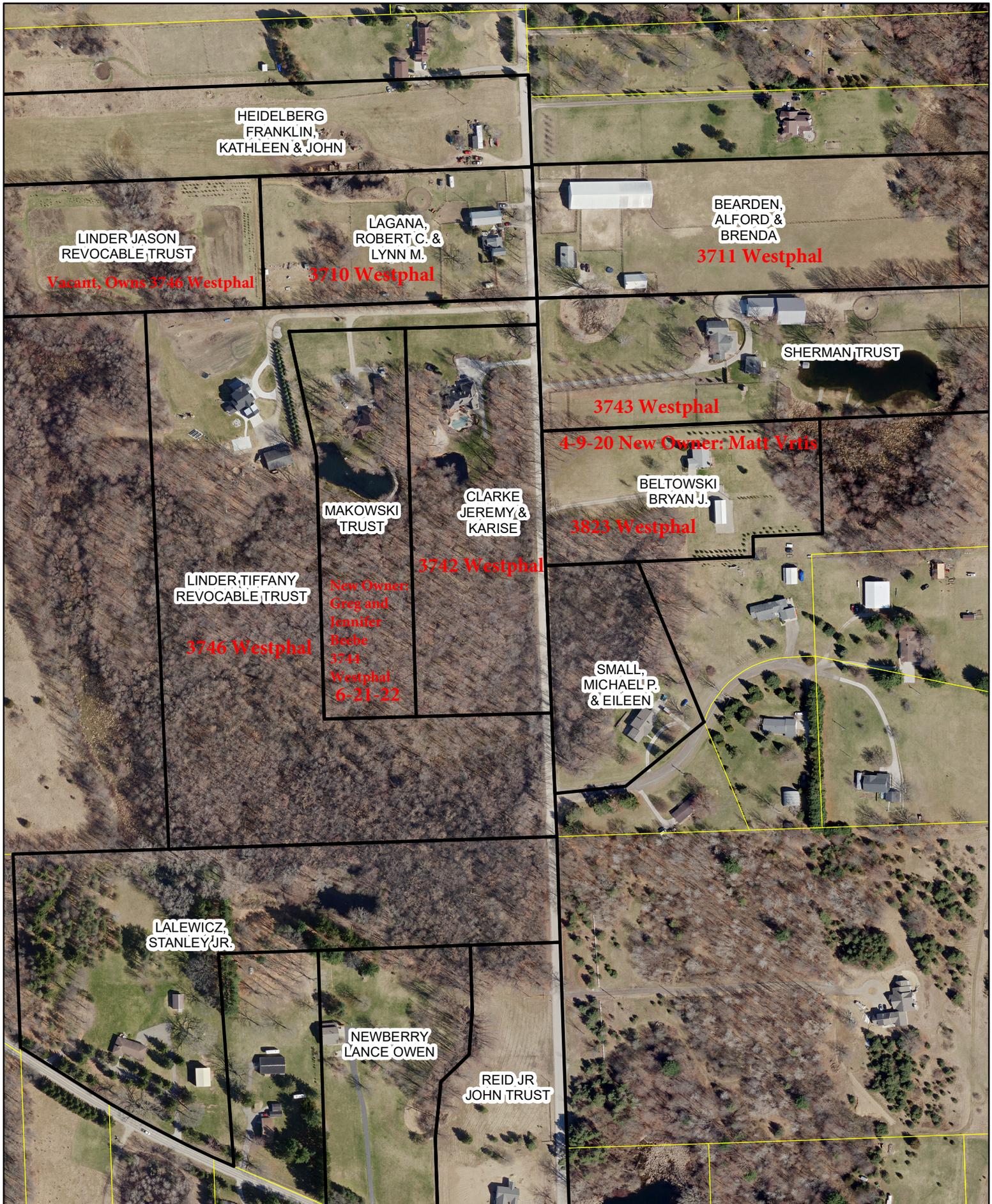
increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood – The proposed variances could have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood due to the location and substantial size of the proposed structure.

Recommended Conditions

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

1. No outdoor storage is allowed of any Home Occupation vehicles or equipment. Section 3.03.02 of the Zoning Ordinance must be followed.
2. Section 11.02.06 Open storage of vehicles of the Zoning Ordinance must be followed.



HEIDELBERG
FRANKLIN,
KATHLEEN & JOHN

BEARDEN,
ALFORD &
BRENDA

LINDER JASON
REVOCABLE TRUST

LAGANA,
ROBERT C. &
LYNN M.

3711 Westphal

Vacant, Owns 3746 Westphal

3710 Westphal

SHERMAN TRUST

3743 Westphal

4-9-20 New Owner: Matt Vrhis

BELTOWSKI
BRYAN J.

3823 Westphal

CLARKE
JEREMY &
KARISE

3742 Westphal

MAKOWSKI
TRUST

LINDER TIFFANY
REVOCABLE TRUST

3746 Westphal

New Owner:
Greg and
Jennifer
Beebe
3744
Westphal
6-21-22

SMALL,
MICHAEL P.
& EILEEN

LALEWICZ,
STANLEY JR.

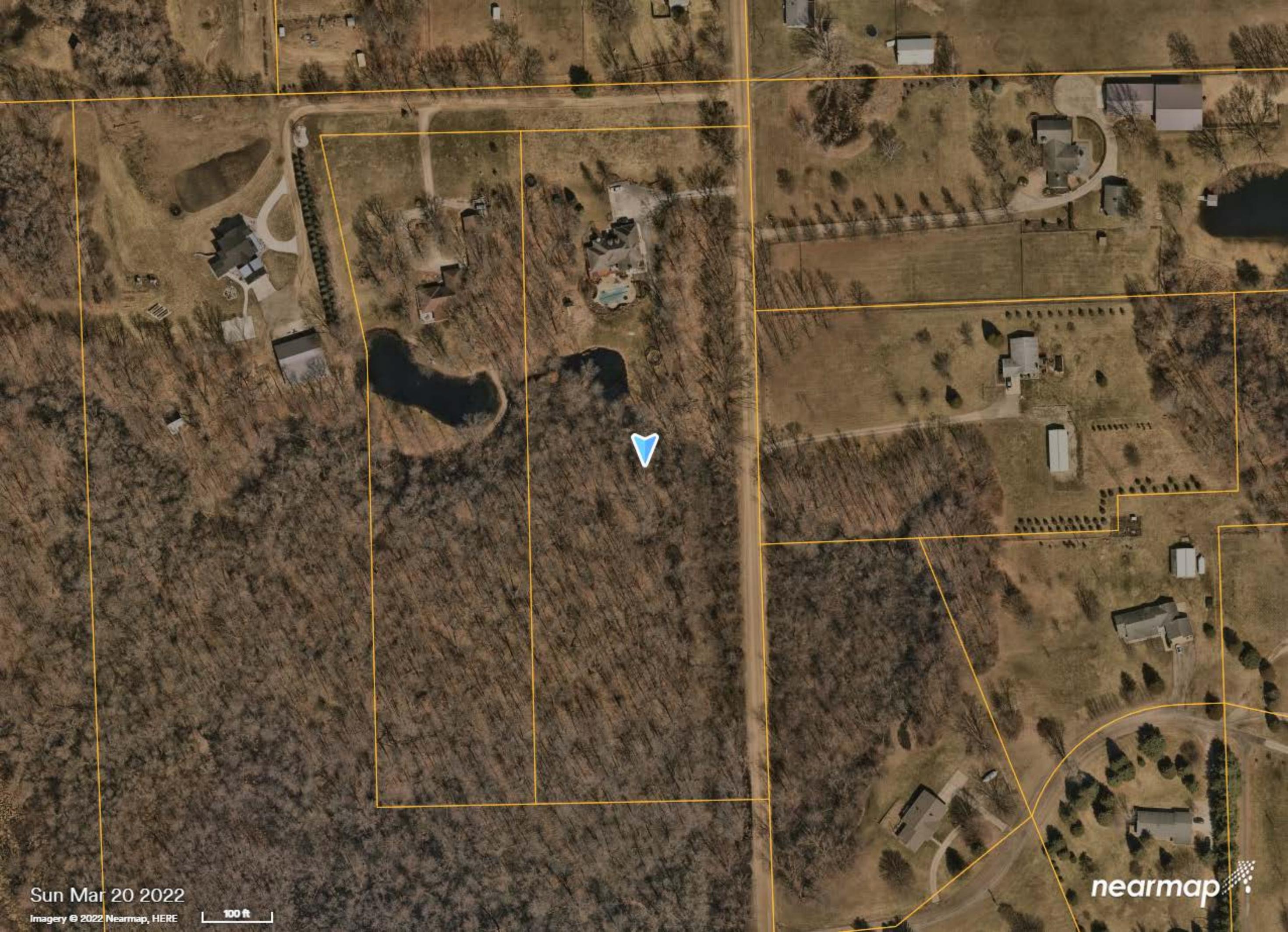
NEWBERRY
LANCE OWEN

REID JR
JOHN TRUST



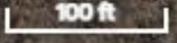
Parcel lines are approximate.
Not intended for survey purposes.

