# GENOA CHARTER TOWNSHIP ZONING BOARD OF APPEALS AUGUST 15, 2023 6:30 P.M. AGENDA

| Pledge of Allegiance: |  |
|-----------------------|--|
| Introductions:        |  |
| Approval of Agenda:   |  |

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

- 1. 23-23...A request by Fred and Lauren Bodnar, 4071 Homestead Drive, for front, side, and waterfront yard setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.
- 2. 23-24...A request by Larry White, 4489 Oak Pointe Drive, for a waterfront yard setback variance and a variance to allow a detached accessory structure on a parcel without a principal structure and any other variance deemed necessary by the Zoning Board of Appeals to allow an existing illegal nonconforming structure.

## Administrative Business:

- 1. Approval of minutes for the June 20, 2023 Zoning Board of Appeals meeting.
- 2. Correspondence
- 3. Member Discussion
- 4. Adjournment

Call to Order:



# **GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116 (810) 227-5225 | FAX (810) 227-3420

| Case # 23-23 Meeting Date: Aug 15, 2023  PAID Variance Application Fee   |
|--|
| \$215.00 for Residential   \$300.00 for Sign Variance   \$395.00 for Commercial/Industrial   |
| Applicant/Owner: BODNAR, FRES & LAUREN Email: LAURENTZ 1187 & GMAIL. COMProperty Address: 4071 Home STEAD. Phone: 810-599-7340 517-304-5607  |
| Property Address: 4071 HOME STEAD. Phone: 810-599-7340 517-304-5607  |
| Present Zoning: <u>LRR</u> Tax Code: 11-28-201-017   |
| 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: 1) REAR YARD OF 9"-EXISTING  2) LEFT SIDE OF 5'-B"-EXISTING 3) RIGHT SIDE OF 3'-2"-EXISTING   |
| 4) FRONT YARD OF 16'-2"- NEW   |
|  |

Please note that the packet and staff report for your scheduled Zoning Board of Appeals meeting will be available to review at <a href="https://www.genoa.org/government/boards/zoningboard">https://www.genoa.org/government/boards/zoningboard</a> five days prior to the meeting.

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

<u>Criteria Applicable to Dimensional Variances.</u> 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 <u>all</u> of the following conditions exist:

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

<u>Practical Difficulty/Substantial Justice.</u> Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

| SEE ATTACHED PLEASE   |
|---|
|   |
| Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity. The need for the variance was not self-created by the applicant. |
| SEE ATTACHED PLEASE   |
| Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.  SEE ATTACHED PLEASE  |
| Impact on Surrounding Neighborhood. The variance will not interfere with or discourage the appropriate  |
| development, continued use, or value of adjacent properties and the surrounding neighborhood.  SEE ATTACHED PLEA SE   |
| Attendance by the applicant is required at the Zoning Board of Appeals meeting.   |
| Any Variance not acted upon within 12 months from the date of approval is involid and must receive a rene-  |

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 plans and construction plans.

DENNIS DINSER

Date: 7-18-23 Signature: Designature

## 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 vicinty of the subject parcel.

Our request for lakeside and sideyard setbacks is simply to recognize the existing conditions of our home as she currently sits. We are proposing to dismantle the house down to the first floor deck and rebuild.

Our request for the frontyard variance is intended to overcome the safety issue presented by the upward slope of the land from the street to the front edge of the exsiting home. An attached garage allows us to manage the sloping land in a safe and controlled manner, and is in keeping with the nature of of neighbor's homes, almost all of which have attched garages. Our request will result in a garage that allows for two cars to be parked outside the garage, on a flat driveway, and still maintain a safe distance to Homestead Drive. Our request still places our garage further from the street than our neighbors located at 4121 Homestead: 17.5°, 4093 Homestead: 11.4°, and 4089 Homestead: 13.6°

## **Extraordinary Circumstances**

There are execeptional 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 properties in the vicinity, The need for the variance was not self-created by the applicant.

The property presents us with extraordinary circumstances, we are simply trying to manage those conditions as our neighbors have. The property slopes upward from the street level 6'-10" to the front of the existing home. We are desperate to manage that condition as described by the plans and sketches before you. The site conditions were certainly not created by the applicant.

## Public Safety and Welfare

The granting of the variance will not impair and 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 site will be used for a private residence, as all others in our vicinity, and not a threat to any of the conditions listed above. An attached garage is certainly a safety issue for us and for future owners of this property. Have a set of stairs inside the garage, protected from the weather, is essential for the safe and daily use of our new home. Additionally, a roof covering for an exterior set of stairs is important for the safe use of guests to the home.

# 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 site will be used for a private residence, promoting the further development of the neighborhood. Our request is completely reactionary to conditions of our and neighboring lots. We are not asking for unreasonable or extraordinary conditions, just a reflection of our neighbor's circumstances. Lastly, our development of this lot will significantly increase the value for both neighboring properties.



August 11, 2023

Zoning Board of Appeals Genoa Township 2911 Dorr Road Brighton, Michigan 48116

| <b>Attention:</b> | Amy Ruthig, Planning Director  |
|-------------------|--|
| Subject:          | 4071 Homestead Drive – Dimensional Variance Review                         |
| <b>Location:</b>  | 4071 Homestead Drive – waterfront lot on the south side of Homestead Drive |
| <b>Zoning:</b>    | LRR Lakeshore Resort Residential District                                  |

#### Dear Board Members:

At the Township's request, we have reviewed the materials submitted seeking dimensional variance for a major renovation and expansion of the existing residence at 4071 Homestead Drive.

The property is nonconforming due to deficient lot width (approximately 40') and area (7,792 SF). The existing residence is also nonconforming due to deficient shoreline and both side yard setbacks.

The proposal entails demolition of the residence down to the existing first floor, with new construction matching the existing shoreline and side yard setbacks, as well as an extended attached garage that encroaches into the required street front setback.

The project complies with the building coverage limitation for the LRR District; however, the applicant must provide impervious surface calculations to ensure compliance with the 50% limitation.

It is worth noting that a similar project was granted side yard setback variances in 2020, though permits were never pulled and the approval expired.

Given the nature of the project to expand the existing residence with 3 established nonconforming setbacks, the project necessitates 4 dimensional variances from Section 3.04.01 for the following:

- A street front yard setback of 18'-10" (where a minimum of 35' is required);
- A side yard setback of 4'-4" to match the existing residence (where a minimum of 10' is required);
- A side yard setback of 6'-10" to match the existing residence (where a minimum of 10' is required); and
- A shoreline setback of 55'-9" to match the existing residence (where a minimum of 56.5' is required).

#### **SUMMARY**

- 1. *Practical Difficulty/Substantial Justice:* Strict compliance allows for a relatively narrow and small residence. No expansion is allowed without some amount of variance. The Board may view this as unnecessarily burdensome to the owner. 3 of the 4 variances are simply to match existing conditions, which is fair to both the applicant and surrounding owners.
- 2. *Extraordinary Circumstances:* The property is narrow and small in comparison to a conventional LRR lot. The applicant also notes a steep slope upwards from the street to the front of the residence.
- 3. *Public Safety and Welfare:* Given the nature of the property and project, we do not foresee issues related to upholding public safety and welfare.
- 4. *Impact on Surrounding Neighborhood:* The project results in a street front setback that is generally consistent with those found elsewhere in the neighborhood. The remaining 3 setbacks match existing conditions.



Aerial view of site and surroundings (looking north)

#### VARIANCE REVIEW

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

1. **Practical Difficulty/Substantial Justice.** A variance is not necessary for continued use of the property for a permitted purpose (single-family residence); however, no expansion is allowed without some amount of variance.

Furthermore, strict compliance would result in a relatively narrow and small residence.

The neighborhood contains several residences with deficient street front setbacks, so the Board may view strict compliance as unnecessarily burdensome to the applicant and the variance as fair to the owner.

Lastly, while 4 variances would typically be viewed as excessive, 3 of the variances are simply to match existing nonconforming conditions. As such, the request may be viewed as upholding substantial justice.

**2. Extraordinary Circumstances.** As previously noted, the property is deficient in both lot width and area. As noted in the submittal materials, the property also has a steep slope upwards from the street to the front of the residence. complies with current LRR standards for lot width and area. It is also generally rectangular in shape with no obvious extraordinary circumstances.

The combination of a narrow, small lot and steep topography are generally viewed as extraordinary circumstances that support some amount of variance.

- **3. Public Safety and Welfare.** Given the nature of the project, we do not foresee issues related to upholding public safety and welfare.
- **4. Impact on Surrounding Neighborhood.** Based on review of aerial photos and the submittal materials (as well as previous reviews for projects in this neighborhood), there are several residences with deficient street front setbacks.

The applicant identifies 3 in the immediate area that provide less setback than the proposal.

Additionally, 3 of the 4 setbacks will match existing conditions.

Genoa Township ZBA **4071 Homestead Drive** Dimensional Variance Review Page 3

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Respectfully, **SAFEBUILT** 

Brian V. Borden, AICP

Michigan Planning Manager

Zoning Board of Appeals August 18, 2020 Approved Minutes

Having this structure will eliminate this. It will not negatively affect any of the values or public safety of the neighborhood.

Board Member McCreary reviewed the survey and stated that she is never in favor of supporting a one-foot setback; however, because of the easement, nothing can be built to the rear of the proposed location of the barn.

The call to the public was made at 6:48 pm with no response.

**Moved** by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #20-12 at 528 S. Hacker for Brett & Jennifer Landacre for a 29 foot side yard variance from the required 30 feet for a 1 foot side yard setback to construct a 40 x 24 accessory building with a height not to exceed the requirement as documented by Ordinance 11.04.01.j, based on the following findings of fact:

- The subject property was split from an original parent parcel and the splits that were created left the abutting parcel with a section of land that touches, and that parcel is separated by a 33-foot-wide road easement. The portion of the property that is abutting this property where the request for a setback is, does not have a home on it.
- The exceptional or extraordinary condition of the property is the configuration of the lot and power lines. The need for the variance is not self-created. Due to the unusual configuration of the split of the property from the original lot, it provides substantial justice to the applicant and affords the same rights as other properties in the surrounding area.
- The granting of the variance will not impair an adequate supply of light and air to adjacent properties 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 Genoa Township.
- The proposed variance should have limited impact on the adjacent neighbors nor the values of homes surrounding it. This approval is conditioned upon the following:
- 1. All existing detached accessory structures will be removed prior to Certificate of Occupancy issuance.

## The motion carried unanimously.

2. 20-13 ... A request by Mark St. Germain, 4071 Homestead Drive, for two side yard setback variances to construct a second story to an existing home.

Mr. St. Germain was present. He has a 1,200 square foot home and he would like to add a bedroom and a bathroom. It makes more sense to build up instead of toward the road or the lake. He would be adding 800 square feet and stay within the footprint of the existing home.

Zoning Board of Appeals August 18, 2020 Approved Minutes

Board Member McCreary asked if the applicant and his neighbor are aware that the neighbor's home encroaches onto his property. Mr. St. Germain learned this when he obtained the survey. He is not sure if the neighbor is aware.

Board Member Kreutzberg wanted to confirm that the height of the home will not exceed the 25 feet height limit. Ms. Ruthig explained how the home height is determined. She confirmed that the proposed home is within the ordinance.

The call to the public was made at 6:59 pm with no response.

**Moved** by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #20-13 for Mark St. Germain of 4071 Homestead Drive granting two two side yard setback variances of 2.6 feet from required 10 feet for a 7.4 foot setback and variance of 5.7 feet from required 10 feet for a 4.3 foot setback to construct a second story addition to an existing home, based on the following findings of fact:

- Granting the variances would provide substantial justice. Strict compliance with the
  setbacks would unreasonably restrict use of the property. The proposed structure will
  maintain the same setbacks as the existing home. Granting these variance will provide
  substantial justice in granting the applicant the same rights as similar properties in the
  neighborhood and is not self-created.
- The extraordinary circumstances are the narrow lot and location of the existing home.
- The granting of these variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion or increase the danger of fire or endanger 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 surrounding neighborhood.

