

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
NOVEMBER 21, 2023
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. 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.

NEW BUSINESS:

2. 23-34...A request by Matthew Zitterman, 4701 Richardson Road, for a variance to allow for a detached accessory structure in the front yard and any other variance deemed necessary by the Zoning Board of Appeals to construct a pole barn.

3. 23-35...A request by Keith and Tara McDonald, 3900 Highcrest, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a new home.

Administrative Business:

1. Approval of minutes for the October 17, 2023 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 # 23-20 Meeting Date: 11-21-23

PAID Variance Application Fee

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

Applicant/Owner: DAVID McMANUS Email: DAVEMCMANUS66@GMAIL.COM

Property Address: 4143 HIGHCREST DR. Phone: 734-347-9521

Present Zoning: LRR Tax Code: 4711-22-302-139

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: SEE ATTACHED
-
-
-

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

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.

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.

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.

Date: 10/28/23 Signature: 

Genoa Charter Township Variance Application (3)

Applicant/Owner: David McManus Email: davemcmanus66@gmail.com
Property Address: 4143 Highcrest Dr. Phone: 734-347-9521
Present Zoning: Lakeshore Resort Resident Tax Code: 4711-22-302-139

- 1.) Variance requested/intended property modifications - This 3rd application is for a front setback variance for the desired home build and assumes no other property modifications. Front request is for 9'0" vs. 35'0".

NOTE: If for some reason the two 16" cantilevered bay windows on the south side of the house are not considered "Permitted Architectural Projections into Required Yards" as written in the ordinance then a 2nd variance for a side yard setback of 3'8" vs. 5'0" would be requested.

- 2.) Practical Difficulty/Substantial Justice –

- a.) Livingston County Parcel Viewer lot size calculation (157' x 48' = 7,536 ft²) vs. Survey lot size calculation (140' x 48.8' = 6,830 ft²). Approx. 10% smaller or 17' less in depth.
- b.) Due to the distance of our southern neighbor's detached garage only being 15.5' from the street curb, it requires our garage to be of similar setback distance in order to not have an obstructed view pulling out of our garage.
- c.) The southern neighbor's garage is 4'-2 ½" from our side yard property line. This creates difficulty with the required 10' setback requirement between structures and penalizes us 9 1/2" in building width.
- d.) Due to the unusually narrow lot size and trapezium shape, it presents unreasonable challenges to construct an even modest size home with an attached garage within the setback ordinance. Also, due to the nearly 20' elevation drop from roadside to shoreline, it creates the opportunity for a walk-out basement, but in turn lessens the desire (at our age) to add a 3rd story to build up requiring 2 flights of stairs. This then requires a larger footprint to build a standard 3 bedroom, 2-1/2 bath home. Furthermore, the proposed building structure was designed with the least amount of irregular shapes and protrusions in order to fit within the lot lines. These practical difficulties were not self-created.

- 3.) Extraordinary Circumstances – Due to the lot size and common-cause variation in waterfront erosion of over 7 feet compared to both of our adjacent neighbors, the proposed building footprint will not comply with all of the setback ordinances. However, by allowing the requested variances, it would be very consistent with several other properties on Highcrest Drive. For example:

From twenty (20) homes/structures measured on Highcrest Drive, the average distance from the closest corner to the street curb measured 16.3 feet. Of those 20 structures, two (2) were as close as 3.5 feet to the street curb. Our request is for 15.5'.

- 4.) Public Safety and Welfare – There is no perceived public safety and welfare conditions within the request. There is ample distance on both sides of the house for any emergency services. The proposed variances do not affect air or light quality to either adjacent neighbor.
- 5.) Impact on Surrounding Neighborhood - By granting the requested variances, it would accomplish two (2) favorable conditions. One, it would create an aesthetically pleasing residence to the area and help increase surrounding property values. Two, it would allow for ample guest parking on the property driveway and prevent street parking. Of which, several of our proposed neighbors asked if we could provide due to the street congestion already.

Furthermore, six (6) of the neighboring residents that were home when we visited the area on Saturday May 6th have reviewed our site plan and building elevations and signed the attached statement indicating they had no issues or objections with our requested setback and lot coverage variances.

Revisions and Concessions from Original Variance Application

- 1.) Reduced the width of the house from 34' to 31.6' (eliminating south side yard variance).
- 2.) Reduced the square footage footprint from 1,962 ft² to 1,759 ft²
- 3.) Reduced the building lot coverage from 41.7% to 35% (eliminating the lot coverage variance).
- 4.) Reduced the Impervious surface coverage from 55.2% to 49.3% (eliminating the impervious surface lot coverage variance).

10/28/23
(Date)


(Signature)



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

MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Planning Director
DATE: November 14, 2023
RE: ZBA 23-20

STAFF REPORT

File Number: ZBA#23-20
Site Address: 4143 Highcrest Drive, Brighton
Parcel Number: 4711-22-302-139
Parcel Size: .162 Acres
Applicant: David McManus
Property Owner: David & Sibrey McManus, 22297 Hazelton Ct., Novi
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting a front and side yard setback variance to construct a new single-family home.

Zoning and Existing Use: LRR (Lakeshore Resort Residential) the property is vacant.

Summary: The applicant has reduced the number of variances since the September meeting from 4 variances to 2 variances. The applicant has reduced the building coverage (residence, screened-in porch and garage) from 2,590 sq. ft. to 2,396 sq. ft. eliminating the need for a building lot coverage variance and the waterfront setback has been increased to 47 feet eliminating the need for a waterfront setback variance. The front yard setback has been increased to 9 feet from 7 feet.

It was discussed at the September ZBA meeting, that a side yard variance would not required if the applicant revised the cantilever to a bay window. Staff finds that the cantilever projects less than what a bay window would be permitted to project into the side yard without a side yard variance.

A retaining wall has been included on the revised plan. After discussions with the applicant, they have requested that the retaining wall not be included in the review and will be address at later time.

SUPERVISOR
Bill Rogers
CLERK
Paulette A. Skolarus
TREASURER
Robin L. Hunt
TRUSTEES
Jean W. Ledford
Terry Croft
Diana Lowe
Jeff Dhaenens
MANAGER
Kelly VanMarter

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

Section 03.04.01

SINGLE FAMILY STRUCTURE	Front Setback	Side Setback North	Side Setback South	Waterfront Setback	Lot Coverage Building	Lot Coverage Impervious
Required Setbacks	35'	10'	5'	47'	35%	50%
Setback Amount	9'	10.3'	1'4"	47'	35%	49.3%
Variance Amount	26'		3'6"			

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

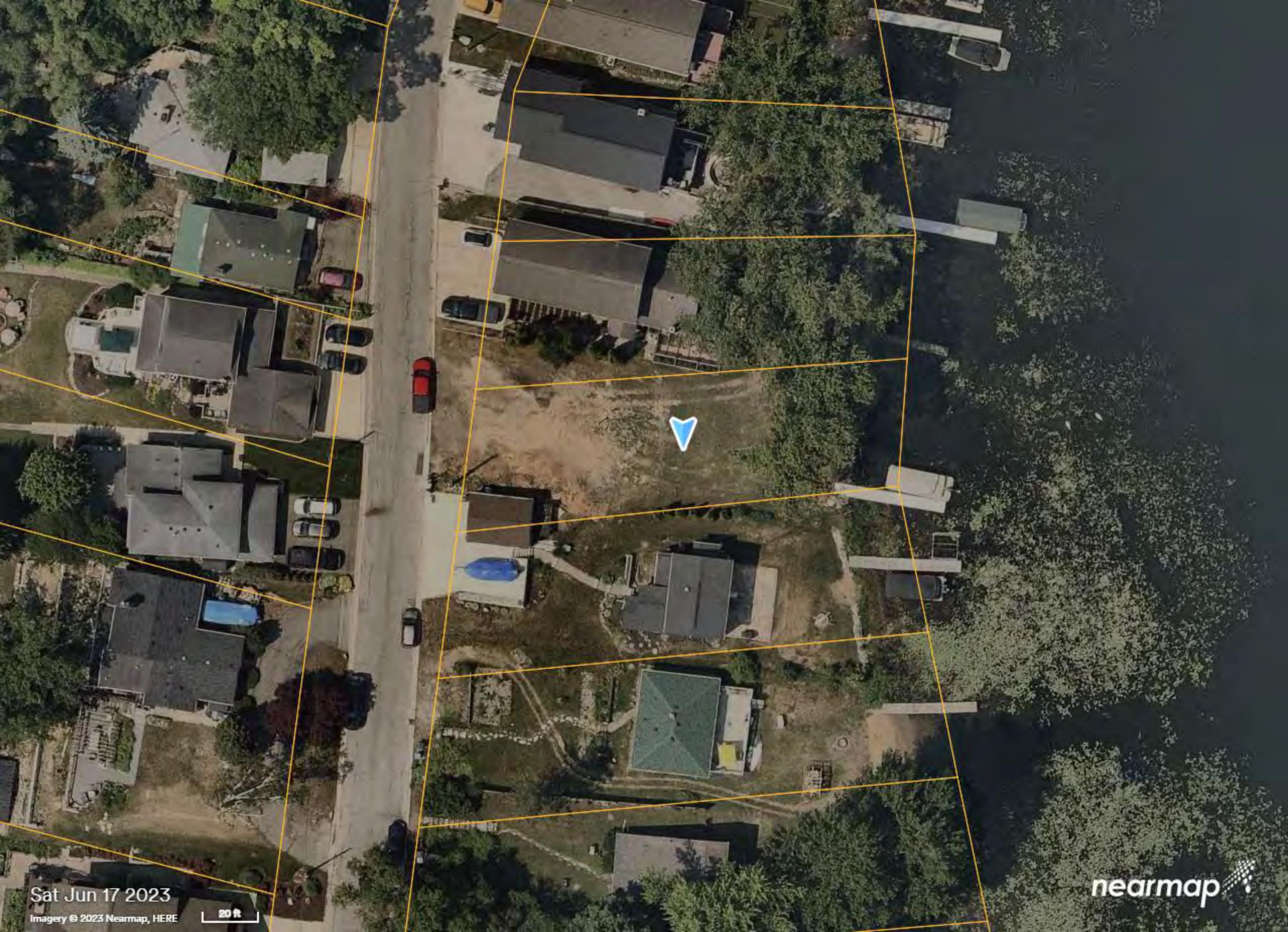
Please note that in order for a variance to be approved it has to meet all of the standards in 23.05.03.

- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front and side yard setbacks would prohibit the applicant from constructing the proposed home. The granting of the front and side yard setbacks 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 same zoning district and vicinity. There are other homes in the vicinity that have reduced front and side yard setbacks.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is it is a non-conforming lot within the LRR zoning and the property contains a small building envelope. The need for the front and side yard variances is not self-created. It appears the proposed home will be located slightly further from the front and side property lines than the previous home.
- (c) Public Safety and Welfare** – The granting of the front and side yard variances should 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 as long as there is ample parking being provided on the lot.
- (d) Impact on Surrounding Neighborhood** – The proposed front and side yard variances would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

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

1. Structure must be guttered with downspouts.
2. No other structures or impervious surfaces are allowed on the lot.
3. Retaining walls must meet the Zoning Ordinance requirements and all required information must be submitted with land use application.



Sat Jun 17 2023

Imagery © 2023 Nearmap, HERE

20 ft

nearmap

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
September 19, 2023 - 6:30 PM**

MINUTES

Call to Order: Vice Chairperson McCreary 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: Marianne McCreary, Jean Ledford, Craig Fons, Michelle Kreutzberg, and Amy Ruthig, Planning Director. Absent were Greg Rassel and Bill Rockwell.

Pledge of Allegiance: 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 Kreutzberg, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

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

OLD BUSINESS:

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 that he has made revisions to his plans and is only requesting three variances, not the five listed on the agenda. Ms. Ruthig said there are four variances needed due to the cantilever. Mr. McManus was not aware a variance was needed for that. He would be willing to eliminate the box out windows to eliminate the need for this variance.

Mr. McManus stated that after he purchased the home and did a survey, there is a 10 percent difference in the square footage of the lot and it is 17 feet shallower from what is shown on the Livingston County parcel viewer. If the County's website was correct, he would only need two variances. Two practical difficulties are that the neighbor to the south's garage is less than five feet from the property line, his shore line is seven feet less than his neighbors, his lot is very narrow and has a trapezoid shape. The average distance from the closest corner of the house to the curb is 16.3 feet, with some being as close as 3.5 feet and he is requesting a setback of 15.5 feet. Also, the average distance from the shoreline to the rear structures is 33.1 feet, with two being as close as 10.6 feet and 14.9 feet, and his request is for 43 feet.

Genoa Township Zoning Board of Appeals Meeting
September 19, 2023
Approved Minutes

There will be no negative impact on the public safety, welfare or the surrounding neighborhood. This house will be a good addition to the neighborhood and the lake.

He has made the following changes from his previous submittal:

- Eliminated the retaining wall along the north side walkway leading to the front porch
- Eliminated the poured concrete walkway leading up to the front port
- Reduced the width of the house from 34 feet to 31.6 feet
- Reduced the square footage footprint from 1,962 square feet to 1,842 square feet
- Reduced the building lot coverage from 41.7 percent to 37.9 percent
- Redacted the impervious surface coverage from 55.2 percent to 49 percent
- Eliminated the south side yard setback and impervious surfaces lot coverage variances

Vice Chairperson McCreary appreciates that some changes were made, but questioned if more could be done to make the variances closer to the least necessary. Mr. McManus stated he can only make the home smaller. He does not want to put in a third floor or an elevator. He noted that other properties in the area have much more lot coverage than what he is requesting, and one was almost 50 percent. This would provide him with substantial justice. He reiterated that he would be willing to remove the cantilever windows to reduce the number of variances he is requesting.

Board Member Ledford noted that the planners report states that if the two windows are converted to traditional bay windows, then a side-yard variance would not be needed.

Board Member Fons said the house can be made 200 square feet smaller and it would conform to the lot coverage requirement. He is not against the front and side yard variances as these are very common setbacks granted by the board.