1 inch = 302 feet



Sun Mar 20 2022

Imagery © 2022 Nearmap, HERE



nearmap 

5. If any personal equipment (trucks, trailers, boats, etc.) are stored on the lot, they must follow the Township ordinance.
6. Any repairs to the existing retaining walls will require a land use waiver and any new retaining walls will require a land use permit.

The motion carried unanimously.

Mr. Castelyn questioned why there is going to be a need for him to remove the footings. This would compromise the integrity of his existing home. Board Member Kreutzberg agrees that if the applicant is not able to install any retaining walls, etc. it could cause erosion issues as the home is at the edge of the hill. Ms. VanMarter stated that the Township cannot allow a resident to build on property that is not theirs. She added that the Livingston County Drain Commissioner's office is not concerned with the footings being removed. After a brief discussion, the Board agreed to allow Staff to determine if the footings will need to be removed based on the outcome of the pending lawsuit regarding the path.

Moved by McCreary, seconded by Kreutzberg, to deny Case #22-15 for Philip and Melissa Caseleyn for the property located at 582 Hilltop Drive for a rear-yard/south side setback variance of 35 feet from the required 40 feet, for a setback of five feet to construct an addition, based on the following findings of fact:

- The request does not meet all of the standards of Section 2305.03 of the Zoning Ordinance.
- Homes in the nearby area that have reduced setbacks to the pathway that runs parallel to the adjacent parcels have utilized their forward building envelopes for house footprints. The greater area in the "front of the house" would be the least amount requested for a variance as it is undeveloped and falls in the greater opportunity to conform.
- The extraordinary circumstances are that the need for the variance to reconstruct this addition is self-created. The applicant removed the non-conforming structure without receiving approval or permits. There is ample building room available to construct an addition and comply in the front of the home.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The variance will not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This denial is conditioned upon the following:

1. The remaining floor of the addition in the rear of the home shall be completely removed.
2. Due to the pending litigation, Township Staff will pursue removal of the existing non-permitted footings through the existing legal proceedings based on the pending litigation.

The motion carried unanimously.

2. 22-16...A request by Jeremy Clarke, 3742 Westphal, for a side yard and rear yard setback variance to construct a detached accessory structure.

Mr. Clarke stated he would like to build a pole barn. He has wetlands and woods in the rear of his property and the septic field is in the front. The proposed location is the only place where it can be built. He is one of the few residents on their road that does not have a pole barn. He has spoken to his neighbors and none are against it.

Chairman Rassel noted that one neighbor sent a letter in opposition to the variance.

Board Member McCreary suggested the structure be moved further to the south so that it is less in the sight line of the neighbor to the west. Mr. Clarke stated none of his neighbors will be able to see the barn outside of any of their windows. He did not want to remove trees; however, he would agree to that. Board Member Kreutzberg agrees with Board Member McCreary's suggestion due to the size of the proposed structure.

The call to the public was made at 7:22 with no response.

Board Member Rockwell is not in favor of approving the variances because of the size of the structure. It could be made smaller and comply with the setbacks. Board Members McCreary and Kreutzberg agree. Mr. Clarke reiterated that he will be willing to move the building further to the south or construct a 60 x 30 barn and eliminate the need for one variance.

The Board suggested tabling this item this evening to allow the applicant to return with a revised plan.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to table Case #22-16, at the application's request, until the August 16, 2022 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

3. 22-18...A request by Tim Chouinard and Teri and Steve Zacharias, 770 Sunrise Park, for a rear yard setback variance to demolish two existing structures and construct a new single-family home.

Mr. Chouinard stated the topography and the depth of the lots are causing the need for the variance. The lot would not be buildable without a variance. They will be combining the properties and removing both of the structures, which will decrease the number of residences on the street. The retaining walls will be within the setback requirements and he will obtain the appropriate approval.

Board Member McCreary wants to ensure that erosion will be controlled during construction. Mr. Chouinard stated they will be installing silt fencing. He explained where the home will be located in relation to the slope on the property.

PERMIT NO. 07 83



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

11-19-400-025

1. PROJECT INFORMATION					
Site Address: <u>3742 Westphal</u>					Acreage: <u>7.47</u>
2. OWNER/APPLICANT INFORMATION					
Owner Name: <u>Gwen Haggerty</u>			Phone No.: <u>517-545-9964</u>		
Owner Address: <u>3742 Westphal</u>		City: <u>Howell</u>	State: <u>MI</u>	Zip: <u>48843</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>Bath's Pools LLC</u>			Phone No.: <u>517-223-4216</u>		
Applicant Address: <u>P.O. Box 1185</u>		City: <u>Howell</u>	State: <u>MI</u>	Zip: <u>48844</u>	
3. TYPE OF IMPROVEMENT					
A. Principal Structure					
<input type="checkbox"/> New Single Family		<input type="checkbox"/> New Multiple Family		<input type="checkbox"/> Addition to Existing Building	
<input type="checkbox"/> Grading/Site Work					
B. Accessory Structure					
<input type="checkbox"/> Fence		<input type="checkbox"/> Deck		<input type="checkbox"/> Detached Accessory (garage, shed, pole barn)	
<input checked="" type="checkbox"/> Pool/Hot Tub		<input type="checkbox"/> Above ground		<input checked="" type="checkbox"/> In ground	
4. SETBACK AND DIMENSIONAL INFORMATION					
A. Principal Structure Setbacks (in feet)					
Front: <u>100'</u> (measured from front property line, right-of-way line or private road easement, whichever is less)					
Rear: <u>80'</u>	Least Side: <u>180'</u>		Side: <u>100'</u>	Water/Wetland: <u> </u>	
B. Accessory Structure Setbacks (in feet)					
Front: <u>100'</u>	Least Side: <u>180'</u>	Side: <u>100'</u>	Rear: <u>93'</u>	Water/Wetland: <u> </u>	Distance from Principle Structure: <u>20'</u>
C. Building/Improvement Dimensions					
Size of Building/Improvement: <u>24x44</u> square feet <u>800</u>					
Height: <u> </u> feet (measured as the vertical distance from grade at the center of the front of the building to the mid level between eaves and ridge for gable, hip and gambrel roofs)					
5. ATTACHMENTS					
<input type="checkbox"/> Attach 3 copies of a plot plan showing the following: dimensions of property; all roads adjacent to property (indicate private or county), easements, wetlands, lakes and streams, all structures, existing or proposed septic tank and field, existing or proposed well, dimensions from buildings to property line, dimensions of proposed building including building elevations.					
<input type="checkbox"/> Attach 3 copies of construction plans. Any questions regarding the required contents for these plans should be directed to the Livingston County Building Department at (517) 546-3240.					
6. SIGNATURE OF APPLICANT					
I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I also 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 his/her authorized agent, and we agree to conform to all applicable laws, codes and ordinances of the State of Michigan and Genoa Township. Private covenants and restrictions are potentially enforceable by private parties. A Land Use Permit is valid for a period of 12 months from the date of issue. Any modification to location, size, or dimensions must be approved by Genoa Township.					
Signature of Applicant: <u>Susan Austin</u>				Date: <u>6-14-07</u>	
▽ FOR OFFICE USE ONLY ▽					
A. TOWNSHIP APPROVALS					
		<u>Required</u>		<u>Approved</u>	
Zoning Board of Appeals		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
B. ASSESSING APPROVAL					
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>[Signature]</u>		Date: <u>6/15/07</u>	
C. ZONING APPROVAL → → → → →			Parcel I.D. No.: <u>11 19. 400 025</u>		Zoning: <u> </u>
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Approved by: <u>[Signature]</u>		Date: <u>6-14-07</u>	
Comments/Conditions:					
3. FEES					
Land Use	\$ <u>50.00</u>	Water Connection	\$	Sewer Connection	\$
Meter	\$	Sewer Clean Out	\$	Water New User	\$
Irrigation meter	\$	Other:	\$		\$
Total Due \$ <u>50.00</u>		Date Paid:		Cash or Check No.	

LAND USE PERMIT

GENOA TOWNSHIP

2911 Dorr Road • Brighton, MI 48116
(810) 227-5225 • Fax (810) 227-3420

Permit No. 01-454 Date 8/7/01
 Owner Raymond Shingledexter Telephone (517) 546-5127
 Site Address 3742 Westphal City Hawell Zip 48843
 Contractor Self Telephone left message 3701
 Address Same City _____ Zip _____
 Subdivision _____ Lot No. _____
 Size of Lot: Front 339.00 Rear 339.00 Side 96.00 Side 96.00
 Acreage 7.47 Zoning Classification Hq
 Tax Code No. 11-19-400-000

OQS

Application is made to Build new home

- | | | | |
|--|---|--------------------------------------|---|
| <input checked="" type="checkbox"/> Dwelling | <input type="checkbox"/> Deck | <input type="checkbox"/> Mobile Home | <input type="checkbox"/> Sign |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Swimming Pool | <input type="checkbox"/> Commercial | <input type="checkbox"/> Sewer Connection |
| <input type="checkbox"/> Garage | <input type="checkbox"/> Accessory Bldg | <input type="checkbox"/> Industrial | <input type="checkbox"/> Water Connection |

Type of Construction: Brick Stone Frame Cinder Block Steel Other
 Foundation: Basement Full Part Poured Block Walkout Conventional Crawspace Slab
 Size of Building: Front 74'0" Rear 74'0" Deep 62'4" Height _____
 Estimate Value \$ 200,000 Total Square Feet 3156
 Building Setback: 185 feet from front property line. 650 feet from rear line. _____ waterfront.
44 feet least side. 44 feet side line.