This approval is conditioned upon the following:

- 1. Structure must be guttered with downspouts.
- 2. Building height must not exceed 25 feet.

## The motion carried unanimously.

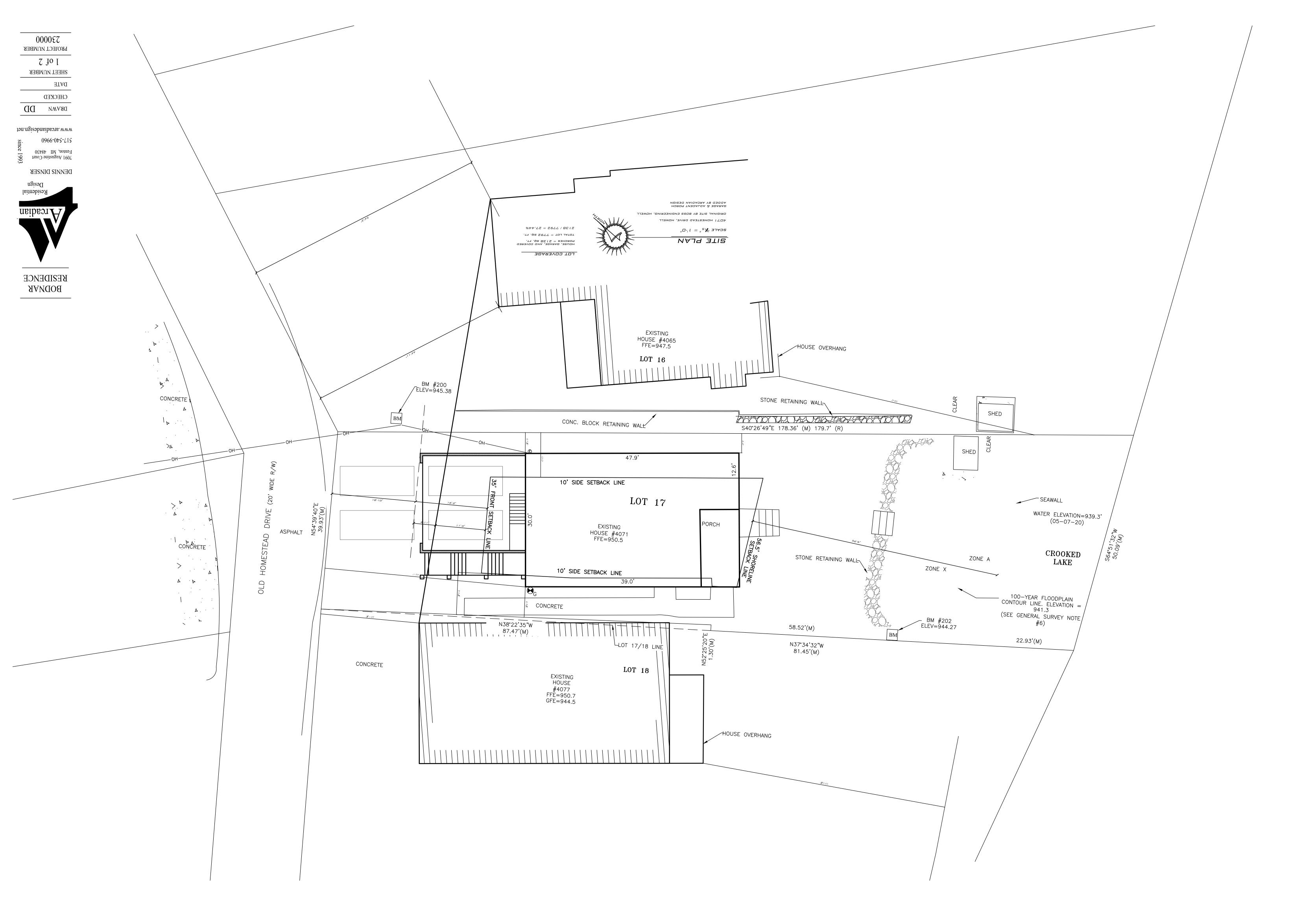
3. 20-14...A request by Jeff Weber, 5498 Sharp Drive, for a variance to construct a detached accessory structure in the front yard.

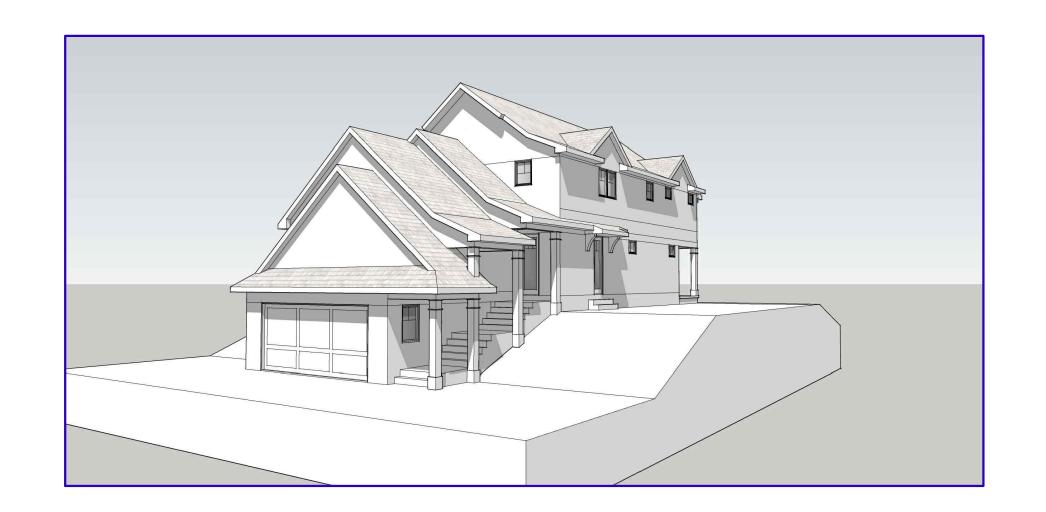
Mr. and Mrs. Weber were present. They would like to build a 12 x 18, 8 foot high shed. They have two front yards so they require a variance. Their three neighbors have structures in the front yards. Theirs will be smaller than those buildings.

The call to the public was made at 7:03 pm.

Mr. Jeff Dhaenens of 5498 Sharp Drive stated that he has submitted an email to the Township in support of this request.