Mr. McManus worked with his architect to make the house narrower and reduce the side-yard setback variances requested. He wants to build a house and not a cottage.

The call to the public was made at 7:11 pm with no response.

Mr. McManus questioned if lot coverage variances have been granted within the last year. Ms. Ruthig does not recall any. Board Member Fons stated he has been on the board for four years and he does not remember any being granted.

There was a discussion and direction was given to the applicant regarding the difference between the box out windows and a bay window and how they affect the setbacks.

Moved by Board Member Kreutzberg, seconded by Board Member Fons, to table Case #23-20 for Dave McManus, 4143 Highcrest Drive, for front, side, building lot coverage, impervious surface lot coverage and waterfront setback variances to construct a new home until the November 21, 2023 Zoning Board of Appeals meeting, at the applicant's request.

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
June 20, 2023 - 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, Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Bill Rockwell, and Amy Ruthig, Planning Director.

Pledge of Allegiance: 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 two-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.

Genoa Township Zoning Board of Appeals Meeting

June 20, 2023

Approved Minutes

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.

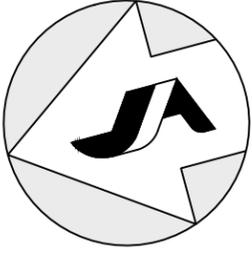
The call to the public was opened at 7:23 pm.

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.

LEGAL DESCRIPTION

LOT 127 OF "CROOKED LAKE HIGHLANDS SUBDIVISION", PART OF SECTIONS 21, 22, 27, AND 28, TOWN 2 NORTH, RANGE 5 EAST, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 178 OF PLATS ON PAGE 585, LIVINGSTON COUNTY RECORDS. LOT CONTAINS 6,704 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Retaining walls that are shown on the plan are not for review. Per applicant, the retaining walls will be addressed at a later date.



Clifford lake
Top of Water 941.13

Rec. & Meas. 44.45

LEGEND

- 000.00 = Existing elevation
- 000.00 = Proposed elevation
- = Drainage course
- ~ = Silt fence
- F.G. = Finish Grade
- = Existing contour
- (TBR) = To Be Removed

Lot Coverage

- Walkway - 37 Sq. Ft.
- Porch Area - 28 Sq. Ft.
- Concrete Driveway - 694 Sq. Ft.
- Lakeside Patio - 216 Sq. Ft.
- Total Impervious Surface of House & Porches - 3,370 Sq. Ft.
- Lot Area - 6,830 Sq. Ft.
- Lot Coverage - 49.3%

Lot Coverage

- Proposed House & Porches - 2,396 Sq. Ft.
- Lot Area - 6,830 Sq. Ft.
- Lot Coverage - 35%

NAVD88 Benchmark
"MAG" nail in North face of utility pole
Elevation = 860.65

Note: The setbacks require a variance

confirm minimum setbacks with municipality

Zoning:
LRR - Lakeshore Resort Residential

- Setbacks:
- Front - 35'
 - Side - 5'
 - Side total - 15'
 - Rear - 40'

Check title policy for subdivision deed restrictions that may affect setback requirements.



PLOT PLAN

Prepared For: Dave McManus
22297 Hazelton Ct.
Novi, MI 48374
(734) 347-9521

Jekabson & Associates, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7272 fax

by: *[Signature]*

Date
28 Oct 2023

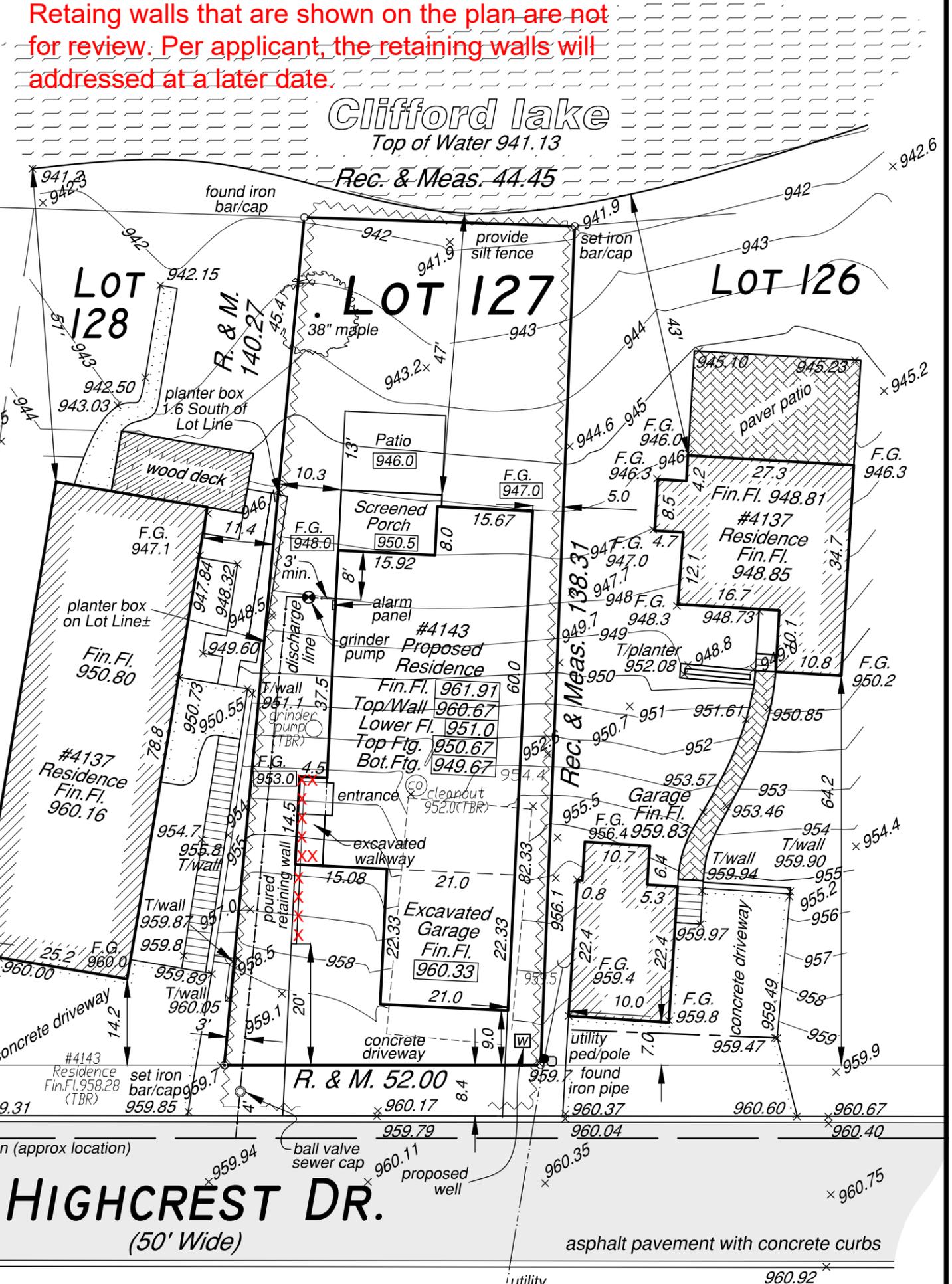
Job No.
21-08-007

Scale
1" = 20'

Drawn
AAH

Checked
JGE

Sheet
1 OF 1



GENERAL NOTES

- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REVIEWING THE CONSTRUCTION DOCUMENTS PRIOR TO CONSTRUCTION AND SHALL FIELD VERIFY ALL ASPECTS OF THE DOCUMENTS DURING CONSTRUCTION. THE CONTRACTOR SHALL VERIFY AND USE FIGURED DIMENSIONS ONLY - DO NOT SCALE DRAWINGS FOR CONSTRUCTION. ANY CONFLICTS OR QUESTIONS THAT ARISE DUE TO THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO CONSTRUCTION.
- UNLESS NOTED OTHERWISE, DIMENSIONS ARE FROM FINISHED WALL TO FINISHED WALL. NOMINAL DIMENSIONS ARE USED FOR MASONRY.
- SMOKE DETECTORS SHALL BE INSTALLED AS FOLLOWS:
 - IN ALL BEDROOMS AND VICINITIES OF BEDROOMS.
 - AT EACH STORY, INCLUDING BASEMENTS.
 - ALL SMOKE DETECTORS SHALL BE INTERCONNECTED, WITH BATTERY BACK-UP.
- ALL HAND RAILS SHALL HAVE MINIMUM AND MAXIMUM HEIGHTS OF 34" AND 38" RESPECTIVELY, AS MEASURED VERTICALLY FROM THE NOSING OF THE TREAD. HAND RAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF STAIRWAYS OR THREE (3) OR MORE RISERS AS PER SECTION R315.1
- PORCHES, BALCONIES, OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDRAILS NOT LESS THAN 36" IN HEIGHT. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDRAILS NOT LESS THAN 34" IN HEIGHT MEASURED VERTICALLY FROM THE NOSING OF THE TREAD. ALL GUARDS SHALL BE IN STRICT ACCORDANCE WITH SECTIONS R316.1
- ALL STAIRWAYS SHALL BE IN STRICT ACCORDANCE WITH SECTION R314
- ALL STAIRWAY RISER HEIGHTS AND TREAD DEPTHS SHALL MEET SECTION R314 OF THE 2015 MRC. RISER HEIGHTS NOT TO EXCEED 8 1/4", AND MINIMUM TREAD DEPTH SHALL BE 9". ALL STAIR TREADS SHALL HAVE 1" NOSING.
- ALL EMERGENCY EGRESS BEDROOM WINDOWS SHALL HAVE A MINIMUM CLEAR SPAN OPENING OF 5.7 SF AND SHALL HAVE A MINIMUM SILL HEIGHT OF NOT MORE THAN 44" ABOVE FINISHED FLOOR. THE NET CLEAR OPENING SHALL BE 20" MINIMUM, AND HEIGHT NOT TO BE LESS THAN 24".
- MAIN EXTERIOR MEANS OF EGRESS DOOR SHALL HAVE A MINIMUM 36" WIDE CLEAR SPAN OPENING.
- ALL SHOWER AND BATH GYPSUM BOARD SHALL BE WATER RESISTANT TYPE, AND SHALL CONFORM TO A.S.T.M. C360.
- ALL GARAGE TO HOUSE DOORS SHALL HAVE A MINIMUM 20 MINUTE FIRE RATING.
- WINDOW DESIGNATIONS INDICATED ON DRAWINGS ARE AS FOLLOWS:
 - 2650-2 EQUALS 2 UNITS MEASURING 2'-6" WIDE BY 5'-0" HIGH.
- ALL BRANCH CIRCUITS THAT SUPPLY 125-VOLT, SINGLE PHASE, 15- AND 20- AMPERE OUTLETS, INCLUDING LIGHTS, RECEPTACLES AND SMOKE DETECTORS, INSTALLED IN DWELLING UNIT BEDROOMS, SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER LISTED TO PROVIDE PROTECTION OF THE ENTIRE ALL ROOF ASSEMBLIES SUBJECT TO WIND LOADS SHALL ABIDE BY SECTION R802.11 OF THE 2015 MRC.
- WOOD ROOF TRUSS DESIGN PER MANUFACTURER. ALL HEEL HEIGHTS, TRUSS LENGTHS, BEARING CONDITIONS AND MINIMUM DESIGN LOADS TO BE VERIFIED BY TRUSS MANUFACTURER. TRUSS MANUFACTURER SHALL SUPPLY ALL NECESSARY HANGERS, FASTENERS & HARDWARE, AND PROVIDE BRACING REQUIREMENTS.
- PROVIDE A MINIMUM OF (3) FULL BEARING STUDS BELOW ALL LVL OR GIRDER POINT LOADS.
- FIRESTOPPING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS (BOTH VERTICAL AND HORIZONTAL) AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES AS PER R602.8
- PROVIDE SCREENED ROOF VENTILATION AT 1/300 OF THE TOTAL ENCLOSED ROOF AREA WITH 50% OF THE REQUIRED AREA IN THE UPPER 1/2 OF ROOF AND 50% AT THE EAVE/CORNICE SECTION OF THE ROOF.
- PROVIDE A 22"x30" MINIMUM ACCESS OPENING TO ALL AREAS HAVING A CLEAR HEIGHT OVER 30".
- ALL FLOOR JOISTS BENEATH BATH TUBS, SPAS, WHIRLPOOLS, ETC. SHALL BE DOUBLED JOISTS OR LADDER BENEATH.
- ALL FRAMING IN CONTACT WITH CONCRETE OR MASONRY SHALL BE TREATED LUMBER.

FIREBLOCKING & DRAFTSTOPPING

R302.11 FIREBLOCKING, IN COMBUSTIBLE CONSTRUCTION, FIREBLOCKING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS (BOTH VERTICAL AND HORIZONTAL) AND TO FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES, AND BETWEEN A TOP STORY AND THE ROOF SPACE.

FIREBLOCKING SHALL BE PROVIDED IN WOOD-FRAME CONSTRUCTION IN THE FOLLOWING LOCATIONS:

- IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING PURSED SPACES AND PARALLEL ROWS OF STUDS OR STAGGERED STUDS, AS FOLLOWS:
 - VERTICALLY AT THE CEILING AND FLOOR LEVELS.
 - HORIZONTALLY AT INTERVALS NOT EXCEEDING 10 FEET (3048 MM).
- AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILING AND COVE CEILING.
- IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP AND BOTTOM OF THE RUN, ENCLOSED SPACES UNDER STAIRS SHALL COMPLY WITH SECTION R302.7.
- AT OPENINGS AROUND VENTS, PIPES, DUCTS, CABLES AND WIRES AT CEILING AND FLOOR LEVEL, WITH AN APPROVED MATERIAL TO RESIST THE FREE PASSAGE OF FLAME AND PRODUCTS OF COMBUSTION. THE MATERIAL FILLING THIS ANNULAR SPACE SHALL NOT BE REQUIRED TO MEET THE ASTM E 136 REQUIREMENTS.
- FOR THE FIREBLOCKING OF CHIMNEYS AND FIREPLACES, SEE SECTION R1003.19.