- Attach drawing showing the following: dimensions of property; all roads adjacent to property (indicate private or county); easements; wetlands; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building including building elevations.
- For sign, attach drawing showing dimensions of sign, and for a wall sign, the facade to which it will be attached.
- Attach proof of ownership of property.

I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I understand that there may be deed restrictions that may apply to this project that are not under the purview of the Genoa Township Zoning Ordinance. Private covenants and restrictions are potentially enforceable by private parties. A Land Use Permit is valid for a period of 12 months from the date of issue. Any modification to location, size, or dimensions must be approved by Genoa Township.

Applicant Signature Raymond Shingledexter Date 8/7/01

Approved Disapproved Date 8/7/01
 Conditional _____

Fees	
Land use	<u>75⁰⁰</u>
Connection-water	_____
-sewer	_____
Meter	_____
Total Paid	<u>75⁰⁰</u>

Zoning Inspector M. [Signature]

LAND USE PERMIT

GENOA TOWNSHIP
2911 Dorr Road • Brighton, MI 48116
(810) 227-5225 • Fax (810) 227-3420



Permit No. 01-457 Date 8/7/01
Owner Raymond Shingledecker Telephone (517) 546-5127
Site Address 3742 Westphal City Howell Zip 48843
Contractor Self Telephone left message 8-7-01
Address Same City _____ Zip _____
Subdivision _____ Lot No. _____

Size of Lot: Front 339.00 Rear 339.00 Side 960.00 Side 960.00

Acreage 7.47 Zoning Classification Ag

Tax Code No. 11-19-400-021 11-19-400-025

Application is made to Build New home 457A

- Dwelling
- Addition
- Garage
- Deck
- Swimming Pool
- Accessory Bldg
- Mobile Home
- Commercial
- Industrial
- Sign
- Sewer Connection
- Water Connection

Type of Construction: Brick Stone Frame Cinder Block Steel Other

Foundation: Basement Full Part Poured Block Walkout Conventional Crawlspace Slab

Size of Building: Front 74'0" Rear 74'0" Deep 62'4" Height _____

Estimate Value \$ 200,000 Total Square Feet 3156

Building Setback: 185' feet from front property line. 650' feet from rear line. _____ waterfront.
40' feet least side. 40' feet side line.

Attach drawing showing the following: dimensions of property; all roads adjacent to property (indicate private or county); easements; wetlands; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building including building elevations.

For sign, attach drawing showing dimensions of sign, and for a wall sign, the facade to which it will be attached.

Attach proof of ownership of property.

I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I understand that there may be deed restrictions that may apply to this project that are not under the purview of the Genoa Township Zoning Ordinance. Private covenants and restrictions are potentially enforceable by private parties. A Land Use Permit is valid for a period of 12 months from the date of issue. Any modification to location, size, or dimensions must be approved by Genoa Township.

Applicant Signature Raymond Shingledecker Date 8/7/01

Approved Disapproved Date 8/7/01

Conditional Amended 3/19/02 increase deck
Adrian Van Tassel

Fees	
Land use	<u>7500</u>
Connection-water	_____
-sewer	_____
Meter	_____
Total Paid	<u>7500</u>

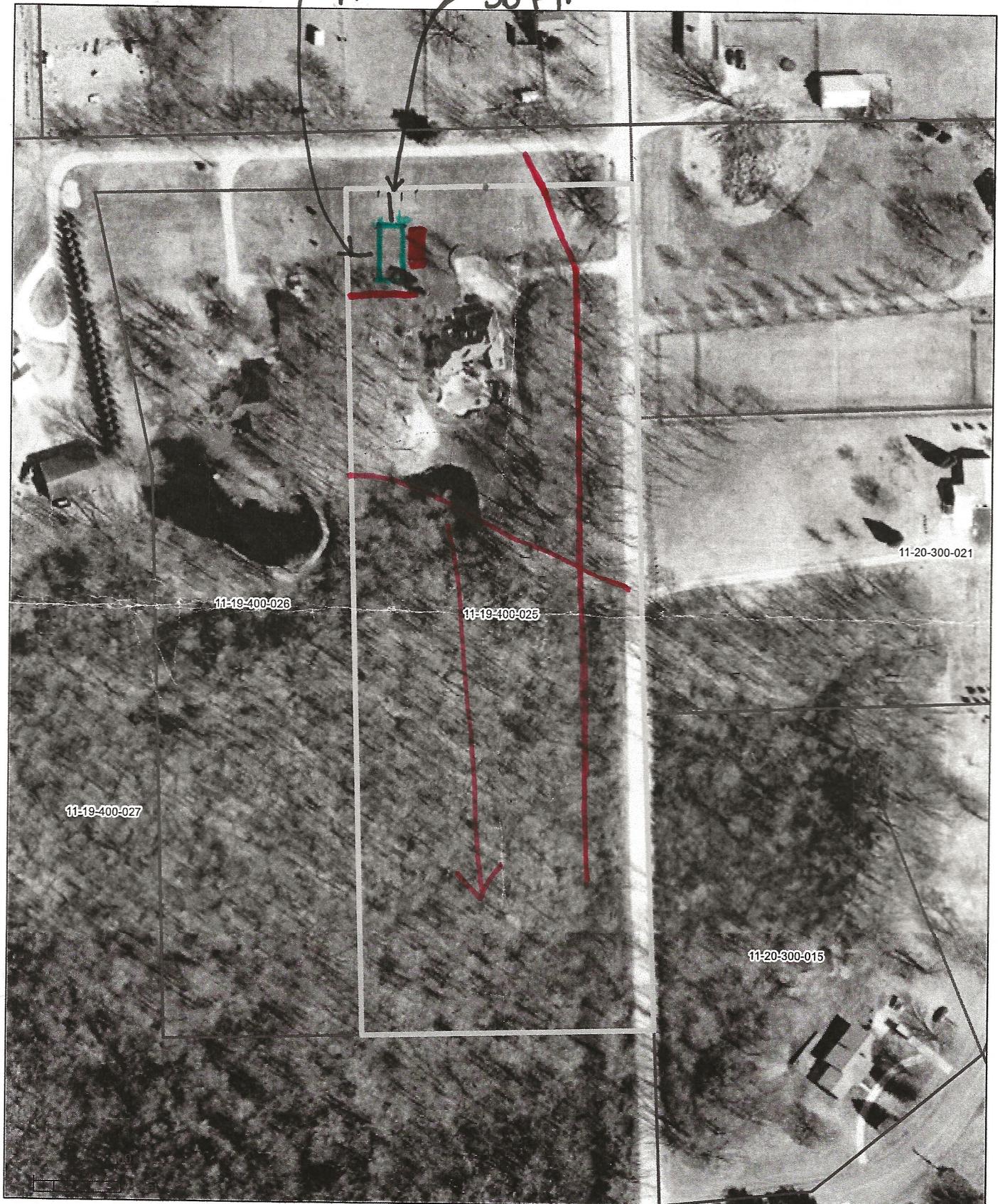
Zoning Inspector Maureen J

REVISED SITE PLAN

30 Ft.

50 Ft.

To scale



Green - Pole barn

Red - Wetlands, electrical lines, utility lines, septic field, cable line.