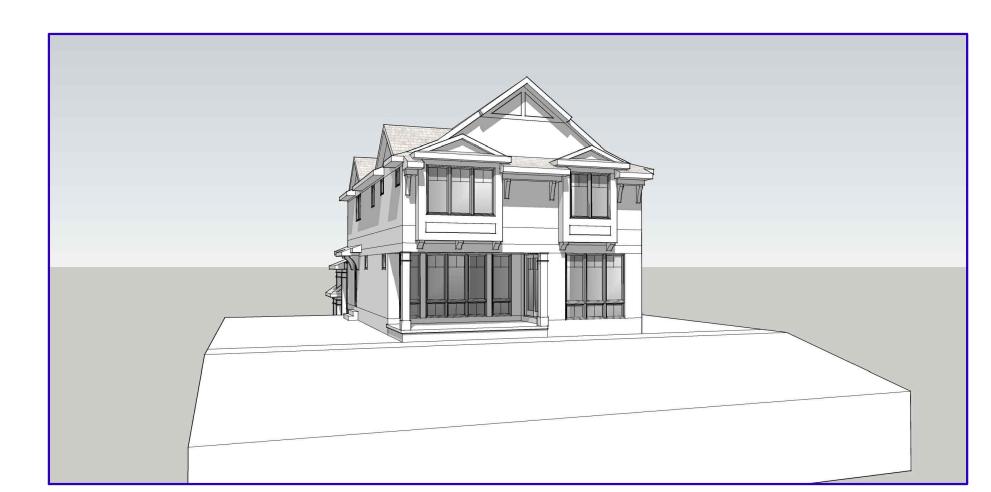






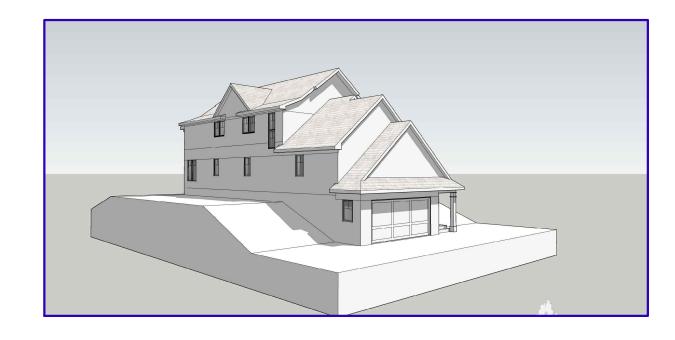


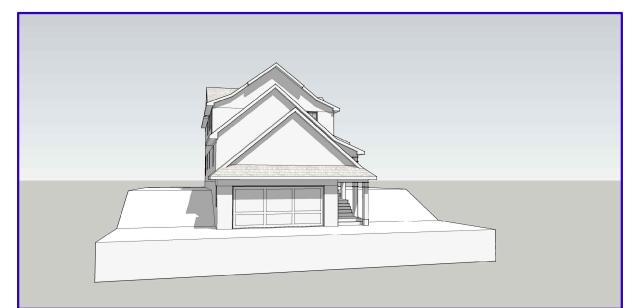


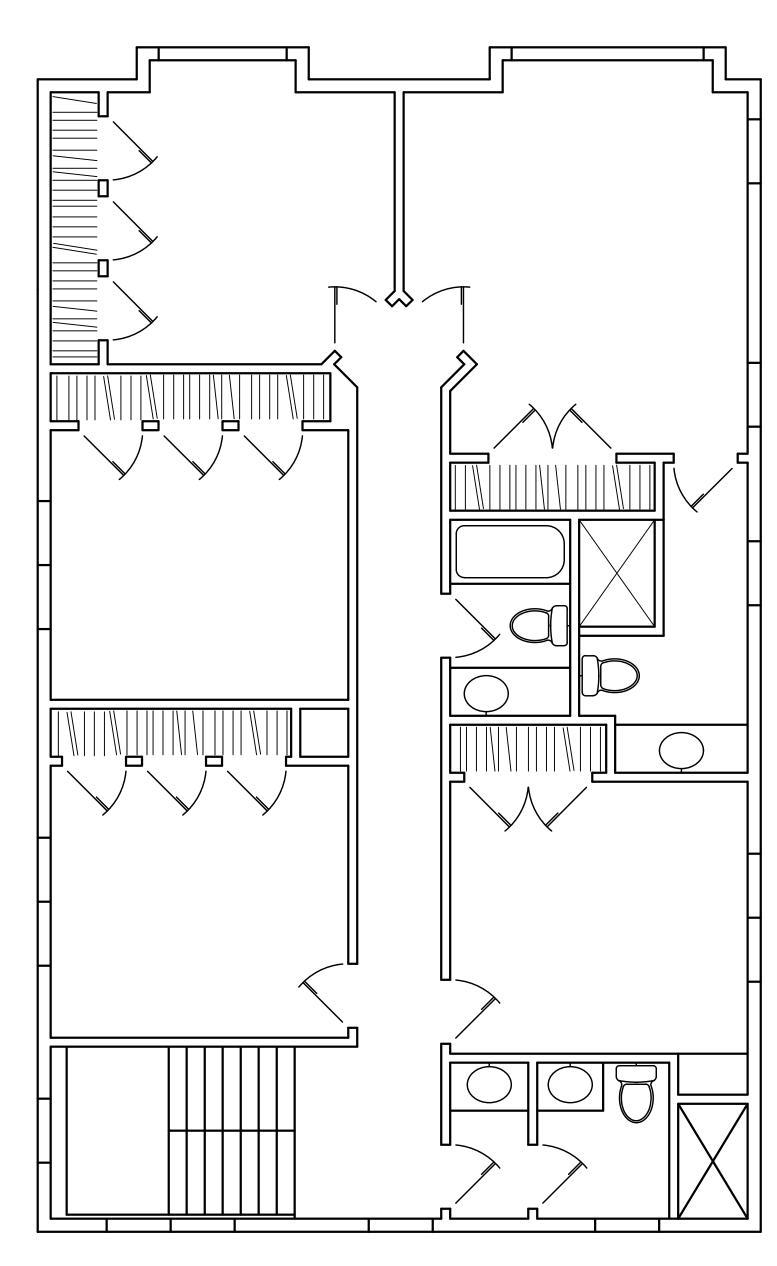






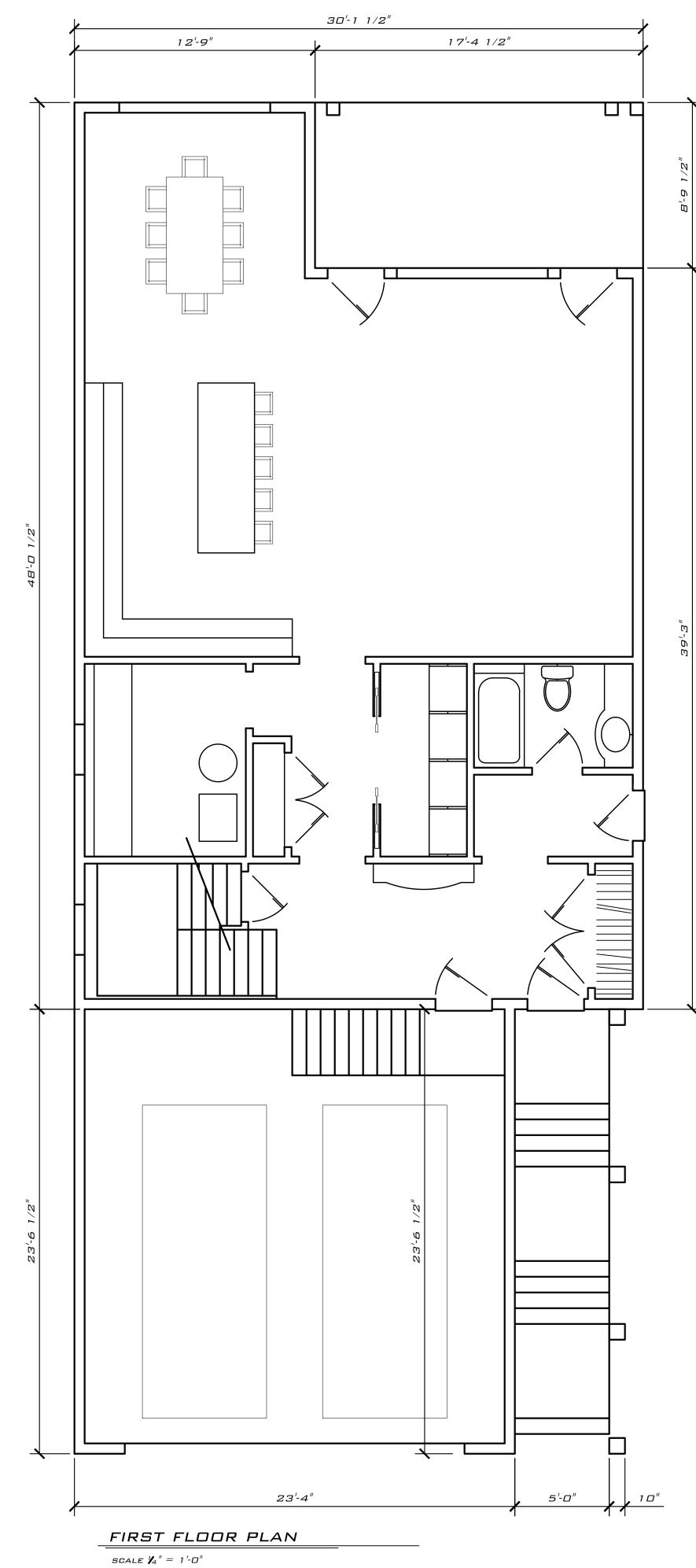






SECOND FLOOR PLAN





BODNAR RESIDENCE



DENNIS DINSER

7091 Augustine Court Fenton, MI 48430
517-540-9960

www.arcadiandesign.net

DRAWN DD
CHECKED

DATE
SHEET NUMBER
2 of 2
PROJECT NUMBER
230000

| Parcel Number: 4711-28-20   | 1-017            | Jurisdicti  | on: GENOA CH   | ARTER TOWNSH   | HIP           | Co   | ounty: LIVINGSTON   | Pri             | nted | on                     | 08/1   | 1/2023           |
|---|------------------|---|--|--|---------------|------|---|-----------------|------|------------------------|--------|------------------|
| Grantor   | Grantee          |   | Sale<br>Price  |  | Inst.<br>Type |      | Terms of Sale   | Liber<br>& Page |      | Verified<br>By         |        | Prcnt.<br>Trans. |
| ST GERMAIN RESORT LLC   | BODNAR LAUREN &  | FREDRICK  |  | 02/16/2023   |               |      | 19-MULTI PARCEL ARM'S L   |                 | 376  | BUYER/SELLER           | ₹      | 100.0            |
| ST GERMAIN MARK   | ST GERMAIN RESOR | RT LLC  | 1  | 01/27/2021   | WD            |      | 21-NOT USED/OTHER   | 2021R-0057      | 706  | BUYER/SELLER           | ₹      | 0.0              |
| SIRLS LARRY & LISA LIFE ES  | ST GERMAIN MARK  |   | 500,000  | 01/10/2019   | WD            |      | 03-ARM'S LENGTH   | 2019R-0014      | 133  | BUYER/SELLER           | ۲      | 100.0            |
| SIRLS, LARRY T. & LISA J.   | SIRLS LARRY & LI | SA LIFE ES  | 0  | 04/08/2015   | WD            |      | 21-NOT USED/OTHER   | 2015R-0122      | 257  | BUYER/SELLER           | 3      | 0.0              |
| Property Address  |                  | Class: RE   | SIDENTIAL-IMP  | ROV Zoning: I  | JRR E         | Buil | ding Permit(s)  | Date            | Nui  | mber                   | Status | 3                |
| 4071 HOMESTEAD DR   |                  | School: B   | School: BRIGHTON AREA SCHOOLS  |  |               |      |   |                 |      |                        |        |                  |
|   |                  | P.R.E.  | 0 응  |  |               |      |   |                 |      |                        |        |                  |
| Owner's Name/Address  |                  | MAP #: V23-23   |  |  |               |      |   |                 |      |                        |        |                  |
| BODNAR LAUREN & FREDRICK<br>4074 ANCHOR LN  |                  |   | Est TCV Tent   | ative  |               |      |   |                 |      |                        |        |                  |
| BRIGHTON MI 48116   |                  | X Improve   | Land Va  | Land Value Estimates for Land Table 4304.OLD HOMESTEAD |               |      |   |                 |      |                        |        |                  |
| Tax Description   |                  | Public Improvements Dirt Road                             |  | A LAKE   | FRONT         | 5    | * Factors ntage Depth Front Dep 50.00 172.00 1.0000 1.00 t Feet, 0.20 Total Acres | th Rate %Ac     | 00   | Reason<br>Land Value = | 215    | /alue<br>5,000   |
| SEC. 28 T2N, R5E, OLD HOMESTEAD LOT 17 EXCEPT BEG AT A POINT ON THE LINE COMMON TO LOTS 17 & 18, TH N33*17'W 87.65 FT FROM SW'LY CORNER OF SAID LOT TH N56*43'E 1.30 FT TO THE CORNER OF A BUILDING TH NW'LY ALONG THE SIDE OF SAID BUILDING TO THE SAID LINE COMMON TO LOTS 17 & 18 TH BACK ALONG SAID LINE TO THE POB. CORR 12/18 Comments/Influences |                  | Storm Sidewa. Water Sewer Electr: Gas Curb Street Standa: | Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas |  |               |      |   |                 |      |                        |        |                  |

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

|     | Ravine<br>Wetland<br>Flood Plain<br>REFUSE |            | Year | Land<br>Value |           |           | Board of<br>Review | <br>      |
|-----|--|------------|------|---------------|-----------|-----------|--------------------|-----------|
| Who |  | What       | 2024 | Tentative     | Tentative | Tentative |                    | Tentative |
|     | 01/16/2019                                 |            |      | 107,500       | 111,500   | 219,000   |                    | 196,759C  |
| LM  | 09/26/2012                                 | DATA ENTER | 2022 | 107,500       | 87,700    | 195,200   |                    | 187,390C  |
|     |  |            | 2021 | 107,500       | 82,700    | 190,200   |                    | 181,404C  |

<sup>\*\*\*</sup> Information herein deemed reliable but not guaranteed\*\*\*

Topography of

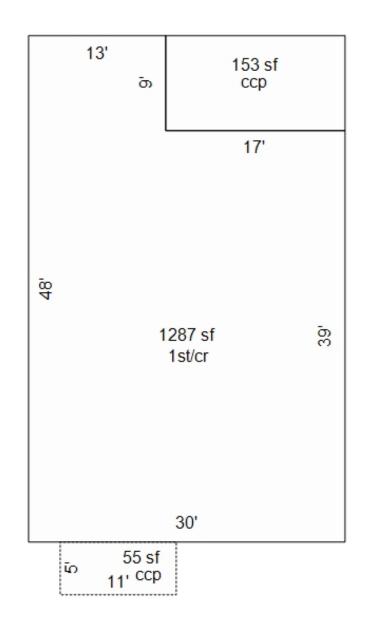
Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
X Waterfront

|   | 1 101 - 0 1  |   |  |   |   |   |
|---|--|---|--|---|---|---|
| Building Type   | (3) Roof (cont.)   | (11) Heating/Cooling  | (15) Built-ins   | (15) Fireplaces   | (16) Porches/Decks                            | _   |
| X Single Family Mobile Home Town Home Duplex A-Frame X Wood Frame   | Eavestrough Insulation 0 Front Overhang 0 Other Overhang (4) Interior  | X Gas Oil Elec. Steam  Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard | Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub                             | Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story                                   | Area Type  55 CCP (1 Story) 153 CCP (1 Story) | Year Built: -Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall:                            |
| Building Style: C Yr Built Remodeled 1955 2017 Condition: Good  | Drywall Plaster Wood T&G  Trim & Decoration  Ex X Ord Min  Size of Closets  Lg X Ord Small  Doors: Solid X H.C.  | Central Air   | Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range | Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas  Class: C +10 Effec. Age: 20 Floor Area: 1,287 Total Base New: 217, |   | Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor: Bsmnt Garage: |
| Basement 1st Floor 2nd Floor 2 Bedrooms   | (5) Floors  Kitchen: Other:  | Wood Furnace   (12) Electric   0 Amps Service   | Sauna Trash Compactor Central Vacuum Security System   | Total Depr Cost: 173,<br>Estimated T.C.V: 260,  | ,911 X 1.500                                  | Carport Area:<br>Roof:  |
| (1) Exterior  | Other:   | No./Qual. of Fixtures  Ex.   X   Ord.   Min   | Cost Est. for Res. Bl (11) Heating System:   | ldg: 1 Single Family Forced Heat & Cool   | C C1  | s C 10 Blt 1955   |
| X Wood/Shingle Aluminum/Vinyl Brick  Insulation  (2) Windows  Many X Avg. X Avg. Few  Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens  (3) Roof | (6) Ceilings  (7) Excavation  Basement: 0 S.F. Crawl: 1287 S.F. Slab: 0 S.F. Height to Joists: 0.0  (8) Basement  Conc. Block Poured Conc. Stone Treated Wood Concrete Floor  (9) Basement Finish  Recreation SF | No. of Elec. Outlets    Many   X   Ave.   Few   | Ground Area = 1287 SE  | F Floor Area = 1287<br>/Comb. % Good=80/100/1<br>r Foundation<br>Crawl Space<br>stments   | Size Cost: 1,287 Total: 198,  55 1, 153 4,    | 721 1,377<br>354 3,483<br>568 1,254<br>276 9,021<br>390 173,911   |
| X Gable Hip Mansard Shed  X Asphalt Shingle  Chimney: Brick   | Living SF  | Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:            |  |   |   |   |