R302.12 DRAFTSTOPPING, IN COMBUSTIBLE CONSTRUCTION WHERE THERE IS USABLE SPACE BOTH ABOVE AND BELOW THE CONCEALED SPACE OF A FLOOR/CEILING ASSEMBLY, DRAFTSTOPPING SHALL BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 100 SQUARE FEET (9.29 M²). DRAFTSTOPPING SHALL DIVIDE THE CONCEALED SPACE INTO APPROXIMATELY EQUAL AREAS, WHERE THE ASSEMBLY IS ENCLOSED BY A FLOOR MEMBRANE ABOVE AND A CEILING MEMBRANE BELOW. DRAFTSTOPPING SHALL BE PROVIDED IN FLOOR/CEILING ASSEMBLIES UNDER THE FOLLOWING CIRCUMSTANCES:

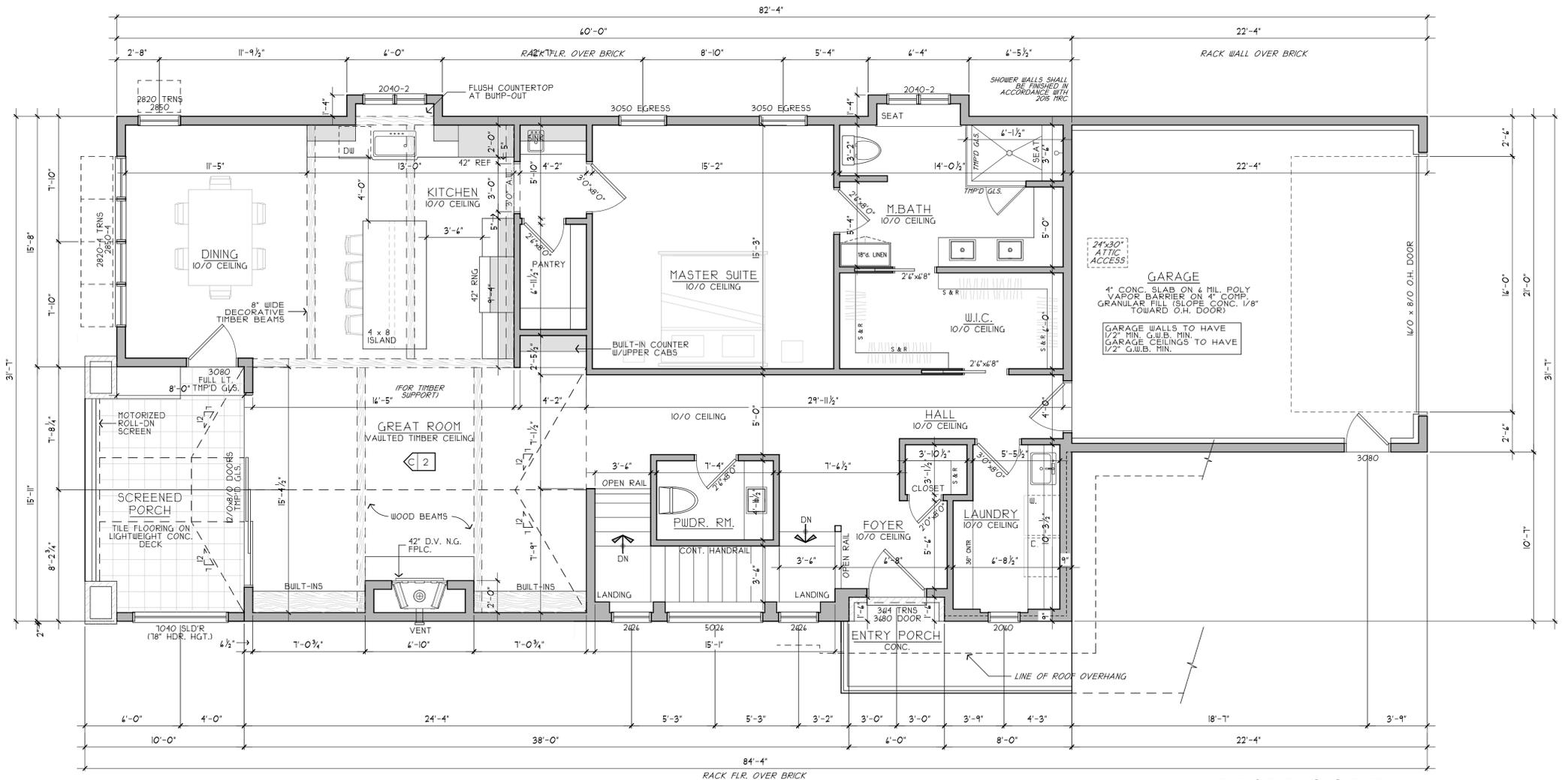
- CEILING IS SUSPENDED UNDER THE FLOOR FRAMING.
- FLOOR FRAMING IS CONSTRUCTED OF TRUSS-TYPE OPEN-WEB OR PERFORATED MEMBERS.

SQUARE FOOTAGE CALCULATIONS

First floor = 1759 sq ft
Screened Porch = 159 sq ft
Lower Level Finished = 1261 sq ft
Lower Level Unfinished = 207 sq ft
Garage = 469 sq ft
Below Garage Storage = 395 sq ft

CODES TO FOLLOW:

RESIDENTIAL: MICHIGAN RESIDENTIAL CODE 2015
 PLUMBING: MICHIGAN RESIDENTIAL CODE 2015
 MECHANICAL: MICHIGAN RESIDENTIAL CODE 2015
 ELECTRICAL: MICHIGAN RESIDENTIAL CODE 2015
 ENERGY: MICHIGAN ENERGY CODE



FIRST FLOOR PLAN

NOTE - ALL CEILINGS 10'H. UNO

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

PLANS SUBJECT TO CHANGE

PROJECT:
McManus
RESIDENCE

ADDRESS:
4143 Highcrest Dr.
Brighton, MI

KNAUSS ASSOCIATES, LLC
RESIDENTIAL DESIGN
HOWELL, MI 48843
810-844-1851

BUILDER:
VISTAL HOMES
46870 SEVEN MILE RD.
NORTHVILLE, MI 48167

DRAWING:
FLOOR PLAN

REVISIONS:

DATE:
10/18/2023

ISSUED FOR:
CONSTRUCTION &
PERMITS

SHEET:

2 OF 4

© 2023

PROJECT:
McManus
RESIDENCE

ADDRESS:
4143 Highcrest Dr.
Brighton, MI

KNAUSS ASSOCIATES, LLC
RESIDENTIAL DESIGN
HOWELL, MI 48843
810-844-1851

BUILDER:
VITAL HOMES
46870 SEVEN MILE RD.
NORTHVILLE, MI 48167

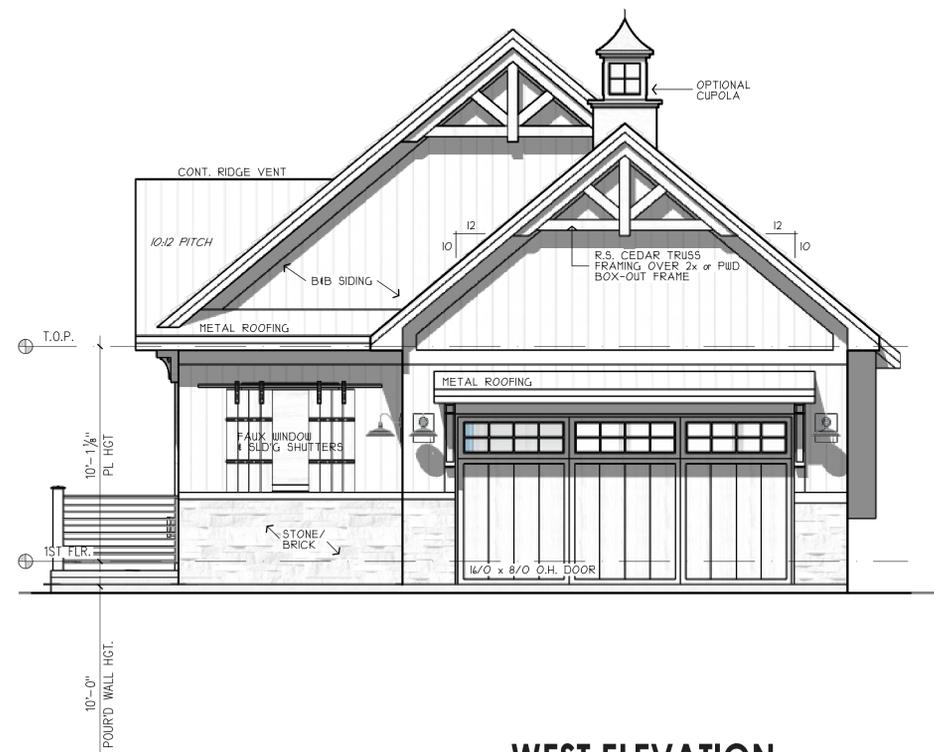
DRAWING:
ELEVATIONS

REVISIONS:

DATE:
10/18/2023
ISSUED FOR:
CONSTRUCTION &
PERMITS

SHEET:
3 OF 4

© 2023



WEST ELEVATION

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

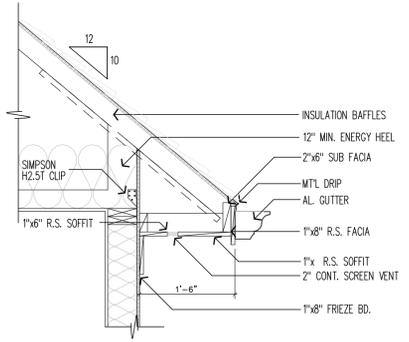


NORTH ELEVATION

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

PLANS SUBJECT TO CHANGE

R312.21 - WINDOW SILLS, IN DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 24 INCHES (60 MM) ABOVE THE FINISHED FLOOR AND GREATER THAN 12 INCHES (305 MM) ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, THE OPERABLE WINDOW SHALL COMPLY WITH ONE OF THE FOLLOWING: 1. OPERABLE WINDOWS WITH OPENINGS THAT WILL NOT ALLOW A 4-INCH DIAMETER (102 MM) SPHERE TO PASS THROUGH THE OPENING WHERE THE OPENING IS IN ITS LARGEST OPENED POSITION. 2. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090. 3. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH SECTION R312.2.2.



A TYPICAL EAVE DETAIL
SC: 3/4" = 1'-0"



EAST ELEVATION

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



SOUTH ELEVATION

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

PROJECT:
McManus
RESIDENCE

ADDRESS:
4143 Highcrest Dr.
Brighton, MI

KNAUSS ASSOCIATES, LLC
RESIDENTIAL DESIGN
HOWELL, MI 48843
810-844-1851

BUILDER:
VISTAL HOMES
46870 SEVEN MILE RD.
NORTHVILLE, MI 48167

DRAWING:
ELEVATIONS

REVISIONS:

DATE:
10/18/2023

ISSUED FOR:
CONSTRUCTION &
PERMITS

SHEET:
4 OF **4**

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PLANS SUBJECT TO CHANGE

C:\Users\John\OneDrive\2021 drawings\McManus\10-02-23

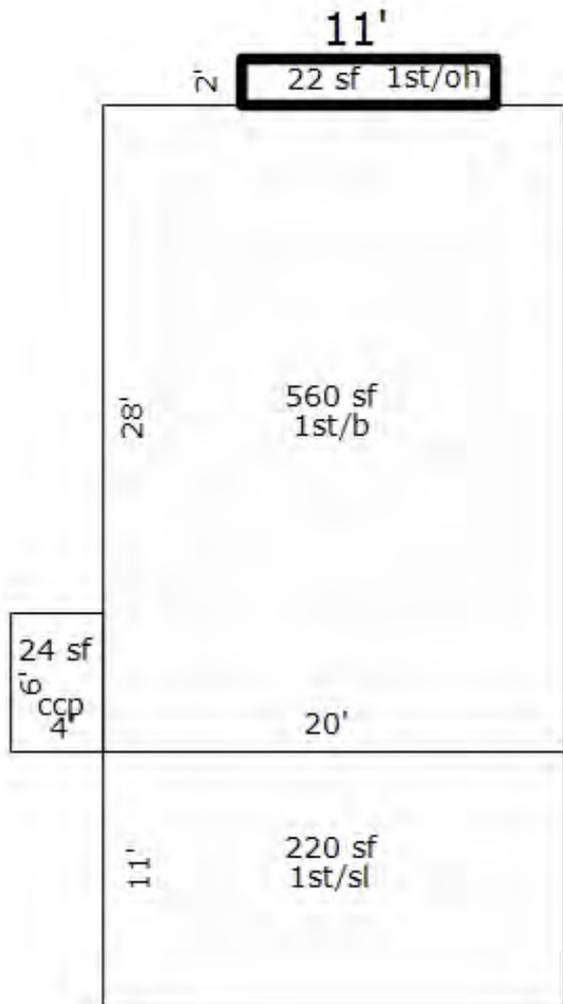
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.															
FURLAGE DOROTHY, BAUMGARTNER	MCMANUS DAVID & SIBREY	177,500	12/04/2020	WD	03-ARM'S LENGTH	2020R-045637	BUYER/SELLER	100.0															
BAUMGARTNER ELINOR LIFE ES	FURLAGE DOROTHY, BAUMGARTNER	0	03/24/2010	OTH	21-NOT USED/OTHER		BUYER/SELLER	100.0															
BAUMGARTNER, ELINOR	BAUMGARTNER ELINOR LIFE ES	0	03/26/2009	QC	21-NOT USED/OTHER	2009R-016025	BUYER/SELLER	0.0															
BAUMGARTNER, DONALD T		0	03/18/1994	OTH	21-NOT USED/OTHER	18210594	BUYER/SELLER	0.0															
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR		Building Permit(s)		Date	Number	Status													
4143 HIGHCREST DR		School: BRIGHTON AREA SCHOOLS		Demolition		05/04/2022		PW22-060															
Owner's Name/Address		P.R.E. 0%		MAP #: V23-20		2024 Est TCV Tentative																	
MCMANUS DAVID & SIBREY 22297 HAZELTON CT NOVI MI 48374-3880		X Improved		Vacant		Land Value Estimates for Land Table 4310. ROUND LAKE																	
Tax Description		Public Improvements		* Factors *																			
SEC. 27 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 127		X		Dirt Road		Description		Frontage		Depth		Front		Depth		Rate %Adj.		Reason		Value			
Comments/Influences		X		Gravel Road		A ROUND LAKE LF		45.00		157.00		1.0000		1.0000		2700		100		121,500			
		X		Paved Road		45 Actual Front Feet,		0.16 Total Acres		Total Est. Land Value =										121,500			
		X		Storm Sewer																			
		X		Sidewalk																			
		X		Water																			
		X		Sewer																			
		X		Electric																			
		X		Gas																			
		X		Curb																			
		X		Street Lights																			
		X		Standard Utilities																			
		X		Underground Utils.																			
		X		Topography of Site																			
		X		Level																			
		X		Rolling																			
		X		Low																			
		X		High																			
		X		Landscaped																			
		X		Swamp																			
		X		Wooded																			
		X		Pond																			
		X		Waterfront																			
		X		Ravine																			
		X		Wetland																			
		X		Flood Plain																			
		X		REFUSE																			
4711-22-302-139		10/24/2022		Who		When		What		Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
The Equalizer. Copyright (c) 1999 - 2009.		JB		10/24/2022		INSPECTED				2023		60,800		47,200		108,000						108,000S	
Licensed To: Township of Genoa, County of Livingston, Michigan		JB		12/08/2020		SALES REVI				2022		60,800		42,400		103,200						103,200S	
		CG		07/28/2016		REVIEWED R				2021		67,500		38,100		105,600						105,600S	