PREVIOUS SITE PLAN

20' From property lines

120' From Road



septic tank

Wet lands

11-19-400-026

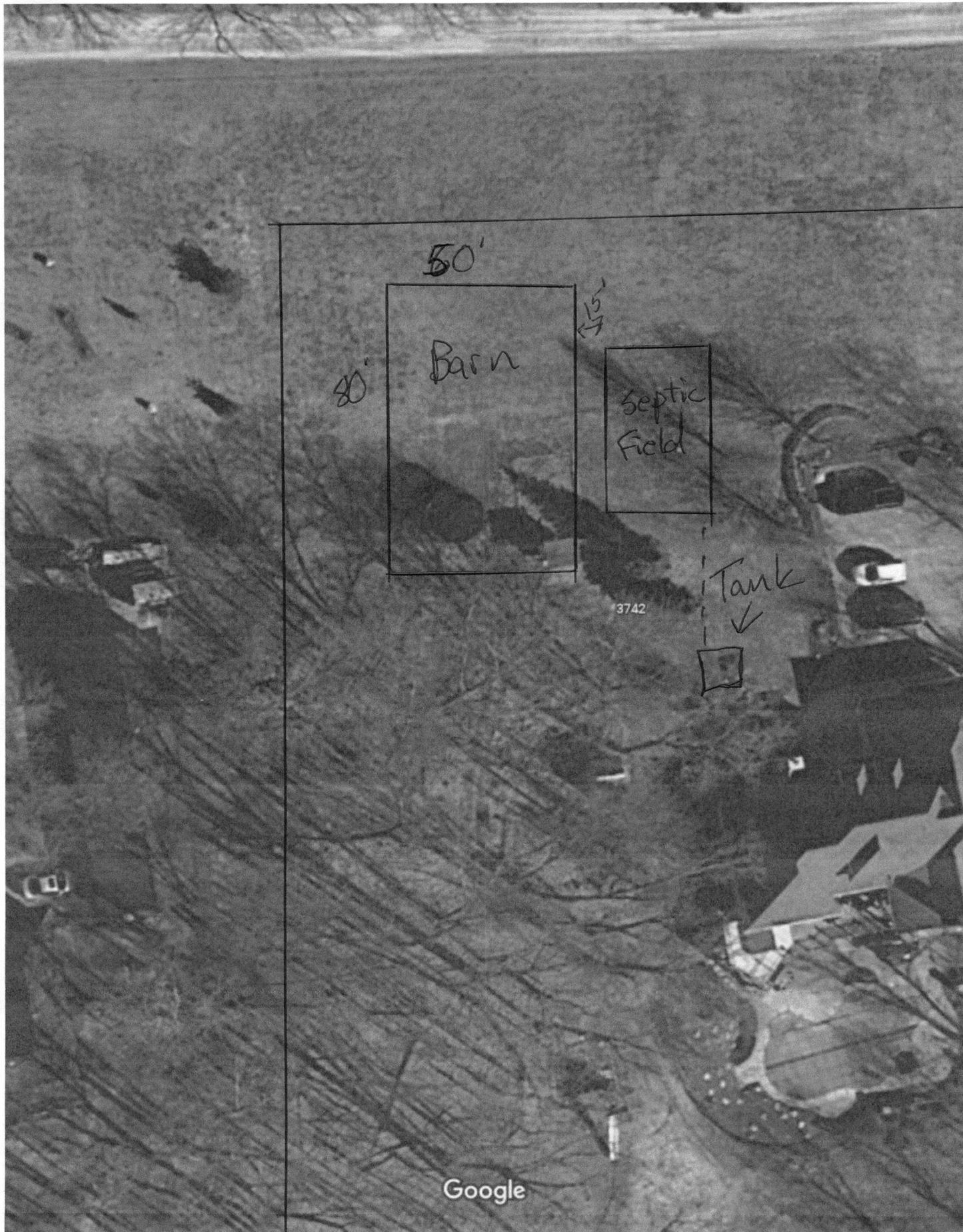
11-19-400-025

11-19-400-027

11-20-300-021

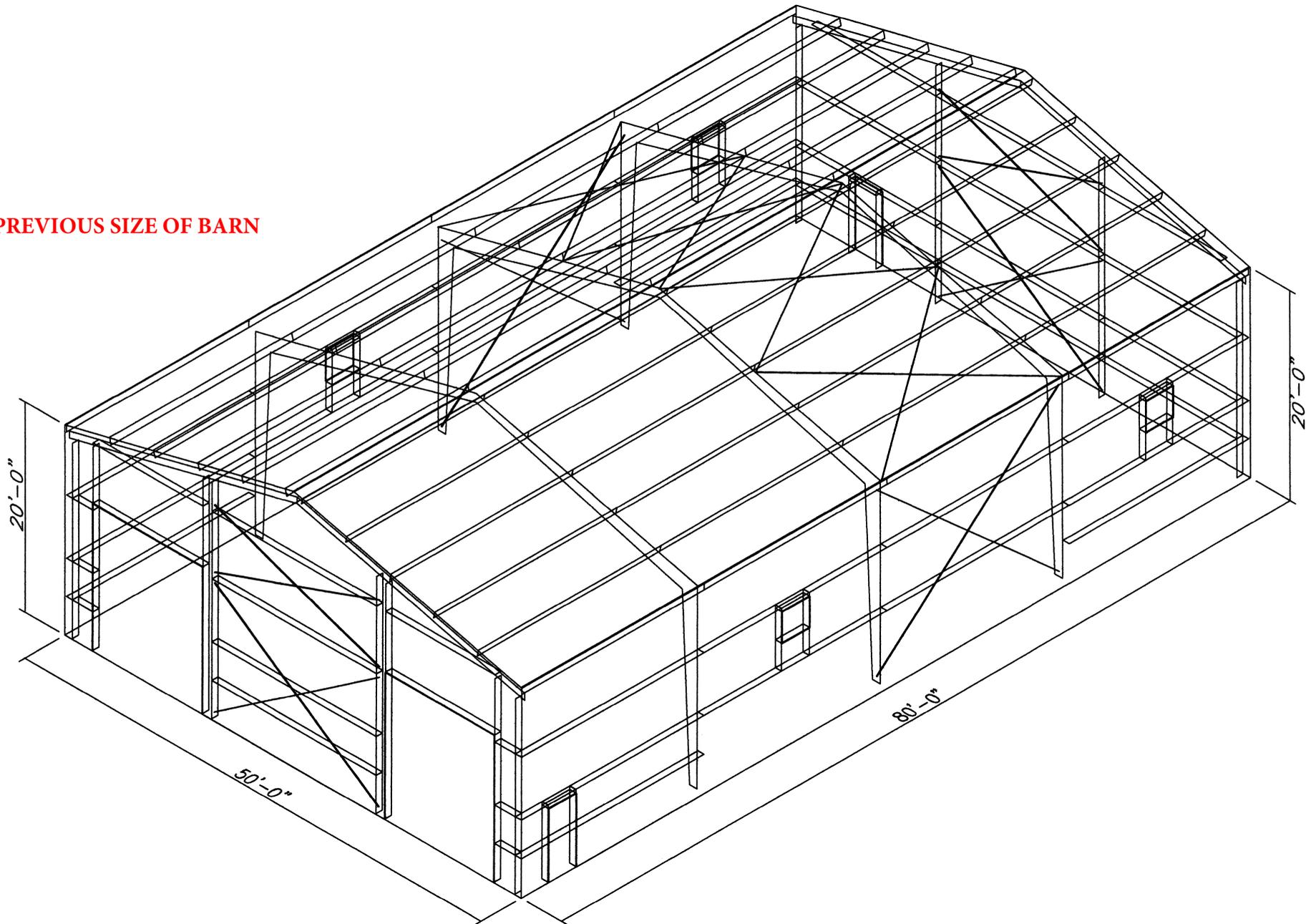
11-20-300-015





APPLICANT HAS REVISED REQUEST TO A 40 X 50 DETACHED STRUCTURE.

PREVIOUS SIZE OF BARN



RECEIVED FOR AUGUST MEETING

From: ranger425@aol.com
To: [Amy Ruthig](#)
Subject: Zoning Variance Request for Mr. CLARKE 3742 Westphal, Rd. Genoa Twp (addressed in Jul 19th Meeting)
Date: Friday, August 5, 2022 9:58:09 AM

Excerpt from July 19th 2022 meeting: STATEMENT OF CLARKE

Genoa Township Zoning Board of Appeals Meeting July 19, 2022

Unapproved Minutes 4 Mr. Clarke stated he would like to build a pole barn.

"He has wetlands and woods in the rear of his property and the septic field is in the front. The proposed location is the only place where it can be built. He is one of the few residents on their road that does not have a pole barn. He has spoken to his neighbors, and none are against it."

To: Zoning Board Members.

My property is directly North of Mr. CLARKE'S, where he is requesting a variance. I was NEVER contacted by Mr. CLARKE contrary to his self-serving and deceptive statement to the Zoning board. The former property owners to the direct West of Clarkes property, where a variance is requested, Mike and Chris MIKOWSKI were NEVER contacted regarding CLARKE'S intentions. The property owners directly to the East of CLARKE'S property Scott and Charlotte SHERMAN, also were NEVER contacted by CLARKE. There may be neighbors that are in agreement with CLARKE'S proposal whom he has had conversations with, but the 3 most affected property owners are NOT IN CONCURRENCE with CLARKE'S deceptive, erroneous allegation.

Robert Lagana 3710 Westphal Rd.

From: ranger425@aol.com
To: [Amy Ruthig](#)
Subject: oppose variance for extremely large storage building on residential property.
Date: Wednesday, July 6, 2022 3:24:08 PM

To Whom It May Concern Genoa Twp Zoning:

July 6th 2022

This letter reflects my concern as a result of a Zoning variance requested by Mr. Jeremy Clark, 3742 Westphal Rd, Genoa Twp. MI. for consideration of the Zoning commission.

Mr. Clarke proposes the construction of a storage structure 50'x80'x20' in height on his property. The requested variance is to allow construction contrary to approved distances to the property line defining the property known as 3744 Westphal immediately to the West of Clarke's property, and for a variance to build within 20' of the utility easement running West from Westphal Rd to the end of Mr. Clarke's property defining the boundary between my property known as 3710 Westphal directly abutting Mr. Clarke's proposal to the North.

It is my concern that the large dimension structure required by Mr. Clarke is to accommodate large heavy equipment required by his tree and lawn service.

The property that Mr. Clarke proposes that this large storage structure to be built on is nestled between residential and horse raising 5-acre farms. It is my greatest concern that Mr. Clarke's large structure will eventually evolve into a storage/maintenance facility where welding, hammering, chainsaws, an increase in vehicular traffic, and where lawnmowers are repaired and started at all hours of the day and night and mostly, a general degradation to the rural culture that has been established in this area for hundreds of years.

I am against granting this variance.