<sup>\*\*\*</sup> Information herein deemed reliable but not guaranteed\*\*\*

2 BEDROOMS 1 FULL BATH A/C CNC DW - N/V





# **GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**

2911 DORR ROAD | BRIGHTON, MICHIGAN 48116 (810) 227-5225 | FAX (810) 227-3420

| Case # 23-24 Meeting Date: August 15, 2023 @ 6:30 PM   |
|--|
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| Please explain the proposed variance below:  |
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| Structure at lakeside, however, Still on applicants property   |
|  |
|  |

Please note that the packet and staff report for your scheduled Zoning Board of Appeals meeting will be available to review at <a href="https://www.genoa.org/government/boards/zoningboard">https://www.genoa.org/government/boards/zoningboard</a> five days prior to the meeting.

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

<u>Criteria Applicable to Dimensional Variances.</u> 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 <u>all</u> of the following conditions exist:

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

<u>Practical Difficulty/Substantial Justice.</u> 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.

| Substantial Justice-Several other properties on east and west crooked lake have similar or more indepth structures which are also not meeting set back requirements, nor permanent requirements   | ent |
|---|-----|
| 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. |     |
| When property was purchased in 2008, a similar non-covered<br>Structure existed, Structure was removed for safety reasons and redailed  |     |

a few years (afer and then a few years after replacement the covered portion was added, adding approximately 10% to its value.

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.

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| tou | Inship !                                | requirem | rents ( | ther th | an be   | ino a | per    | tha res  | of Str | dure,   |
| ano | d Set &                                 | ack. A   | icin, o | trudure | is on   | apple | cants  | properto | 1 alt  | 100gh   |
| Can | tilevered                               | over t   | he was  | ler.    |         | //    | /      |          |        |         |

<u>Impact on Surrounding Neighborhood.</u> 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  | e no c | moad    | on work  | ovnding | reig. | hboi hood | unlika     |  |
|---|----------|--------|---------|----------|---------|-------|-----------|------------|--|
| the   | multiple |        |         | ent Sto  |         |       | other     | properties |  |
| that  | do any   | reed t | their n | eighbors | View.   | and.  | set back  | reguments  |  |
| Attendance by the applicant is required at the Zoning Board of Appeals meeting. |          |        |         |          |         |       |           |            |  |

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 plans and construction plans.



August 11, 2023

Zoning Board of Appeals Genoa Township 2911 Dorr Road Brighton, Michigan 48116

| <b>Attention:</b> | Amy Ruthig, Planning Director  |
|-------------------|--|
| <b>Subject:</b>   | 4489 Oak Pointe Drive – Dimensional Variance Review                          |
| <b>Location:</b>  | 4499 Oak Pointe Drive – waterfront lot on the north side of Oak Pointe Drive |
| Zoning:           | LRR Lakeshore Resort Residential District                                    |

#### Dear Board Members:

At the Township's request, we have reviewed the materials submitted seeking a dimensional variance to retain an accessory structure (gazebo) along the shoreline at 4489 Oak Pointe Drive.

Per Section 11.04.03(a)(3), gazebo regulations include a maximum area of 150 square feet, a maximum height of 14', and a setback in accordance with that required for accessory buildings in Section 11.04.02.

Section 11.04.02(d) references the requirements of Section 3.04.02 with respect to the shoreline setback required for accessory buildings.

Section 3.04.02 requires a minimum setback of 40' or the average shoreline setback of adjacent residences, whichever is greater. In this instance, there is only 1 adjacent residence and the average is not known; however, the gazebo is cantilevered over the shoreline – essentially less than a 0' setback.

As such, the extent of the variance sought is not entirely clear, though a setback variance is necessary to retain this structure. The applicant must also identify the area and height of gazebo to determine whether additional variances may be needed.

Additionally, the gazebo is situated on a separate parcel of land, though the properties are under common ownership. Section 11.04.01 requires a principal use or building on the same lot as an accessory building/structure. As such, a 2<sup>nd</sup> variance is needed; however, this variance is easily mitigated by a parcel combination.

## **SUMMARY**

- 1. *Practical Difficulty:* Strict compliance is not necessary for continued use of the property, nor does it appear to be unnecessarily burdensome to the applicant.
- 2. Substantial Justice: The request to allow less than a 0' shoreline setback is rather excessive and is not in keeping with substantial justice for other owners in the district. Allowance of an accessory structure without a principal use/building is also not fair to other owners. Should the Board consider favorable action on the 1st variance, we suggest a condition that the applicant be required to combine the parcels.
- 3. *Extraordinary Circumstance:* The submittal does not identify an extraordinary circumstance of the property itself.
  - *Public Safety and Welfare:* It is not clear whether the structure was adequately constructed to cantilever over the shoreline. If the Board considers favorable action on the variance request, we suggest a condition that the applicant be required to have the structure inspected and assurances be provided with respect to its safety.
- 4. *Impact on Surrounding Neighborhood:* While there may be other structures that encroach into the required setback, it is unlikely that accessory structures overhanging the shoreline are commonplace.



Aerial view of site and surroundings prior to construction of current home (looking north)

#### VARIANCE REVIEW

We have reviewed the request in accordance with the dimensional variance review criteria of Section 23.05.03, as follows:

**1. Practical Difficulty/Substantial Justice.** Variances are not necessary for continued use of the property as a single-family residence.

Strict compliance would still allow a gazebo structure, simply not in its current location.

The request essentially entails a less than 0' setback along the shoreline (the gazebo cantilevers over the shoreline).

In our opinion, this request has the appearance of being out of convenience rather than an actual practical difficulty.

Furthermore, allowing a structure to cantilever over the shoreline does not seem fair to other owners in the district.

Lastly, allowing an accessory structure on a property with no principal use/building is not justifiable in this situation. If the Board considers favorable action on the 1<sup>st</sup> variance, we suggest a condition that the applicant be required to combine the parcels under common ownership.

- **2. Extraordinary Circumstances.** The submittal does not identify a clear extraordinary circumstance of the property, but rather references another structure that was previously on site, but ultimately removed.
- 3. Public Safety and Welfare. Our primary concern under this criterion is whether the structure was adequately constructed to safely cantilever over the shoreline. Since the structure was not reviewed/approved, the nature of its construction is unclear.

If the Board considers favorable action on the variance request, we suggest a condition that the applicant be required to have the structure inspected and assurances be provided with respect to its safety.

Genoa Township ZBA 4489 Oak Pointe Drive Dimensional Variance Review Page 3

**4. Impact on Surrounding Neighborhood.** The submittal references other accessory structures with reduced shoreline setbacks; however, we are unable to clearly locate them on aerial photos.

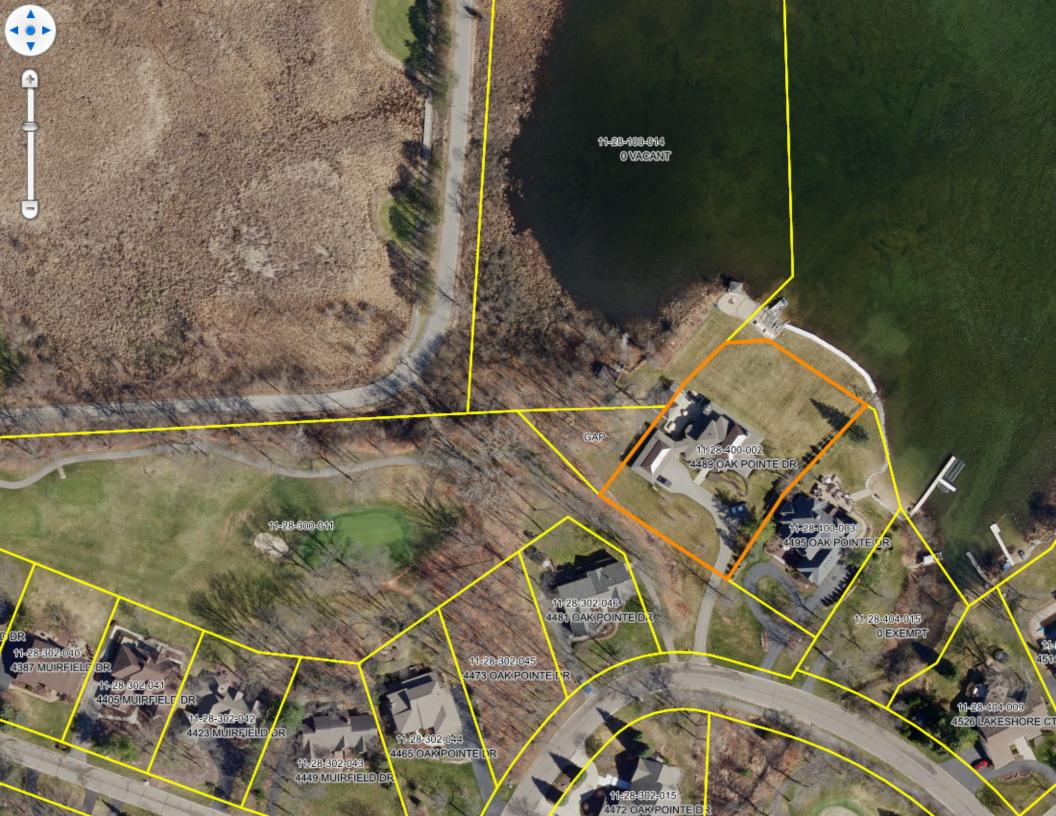
Furthermore, while there may be other structures that encroach into the required setback, it is unlikely that accessory structures overhanging the shoreline is commonplace.

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Respectfully, **SAFEBUILT** 

Brian V. Borden, AICP

Michigan Planning Manager



# GENOA CHARTER TOWNSHIP ZONING BOARD OF APPEALS FEBRUARY 18, 2014 6:30 P.M.

## **MINUTES**

| Call | to | Ord | er: |
|------|----|-----|-----|
|------|----|-----|-----|

**Pledge of Allegiance:** 

## **Introduction:**

<u>Approval of Agenda:</u> Moved by Ledford, supported by Figurski to approve the agenda with the addition of an item added to member discussion regarding zoning within lakefront communities. **Motion passed.** 

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

14-02...A request by Larry and Christa White, Section 28, 4489 Oak Pointe Drive, for a variance from the maximum allowable building height to construct a new single family residence.

Mr. Dennis Disner, Arcadia Design and Mr. Larry White were present for the petitioner.

Mr. Disner stated that the house is lesser in height and in overall mass than the current home. The owners are trying to be sensitive to not over power the sight of the neighbors. The property is part of the LRR zoning district, however this lot is not typical in that zoning.