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

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage																				
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood		Oil Coal		Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area	Type	Year Built:	Car Capacity:	Class:	Exterior:	Brick Ven.:	Stone Ven.:	Common Wall:	Foundation:	Finished ?:	Auto. Doors:	Mech. Doors:	Area:	% Good:	Storage Area:	No Conc. Floor:						
X	Wood Frame	(4) Interior		X	Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling									24	CCP (1 Story)																					
Building Style: C		Drywall Paneled	Plaster Wood T&G	Central Air Wood Furnace																																
Yr Built 1945	Remodeled 0	Ex	X	Ord		Min	No./Qual. of Fixtures			Cost Est. for Res. Bldg: 1 Single Family C																										
Condition: Good		Lg	X	Ord		Small	Ex. X Ord. Min			Ground Area = 780 SF Floor Area = 802 SF.																										
Room List		Doors:		Solid	X	H.C.	No. of Elec. Outlets			Phy/Ab.Phy/Func/Econ/Comb. % Good=64/100/100/100/64																										
	Basement 1st Floor 2nd Floor 2 Bedrooms	(5) Floors		(12) Electric																																
(1) Exterior		(6) Ceilings		0 Amps Service																																
X	Wood/Shingle Aluminum/Vinyl Brick Insulation	(7) Excavation		Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan																																
(2) Windows		(8) Basement		(13) Plumbing																																
X	Many Avg. Few	X	Large Avg. Small	Basement: 560 S.F. Crawl: 0 S.F. Slab: 220 S.F. Height to Joists: 0.0																																
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens		(9) Basement Finish																																		
(3) Roof		(10) Floor Support		(14) Water/Sewer																																
X	Gable Hip Flat	Gambrel Mansard Shed	1	Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)	1	Public Water Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic																														
X	Asphalt Shingle	Joists: Unsupported Len: Cntr.Sup:		Lump Sum Items:																																
Chimney: Brick																																				

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



2 BEDROOMS
1 FULL BATH
GRAVEL DW - N/V

New 2023 Tax Roll
Demo

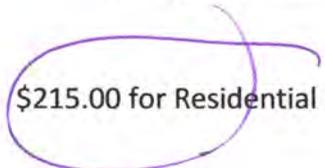


GENOA CHARTER TOWNSHIP VARIANCE APPLICATION
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116
(810) 227-5225 | FAX (810) 227-3420

Case # 23-34

Meeting Date: November 21, 2023
@ 6:30pm

PAID Variance Application Fee



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

Applicant/Owner: Matthew Zitterman Email: mzitterman@mccarthysmith.com

Property Address: 4701 Richardson Road, Howell MI 48843 Phone: 906-370-4035

Present Zoning: Country Estates Tax Code: 11-29-400-007

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: _____

Construct an accessory structure (pole barn) located approximately 15' closer to the road than the primary structure (house).

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

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.

The proposed location is the only build-able spot for an accessory building that is within relatively close proximity to the Principle structure. The location is 115' from front property line. This well exceeds the 75' set back for principle structures

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 topography of the land near our residence greatly limits the locations where an accessory structure (pole barn). The house has a walk out basement in order to account for the hill/ravine which goes across the width of our property. The ravine/hill limits the access for buildable locations

Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

The proposed location will not impair the public safety or welfare of the surrounding area.

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 proposed location of the accessory structure (pole barn) will not affect the surrounding neighbors. There is heavy tree cover which will for the most part block the view of the pole barn from neighboring properties and the road

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.

Date: 9/19/23 Signature: [Handwritten Signature]



MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: November 13, 2023

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

RE: ZBA 23-34

STAFF REPORT

File Number: ZBA# 23-34
Site Address: 4701 Richardson Road, Howell
Parcel Number: 4711-29-400-007
Parcel Size: 10 Acres
Applicant: Zitterman, Matthew and Cara
Property Owner: Same as Applicant

Information Submitted: Application, site plan, conceptual drawings

Request: Dimensional Variance

Project Description: Applicant is requesting a variance to construct a detached accessory structure in the front yard.

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

Other:

Public hearing was published in the Livingston County Press and Argus on Sunday November 5th, 2023 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 1968.
- In 2018, a land use permit was issued for an addition.
- The parcel is serviced by private water and private sewer
- See Assessing Record Card

SUPERVISOR

Bill Rogers

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

Jean W. Ledford

Terry Croft

Diana Lowe

Jeff Dhaenens

MANAGER

Kelly VanMarter

Summary

Application is seeking a variance to construct a 36 x 24 sq. ft. detached accessory structure 9 feet closer to the front property line than the existing single-family home.

Variance Requests

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

11.04.02 Accessory Buildings

(a) Restrictions in Front Yard: Detached accessory buildings shall not be erected in any front yard, except as follows:

(1) Waterfront lots in the Lakeshore Resort Residential District, provided the front setback is not less than ten (10) feet.

(2) Lots of at least five (5) acres in the AG or CE District when the front setback is equal to or greater than the average setback of established buildings on adjoining lots or seventy-five (75) feet, whichever is greater, as determined by the Zoning Administrator. If both of the adjacent lots are undeveloped, then front yard accessory buildings are permitted with a minimum front yard setback of two hundred (200) feet.

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 zoning ordinance would prevent the applicant from constructing the proposed detached accessory structure. Detached accessory structures are common in this area and the granting of the variance would provide substantial justice and was necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. There are other detached accessory structures located in front yards in the vicinity.
- (b) Extraordinary Circumstances** – The extraordinary or exceptional conditions of the property is the location of the existing single-family home and topography of the lot. The applicant should demonstrate that the variance request is the least amount necessary.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property. Staff could not determine if the applicant is proposing to access the structure with an additional driveway or use the existing driveway which might increase the congestion in public streets. The variance would not 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 not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

If recommended for Approval, staff offers the following:

1. Section 3.03.02 (a) Home Occupations shall be adhered to
2. Existing vegetation shall remain to maintain buffer from neighboring properties.



-005
4625

-006
4693

-007
4701

-008
4815

CAP



**HOMEOWNER INFORMATION SHEET FOR WATER SUPPLY
 AND/OR SEWAGE DISPOSAL FACILITIES**

The following sketch represents the location of the on-site sewage disposal system and/or water well supply for the dwelling located at

4701 RICHARDSON; GENOA TWP, SECTION 29

MORTGAGE EVALUATION 8 MAR 89

Septic Tank Size <u>1000 GALLON + 1500 GALLON</u>	Dimensions of System _____
Absorption Bed/Trench <u>1200 FT²</u>	No. of Lines _____

RICHARDSON

115'

105'

PROPOSED BARN

15'

45'

21'

24' COVER

House

35'

Deck

Deck

SEPTIC TANKS

Well

Boone Location

Field Location

DRIVEWAY

190'

1,210' TO SOUTH P/L

P/L

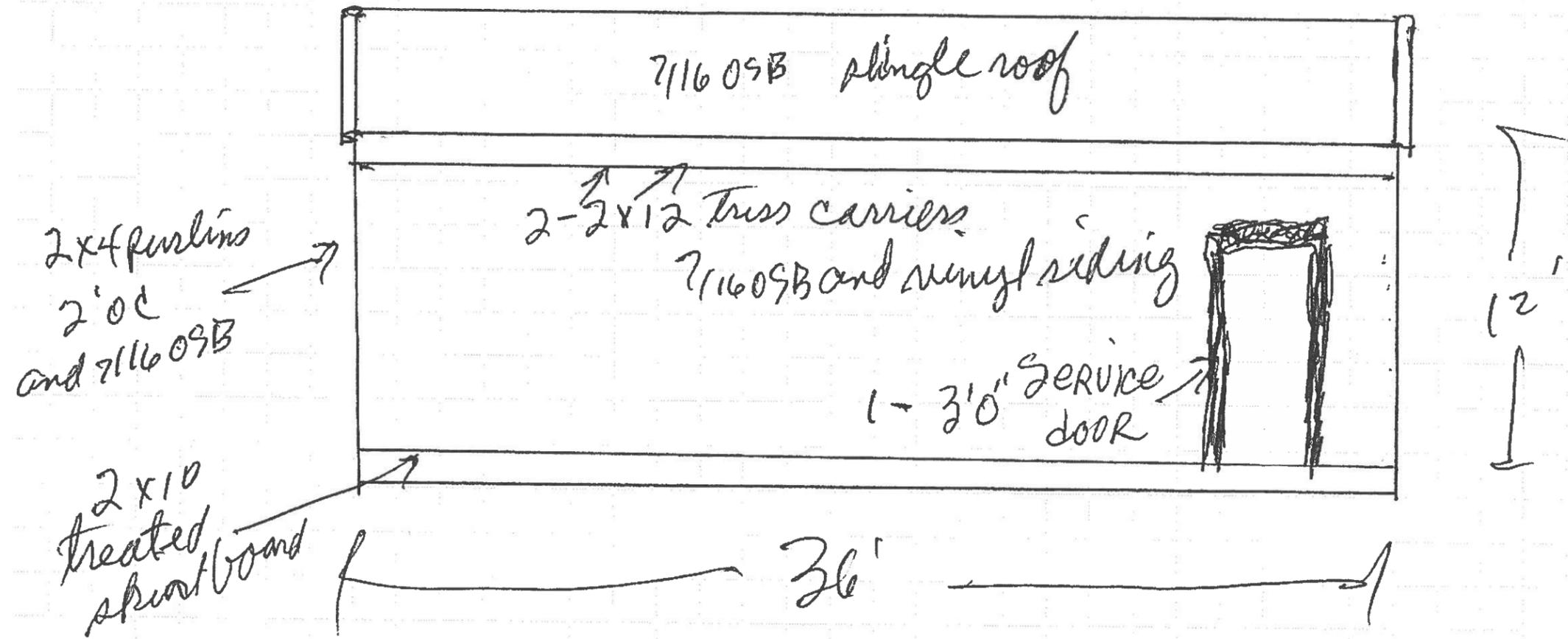
P/L

Well Driller _____	Sewage Disposal Contractor _____
Water Supply Approved _____	Sewage Disposal Facilities Approved _____
Date _____	Date _____

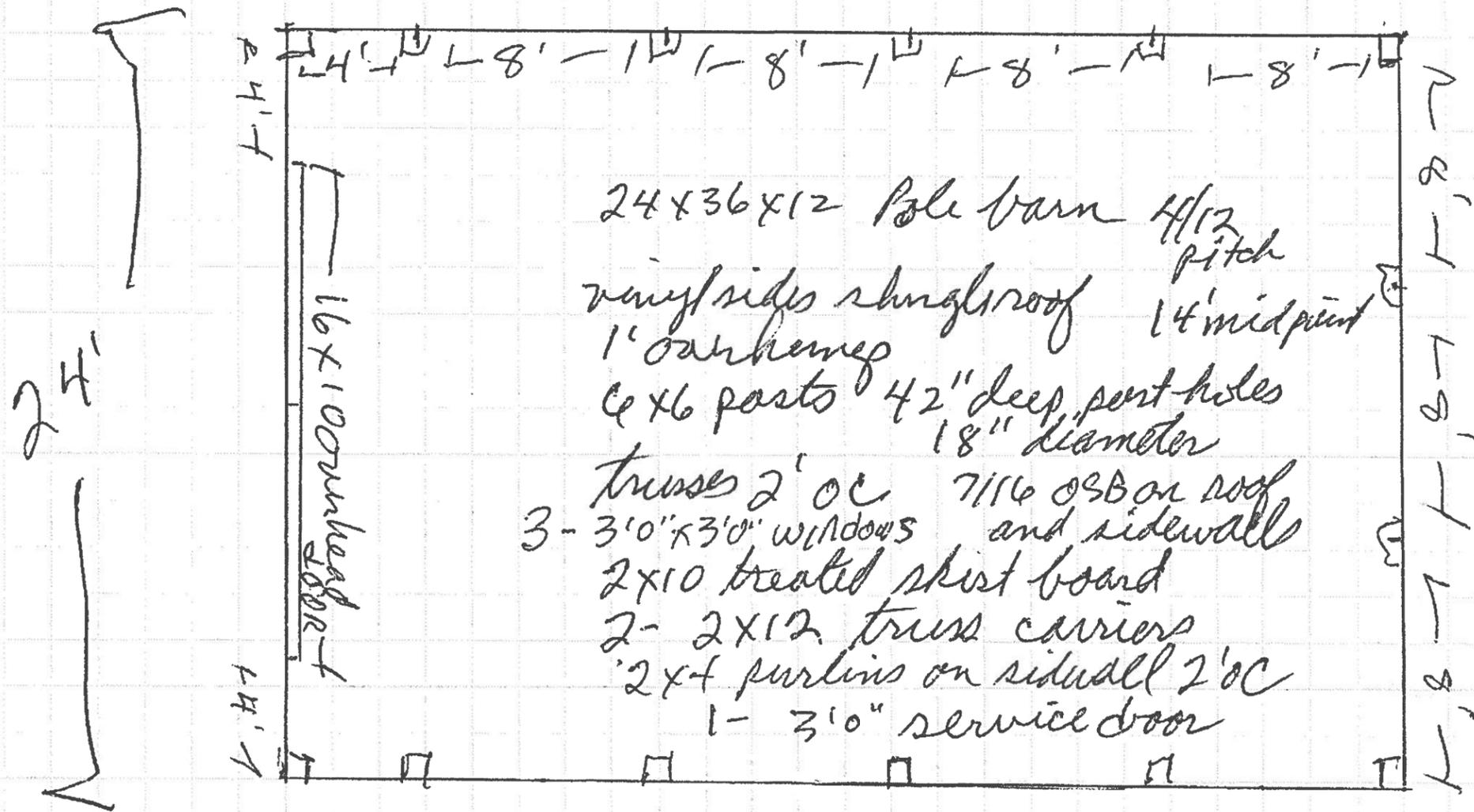
Please read the attached information regarding maintenance and care of the on-site sewage disposal facilities. The on-site sewage disposal system was inspected and approved in accordance with the Livingston County Sanitary Code. The water supply system was approved after reviewing the well log submitted by the well driller and receiving acceptable water quality analysis. If you did not receive a copy of your well log from the driller, please contact the Environmental Health Division of the Livingston County Health Department.