Robert Lagana
3710 Westphal Rd, Genoa Twp, MI 517-294-1211

From: ranger425@aol.com
To: [Amy Ruthig](#)
Subject: addendum to Jul 6th ltr.
Date: Thursday, July 7, 2022 9:57:32 AM

To Whom It May Concern Genoa Zone Board Committee:

7Jul2022

Please add this as an addendum to my original letter of July 6th, 2022, regarding the zoning variance requested by Mr. Jeremy Clarke of Westphal Rd. Genoa Township.

It would be my observation that the original intent of the requirement for a minimum of 5 acres of land for a single-family housing unit in this particular area of Genoa Township was to preserve the open and rural lifestyle that so many people find attractive.

The astute planners of that era had the foresight to see the diminishing American rural lifestyle and sought a remedy to slow the urbanization, industrialization and high-density of home building, and to preserve areas that could still support the raising of livestock and crops short of commercial farming.

I would hope that not only the actual Genoa zoning laws be observed to preserve this original concept, but also the often-overlooked intent of these laws be given equal consideration.

Property owners who have lived in Genoa Township for 50 to 60 years are witnessing their rural lifestyle steadily encroached upon, not only by rapacious developers but also by Councils who are unwilling to recognize established cultures and lifestyles and continually overlook long-time residents' reasons for choosing Genoa as a place to live.

Stated in a slightly different way would be to say that not all of the sacrifices and all of the acquiescence to modernity and population growth should be made by long time established residents. The burden of established law and ordinances must be equally borne by those who choose to live here but want dramatic change in their favor. In too many instances change demanded by a few for their specific interests does not bode well for the many and their collective interests of the overall community.

I would have no opposition regarding Mr. Clarke and his desire to build a storage building on his property, provided it did not encroach on established property boundaries requiring no variance or exceptions to the current zoning ordinances.

Robert Lagana 3710 Westphal Rd. Genoa Twp

RECEIVED FOR AUGUST MEETING

From: fanny19@sbcglobal.net
To: [Amy Ruthig](#)
Subject: Zoning Variance Request for Mr. Clarke 3742 Westphal Road, Genoa Twp - July 19th meeting
Date: Thursday, August 11, 2022 11:36:20 AM
Attachments: [image005.emz](#)
[image006.png](#)
[image007.emz](#)
[image008.png](#)

Hello Amy,

We are the Linder's who live at 3746 Westphal Road and are writing you and Genoa Township regarding Mr. Clarke's proposal to construct a pole barn on their property and communication submitted by Mr. Robert Lagana regarding Mr. Clarke's variance request.

First off, Mr. Lagana incorrectly states that he is the property directly north of the proposed pole barn construction and Mr. Clarke's property in his email dated August 5, 2022. We own the 60-foot easement that includes the driveway for our home as well as our neighbor's home (formerly the Mikowski's who have now since moved and we have new neighbors). This easement is part of our parcel of property and we maintain it (see picture below). We also own a 33-foot easement between the driveway and Mr. Lagana's property which is outlined in the legal to our deed for a 5-acre vacant parcel (File No. L22090 – 2014R-032763) that is directly west of Mr. Lagana's property. The 5-acres are undeveloped so the easement is also vacant and is heavily vegetated pretty much blocking Mr. Lagana's view of the Clarke's property.



Based on the ownership of the two easements, being the property that is actually directly north of Mr. Clarke's property, we would be directly affected by the construction of the pole barn. If anyone would be complaining it would be us since we are directly north of the proposed pole barn construction. Mr. Clarke is correct that he is one of the only homes in our area that does not have a pole barn. Mr. Clarke is working with the township as you know to follow rules and regulations to appropriately request variance to construct a pole barn and we feel that Mr. Clarke should be allowed to use his property as he wishes.

Furthermore, as you know, notices go out when there is a variance request to all neighbors ahead of meetings so if Mr. Lagana had issues with the pole barn construction why has he not directly discussed with Mr. Clarke instead of sending emails to the township complaining? Or if he felt this strongly about the construction of the pole barn, why did he not show up in person to the township meetings? How come Mr. Lagana seems to be the only neighbor complaining about the construction, as we do not see letters or communication from any other neighbor opposing the construction of Mr. Clarke's pole barn?

We do not have an association and are not in a subdivision in this area, so we feel that Mr. Clarke should be able to construct a pole barn, as the rest of us have, for storage space on his property. We support Mr. Clarke in his construction of his pole barn. Please contact us if you have any questions or

would like to discuss further.

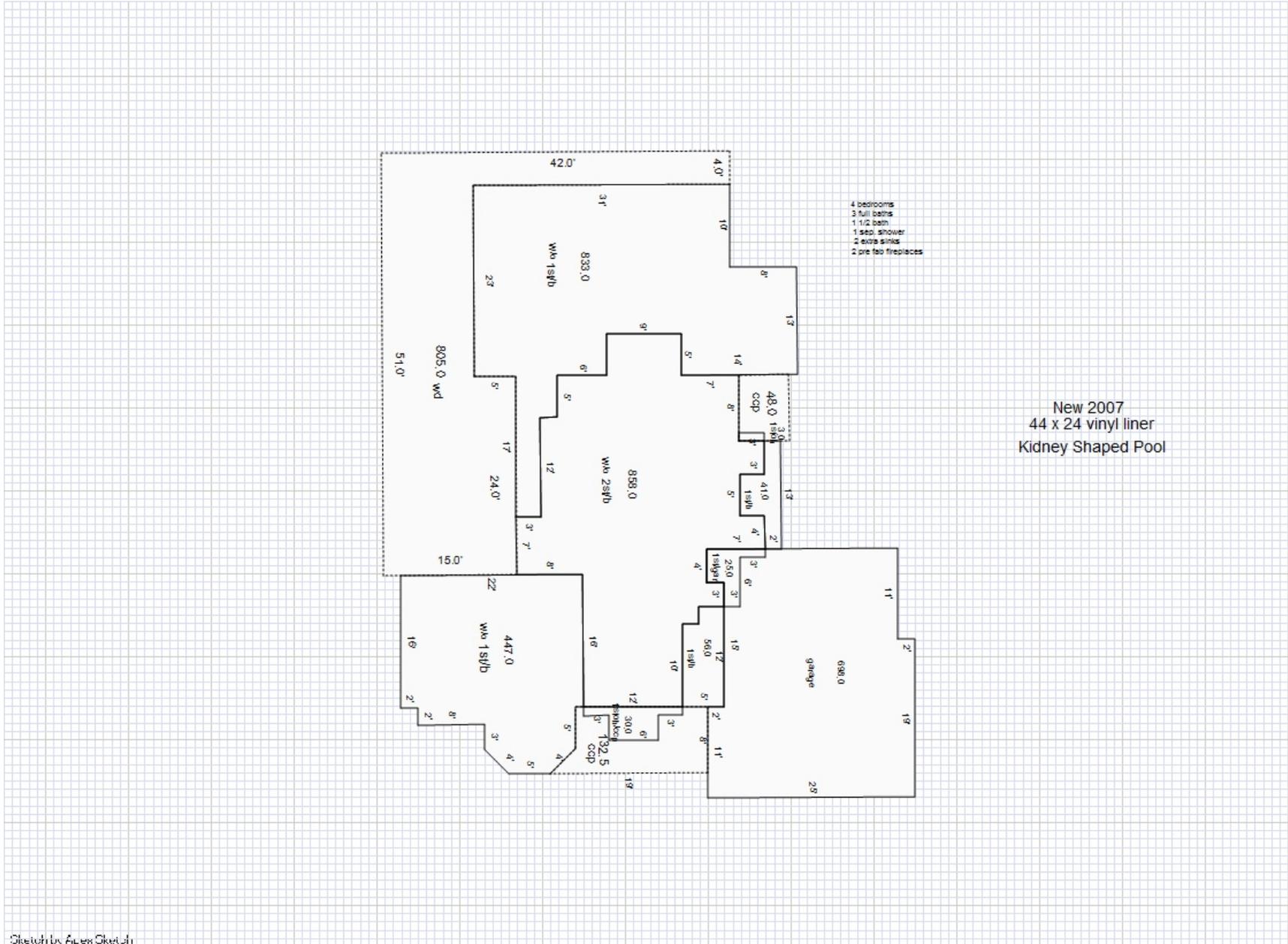
Respectfully Submitted,

Jason and Tiffany Linder (3746 Westphal Road)