It was discussed by the Board that if the structure met the ordinance for a cupola it would not have required a variance.

A call to the public was made with Joe Perri- 3962 Highcrest- I think this would be a welcome addition to the community and there is substantial justice. They are being very reasonable. Mr. Disner read into record a letter that was signed by Mr. and Mrs. Price-4495 Oak Pointe Drive, Mr. and Mrs. Rachner of 4514 Lakeshore Ct. and Charles Fort of the Oak Pointe County Club stating the following "Larry and Christa White have been in contact to make them aware of their height restriction variance request and have reviewed the same documents as the ZBA. As described in the drawing, its seems they intend to build a home of less height than they actually could under the ordinance. This recognizes the true intent of the height restriction, and appreciate their sensitivity in developing this proposal. They would like to voice their support for this request."

**Moved** by McCreary, supported by Grajek, to approve case#14-02, 4489 Oak Pointe Drive, Mr. and Mrs. White for a 5 foot roof height variance with a 30 foot allowed height. Conditioned

upon the owner producing an easement with the Golf Course to cross their property to install a sewer line and the home is to be guttered with downspouts.

The practical difficulty is the uniqueness of the property itself not being part of the Oak Pointe PUD when it was created. There is not a public safety hazard to the neighborhood and it is substantial justice in regards to the neighbor next door. **Motion passes as follows: Ayes-Ledford, Grajek, and McCreary. Nays- Figurski and Dhaenens.** 

14-03...A request by Michael and Gail McLean, Section 21, Parcel ID# 4711-21-401-015, on Homestead Drive, for a variance from the required front yard setback to construct a new single family residence.

Mr. Dennis Disner, Arcadia Designs and Mr. and Mrs. McLean were present for the petitioner.

Mr. Disner stated that the lot exists just at the end of Homestead Drive. The proposed home would be 1339 sq.ft. on the main level with a 2 car attached garage. They are looking for help on the front yard setback. It is a 35 foot setback requirement with an 8 foot variance to construct a 2 garage attached garage. It is important to get two cars in the garage and the cars off the road. The owners are sensitive to the two neighbors regarding the waterfront setback.

Dhaenens questioned if the neighbor would be taking down the fence that is along the property line. If it is not taken down then the petitioner would require a 5 foot side yard variance.

A call to the public was made with the following response: Don Davis- 3907 Homestead stated that he is here to support the variance and that he is going to be taking down the landscape trellis as soon as the weather breaks. Tom Rafferty- 4344 Highcrest- thinks this a welcome addition to the area. There is plenty of room to park down there. Caroline Kerr- Siem- she is going to be looking at this structure and she is not against the variance. Scott Thomas- 4291 Homestead stated that he is in support of the variance. Joe Perri- 3962 Highcrest- thinks this will be a wonderful addition and they are being very reasonable.

**Moved** by Grajek, supported by Ledford to approve case#14-03, parcel 4711-21-401-015, for Mr. and Mrs. McLean for an 8 foot variance with a resulting setback of 27 feet. Conditioned upon the landscaping trellis is removed before issuance of land use permit and the new structure is guttered with downspouts.

The practical difficulty is the narrowness and typography of the lot and there is not a public safety hazard to the neighborhood and it is substantial justice in regards to the neighborhood. **Motion passed.** 

**Moved** by Figurski supported by McCreary to approve the January 14, 2014 Zoning Board of Appeals minutes. **Motion passed**.



# **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. 14-180

revised 2/21/14

| 710WHINIP  |  |  |   |  |  |  |
|--|--|--|---|--|--|--|
| 1. PROJECTANICORMATION   | 13.5 4.2 2 2 2 2 2 2 2   |  |   | L A  |  |  |
| Site Address: 4489 OAK POINTS DRIVE B  | Mi Aana  |  |   | Acreage:   |  |  |
| 2 OWNER/APPLICANT INFORMA  | TIÓN   | <b>《</b> 》(1) 李 李 章 秦 <b>万</b> 章 《   |   |  |  |  |
| Owner Name:  | F. on Some and the control of the co | Phone No.:   | 0) 923-042  |  |  |  |
| CHRISTA WOLITE   | Te City:72   |  | tate: M;  | Zip: 48116   |  |  |
| 778 VAE 18131  |  |  |   | שוומך י  |  |  |
| - 11   | or Lessee/Renter A   |  | iher:   |  |  |  |
| Applicant name:  | T  | Phone No.:   | -zoso _   |  |  |  |
| Applicant Address:   | 014  | State  | =: Mi   | Zip: 48116   |  |  |
| 10381 CHATION DR. J  | INTE (000 ) STILL  | RIGHTON  |   | 43/16  |  |  |
| 3. TYPE OF IMPROVEMENT   |  | CONTRACTOR AND CONTRACTOR OF STREET  | ALVERTON TO THE PARTY OF  |  |  |  |
| A. Principal Structure  New Single Family   New Mu   | litiple Family 🔲 Add   | ition to Existing Buildin  | g 🚨 Gradi   | ng/Site Work   |  |  |
| ☐ Other:   |  |  |   |  |  |  |
| B. Accessory Structure   | Detached Accessory (gara   | ge, shed, nole harnì   | □ Pool/Hot  | t Tub  |  |  |
| Other:   | Peracuen veressorà (Bara   | Per outers have never)   |   |  |  |  |
| 4. PROPOSED SETBACK AND DIM  | IENSIONAL INFORMA  | LION   |   |  |  |  |
| A. Proposed Principal Structure Setb   |  |  |   | E-ver  |  |  |
| The state of the s | nt property line, right-of-way line  | or private road easement, which  | never is less)  | 1001-2   |  |  |
| Rear: 120' Least Side:   |  | Side: 42'  |   | ter/Wetland: 120°  |  |  |
| B. Proposed Accessory Structure Set  |  | · · · · · · · · · · · · · · · · · · ·  | 4630  | n - 130  |  |  |
| Front: - Least Side: - Side:   |  | Water/Wetland: —   | Distance from I   | Principle Structure: —   |  |  |
| C. Proposed Building/Improvement I   | Dimensions   |  |   |  |  |  |
| Size of Building/Improvement: 5000   | square feet  | Height: 35   | feet A-   | ctual 30°  |  |  |
| 6#SIGNATIURE ON APPLICANT  | <b>对称中央公司公司</b> 在15  | Carlos Services Constitution of the Constituti | Market Dore 2   |  |  |  |
| I hereby certify that all information attached<br>authorized by the owner of record and that I<br>agree to conform to all applicable ordinance<br>A Land Use Permit is validify a period of I<br>Genoa Charter Township to to on-site inspe  | have been authorized by the c<br>s of Genoa Township. Any mo<br>2 months from the date of issu   | owner to make this application of the street | on as the authorize<br>or dimensions mus<br>tion, I am permitti | d agent. The owner and applicant<br>t be approved by Genoa Township.<br>ng an official representative of |  |  |
| Signature of Applicant:  |  | Printed Applicant name:  |   | Date: 9-28-14-   |  |  |
| ∇ FOR OFFICE USE ONLY ∇  |  | 23500 7 07 000   |   |  |  |  |
| FLOODPPAIN   |  |  | DV SERVED I   | S. S. S. P. P. S.  |  |  |
| Floodplain:  | Panel #: Z   | 40 U.  | 7   | ione #: A-   |  |  |
| ASSESSING APPROVAL   | a substituti   |  | 55  | 250  |  |  |
| Approved Disapproved   | Approved by:   | " When   | E   | Date: 10/3/14  |  |  |
| ZONING APPROVAL  | Parcel I.D. No.:   | 28-400-0   | , o Z_ 2  | Coning: LRR  |  |  |
| Approved Disapproved   | Approved by:   | O. Olum  |   | Date: to/3/14  |  |  |
| Comments/Conditions: 2BA Viscour States assert across  |  |  |   |  |  |  |
| golf course is reeded for sever line assurent. upon  |  |  |   |  |  |  |
| inspection sever + water loves found in driveway easement  |  |  |   |  |  |  |
| Which Makes Consu  | un recessi   |  | 10/00   | ESTERNIS MEST  |  |  |
| ZBA Case #/Approval date: 7-02/2-16-14 Conditions: Gutto + Down crout  |  |  |   |  |  |  |
| 3. FEES  | DESCRIPTION OF THE PROPERTY OF |  |   |  |  |  |
|  |  | 是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个  |   |  |  |  |
| Land Use: \$ 75  | Water/Sewer:   | s 3400 / 1   | 1 815.52 M  | Meter: \$ 62Z  |  |  |

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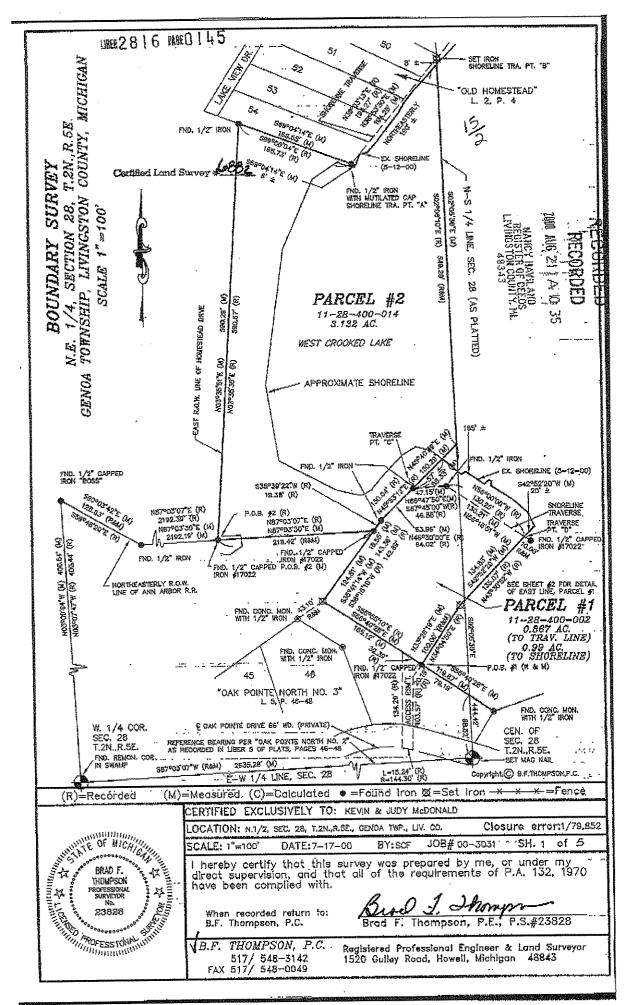
A PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 28, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE NORTH 87 DEGREES 03 MINUTES 07 SECONDS EAST 2635.28 FEET TO THE CENTER OF SECTION 28; THENCE NORTH 02 DEGREES 05 MINUTES 30 SECONDS WEST, ALONG THE NORTH—SOUTH /4 LINE OF SAID SECTION, 88.52 FEET; THENCE NORTH 56 DEGREES 40 MINUTES 28 SECONDS WEST 79.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 56 DEGREES 40 MINUTES 28 SECONDS WEST 165.12 FEET; THENCE NORTH 35 DEGREES 41 MINUTES 14 SECONDS EAST 143.78 MINUTES 28 SECONDS WEST 165.12 FEET; THENCE NORTH 35 DEGREES 41 MINUTES 14 SECONDS EAST 143.36 FEET; THENCE NORTH 45 DEGREES 40 MINUTES 39 SECONDS EAST 63.96 FEET TO TRAVERSE POINT "C"; THENCE CONTINUING NORTH 45 DEGREES 40 MINUTES 39 SECONDS EAST 57 FEET, MORE OR LESS, TO THE SHORELINE OF WEST CROOKED LAKE; THENCE SOUTHEASTERLY, ALONG SAID SHORELINE, 165 FEET, MORE OR LESS TO TRAVERSE POINT "D"; SAID TRAVERSE POINT "D" LIES THE FOLLOWING TWO COURSES AND DISTANCES FROM AFOREMENTIONED TRAVERSE POINT "C"; NORTH 86 DEGREES 47 MINUTES 50 SECONDS EAST 47.15 FEET AND SOUTH 56 DEGREES 18 MINUTES 51 SECONDS EAST 130.21 FEET TO SAID TRAVERSE POINT "D"; THENCE CONTINUING FROM TRAVERSE POINT "D", SOUTH 42 DEGREES 52 MINUTES 20 SECONDS WEST 134.83 FEET; THENCE SOUTH 33 DEGREES 26 MINUTES 19 SECONDS WEST 100.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THE RIGHTS AND EGRESS OVER A PRIVATE EASEMENT DESCRIBED HEREAFTER;