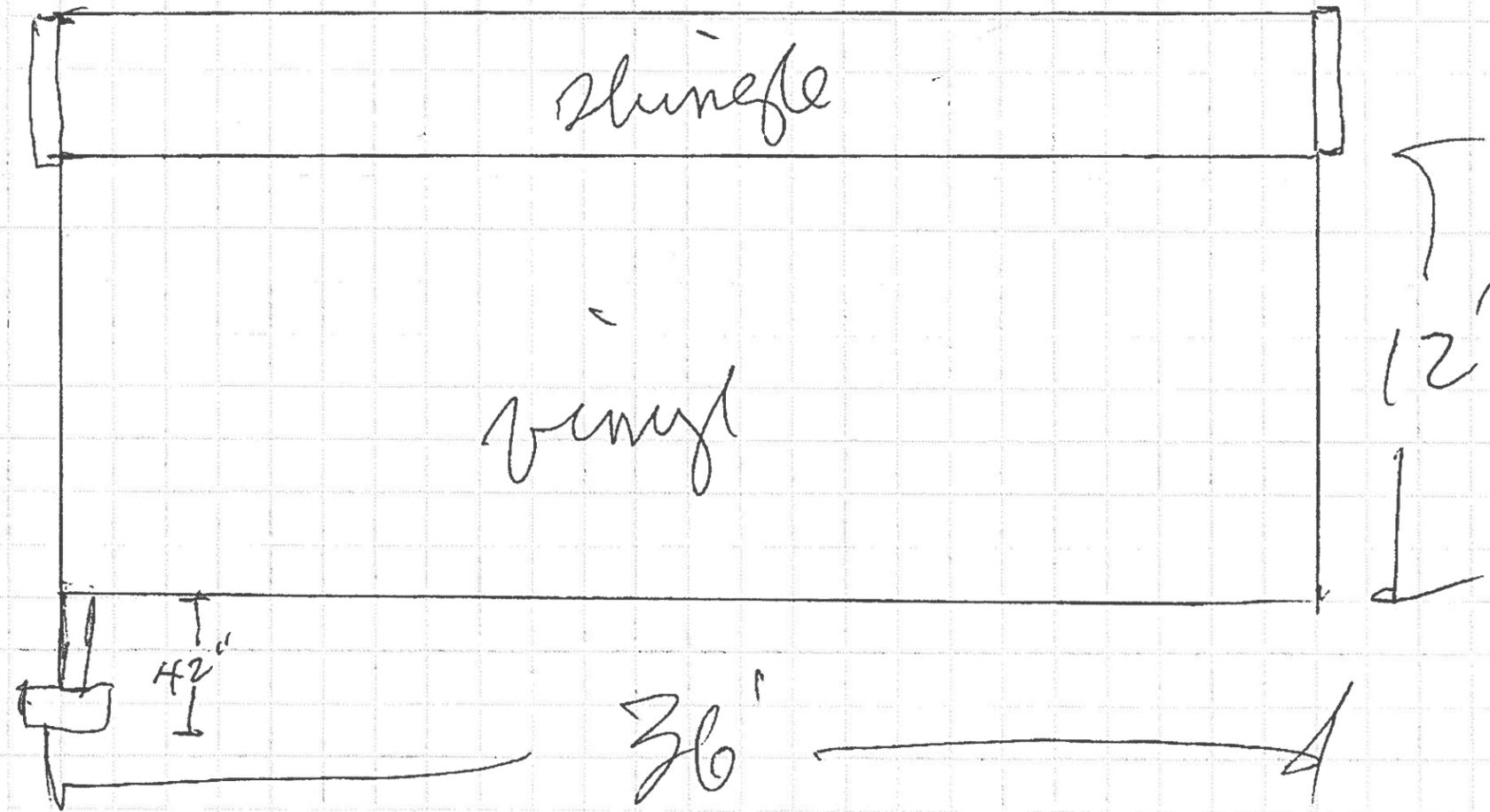
Since many interrelating factors contribute to the failure of a sewage disposal system and/or changes in water quality, approval cannot be considered as a guarantee by the Environmental Health Division that successful operation or quality of drinking water is assured. On-site sewage disposal systems under the best of installation conditions and practices are in no way the equivalent of municipal sewer collection and treatment facilities.

m zitterman
@ AAC CARthy Smith.com

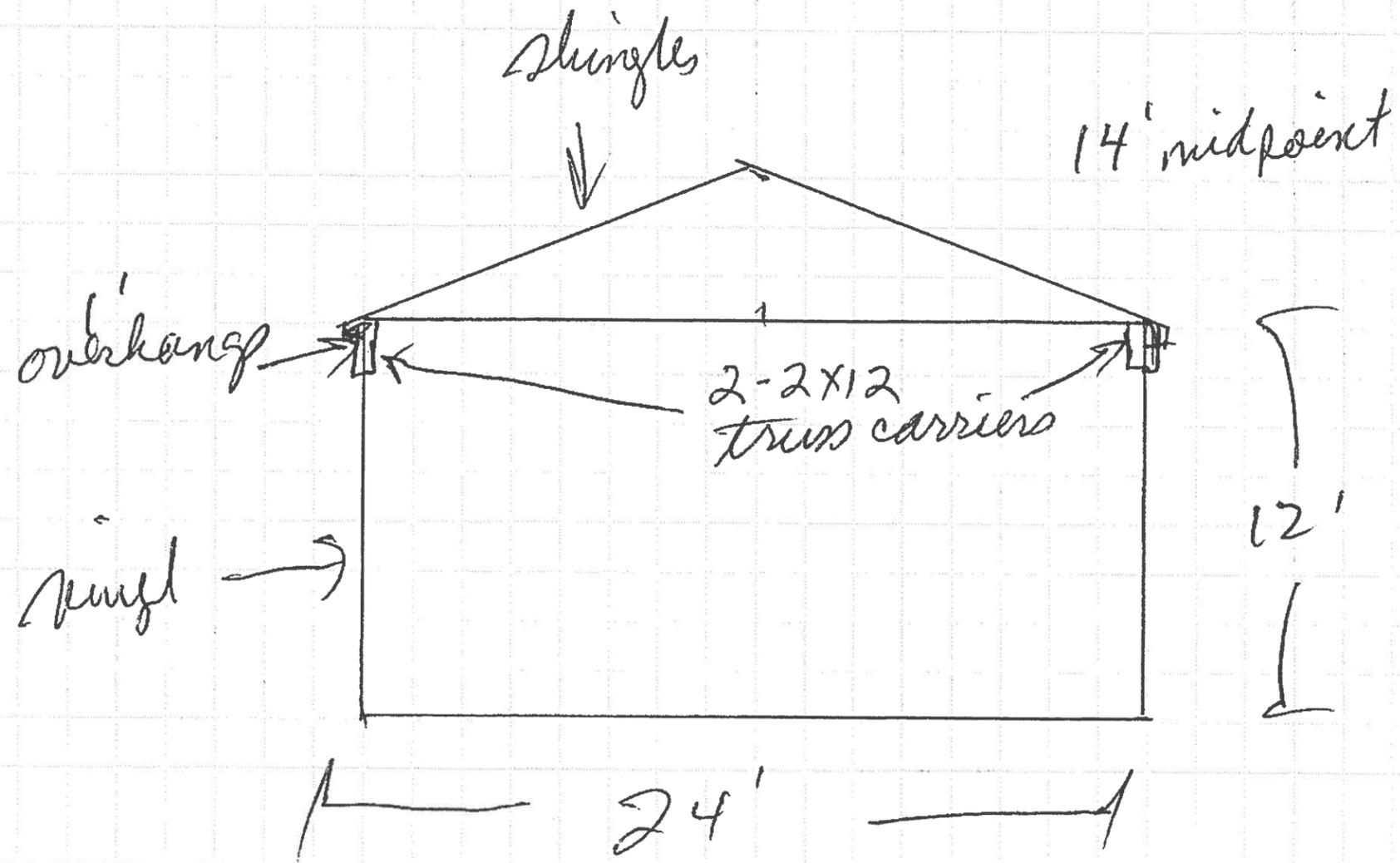


36'