517-861-0136

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks		(17) Garage	
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 2 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 48 132 805	Type CCP (1 Story) CCP (1 Story) Treated Wood	Year Built: Car Capacity: Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1/2 Wal Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 698 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G											
Building Style: BC		Trim & Decoration		X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: BC Effec. Age: 9 Floor Area: 3,151 Total Base New : 721,294 Total Depr Cost: 656,379 Estimated T.C.V: 636,688			E.C.F. X 0.970		Bsmnt Garage: Carport Area: Roof:	
Yr Built 2003	Remodeled 0	Size of Closets		Lg X Ord Small			0 Amps Service									
Condition: Good		Doors:		Solid X H.C.												
Room List		(5) Floors		Kitchen: Other: Other:			(12) Electric									
	Basement 1st Floor 2nd Floor 4 Bedrooms															
(1) Exterior		(6) Ceilings		No./Qual. of Fixtures			Ex. X Ord. Min			Cost Est. for Res. Bldg: 1 Single Family BC			Cls BC		Blt 2003	
X	Wood/Shingle Aluminum/Vinyl Brick			No. of Elec. Outlets			Many X Ave. Few			(11) Heating System: Forced Heat & Cool Ground Area = 2235 SF Floor Area = 3151 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=91/100/100/100/91						
	Insulation			(7) Excavation			(13) Plumbing			Building Areas						
(2) Windows				Basement: 2235 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			Average Fixture(s) 4 3 Fixture Bath 2 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 2 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			Stories Exterior Foundation 2 Story Siding/Brick Basement 858 1 Story Siding/Brick Basement 833 1 Story Siding/Brick Basement 447 1 Story Siding/Brick Basement 56 1 Story Siding/Brick Basement 41 1 Story Siding Overhang 25 1 Story Siding Overhang 33			Total: 502,613		457,379	
X	Many Avg. Few	X	Large Avg. Small	(8) Basement					Other Additions/Adjustments Basement Living Area 2000 104,880 95,441 Basement, Outside Entrance, Below Grade 1 3,517 3,200							
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens			Conc. Block Poured Conc. Stone Treated Wood Concrete Floor						Plumbing 3 Fixture Bath 3 20,059 18,254 2 Fixture Bath 2 8,960 8,154 Extra Sink 2 2,755 2,507 Separate Shower 1 2,708 2,464						
(3) Roof		(9) Basement Finish		Recreation SF Living SF 1 Walkout Doors No Floor SF			(14) Water/Sewer			Water/Sewer 1000 Gal Septic 1 5,516 5,020 Water Well, 200 Feet 1 11,467 10,435						
X	Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support			Public Water Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic			Porches CCP (1 Story) 48 1,804 1,642 CCP (1 Story) 132 4,567 4,156						
X	Asphalt Shingle			Joists: Unsupported Len: Cntr.Sup:			Lump Sum Items:			Garages Class: BC Exterior: Siding Foundation: 42 Inch (Unfinished)						
Chimney: Brick										<<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>						

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



Sketch by Apex Sketch

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



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

Case # 22-17 Meeting Date: July 19, 2022
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Brody & Ara Adams Email: ara-marie@hotmail.com

Property Address: 600 Black Oaks Trl. Phone: 517-404-3424

Present Zoning: LRR Tax Code: 11-03-302-~~xxx~~ 082

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: replace existing
fence with cedar wood. Some
sections are 8' and 7' to
add privacy. Neighbor has agreed.

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.

Fence meets setbacks. Requesting height variance. Our patio is 2' off ground so taller fence is needed.

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.

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.

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.

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: 5/16/22 Signature: Aia Adams



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: August 12, 2022
RE: ZBA 22-17

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

STAFF REPORT

File Number: ZBA#22-17
Site Address: 600 Black Oaks Trail
Parcel Number: 4711-03-302-082
Parcel Size: .314 Acres
Applicant: Brody and Ara Adams, 600 Black Oaks Trail
Property Owner: Same as applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a fence height variance to allow an existing 7 to 8-foot fence in height to remain.

Zoning and Existing Use: LRR (Lakeshore Resort Residential), the property is occupied by a single-family residence.

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday July 31, 2022 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 year built for the home. It was remodeled in 2020.
- In 2019, a land use waiver was issued for an interior remodel.
- In 2013, a land use waiver was issued for a new roof.
- In 1998, a land use permit was issued for an addition.
- In 1997, a land use permit was issued for a deck.
- The property is serviced by a private well and public sewer.
- See Record Card.

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

H. James Mortensen

Terry Croft

Diana Lowe

MANAGER

Michael C. Archinal

The applicant is requesting a fence height variance for an existing fence which is 7 to 8-foot in height to remain. Staff discovered that the existing fence was constructed without a land use permit.

Variance Requests

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

11.04.03 (c) Fences and walls

(1) Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard, rear yard or non-required waterfront yard in any zoning district shall not exceed a height of six (6) feet, except the Zoning Administrator may approve an eight (8) foot high security fence of a permitted essential public service building, essential public service storage yard, towers, conforming commercial or industrial use, which may also include a maximum of one (1) additional foot of barb wire.

(1) A privacy fence or wall up to six (6) feet high within the required side yard provided the wall does not extend beyond the front building line or more than ten (10) feet beyond the rear building line;

3 Sections of the existing fence:

Required Height: 6 Feet
Proposed Height: 8 Feet
Proposed Variance Amount: 2 Feet

2 Sections of the existing fence

Required Height: 6 Feet
Proposed Height: 7 Feet
Proposed Variance Amount: 1 foot

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.

The following are findings based upon the presented materials.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the Zoning Ordinance in regards to the fence ordinance would prevent the fence to remain at the current height but would not unreasonably prevent use of the property and is not necessary for the preservation of the property. A 7 to 8-foot fence in the waterfront yard is not a property right possessed by other properties in the zoning district or vicinity.
- (b) Extraordinary Circumstances** – There are no exceptional or extraordinary conditions of the property. Granting of the variance will not make the property more consistent with surrounding properties. The need for the variance is self-created.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

(d) Impact on Surrounding Neighborhood – The proposed variance would have no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions if approved:

1. A land use application must be submitted to Township staff within 5 days of approval.
2. Fence is required to be maintained in good condition.

Recommended Conditions if denied:

3. Fence must be removed or brought into compliance within 14 days of denial.
4. If bring the fence into compliance, a land use application must be submitted to Township staff within 5 days of denial.



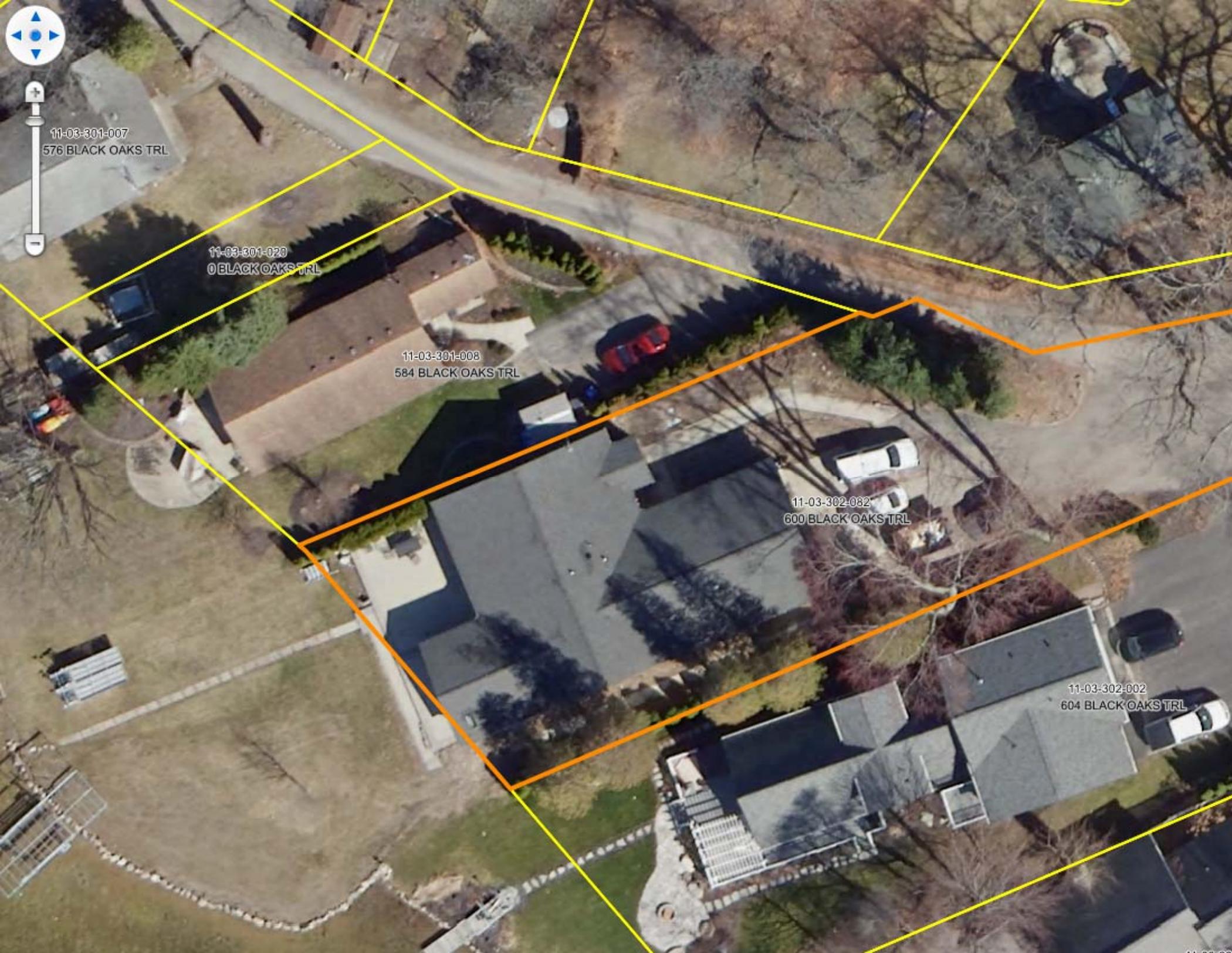
11-03-301-007
576 BLACK OAKS TRL

11-03-301-028
0 BLACK OAKS TRL

11-03-301-008
584 BLACK OAKS TRL

11-03-302-082
600 BLACK OAKS TRL

11-03-302-002
604 BLACK OAKS TRL



MORTGAGE REPORT FOR

SHORE MORTGAGE



LAKE
CHEMUNG



3 sections 8'x6'
2 sections 7'x6'

2

600 LAKESIDE DR 20' WD

LOT 1, PLAT OF CHEMUNG COLONY SUB., GENOA TOWNSHIP, LIVINGSTON COUNTY MICHIGAN. AS RECORDED IN LIBER 1 PAGE 63 OF PLATS, LIVINGSTON COUNTY RECORDS.