#### PARCEL 2:

PARCEL 2:

A PART OF THE NORTHWEST 1/4 OF SECTION 28, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE NORTH 87 DEGREES 03 MINUTES 07 SECONDS EAST 2635.28 FEET TO THE CENTER OF SECTION 28; THENCE NORTH 02 DEGREES 05 MINUTES 30 SECONDS WEST, ALONG THE NORTH—SOUTH 1/4 LINE OF SAID SECTION, 88.52 FEET; THENCE NORTH 56 40 MINUTES 28 SECONDS WEST 244.31 FEET; THENCE NORTH 35 DEGREES 41 MINUTES 14 SECONDS EAST 124.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 03 MINUTES 30 SECONDS WEST 218.42 FEET TO THE EAST RIGHT—OF—WAY LINE OF HOMESTEAD DRIVE; THENCE NORTH 03 DEGREES 35 MINUTES 51 SECONDS EAST ALONG SAID RIGHT—OF—WAY, 590.29 FEET TO THE SOUTH LINE OF LOT 54 OF OLD HOMESTEAD, ACCORDING TO THE PLAT THEREOF, RECORDED IN LIBER 2 OF PLATS, PAGE 4 LIVINGSTON COUNTY RECORDS; THENCE SOUTH 69 DEGREES 04 MINUTES 14 SECONDS EAST ALONG SAID SOUTH LOT LINE, 168.55 FEE TO THE TRAVERSE POINT "A"; THENCE CONTINUING SOUTH 69 DEGREES 04 MINUTES 14 SECONDS EAST 6 FEET, MORE OR LESS, TO THE SHORELINE OF WEST CROOKED LAKE; THENCE NORTHEASTERLY, ALONG SAID SHORELINE, 190 FEET, MORE OR LESS TO A POINT ON THE NORTH—SOUTH1/4 LINE OF SAID SECTION; THENCE NORTH 02 FEET, MORE OR LESS TO A POINT ON THE NORTH-SOUTH1/4 LINE OF SAID SECTION; THENCE NORTH 02 DEGREES 05 MINUTES 30 SECONDS WEST, ALONG SAID 1/4 LINE, 8 FEET, MORE OR LESS TO TRAVERSE POINT "B"; SAID TRAVERSE POINT "B" LIES THE FOLLOWING COURSE AND DISTANCE FROM AFOREMENTIONED TRAVERSE POINT "A"; NORTH 38 DEGREES 53 MINUTES 30 SECONDS EAST 194.25 FEET; THENCE CONTINUING FROM SAID TRAVERSE POING "B", SOUTH 02 DEGREES 05 MINUTES 30 SECONDS EAST, ALONG SAID NORTH—SOUTH 1/4 LINE, 549.20 FEET TO A POINT ON SAID WEST CROOKED LAKE; THENCE SOUTH 45 DEGREES 40 MINUTES 39 SECONDS WEST 150.29 FEET; THENCE SOUTH 35 DEGREES 41 MINUTES 14 SECONDS WEST 18.55 FEET TO THE POINT BEGINNING

| SECTION 28 | CLIENT:                              | JOB: 1051-14-6409 |
|------------|--------------------------------------|-------------------|
| T2N, R5E   | FOREST RIDGE CONSTRUCTION            | DATE: 8/20/2014   |
| GENOA TWP. | PROJECT:                             | REV.:             |
| LIVINGSTON | WHITE RESIDENCE                      | REV.:             |
| MICHIGAN   | AT METER ACMOUNTING ACCOUNTS         | BOOK/CREW: BC     |
|            | METRO CONSULTING ASSOCIATES          | DRAWN BY: NPA     |
|            | Relationships   Reputation   Results | CHECK BY: BEGO    |
|            | 800.525.6016 www.metroca.net         | SHEET: 3 OF 3     |



## UBER 28 6 PAGED | LA

highway purposes, subject to the conclative rights of other riparian owners and to the public trust in the waters of West Crooked Lake, also subject to easements and restrictions of record, if any.

PARCEL 2 LEGAL DESCRIPTION - AS SURVEYED (11-28-100-014) A part of the Northwest 1/4 of Section 28, T.2N., R.5E., Genoa Township, Livingston County, Michigan, more particularly described as commencing at the West 1/4 corner of said section; thence N. 87 deg 03 min 07 sec E. 2635.28 ft. to the Center of Section 28; thence N. 02 deg 05 min 30 sec. W, along the North-South 1/4 line of said section, 88.52 ft.; thence N. 56 deg 40 min 28 sec W. 244.31 ft.; thence N. 35 deg 41 min 14 sec E. 124.81 ft. to the POINT OF BEGINNING; thence S. 87 deg 03 min 30 sec W. 218.42 ft. to the East right-of-way line of Homestead Drive; thence N. 03 deg 35 min 51 sec E., along said right-of-way, 590.29 ft. to the South line of Lot 54 of "Old Homestead" Subdivision, as recorded in L. 2 of Plats, Page 4, LCR.; thence S. 69 deg 04 min 14 sec E., along said South lot line, 168.55 ft. to Traverse Point "A"; thence continuing S. 69 deg 04 min 14 sec B. 6 ft., more or less, to the shoreline of West Crooked Lake; thence Northeasterly, along said shoreline, 190 ft. more or less to a point on the North-South 1/4 line of said section; thence N. 02 deg 05 min 30 sec W., along said 1/4 line, 8 ft., more or less, to Traverse Point "B"; said Traverse Point "B" lies the following course and distance from aforementioned Traverse Point "A": N. 38 deg 53 min 30 sec E, 194 25 ft.; thence continuing from said Traverse Point "B", S. 02 deg 05 min 30 sec E., along said North-South 1/4 line, 549.20 ft. to a point in said West Crooked Lake, thence S. 45 deg

40 min 39 sec W T50.29 ft.; thence S. 35 deg 41 min 14 sec W. 18,55 ft. to the POINT OF BEGINNING, containing 3.132 acres, subject to the rights of the public or any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes, subject to the correlative rights of other riparian owners and to the public trust in the waters of West Crooked Lake, also subject to easements and restrictions of record,

15 FT WIDE EASEMENT FOR INGRESS & EGRESS (AS SUPPLIED)

Part of the Northwest 1/4 of Section 28, Town 2 North - Range 5 East, Genoa Township. Livingston County, Michigan, described as follows: Commencing at the West 1/4 corner of said Section; thence North 87 deg 03 min 07 sec East, along the East-West line of said Section 2635.30 feet to the Center of said Section 28; thence South 02 deg 44 min 24 sec East along North-South 1/4 line of said Section, 7.05 feet; thence South 87 deg 15 min 36 sec West, 15.25 feet to the centerline of "Oak Pointe Drive" (a Private Road 66 feet wide); thence along said centerline North 73 deg 47 min 03 sec West, 66.00 feet; thence continuing along on said conterline on an arc left having a length of 5.65 feet, a central angle of 02 deg 14 min 41 sec, a radius of 144.30 feet and a chord which bears North 74 deg 54 min 23 seconds West, 5.65 feet to the Point of Beginning of the land to be described; thence continuing along said centerline on an arc left having a length of 15.24 fest, a central angle of 06 deg 03 min 01 sec, a radius of 144.30 feet and a chord which bears North 79 deg 03 min 15 sec West, 15,24; thence North 00 deg 57 min 19 sec East, 134.29 feet; thence South 56 deg 36 min 58 sec East, 32.39 feet; thence South 38 deg 36 min 31 sec West, 20.19 feet; thence South 00 deg 57 min 19 sec West, 103.57 feet to the Point of Beginning, containing 0.05 acres, more or less.

|  | Comparignt (©) B.F.THOMPSON(P.C.  |
|--|---|
| (R)=Recorded (M)   | =Measured (C)=Calculated ● =Faund Iron ≥=Set Iron → → → =Fence ::   |
|  | CERTIFIED EXCLUSIVELY TO: KEVIN & JUDY MODONALD   |
| and manner.  | LOCATION:N. 1/2, SEC. 28, T.ZN.,R.SE., GENOA TWP., UV. CO. Closure error:1/79,852   |
| A Company of the Comp | SCALE: NONE DATE:7-17-00 BY:SCF JOB#00-5031 SH. 4 of 5  |
| BRAD F.  THOMPSON  SURVEYOR  SURVEYOR  THE SURVEY OF THE SURVEYOR  THE SURVEY OF THE SURVEY OF THE SURVEYOR  THE SURVEY OF THE S | I hereby certify that this survey was prepared by me, or under my direct supervision, and that all of the requirements of P.A. 132, 1970 have been complied with. |
| 23828 SESSIONAL  | When recorded return to: Brad F. Thompson, P.E., P.S.#23828   |
| The State of the S | B.F. THOMPSON, P.C. Registered Professional Engineer & Land Surveyor 517/548-3142 1520 Guiley Road, Hawell, Michigan 48843 FAX 517/548-0049                       |

## UBER 28 | 6 PAGE 0 | 47

PARCEL 1 LEGAL DESCRIPTION - AS SUPPLIED (11-28-400-002)

A part of the Northwest 1/4 and a part of the Northeast 1/4 of Section 28, Town 2 North, Range 5 East, Michigan, described as follows: Beginning at a point 123.42 feet North 22 deg 30 min East and 120.0 feet North 55 deg 55 min 10 sec West of a point on the East and West 1/4 line, 1320 feet East of the South 1/4 post of the Northwest 1/4 of Section 27; thence North 34 deg 04 min 50 sec East 100.0 feet; thence North 43 deg 30 min 52 sec East 135.07 feet to the shore of Little Crooked Lake; thence along the shoreline, the traverse line of which bears North 56 deg 00 min West 130.25 feet and South 87 deg 45 min West 46.86 feet to a point; thence South 46 deg 30 min West 64.02 feet; thence South 36 deg 16 min 10 sec West 142.89 feet; thence South 55 deg 55 min 10 sec East to the point of beginning.

PARCEL 2 LEGAL DESCRIPTION - AS SUPPLIED (11-28-100-014)

Part of the Northwest 1/4 of Section 28, Town 2 North, Range 5 East, Michigan, described as: Commencing at the West 1/4 corner of said Section 28; thence North 3 deg 07 min 47 sec West 400.44 feet; thence South 59 deg 48 min 20 sec East 128.83 feet along the Northeasterly right of way of the Ann Arbor Rail Road; thence North 87 deg 03 min 07 sec East 2192.39 feet to the point of beginning of the parcel to be described; thence North 3 deg 35 min 35 sec East 590.67 feet along the East right of way of Homestead Drive; thence South 69 deg 06 min 04 sec East 168.73 feet; thence North 39 deg 03 min 13 sec East 193.27 feet to the North-South 1/4 line of said Section; thence along said 1/4 line South 2 deg 06 min 10 sec East 549.20 feet; thence South 45 deg 53 min 12 sec West 150.04 feet; thence South 35 deg 39 min 22 sec West 18.38 feet along the North line of a 0.87 acre parcel which records the bearing of said North line as South 36 deg 16 min 10 sec West; thence South 87 deg 03 min 07 sec West 218.42 feet to the point of beginning.