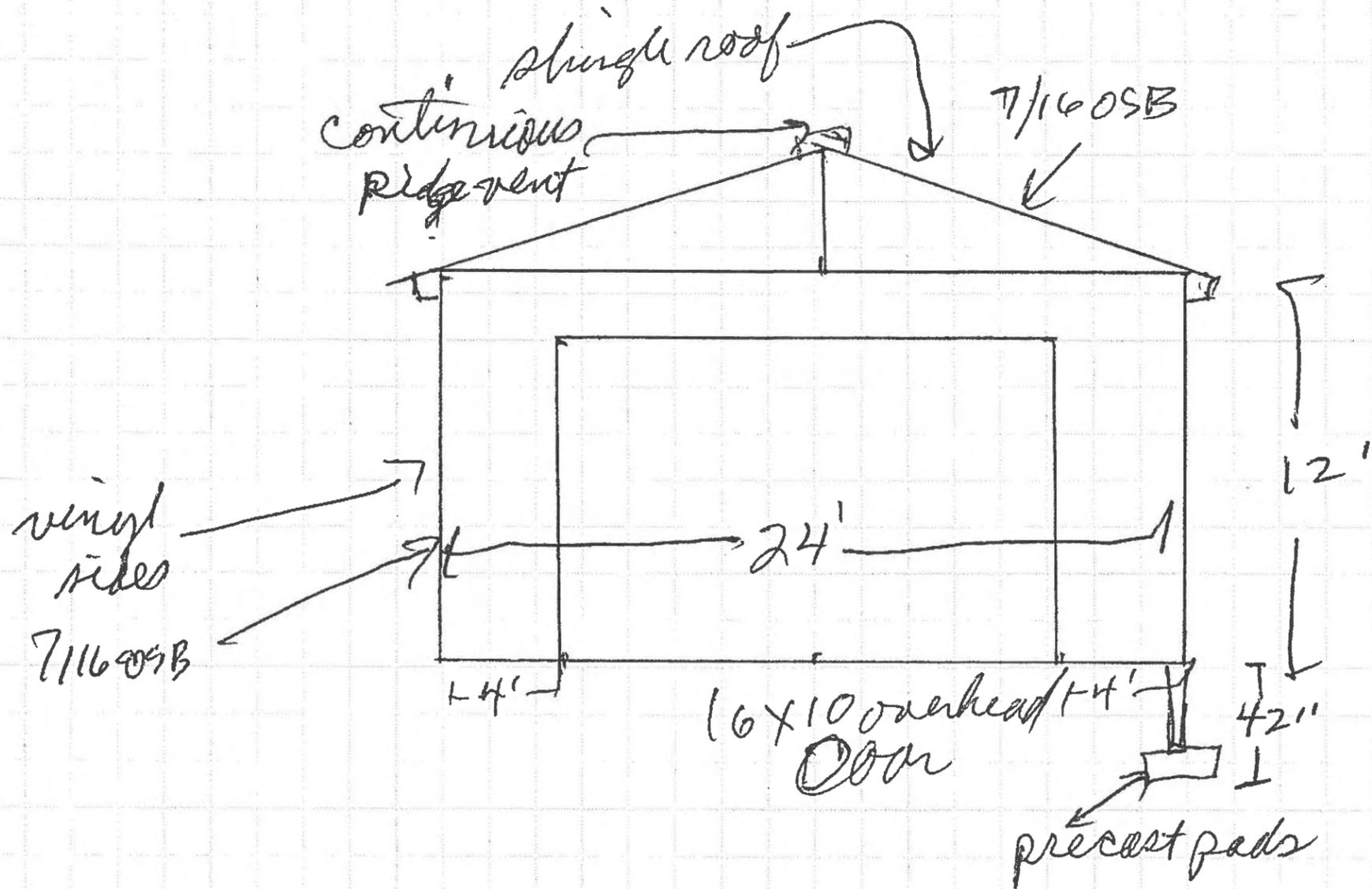




Rear



FRONT



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.									
KUCHARSKI FAMILY REVOCABLE	ZITTERMAN MATHEW & CARA	256,900	07/21/2014	WD	03-ARM'S LENGTH	2014R-024692	BUYER/SELLER	100.0									
KUCHARSKI, RONALD T. & GAY	KUCHARSKI FAMILY REVOCABLE	0	03/08/2007	QC	21-NOT USED/OTHER	2007R-008688	BUYER/SELLER	0.0									
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: CE		Building Permit(s)		Date	Number	Status							
4701 RICHARDSON RD		School: HOWELL PUBLIC SCHOOLS		PORCH		05/01/2018		P18-063	NO START								
Owner's Name/Address		P.R.E. 100% 07/21/2014		MAP #: V23-34		2024 Est TCV Tentative											
ZITTERMAN MATHEW & CARA 4701 RICHARDSON RD HOWELL MI 48843-7411		X Improved		Vacant		Land Value Estimates for Land Table 4500.HOWELL M& B											
Tax Description		Public Improvements		* Factors *													
SEC. 29 T2N, R5E, NORTH 10 A. OF S. 40 A. OF W 1/2 OF SE 1/4		Dirt Road		Description		Frontage		Depth		Front Depth		Rate %Adj. Reason		Value			
Comments/Influences		Gravel Road		LAND TABLE A		10.00		Acres		17,500		100		175,000			
		Paved Road		Land Improvement Cost Estimates		10.00		Total Acres		Total Est. Land Value =		175,000					
		Storm Sewer		Description		Rate		Size % Good		Cash Value							
		Sidewalk		D/W/P: 3.5 Concrete		6.91		320 50		1,105							
		Water		Total Estimated Land Improvements		True Cash Value =		1,105									
		Sewer		Topography of Site													
		Electric		Level													
		Gas		Rolling													
		Curb		Low													
		Street Lights		High													
		Standard Utilities		Landscaped													
		Underground Utils.		Swamp													
		X REFUSE		Wooded													
				Pond													
				Waterfront													
				Ravine													
				Wetland													
				Flood Plain													
				Year		Land Value		Building Value		Assessed Value		Board of Review		Tribunal/Other		Taxable Value	
				2024		Tentative		Tentative		Tentative						Tentative	
				2023		65,000		98,600		163,600						151,041C	
				2022		65,000		87,700		152,700						143,849C	
				2021		65,000		84,500		149,500						139,254C	

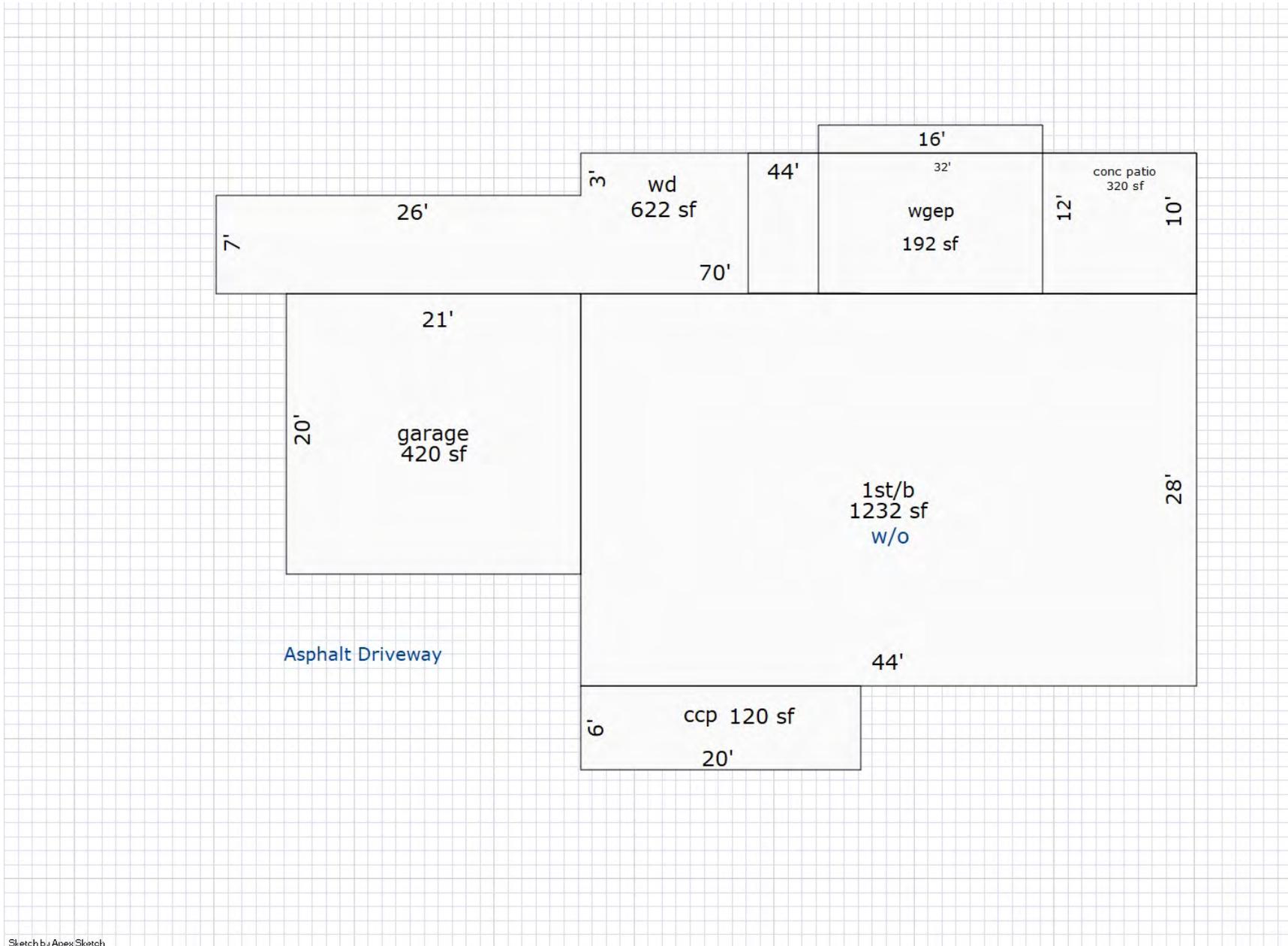


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*** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling			(15) Built-ins			(15) Fireplaces			(16) Porches/Decks			(17) Garage																																																																											
X	Single Family Mobile Home Town Home Duplex A-Frame		Eavestrough Insulation 0 Front Overhang 0 Other Overhang	X	Gas Wood	Oil Coal	Elec. Steam		Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided 1 Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Gas	Area 120 192 622	Type CCP (1 Story) WGEP (1 Story) Pine			Year Built: Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Auto. Doors: 0 Mech. Doors: 0 Area: 420 % Good: 0 Storage Area: 0 No Conc. Floor: 0																																																																											
X	Wood Frame	(4) Interior			Forced Air w/o Ducts Forced Air w/ Ducts Forced Hot Water Electric Baseboard Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace X Forced Heat & Cool Heat Pump No Heating/Cooling																																																																																						
Building Style: C		Drywall Paneled	Plaster Wood T&G	Trim & Decoration																																																																																							
Yr Built 1968	Remodeled 0	Ex	X Ord	Min	Size of Closets																																																																																						
Condition: Good		Lg	X Ord	Small	Central Air Wood Furnace																																																																																						
Room List		Doors:	Solid X	H.C.	(5) Floors																																																																																						
	Basement 1st Floor 2nd Floor 3 Bedrooms	Kitchen: Other: Other:			(12) Electric																																																																																						
(1) Exterior		0 Amps Service			No./Qual. of Fixtures																																																																																						
X	Wood/Shingle Aluminum/Vinyl Brick Insulation	Ex.	X Ord.	Min	No. of Elec. Outlets																																																																																						
(2) Windows		Many Avg. Few	X Avg.	Large Small	Many	X Ave.	Few	(13) Plumbing																																																																																			
X	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens	Basement: 1232 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0			Average Fixture(s) 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan																																																																																						
(3) Roof		(7) Excavation			(8) Basement			(14) Water/Sewer																																																																																			
X	Gable Hip Flat	Gambrel Mansard Shed	924 Living SF 1 Walkout Doors (B) No Floor SF Walkout Doors (A)	1 Public Water 1 Public Sewer 1 Water Well 1 1000 Gal Septic 2000 Gal Septic	Other Additions/Adjustments Basement Living Area Basement, Outside Entrance, Below Grade Plumbing 3 Fixture Bath Water/Sewer 1000 Gal Septic Water Well, 200 Feet Porches CCP (1 Story) WGEP (1 Story) Deck Pine Garages Class: C Exterior: Siding Foundation: 42 Inch (Unfinished) Base Cost Common Wall: 1 Wall Fireplaces Exterior 1 Story																																																																																						
X	Asphalt Shingle	(9) Basement Finish			(10) Floor Support			Lump Sum Items:																																																																																			
Chimney: Brick		Joists: Unsupported Len: Cntr.Sup:			Notes: ECF (4500 (47070) HOWELL M & B) 1.000 => TCV:																																																																																						
<table border="1"> <thead> <tr> <th>Stories</th> <th>Exterior</th> <th>Foundation</th> <th>Size</th> <th>Cost New</th> <th>Depr. Cost</th> </tr> </thead> <tbody> <tr> <td>1 Story</td> <td>Siding</td> <td>Basement</td> <td>1,232</td> <td>196,116</td> <td>139,241</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Total:</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td>924</td> <td>34,779</td> <td>24,693</td> </tr> <tr> <td></td> <td></td> <td></td> <td>1</td> <td>2,687</td> <td>1,908</td> </tr> <tr> <td></td> <td></td> <td></td> <td>2</td> <td>9,752</td> <td>6,924</td> </tr> <tr> <td></td> <td></td> <td></td> <td>1</td> <td>5,106</td> <td>3,625</td> </tr> <tr> <td></td> <td></td> <td></td> <td>1</td> <td>11,276</td> <td>8,006</td> </tr> <tr> <td></td> <td></td> <td></td> <td>120</td> <td>3,490</td> <td>2,478</td> </tr> <tr> <td></td> <td></td> <td></td> <td>192</td> <td>15,458</td> <td>15,149</td> </tr> <tr> <td></td> <td></td> <td></td> <td>622</td> <td>7,284</td> <td>5,172</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Totals:</td> <td>311,020</td> <td>224,998</td> </tr> </tbody> </table>															Stories	Exterior	Foundation	Size	Cost New	Depr. Cost	1 Story	Siding	Basement	1,232	196,116	139,241				Total:						924	34,779	24,693				1	2,687	1,908				2	9,752	6,924				1	5,106	3,625				1	11,276	8,006				120	3,490	2,478				192	15,458	15,149				622	7,284	5,172				Totals:	311,020	224,998					
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*** 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 # 23-35 Meeting Date: Nov 21, 2023
@ 6:30pm

PAID Variance Application Fee

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

Applicant/Owner: Keith + Tara McDonald Email: coachmed22@gmail.com
tara.lradcliffe@gmail.com

Property Address: 3900 Highcrest Phone: 734-718-4461

Present Zoning: Residential Tax Code: 11-22-302-054

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: We are requesting a front yard set-back variance from 35' to 17'. The request is due to a telephone pole and guide wires in the front yard.

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

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.

Compliance to the front setback would make anything larger than a 1-car garage impossible. Additionally, the guidelines would be up to and possibly on the porch.

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.

Unlike other properties, the pole lies in the middle of my property as opposed to one side or the other.

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.

Granting of the variance will allow for us to utilize the garage and driveway, keeping cars off of the street at a dangerous turn in the road where sightlines are limited.

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 variance will not create a negative impact on the neighborhood.

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.

Date: Oct 20, 2023 Signature: [Signature]



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

MEMORANDUM

TO: Genoa Township Zoning Board of Appeals
FROM: Amy Ruthig, Zoning Official
DATE: November 13, 2023

RE: ZBA 23-35

STAFF REPORT

File Number: ZBA#23-35
Site Address: 3900 Highcrest Drive, Brighton
Parcel Number: 4711-22-302-054
Parcel Size: .272 Acres
Applicant: Keith and Tara McDonald
Property Owner: Same as applicant
Information Submitted: Application, site plan, conceptual drawings
Request: Dimensional Variances
Project Description: Applicant is requesting front yard setback variance to construct a new single-family home.
Zoning and Existing Use: LRR (Lakeshore Resort Residential) Single Family Dwelling located on property.
Other: Public hearing was published in the Livingston County Press and Argus on Sunday November 5, 2023 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 was demolished in 2023.
- In 2023, was land use waiver was issued for the demolition of the home.
- The parcel is serviced by a well and public sewer.
- 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

The applicant is requesting a front yard setback variance to construct a new single-family home. In order to construct the new home as proposed, the applicant is required to obtain a front yard setback variance. The applicant has received MHOG Utility Department approval for the proposed location of the grinder pump.