CHERYL YALDOO

SURVEY# 331457

AUG. 29 1997

REVISED 1/23/98

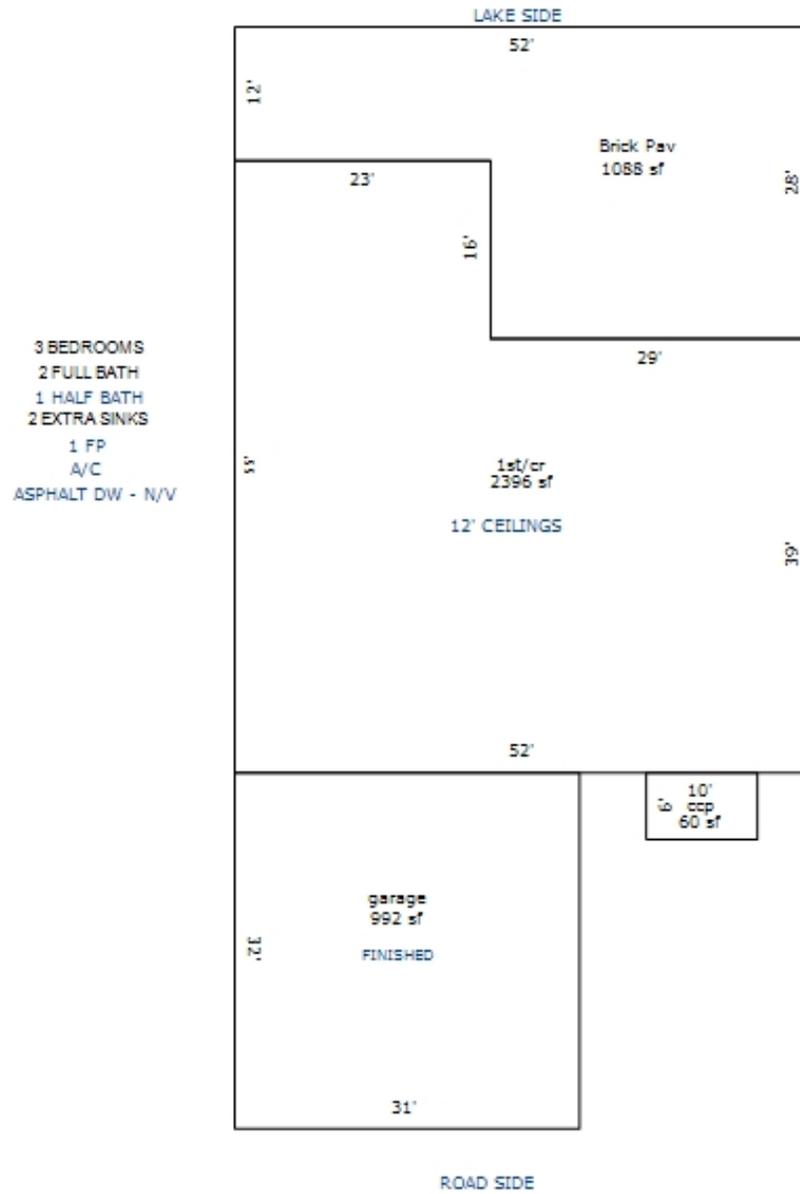
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.				
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR	Building Permit(s)	Date	Number	Status				
600 BLACK OAKS TRL		School: HOWELL PUBLIC SCHOOLS			Interior Work/Repairs	08/21/2019	PW19-113					
Owner's Name/Address		P.R.E. 100% 06/04/2019			REROOF	04/22/2013	W13-057	NO START				
ADAMS BRODY & ARA 600 BLACK OAKS TRL HOWELL MI 48843-6154		MAP #: V18-11			ADDITION	03/19/1998	98-080	NO START				
Tax Description		2023 Est TCV Tentative			WOOD DECK	07/28/1997	97-310	NO START				
SEC. 3 T2N, R5E, CHEMUNG COLONY LOT 1 AND ALSO BLACK OAKS S 2 FT. OF LOT 8 SPLIT/COMBINED ON 01/03/2022 FROM 4711-03-302-001, 4711-03-301-039;		X Improved		Vacant	Land Value Estimates for Land Table 4300.LAKE CHEMUNG							
SPLIT/COMBINED ON 01/03/2022 FROM 4711-03-302-001, 4711-03-301-039; Split/Comb. on 01/03/2022 completed 01/03/2022 Jessica ; Parent Parcel(s): 4711-03-302-001, 4711-03-301-039; Child Parcel(s): 4711-03-302-082;		Public Improvements		* Factors *								
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
-----		Gravel Road		B LAKE FRONT	40.00	190.00	1.0000	1.0000	3000	100		120,000
-----		Paved Road		G SURPLUS LF	32.00	190.00	1.0000	1.0000	1500	100		48,000
-----		Storm Sewer		72 Actual Front Feet, 0.31 Total Acres				Total Est. Land Value =		168,000		
-----		Sidewalk		Land Improvement Cost Estimates								
-----		Water		Description	Rate			Size % Good		Cash Value		
-----		Sewer		D/W/P: Brick on Sand	17.64			1088 50		9,596		
-----		Electric		Total Estimated Land Improvements True Cash Value =				9,596				
-----		Gas		Topography of Site								
-----		Curb		Level								
-----		Street Lights		Rolling								
-----		Standard Utilities		Low								
-----		Underground Utils.		High								
-----		Topography of Site		Landscaped								
-----		Level		Swamp								
-----		Rolling		Wooded								
-----		Low		Pond								
-----		High		Waterfront								
-----		Landscaped		Ravine								
-----		Swamp		Wetland								
-----		Wooded		Flood Plain								
-----		Pond		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
-----		Waterfront		2023	Tentative	Tentative	Tentative			Tentative		
-----		Ravine		2022	87,300	215,100	302,400			295,065C		
-----		Standard Utilities		2021	0	0	0			0		
-----		Underground Utils.		2020	0	0	0			0		



4711-03-302-001 10/02/2020
The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: Township of Genoa, County of Livingston, Michigan

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage		
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove 1 Direct-Vented Gas	Area 60	Type CCP (1 Story)			Year Built: 1998 Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 0 Mech. Doors: 0 Area: 992 % Good: 0 Storage Area: 0 No Conc. Floor: 0		
X	Wood Frame		Drywall Paneled		Plaster Wood T&G													
Building Style: C		Trim & Decoration		X Forced Heat & Cool Heat Pump No Heating/Cooling			Central Air Wood Furnace			Class: C +10 Effec. Age: 10 Floor Area: 2,396 Total Base New : 441,700 Total Depr Cost: 398,074 Estimated T.C.V: 565,265			E.C.F. X 1.420			Bsmnt Garage: Carport Area: Roof:		
Yr Built 0	Remodeled 2020	Size of Closets		X			(12) Electric 0 Amps Service											
Condition: Good		Lg	X	Ord		Small												
Room List		(5) Floors		Kitchen: Other: Other:			(6) Ceilings			No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C			Cls C 10 Blt 0		
	Basement 1st Floor 2nd Floor 3 Bedrooms									Ex. X Ord. Min			Ground Area = 2396 SF Floor Area = 2396 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=90/100/100/100/90					
(1) Exterior										No. of Elec. Outlets			Building Areas					
X	Wood/Shingle Aluminum/Vinyl Brick									Many X Ave. Few			Stories Exterior Foundation 1 Story Siding/Brick Crawl Space			Size 2,396		
	Insulation									(13) Plumbing			Other Additions/Adjustments			Cost New Depr. Cost		
(2) Windows										Average Fixture(s)			Plumbing			Total: 364,489 328,012		
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 2396 S.F. Slab: 0 S.F. Height to Joists: 0.0			3 3 Fixture Bath 1 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 2 Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan			3 Fixture Bath 2 Fixture Bath Extra Sink			2 9,093 8,184 1 3,042 2,738 2 1,859 1,673					
(3) Roof										(14) Water/Sewer			Porches CCP (1 Story)			1 1,739 1,704 *9		
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens			Conc. Block Poured Conc. Stone Treated Wood Concrete Floor						Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic			Garages Class: C Exterior: Siding Foundation: 42 Inch (Finished) Base Cost 992 43,767 39,390 Common Wall: 1 Wall 1 -2,628 -2,365 Water/Sewer Public Sewer 1 1,462 1,316 Water Well, 200 Feet 1 10,514 9,463 Fireplaces Direct-Vented Gas 1 2,957 2,661 Unit-in-Place Cost Items GARAGE HEAT/AC 992 5,406 5,298 *9					
X	Gable Hip Flat		Gambrel Mansard Shed	(10) Floor Support Joists: Unsupported Len: Cntr.Sup:						Notes: ECF (4309 LK CHEMUNG LAKEFRONT) 1.420 => TCV: 565,265								
X	Asphalt Shingle						Lump Sum Items:											
Chimney: Brick																		

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



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

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
July 19, 2022 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Marianne McCreary, Bill Rockwell, Jean Ledford, Michelle Kreutzberg and Kelly VanMarter, Community Development Director/Asst. Township Manager.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board and staff introduced themselves.