PARCEL 1 LEGAL DESCRIPTION - AS SURVEYED (11-28-400-002)

A part of the Northwest 1/4 and the Northeast 1/4 of Section 28, T.2N., R.5E., Genoa Township, Livingston County, Michigan, more particularly described as commencing at the West 1/4 corner of said section; thence N. 87 deg 03 min 07 sec E. 2635.28 ft. to the Center of Section 28; thence N. 02 deg 05 min 30 sec W, along the North-South 1/4 line of said section, 88.52 ft.; thence N. 56 deg 40 min 28 sec W. 79.19 ft. to the POINT OF BEGINNING; thence continuing N. 56 deg 40 min 28 sec W. 165.12 ft.; thence N. 35 deg 41 min 14 sec E. 143.36 ft.; thence N. 45 deg 40 min 39 sec E. 63.96 ft. to Traverse Point "C"; thence continuing N. 45 deg 40 min 39 sec E. 57 ft., more or less, to the shoreline of West Crooked Lake; thence Southeasterly, along said shoreline, 165 ft., more or less to a point; thence S. 42 deg 52 min 20 sec W. 20 ft., more or less, to Traverse Point "D"; said Traverse Point "D" lies the following two courses and distances from aforementioned Traverse Point "C": N. 86 deg 47 min 50 sec E. 47.15 ft. and S. 56 deg 18 min 51 sec E. 130.21 ft. to said Traverse Point "D"; thence continuing from said Traverse Point "D", S. 42 deg 52 min 20 sec W. 134.83 ft.; thence S. 33 deg 26 min 19 sec W. 100.00 ft, to the POINT OF BEGINNING, containing 0.99 acres, more or less and containing 0.867 acres within traverse line, together with the rights of ingress & egress over a private easement described hereafter, subject to the rights of the public or any governmental unit in any part thereof taken, used or deeded for street, road or

Copyright (C) B.F.THOMPSON.P.C. (M)=Measured (C)=Calculated •=Found Iron ⊠=Set Iron -× (R)=Recorded CERTIFIED EXCLUSIVELY TO: KEVIN & JUDY MODONALD OCATION:N. 1/2, SEC. 28, T.2N.R.SE., GENDA TWP., LIV. CO. Closure error:1/79,852 SCALE: NONE DATE:7-17-00 BY:scr JOB# 00-3031 SH. 3 of I hereby certify that this survey was prepared by me, or under my direct supervision, and that all of the regulrements of P.A. 132, 1970 BRAD F THOMPSON have been complied with. ¥ When recorded return to: B.F. Thompson, P.C. Brad F. Thompson, P.E., P.S.#23828 CAPOFESSIONAL B.F. THOMPSON, P.C. Registered Professional Engineer & Land Surveyor 517/ 548-3142 FAX 517/ 548-0049 1520 Gulley Road, Howell, Michigan 48843















| Parcel Number: 4711-28-4   | 00-002             | Jurisdict  | ion: GENOA CH   | ARTER TOWNS  | HIP   | County: LIVINGSTON                       | Pr              | inted on                         |  | 07/27/2023  |  |
|--|--------------------|--|---|--|---|--|-----------------|----------------------------------|--|---|--|
| Grantor  | Grantee            |  | Sale<br>Price   | Sale<br>Date   | Inst.<br>Type   | Terms of Sale                            | Liber<br>& Page | Ver<br>By                        | rified                                       | Pront<br>Trans  |  |
| WHITE LARRY H & CHRISTA  | WHITE FAMILY TRU   | JST  | 1   | 07/26/2019   | QC QC   | 14-INTO/OUT OF TRU                       | JST 2019R-019   | 2019R-019612 BUYER/SEL           |  | 0   |  |
| MC DONALD, ROBERT & JUDIT  | HWHITE LARRY H &   | CHRISTA  | 355,000   | 08/25/2011   | . WD  | 10-FORECLOSURE                           | 2011R-025       | 2011R-025511 BUYER/SELI          |  | 100   |  |
| MC DONALD, ROBERT & JUDIT  | H BAC HOME LOANS S | SERVICING  | 246,100   | 04/06/2011   | SD  | 10-FORECLOSURE                           | 2011R-013       | 2011R-013323 BUYER/SEL           |  | ELLER 0.0   |  |
| GARON  |                    |  | 339,500   | 05/03/1996   | 5/03/1996 WD 03-ARM'  |  | 2052-0630       | ) BUY                            | BUYER/SELLER                                 |   |  |
| Property Address   |                    | Class: RI  | Class: RESIDENTIAL-IMPROV Zoning: LRR School: BRIGHTON AREA SCHOOLS |  | LRR Bu  | ilding Permit(s)                         | Date            | Number                           | (  | Status  |  |
| 4489 OAK POINTE DR   |                    | School: I  |   |  | HOI   | ME                                       | 10/03/201       | 10/03/2014 P14-180               |  | NO START  |  |
|  |                    | P.R.E. 10  | 00% 08/26/2011  |  | DEI   | MO                                       | 08/25/201       | 4 W14-19                         | 6 1  | NO START  |  |
| Owner's Name/Address   |                    | MAP #: V2  | 23-24   |  | RE  | S MISCEL                                 | 04/09/201       | 2 W12-04                         | 2 1  | NO START  |  |
| WHITE FAMILY TRUST   |                    |  | 2024 1  | Est TCV Ten  | tative  |  |                 |                                  |  |   |  |
| 4489 OAK POINTE DR<br>BRIGHTON MI 48116-9792   |                    | X Improv   | red Vacant  | Land Va  | lue Estir   | mates for Land Table                     | 4014.OAK POINTE |                                  |  |   |  |
| BRIGHTON MI 48116-9/92   |                    | Public   |   |  |   |  |                 |                                  |  |   |  |
| Tax Description  |                    |  | rements   | G OAK E  |   |  |                 |                                  |  | Value<br>215,000  |  |
| SEC 28 T2N R5E COMM AT W   | 1 /4 CODNED BUIL   | Gravel<br>X Paved  |   |  |   | 115.00 255.00 1.000 ont Feet, 0.97 Total |                 |                                  |  | 207,000<br>= 422,000  |  |
| N87*03'07"E 2635.28 FT TH N02*05'30"W 88.52 FT TH N56*40'28"W 79.19 FT TO POB TH CONT N56*40'28"W 165.12 FT TH N35*41'14"E 143.36 FT TH N45*40'39"E 63.96 FT TH N86*47'50"E 47.15 FT TH S56*18'51"E 130.21 FT TH S42*52'20"W 134.83 FT TH S33*26'19"W 100 FT TO POB CONT867 AC M/L CORR LEGAL 8/11 Comments/Influences |                    | Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils. |   | Descrip D/W/P: Unit ir Descrip OUTDO Resider Descrip | Residential Local Cost Land Improvement Description PAVILIONS |  | Rate<br>12.50   | 1895<br>Size<br>1<br>Size<br>400 | % Good<br>50<br>% Good<br>98<br>% Good<br>98 | Cash Valu<br>26,75<br>Cash Valu<br>17,15<br>Cash Valu<br>4,90 |  |
|  |                    | Site  Level Rollin Low High Landso Swamp Woodeo Pond X Wateri Ravine Wetlar                            | caped  front  and   | Year   | La  | Total Estimated Lan                      | Assessed        | Board of                         |  | 48,80   |  |
|  |                    | X REFUSE   | 1   |  | Val   | ue Value                                 | Value           | Review                           |  | r Valı  |  |
|  |                    |  | When What   |  | Tentati   |  | Tentative       |                                  |  | Tentativ  |  |
| The Equalizer. Copyright   | (c) 1999 - 2009    | LM 10/22   | 2/2014 INSPECTE<br>3/2014 REVIEWE                                   | 2023   | 211,0   | ·  | 634,700         |                                  |  | 422,81  |  |
| Licensed To: Township of   |                    | 7 / בחדו   | )/ Z O I 4 K E V I E W E I  |  | 268,5   | , ,                                      | 562,700         |                                  |  | 402,683   |  |
| Livingston, Michigan   |                    |  |   | 2021   | 278,4   | 00 271,100                               | 549,500         |                                  |  | 376,458   |  |

<sup>\*\*\*</sup> Information herein deemed reliable but not guaranteed\*\*\*

| Building Type  | (3) Roof (cont.)  | (11) Heating/Cooling  | (15) Built-ins  | (15) Fireplaces  | (16) Porches/D                                       | Decks (17) Garage  |
|--|---|---|---|--|--|--|
| X Single Family Mobile Home Town Home Duplex A-Frame X Wood Frame Building Style: A        | X Eavestrough X Insulation 0 Front Overhang 0 Other Overhang  (4) Interior  X Drywall Plaster Paneled Wood T&G  Trim & Decoration | X Gas Oil Elec. Wood Coal Steam  Forced Air w/o Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat | Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom | Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story 1 Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth | Area Type  314 CCP (1 St 172 CCP (1 St 848 Composite | 4'  (' aee• A  |
| Yr Built Remodeled 2014 0  Condition: Good  Room List                                      | Ex   X   Ord   Min   Size of Closets   Lg   X   Ord   Small   Doors:   Solid   X   H.C.   | Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling Central Air Wood Furnace  | Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna                                     | Wood Stove 1 Direct-Vented Gas Class: A Effec. Age: 8 Floor Area: 3,955 Total Base New: 1,3  |  | Mech. Doors: 0 Area: 1142 % Good: 0 Storage Area: 0 No Conc. Floor: 0 C.F. Bsmnt Garage: |
| Basement<br>1st Floor<br>2nd Floor   | (5) Floors Kitchen:   | (12) Electric  0 Amps Service   | Trash Compactor Central Vacuum Security System  | Total Depr Cost: 1,2<br>Estimated T.C.V: 882   | •  |  |
| 4 Bedrooms (1) Exterior Wood/Shingle   | Other: Other: (6) Ceilings  | No./Qual. of Fixtures   | (11) Heating System:  | ldg: 1 Single Family Forced Heat & Cool F Floor Area = 3955  |  | Cls A Blt 2014   |
| Aluminum/Vinyl Brick X Vinyl X Insulation  (2) Windows  Many Large X Avg. X Avg. Few Small | (7) Excavation  Basement: 234 S.F. Crawl: 2219 S.F. Slab: 0 S.F.  | No. of Elec. Outlets    Many   X   Ave.   Few   | Phy/Ab.Phy/Func/Econ Building Areas Stories Exterio 2 Story Siding/ 1 Story Siding/ 1 Story Siding/                   | /Comb. % Good=92/100/  | 100/100/92   | Cost New Depr. Cost  |
| Wood Sash<br>Metal Sash<br>Vinyl Sash  | Height to Joists: 0.0  (8) Basement   | Solar Water Heat<br>No Plumbing<br>Extra Toilet   | 1 Story Siding Other Additions/Adju   | Overhang stments   | 5<br>Total: 1,                                       | 083,326 996,662  |
| Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens                | Conc. Block Poured Conc. Stone Treated Wood Concrete Floor  (9) Basement Finish   | 1 Extra Sink 1 Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan  | Plumbing 3 Fixture Bath 2 Fixture Bath Extra Sink Separate Shower Porches   |  | 3<br>1<br>1<br>1                                     | 40,659 37,406<br>9,035 8,312<br>2,266 2,085<br>3,887 3,576                               |
| (3) Roof  X Gable Gambrel Hip Mansard Flat Shed  | Recreation SF<br>Living SF<br>Walkout Doors (B)<br>No Floor SF  | (14) Water/Sewer  1 Public Water 1 Public Sewer Water Well 1000 Gal Septic  | Common Wall: 1/2 W  | iding Foundation: 42   | 314<br>172<br>Inch (Finished)<br>1<br>1142           | 17,970 16,532<br>10,305 9,481<br>-2,242 -2,063   |
| X Asphalt Shingle Chimney:   | Walkout Doors (A) (10) Floor Support   Joists: Unsupported Len: Cntr.Sup:   | 2000 Gal Septic Lump Sum Items:   | Base Cost Water/Sewer Public Water Public Sewer <<<< Calculations t   | oo long. See Valuati   | 1<br>1   | 98,989 91,070<br>2,678 2,464<br>2,678 2,464<br>complete pricing. >>>>                    |