Variance Requests

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

Table 3.04.01 (LRR District):

SINGLE FAMILY STRUCTURE	Front Yard Setback	Side Yard Setback	Side Yard Setback	Waterfront Setback
Required Setbacks	35'	10	5'	81.5'
Setback Amount	23'	12.5'	9.5'	82'
Variance Amount	12'			

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

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

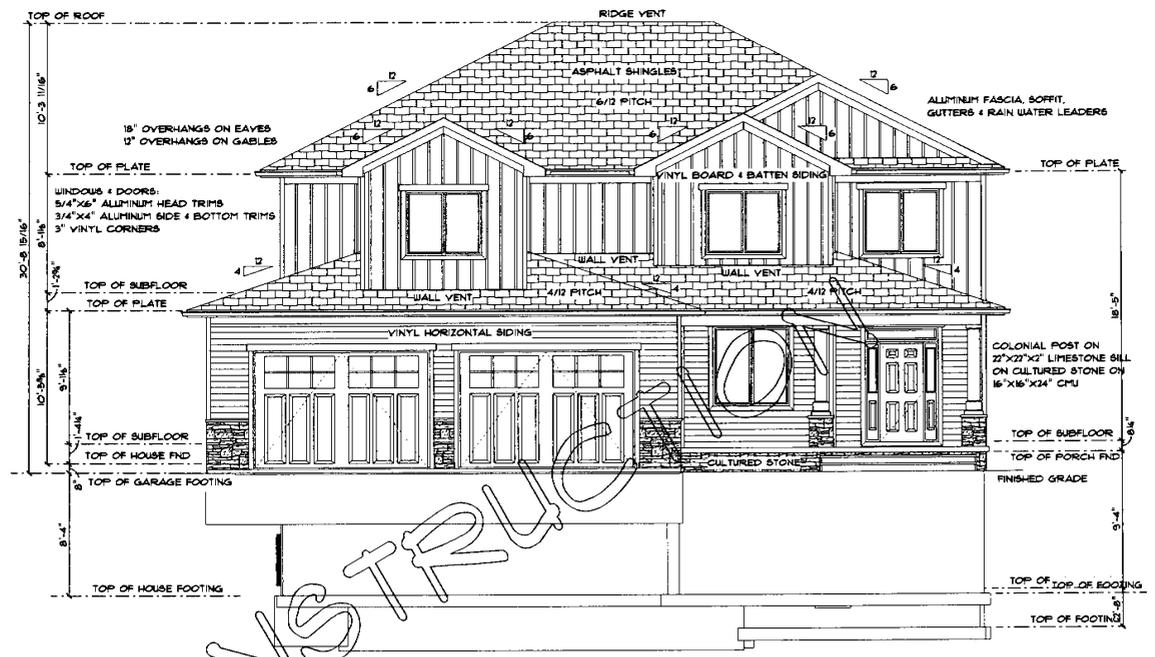
- (a) Practical Difficulty/Substantial Justice** –Strict compliance with the front yard setback would prevent the applicant from constructing the proposed new single-family home. There are other homes in the vicinity with reduced front yard setbacks that would support substantial justice and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is a non-conforming lot in the LRR district and has a small building envelope and the location of power lines. The need for the front yard setback variance is not self-created and seems to be the least amount necessary.
- (c) Public Safety and Welfare** – The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

Recommended Conditions

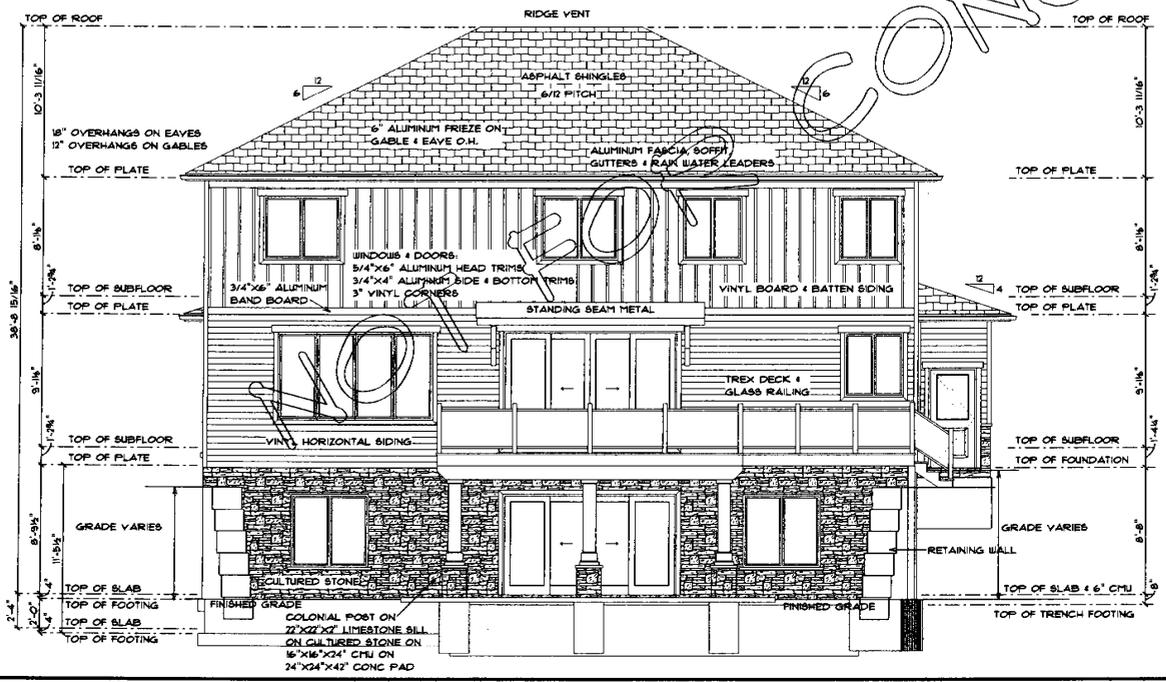
If the Zoning Board of Appeals grants the variance requests staff recommends the following conditions be placed on the approval.

1. Structure must be guttered with downspouts.
2. Any retaining walls that are required shall meet the Zoning Ordinance and all required information must be submitted with land use application.
3. Lot coverage shall adhere to the Zoning Ordinance requirements.

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

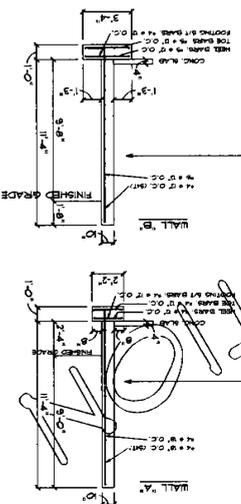
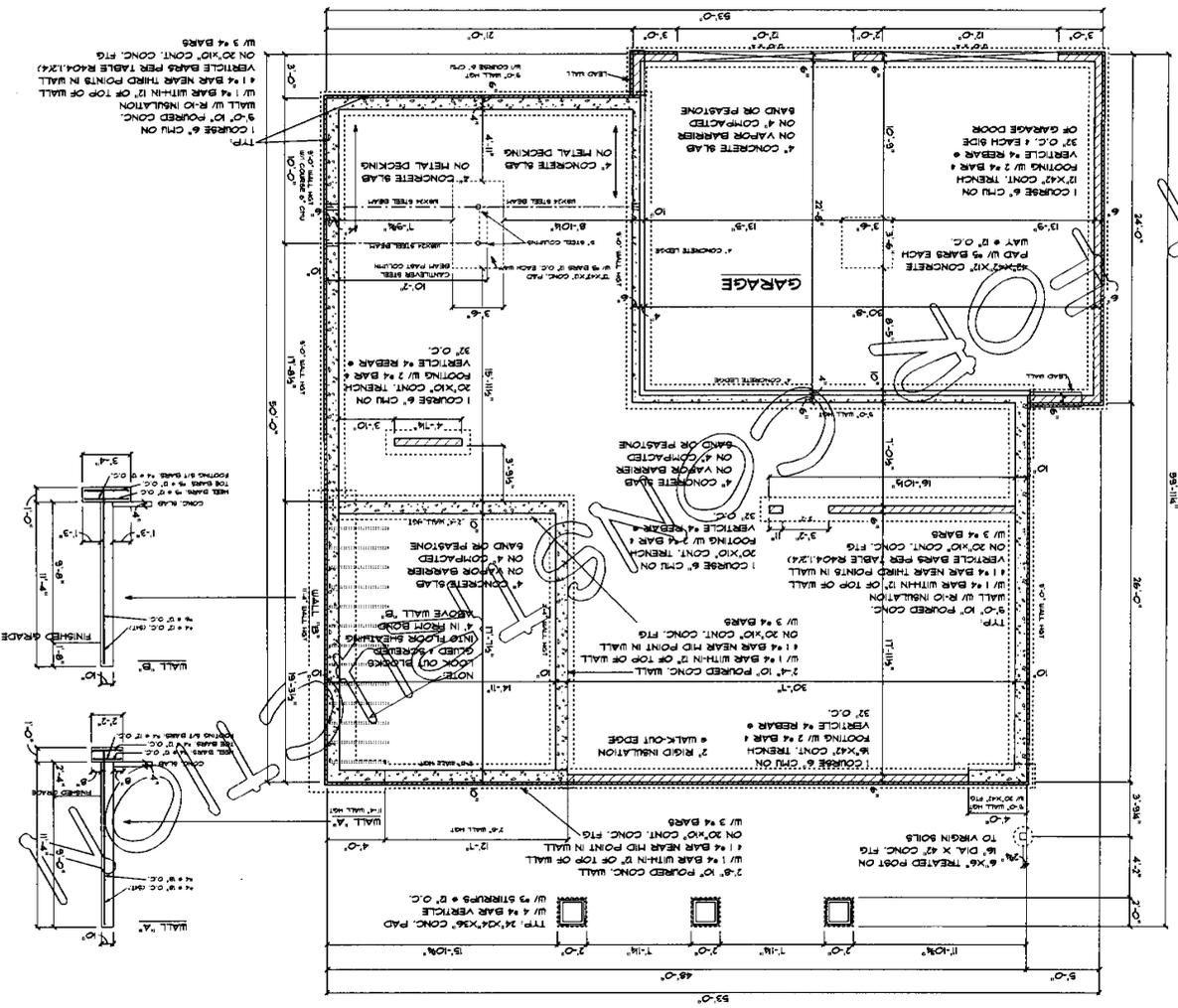


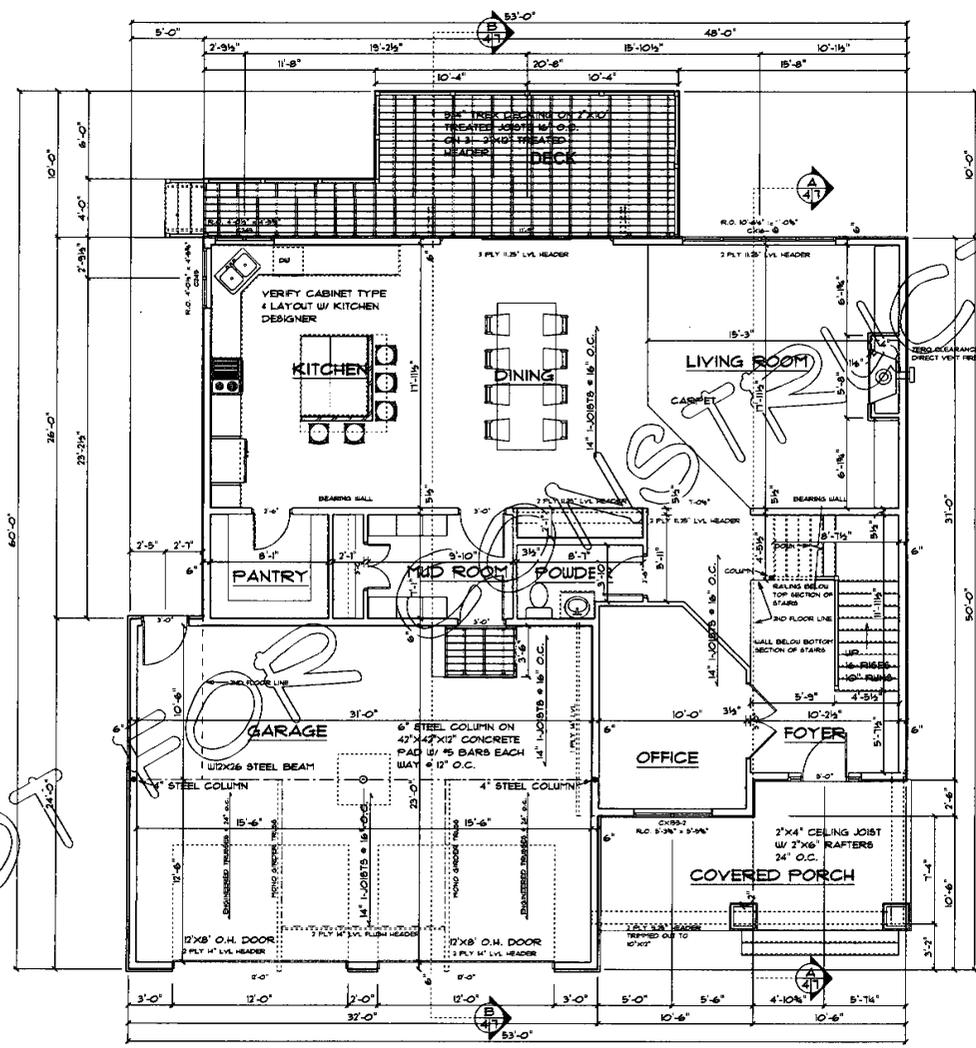
WEST ELEVATION
SCALE: 1/4" = 1'-0"



NOT FOR CONSTRUCTION

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





NOTE: ALL BEARING WALLS
OVER 10'-0" TO HAVE
DOUBLE 2"x6" STUDS @ 16" O.C.