Approval of the Agenda:

Chairman Rassel noted that Case #22-19 was requested to be removed by Staff as a variance is not needed and Item #3 should read "770 and 780 **Sunrise** Park".

Moved by Board Member McCreary, seconded by Board Member Rockwell, to approve the agenda with the removal of Case #22-19 and the change to Item #3. **The motion carried unanimously.**

Call to the Public:

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

1. 22-15...A request by Philip and Melissa Casteleyn, 582 Hilltop Drive, for a rear yard setback variance for an addition to remain and to construct another addition on an existing home.

Mr. Castelyn stated that he has provided the revised measurements from Boss Engineering. He is now requesting a 35-foot variance for the south addition and a 12-foot variance for the north addition.

Board Member Rockwell questioned if the Board needs to approve both variances or if they can approve one and deny another. Ms. VanMarter stated the Board can approve both, one or neither.

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

Board Member McCreary thanked the applicant for completing the Board's request from the last meeting. She noted that the Board must look at the hardship and the four factors that must be met in order for a variance to be granted. When a non-conforming structure is altered, it should be brought more into compliance and not be made more non-conforming. She is in support of the front/north variance, but not the one for the back/lakeside/south as it is self-created.

Mr. Casteleyn stated the deck that was approved by Genoa Township extended past the path and then to the staircase. Ms. VanMarter stated the law states that if a permit is issued in error, it does not give the right for the structure to remain.

Board Member Rockwell stated that the changes that were made from the last meeting are clearer and he is comfortable with both of the variance requests.

Moved by McCreary, seconded by Kreutzberg, to approve Case #22-15 for Philip and Melissa Caseleyn for the property located at 582 Hilltop Drive for a rear-yard/north side setback variance of 12 feet from the required 40 feet, for a setback of 28 feet for an existing addition to remain, based on the following findings of fact:

- The Board finds that the request has met all of the requirements of Section 2305.03 of the Zoning Ordinance.
- Strict compliance with the letter of the ordinance would prevent the applicant from constructing the proposed addition. The home has a predominantly undeveloped building envelope in the front of the home. Granting the variance would provide substantial justice and is necessary for the preservation and enjoyment of substantial property rights similarly possessed by other properties in the same zoning district and vicinity of the subject parcel. It is also located closer to the building envelope and partially within the building envelope.
- The extraordinary circumstances are the location of the existing single-family home and the expansive area in the front of the home to be able to reconstruct an addition. The variance is also not self-created.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The variance will not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. Structure must be guttered with downspouts.
2. No work on the property can commence without obtaining a land use permit and a building permit from the Livingston County Building Department.
3. A deck or patio would have to conform with the Zoning Ordinance and obtain a land use permit.
4. Any work proposed for the interior of the home will require a land use waiver and a Livingston County Building permit.

5. If any personal equipment (trucks, trailers, boats, etc.) are stored on the lot, they must follow the Township ordinance.
6. Any repairs to the existing retaining walls will require a land use waiver and any new retaining walls will require a land use permit.

The motion carried unanimously.

Mr. Castelyn questioned why there is going to be a need for him to remove the footings. This would compromise the integrity of his existing home. Board Member Kreutzberg agrees that if the applicant is not able to install any retaining walls, etc. it could cause erosion issues as the home is at the edge of the hill. Ms. VanMarter stated that the Township cannot allow a resident to build on property that is not theirs. She added that the Livingston County Drain Commissioner's office is not concerned with the footings being removed. After a brief discussion, the Board agreed to allow Staff to determine if the footings will need to be removed based on the outcome of the pending lawsuit regarding the path.

Moved by McCreary, seconded by Kreutzberg, to deny Case #22-15 for Philip and Melissa Caseleyn for the property located at 582 Hilltop Drive for a rear-yard/south side setback variance of 35 feet from the required 40 feet, for a setback of five feet to construct an addition, based on the following findings of fact:

- The request does not meet all of the standards of Section 2305.03 of the Zoning Ordinance.
- Homes in the nearby area that have reduced setbacks to the pathway that runs parallel to the adjacent parcels have utilized their forward building envelopes for house footprints. The greater area in the "front of the house" would be the least amount requested for a variance as it is undeveloped and falls in the greater opportunity to conform.
- The extraordinary circumstances are that the need for the variance to reconstruct this addition is self-created. The applicant removed the non-conforming structure without receiving approval or permits. There is ample building room available to construct an addition and comply in the front of the home.
- The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The variance will not have an impact on the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This denial is conditioned upon the following:

1. The remaining floor of the addition in the rear of the home shall be completely removed.
2. Due to the pending litigation, Township Staff will pursue removal of the existing non-permitted footings through the existing legal proceedings based on the pending litigation.

The motion carried unanimously.

2. 22-16...A request by Jeremy Clarke, 3742 Westphal, for a side yard and rear yard setback variance to construct a detached accessory structure.

Mr. Clarke stated he would like to build a pole barn. He has wetlands and woods in the rear of his property and the septic field is in the front. The proposed location is the only place where it can be built. He is one of the few residents on their road that does not have a pole barn. He has spoken to his neighbors and none are against it.

Chairman Rassel noted that one neighbor sent a letter in opposition to the variance.

Board Member McCreary suggested the structure be moved further to the south so that it is less in the sight line of the neighbor to the west. Mr. Clarke stated none of his neighbors will be able to see the barn outside of any of their windows. He did not want to remove trees; however, he would agree to that. Board Member Kreutzberg agrees with Board Member McCreary's suggestion due to the size of the proposed structure.

The call to the public was made at 7:22 with no response.

Board Member Rockwell is not in favor of approving the variances because of the size of the structure. It could be made smaller and comply with the setbacks. Board Members McCreary and Kreutzberg agree. Mr. Clarke reiterated that he will be willing to move the building further to the south or construct a 60 x 30 barn and eliminate the need for one variance.

The Board suggested tabling this item this evening to allow the applicant to return with a revised plan.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to table Case #22-16, at the application's request, until the August 16, 2022 Zoning Board of Appeals Meeting. **The motion carried unanimously.**

3. 22-18...A request by Tim Chouinard and Teri and Steve Zacharias, 770 Sunrise Park, for a rear yard setback variance to demolish two existing structures and construct a new single-family home.

Mr. Chouinard stated the topography and the depth of the lots are causing the need for the variance. The lot would not be buildable without a variance. They will be combining the properties and removing both of the structures, which will decrease the number of residences on the street. The retaining walls will be within the setback requirements and he will obtain the appropriate approval.

Board Member McCreary wants to ensure that erosion will be controlled during construction. Mr. Chouinard stated they will be installing silt fencing. He explained where the home will be located in relation to the slope on the property.

The call to the public was made at 7:46 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #22-18 for Tim Chouinard on behalf of Teri and Steve Zacharias of 770 and 780 Sunrise Park Drive (Parcel #'s 4711-09-201-112 and 4711-09-201-114), for a rear yard setback variance of 25.7 feet from the required 40 feet, for a setback of 14.3 feet to demolish three existing structures and construct a new single-family home, based on the following findings of fact:

- Strict compliance with the setback would unreasonably prevent and restrict use of the property or cause it to be unbuildable.
- The variance will provide substantial justice, is the least necessary, and would make the property consistent with outer properties and homes in the area as there are several homes with reduced rear-yard setbacks. The variance is necessary due to the topography and shape of the lot, narrow building envelope, and location of the storm drain. The need for the variance is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or threaten public safety, comfort, morals or welfare.
- The proposed variance would have little or no impact on appropriate development, continued use or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. The two lots must be combined prior to issuance of land use permit.
2. Structure must be guttered with downspouts.
3. Any retaining walls must comply with Article 11.04.03 (J) Retaining Walls section of the Zoning Ordinance.
4. Any steps or stairs installed to access the lake or Sunrise Park Drive must comply with Article 11.04.03 (g) and (h) of the Zoning Ordinance.
5. Building height cannot exceed 25 feet.
6. Must receive approval from the Livingston County Drain Commissioner's office prior to land use permit issuance.
7. The survey must be corrected to depict the covered deck prior to land use permit issuance.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the June 21, 2022 Zoning Board of Appeals meeting.

Moved by Board Member McCreary, seconded by Board Member Ledford, to approve the minutes of the June 21, 2022 meeting as presented. **The motion carried unanimously.**

2. Correspondence - There were no correspondence this evening.
3. Member Discussion - There were no items to discuss this evening.

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Unapproved Minutes

4. Adjournment - **Moved** by Board Member McCreary, seconded by Board Member Ledford, to adjourn the meeting at 7:52 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

DRAFT