<sup>\*\*\*</sup> Information herein deemed reliable but not guaranteed\*\*\*

Main Floor 1 Bedroom

1 Full Bath

1 - 1/2 Bath

1 Extra Sink

2nd Story

3 Bedrooms 3 Full Baths

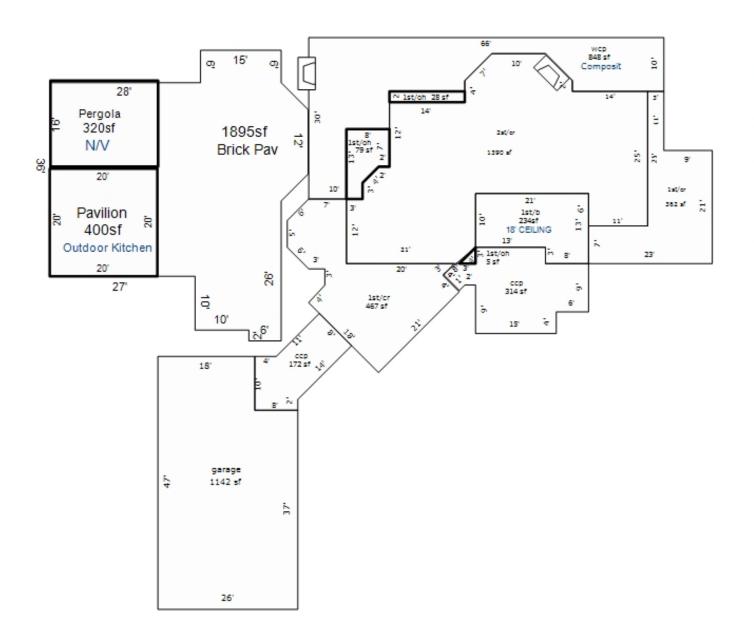
Basement

Central Air

Asphalt DW

Not finishished

1 Sep. Shower 1 DVFP



<sup>\*\*\*</sup> Information herein deemed reliable but not guaranteed\*\*\*

## GENOA CHARTER TOWNSHIP ZONING BOARD OF APPEALS June 20, 2023 - 6:30 PM

## **MINUTES**

<u>Call to Order</u>: 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, Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Bill Rockwell, and Amy Ruthig, Planning Director.

<u>Pledge of Allegiance</u>: The Pledge of Allegiance was recited.

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

Conflict of Interest: None

## Approval of the Agenda:

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

## Call to the Public:

The call to the public was opened at 6:31 pm with no response.

1. 23-20...A request by Dave McManus, 4143 Highcrest Drive, for front, side, building lot coverage, impervious surface lot coverage and waterfront setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Mr. McManus stated the lot is very narrow and there is a large area of shoreline erosion that causes his property to be even smaller. This is part of the practical difficulty. He found a 10 percent difference in the square footage of the lot from what is shown on the Livingston County parcel viewer and what was found after he purchased the home and did the survey. He is wishing to build a one-story home with a walkout that is under 2,000 square feet. He noted that the home that was there previously was closer to one of the side lot lines than what he is proposing, and the other side yard setback is seven feet, which is the same as the neighbor's garage on that side. He noted that the 2-foot side yard variance request is due to the cantilever, but it is very simple for someone to walk under to access the backyard.

He provided examples of other properties in his neighborhood who requested and received similar variances to what he is requesting. He also provided a document where six of his neighbors signed saying they do not have any objections to his variance requests.

The call to the public was opened at 6:48 pm with no response.

Board Member Rockwell questioned if the applicant researched putting in a second story with an elevator. Mr. McManus stated he does not want more stairs and did not research the cost of installing an elevator.

Board Member McCreary asked Mr. McManus what the hardship is. Five variances is excessive. Having the homes so close together makes it difficult to have maintenance done on equipment that can only be accessed from the rear of the property, such as grinder pumps. Mr. McManus stated the grinder pump will need to be relocated because it is very close to the proposed foundation. He does not feel it will be difficult to move it and meet the requirements of the township.

Board Member Kreutzberg noted that one of the reasons for approving a variance is that it is the least amount necessary. She can appreciate wanting a ranch-style home, but building a second story would eliminate the need for many of these variances.

Mr. McManus reiterated that there are other homes in his neighborhood that are closer to the road and the water than what he is requesting and have received variances.

The applicant was advised that if his requests are denied, then he cannot return to the ZBA for a year; however, he can have it tabled and return with a different plan that is more compliant with the ordinance.

Mr. McManus requested to have his item tabled until the September ZBA meeting.

**Moved** by Board Member Rockwell, seconded by Board Member McCreary, to table Case #23-20 until the September 19, 2023 Zoning Board of Appeals meeting, at the applicant's request. **The motion carried unanimously.** 

2. 23-21...A request by Tiffany and Chris Trotter, 2621 Spring Grove Drive, for front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to be allowed to move an already-constructed pole barn to the lot line.

Ms. Tiffany Trotter stated the property is surrounded by drop offs that restrict the location of the pole barn. Where the shed and pole barn are located is the only flat area on their property where they can be placed. They would like a variance for a zero setback to move the pole barn over 2.8 feet. It was placed in the wrong location due to the fault of the builder.

Board Member Kreutzberg agrees that the original variance of 10- feet was granted in error because the applicant and the township did not have the correct information and now part of the barn is on the neighbor's property. She noted that when the original variance was requested in 2021, there was a requirement to remove the small shed, and it still remains.

Board Member McCreary would like to see a survey showing the locations of all the buildings on the property.

The call to the public was opened at 7:23 pm.

Mr. Thomas Dougan of 2601 Spring Grove Drive stated he moved into his home in 2021. The Trotters have multiple buildings on their property. He provided photographs showing a shed, pole barn, swing set and fence that are located on his property. He is not against the applicant having buildings on their property, but he would like them to be moved off his and within the required setbacks.

Mr. Bob Legowsky of 2627 Spring Grove had a very good relationship with the Trotters until they tried to build an illegal garage at the end of their driveway. In 2021, he and Mr. Trotter contracted with Boss Engineering to do surveys of their properties and while they were on site, Mr. Trotter was told that the buildings were on the other neighbor's property.

The call to the public was closed at 7:30 pm.

Ms. Trotter stated that the fence and the shed have been relocated and are on her property.

Mr. Rockwell asked Ms. Trotter's builder how he would relocate the pole barn. He explained how he will remove the posts, relocate that portion of the barn, including the overhang and gutters, onto the applicant's property, and then repour the posts to meet the building code.

Board Member McCreary would like you to have the applicant provide an engineered survey. Board Member Kreutzberg agrees and would also like to see an architectural drawing showing the new location of the pole barn.

Board Member Rockwell is not in favor of approving a zero lot line variance as that is not what was granted when the original variance for the barn was approved.

Ms. Trotter requested to have this item tabled this evening so she could provide the requested information.

**Moved** by Board Member McCreary, seconded by Board Member Ledford, to table Case #23-21 until the September 19, 2023 Zoning Board of Appeals meeting to allow the applicant to provide engineered drawings from a licensed surveyor showing lot lines and any buildings within and outside of the lot lines and what portions will be moved to comply with the 10-foot setback and architectural drawings and renderings and what process will be done. **The motion carried unanimously.** 

3. 23-22... A request by the Chaldean Catholic Church of the United States, 7000 McClements Road, for a height variance and any other variance deemed necessary by the Zoning Board of Appeals to allow a ropes course.

Mr. Jim Berigan of Our Lady of the Fields Campground, and Ms. Kimberly Hamman, the attorney for Our Lady of the Fields Campground, were present. Mr. Berigan stated they are requesting a 30 foot height variance for their high ropes course. Due to the nature of the activity, the poles must be at this height.

Board Member Kreutzberg asked if there are any plans to add additional elements to the property. Mr. Berigan said if they wish to add anything, they will come before the township to receive approval.

The call to the public was opened at 7:48 pm.

Mr. Steve Oliveri of 1200 Kellogg Road, which is across the street from the camp, stated the course has been on this site since 2019. He found a Michigan law that states that ziplines and other things that provide amusement to people require a permit and an inspection by the State. He provided an example of the permit. Based on the description, the high ropes course would require a permit.

Ms. Patty Kopicko of 6843 Felice Drive, who is speaking for her and her neighbors Mr. and Mrs. Drouillard of 6781 Felice who are on vacation, stated the noise from the camp this week has been amplified. The applicants are not being good neighbors.

The call to the public was closed at 7:53 pm.

Board Member McCreary asked about the permit noted this evening. Mr. Berigan stated he provided Ms. Ruthig and Ms. VanMarter with the safety standards and measures and inspections that are done for the ropes course. He is familiar with the permit for the State of Michigan; however, that applies to ziplines and not the high ropes course. Their zipline has not been built but when it is, he will comply with all requirements of the State.

Ms. Ruthig stated that the code enforcement officer visited the property for about an hour and did not get a reading of excessive volume.

**Moved** by Board Member Kreutzberg, seconded by Board Member Rockwell, to approve Case #23-22 for the Chaldean Catholic Church of the United States at 7000 McClements Road, for a height variance of 30 feet from the maximum allowable 18 feet for a total height of 48 feet to maintain the pole height on a ropes course, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably prevent or restrict the use of the property.
- This variance will provide substantial justice, is the least necessary and would make the
  property consistent with other recreational properties. The current zoning ordinances do
  not provide specific regulations for accessory structures on private campgrounds. The
  variance is necessary due to the extraordinary circumstances and is tied to the nature of
  accessory recreational structures and the need for increased height for its intended use
  and safety codes.
- Granting this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger or fire or threaten public safety or welfare.
- The variance would have little or no impact on the appropriate development, continued use or value of adjacent properties and surrounding neighborhood.

The approval is conditioned upon the following:

- 1. The existing vegetation must be maintained and preserved between the course and McClements and Kellogg Roads.
- 2. The course is limited to use between dawn and dust with no illumination.
- 3. The applicant notes and agrees that no further additions to structures to the campsite shall be made without necessary permits required or any discussions with township staff.

## The motion carried unanimously.

## **Administrative Business:**

1. Approval of minutes for the May 16, 2023 Zoning Board of Appeals meeting.

A needed change was noted.

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to approve the minutes of the May 16, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.** 

2. Correspondence

Ms. Ruthig stated there will not be a meeting in July.

3. Member Discussion

Chairman Rassel stated he will not be at September's meeting.

Ms. Ruthig stated the utilities department is having a lot of difficulty accessing grinder pumps on lakefront properties. The township has already reduced side yard setbacks to 5 and 10 feet. She anticipates amending the ordinance to include language regarding grinder pump requirements, including the need for the Township Utility Director to review and approve requests.

4. Adjournment

**Moved** by Board Member Ledford, seconded by Board Member Kreutzberg, to adjourn the meeting at 8:16 pm. **The motion carried unanimously**.

Respectfully submitted:

Patty Thomas, Recording Secretary