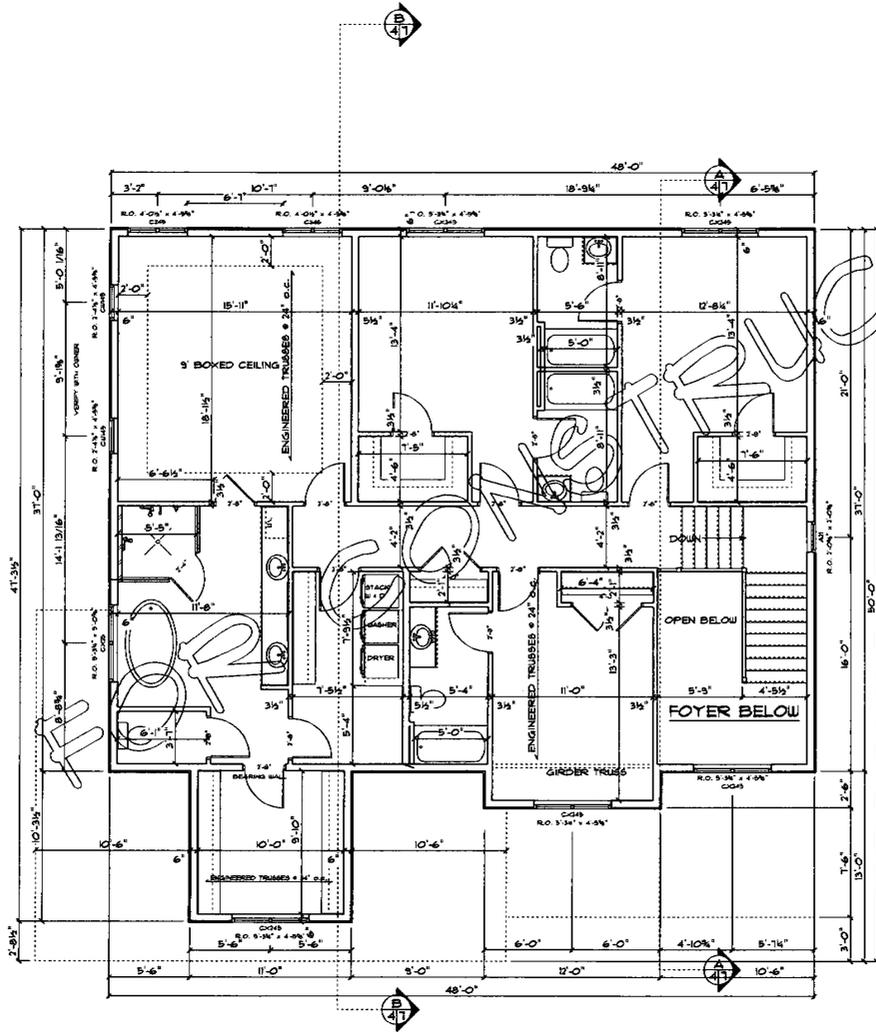
MAIN FLOOR 1527 SQ-FT
GARAGE 746 SQ-FT
COVERED PORCH 184 SQ-FT
DECK 259 SQ-FT

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

NOT

RESTRICTION

NOT FOR CONSTRUCTION



2ND FLOOR
SCALE: 1/4" = 1'-0"

NOTE: ALL BEARING WALLS
OVER 10'-0" TO HAVE
DOUBLE 2"x6" STUDS @ 16" O.C.

2ND FLOOR 1320 SQ-FT

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
DRAGUN JOSEPH & SUSAN	MCDONALD KEITH & TARA	675,000	06/21/2023	WD	03-ARM'S LENGTH	2023R-011874	BUYER/SELLER	100.0
DRAGUN STELLA LTS 9.3	DRAGUN JOSEPH & SUSAN	1	10/26/2022	WD	09-FAMILY		BUYER/SELLER	0.0
DRAGUN, HENRY J & STELLA	DRAGUN STELLA LTS 9.3	0	07/21/2015	WD	21-NOT USED/OTHER	2015R-023246	BUYER/SELLER	0.0

Property Address	Class: RESIDENTIAL-IMPROV	Zoning: LRR	Building Permit(s)	Date	Number	Status
3900 HIGHCREST DR	School: BRIGHTON AREA SCHOOLS		Demolition	09/27/2023	PW23-137	7 FINAL BL
Owner's Name/Address	P.R.E. 0%					
MCDONALD KEITH & TARA 4696 PINE EAGLES DR BRIGHTON MI 48116	MAP #: V23-35					

2024 Est TCV Tentative		Land Value Estimates for Land Table 4306.TRI LAKES LAKE FRONT							
Improved	X	Vacant	* Factors *					Value	
Public Improvements			Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
			A LAKE FRONT	50.00	160.00	1.0000	1.0000	4500 100	225,000
			B SURPLUS LF	24.00	160.00	1.0000	1.0000	2000 100	48,000
			74 Actual Front Feet, 0.27 Total Acres			Total Est. Land Value =			273,000

Tax Description	X
SEC. 22 T2N, R5E, CROOKED LAKE HIGHLANDS SUB. LOT 50 AND N 1/2 OF LOT 51	
Comments/Influences	



Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
4711-22-302-054	11/02/2023	JB 11/02/2023 INSPECTED	2024	Tentative	Tentative	Tentative			Tentative
		JB 05/26/2023 REVIEWED R	2023	126,700	64,700	191,400			70,787C
		CG 07/20/2016 REVIEWED R	2022	126,700	58,100	184,800			67,417C
			2021	126,700	54,600	181,300			65,264C

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

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**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
October 17, 2023 - 6:30 PM**

MINUTES

Call to Order: Vice Chairperson McCreary called the regular meeting of the Zoning Board of Appeals to order at 6:34 pm. The members and staff of the Zoning Board of Appeals were present as follows: Marianne McCreary, Jean Ledford, Craig Fons, Michele Kreutzberg, Bill Rockwell, and Amy Ruthig, Planning Director.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Election of Officers:

Vice Chairperson McCreary stated the former Chairperson of the ZBA has been appointed to the Planning Commission so new officers must be elected.

Moved by Board Member Rockwell, seconded by Board Member Kreutzberg, to elect Marianne McCreary for Chairperson. **The motion carried unanimously.**

Moved by Board Member Kreutzberg, seconded by Board Member Fons, to elect Bill Rockwell for Vice Chairperson. **The motion carried unanimously.**

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 Rockwell, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

The call to the public was opened at 6:40 pm with no response.

OLD BUSINESS:

1. 23-30...A request by Ben Cross and Chris Bonk, 5680 Glen Echo Drive, for a height and setback variances and any other variance deemed necessary by the Zoning Board of Appeals to construct new retaining walls and a fence.

Mr. Ben Cross, the owner, and Mr. Chris Bonk, the contractor, were present.

Mr. Bonk again apologized that the project was started without approval. A different contractor started the work and did not obtain the appropriate permits. He stated that they meet all of the

criteria for granting a variance. There are six to eight foot drops in elevation on each side of the property, it is a corner lot so there are two front yards, there is an apartment building used as a halfway house with a Dumpster and parking lot directly behind the house, and there is over a 50 percent grade on the side adjacent to the roadway causing erosion. This project will make it safer for vehicles traveling down the roadway and hill. It will make a positive impact on the neighborhood.

He showed colored architectural renderings of the proposed project.

Chairperson McCreary noted that the applicant is requesting seven variances, which is more than typical, but there are hardships and it is the least amount necessary. She added that Staff noted the grade was changed by the applicant. Mr. Bonk stated that the figures on the plans are based on the normal grade of the property and do not include the dirt that they placed there. Mr. Bonk agrees that seven variances is excessive, but this is the bare minimum needed to retain the property.

Board Member Rockwell questioned if there is another path or easement between the two properties. Ms. Ruthig stated the only path is the six-foot-wide path that is behind the properties.

Board Member Rockwell would prefer to have trees or shrubs planted as a barrier between the two properties instead of a fence. Mr. Cross stated that due to the use and condition of the adjacent property, a fence would provide more safety for his family. Board Member Fons agrees with Board Member Rockwell. Mr. Bonk stated the fence was there when Mr. Cross purchased the home and he made a mistake removing it.

The call to the public was opened at 7:16 pm.

Mr. Bill Cozart of 5716 Glen Echo has lived next door to this property for over 40 years. There have been no complaints regarding the fence. It shields the residential area from the property in the rear. That part of the parking lot is a high traffic area.

Mr. Brian Monte of 5716 Long Point stated that safety is an issue regarding the neighboring property and its residents. He would like the fence to be allowed.

The call to the public was closed at 7:20 pm

Ms. Ruthig stated an option for Mr. Cross is to speak to the neighbor to the rear and obtain approval from them to put the fence on the property line.

Moved by Board Member Rockwell, seconded by Board Member Fons, to approve the following variances for Case #23-30 for Ben Cross and Chris Bonk at 5680 Glen Echo Drive.

1. Retaining wall front yard height variance of 4 feet, four inches from the required 3 feet for a height of 7 feet, 4 inches at the tallest point.

2. Retaining wall front yard setback variance of 16 feet from the required 20 feet for a setback of 4 feet at the closest point.
3. Retaining wall side yard height variance of 2 feet, 6 inches from the required 6 feet for a height of 8 feet, 6 inches at the tallest point
4. Retaining wall side yard setback variance of 2 feet from the required 2 feet for a side yard setback of 0 feet.
5. Steps projection variance from ROW of 16 feet from the required 25 feet for a front yard setback of 9 feet.

This approval is based on the following findings of fact:

- Strict compliance with the zoning requirements would prevent the applicant from completing the retaining wall project that has been started however would not prevent the use of the property. Please see attached pictures of the property prior to the work being started on the lot.
- The exceptional or extraordinary condition of the property is the irregular shape and topography of the lot.
- The granting of the variances will not impair an adequate supply of light and air to adjacent property. Due to the proposed location of the front retaining walls being located 4 feet from the road right of way and the topography from Grand River Avenue could 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 proposed variance would 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. Grading and soil erosion plan shall be submitted by a civil engineer to ensure stabilization of slopes and there are no impacts on adjacent parcels.
2. The retaining wall construction plans must be certified by a licensed engineer prior to permit issuance.
3. The applicant must receive a permit from the Livingston County Drain Commissioner.
4. The applicant shall obtain Livingston County Road Commission approval.
5. The project complies with the engineering drawings submitted dated September 18, 2023

The motion carried unanimously.

Moved by Board Member Rockwell, seconded by Board Member Ledford, to deny the fence height variance of 3 feet and the impervious surface variance of 100 percent for Case #23-30 for Ben Cross and Chris Bonk at 5680 Glen Echo Drive, based on the following findings of fact:

- Strict compliance with the zoning requirements does not prevent the use of the property.
- The six foot, 100 percent impervious fence is self-created.
- The granting of the variances will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.

- The proposed variances would not have a limited impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon all fencing to comply with the township ordinance.

The motion carried (Rockwell - yes; Fons - yes Kreutzberg - no; Ledford - yes; McCreary - yes)

NEW BUSINESS:

2. 23-25...A request by Christina Papi, 1604 Green Meadows, for side and front yard setback variances, and any other variance deemed necessary by the Zoning Board of Appeals to construct a garage.

Ms. Papi and her realtor were present. Ms. Papi stated she is requesting a variance for the garage because there is a septic tank and a septic field in the location where the garage is allowed to go. She showed a site plan drawing.

Ms. Ruthig stated if the garage roof is attached to the home's roof at some location, and the garage is 35 feet from the road right of way and 12 feet from the side setback, then a variance would not be needed. It will need to comply with the fire code.

The call to the public was made at 7:44 pm with no response.

Ms. Papi requested to have her request tabled this evening to allow her to speak to her builder. If he can meet these requirements, she will withdraw her request.

Moved by Board Member Ledford, seconded by Kreutzberg, to postpone Case #23-25 for Christina Papi of 1604 Green Meadows until the November 21, 2023 ZBA meeting at the petitioner's request. **The motion carried unanimously.**

3. 23-31...A request by Daniel Lalko, 4845 Pinehurst Court, for a rear yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a patio.

Mr. Lalko stated his property is an irregularly shaped lot and the home is already non-conforming. The new proposed covered concrete patio will not be any closer to the property line than the existing house. He showed a site plan drawing, noting that the fire place shown will not be installed.

The call to the public was made at 7:52 pm with no response.

Moved by Board Member Kreutzberg, seconded by Board Member Ledford, to approve Case #23-31 for Daniel Laldo of 4845 Pinehurst Court for a rear yard setback variance of 26 feet, 9

inches from the required 50 feet for a rear yard setback of 23 feet 9 inches to construct a 12.3 foot x 20 foot covered patio, based on the following findings of fact:

- Strict compliance with the setbacks would unreasonably restrict the intended use of the property.
- This variance will provide substantial justice, is the least necessary and would make the property consistent with other properties and homes in the area.
- The variance is necessary due to the extraordinary shallow lot and previously non-conforming structure.
- 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.

This approval is conditioned upon the fireplace depicted on the plans not being installed.

The motion carried unanimously.

4. 23-32...A request by John and Cheryl Cleary, 3820 Crystal Valley Road, for a front yard setback variance and any other variance deemed necessary by the Zoning Board of Appeals to construct a detached garage.

Mr. Cleary stated he has a corner lot in a cul de sac so a lot of his property is considered the front yard. The property has a lot of mature trees. His proposed location is the only place the garage can be placed due to the septic field, pool, and current driveway location. The practical difficulty is the large size of the front yard and the rear is heavily wooded. He is maintaining the required setbacks and this is the least amount necessary. It will not negatively impact the neighbors or traffic. The homeowner's association has reviewed this and it is meeting all of the neighborhood by-laws.

Call to the public at 8:06 pm.

Mr. Bob Shaw of 5277 Leelanau Court lives directly south of Mr. Cleary and he is in support of this garage.

Call to the public was closed at 8:07 pm.

Moved by Ledford, seconded by Rockwell, to approve Case #23-32 for John and Cheryl Cleary of 3820 Crystal Valley Road for the construction of a 772 square foot detached accessory building, based on the following findings of fact:

- The practical difficulty is the property configuration, location of the utilities and the topography, which makes it difficult to locate a detached accessory building.
- The extraordinary circumstance is the odd shape of the site and it is a corner lot with frontage along the side of a cul de sac. Topography and utilities complicate the placement when combined with the shape of the lot.

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- Granting of the variance will not impair the supply of light and air to adjacent properties, nor will it unreasonably impact traffic or public safety.
- Based on the combination of setback from the roadway and presence of existing vegetation, we expect that views of the accessory building will be limited.

This approval is contingent upon the applicant maintaining the vegetation to the greatest extent possible to help mitigate the impacts on the front yard placement.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the September 19, 2023 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member Kreuzberg, to approve the minutes of the September 19, 2023 Zoning Board of Appeals meeting as corrected. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be at least two cases on next month's agenda.

She noted that each of the board members received a copy of the new solar ordinance. These should be placed in your zoning ordinance book.

3. Member Discussion

Chairperson McCreary asked if an alternate ZBA member had been selected. Ms. Ruthig stated they have received applications but no one has been chosen.

4. Adjournment

Moved by Board Member Ledford, seconded by Board Member Fons, to adjourn the meeting at 8:28 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary