

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**May 20<sup>th</sup>, 2025**

**6:30 P.M.**

**AGENDA**

Call to Order:

Pledge of Allegiance:

Introductions:

Conflict of Interest:

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. 25-03...A request by A request by Logan McAnallen, 5945 Hartford Way, for a side, rear and front yard variances and any other variances deemed necessary by the Zoning Board of Appeals, for the construction of a new single-family home. **\*OWNER HAS REQUESTED TO BE POSTPONED TO ~~JUNE OR JULY~~. \***

NEW BUSINESS:

1. 25-10...A request by Tim Chouinard/Mike and Maggie Forsythe, 5405 Wildwood Dr., for a front yard variance and any other variances deemed necessary by the Zoning Board of Appeals, to demolish and rebuild a new home on the existing foundation.
2. 25-11...A request by Tim Chouinard/Mr. & Mrs. Legault, 1035 Sunrise Park, for a side yard variance, shoreline setback variance, and any other variances deemed necessary by the Zoning Board of Appeals, to build and addition onto an existing home.

ADMINISTRATIVE BUSINESS:

1. Approval of minutes for the April 15<sup>th</sup>, 2025 Zoning Board of Appeals meeting.
2. Correspondence
3. Member Discussion
4. Adjournment

<p>*Citizen's Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented. Anyone speaking on an agenda item will be limited to 2 minutes.</p>
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**GENOA CHARTER TOWNSHIP VARIANCE APPLICATION**  
2911 DORR ROAD | BRIGHTON, MICHIGAN 48116  
(810) 227-5225 | FAX (810) 227-3420

Case # 25-10

Meeting Date: May 20, 2025 @ 6:30pm  
in Boardroom

☒ PAID Variance Application Fee

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

Applicant/Owner: TIM CHOUINARD / MIKE AND MAGGIE FORSYTHE Email: TIMCHOUINARD@SBCGLOBAL.NET

Property Address: 5405 WILDWOOD DR Phone: 517-404-6527

Present Zoning: LRR Tax Code: 477-10-102-064

**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: I AM REQUESTING A FRONT YARD VARIANCE OF 29'

THE PROPOSED PROJECT WILL BE TO REMOVE STRUCTURE FROM FOUNDATION, REBUILD STRUCTURE FROM FOUNDATION UP.

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 SITE IS A SMALL LAKE LOT WITH EXISTING NON CONFORMING SETBACKS. THE LOT SIZE, SHAPE AND PROXIMITY TO THE WATER LEAVE A BUILDING ENVELOPE THAT IS NOT BUILDABLE. GRANTING THIS VARIANCE WOULD DO

SUBSTANTIAL JUSTICE TO THE APPLICANT AS WELL AS OTHER PROPERTY OWNERS BY IMPROVING A STRUCTURE THAT IS NOT UP TO TODAY'S BUILDING STANDARDS AND IS NOT SAFE, THE IMPROVED STRUCTURE WOULD BE UP TO DATE WITH ALL BUILDING AND FIRE CODES.

**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 EXCEPTIONAL CIRCUMSTANCES FOR THIS PROPERTY ARE THE THE SMALL LOT SIZE, THE SHAPE OF THE LOT, THE PROXIMITY TO THE WATER AND THE EXISTING FOOTPRINT OF THE HOME. THE NEED FOR THIS VARIANCE WAS NOT SELF CREATED.

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

THE GRANTING OF THIS VARIANCE WILL ALLOW THIS STRUCTURE TO BE A BEAUTIFUL AND SAFE STRUCTURE CONTINUING THE INTENDED USE FOR THE PROPERTY.

**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.

GRANTING THE VARIANCE WILL ALLOW THE BUILDING TO BE A SAFER, BUILDING CODE, ENERGY CODE AND FIRE CODE COMPLIANT STRUCTURE AND WILL INCREASE THE VALUE OF SURROUNDING PROPERTIES AS WELL AS PROMOTE FUTURE DEVELOPMENT.

**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:

4-15-25

Signature:







ARTISTIC RENDERING  
NO SCALE



ARTISTIC RENDERING  
NO SCALE



MAP TO SITE  
NO SCALE



ARTISTIC RENDERING  
NO SCALE

LAYOUT PAGE TABLE	
NUMBER	LABEL
1	ARTISTIC RENDERINGS / MAP
2	ELEVATIONS
3	BASEMENT FLOOR PLAN/ SECTION VIEW
4	FIRST FLOOR PLAN / SECTION VIEWS
5	SECOND FLOOR PLAN / SECTION VIEW
6	ROOF PLAN
7	ELECTRICAL PLAN

SHEET TITLE:

PROPERTY OWNERS  
MIKE & MAGGIE FORSYTHE  
5405 WILDWOOD  
HOWELL, MI 48843

DRAWINGS PROVIDED BY:  
CHOUNARD CUSTOM HOMES LLC  
932 SUNRISE PARK ST  
HOWELL, MI 48843

DATE:  
4-21-2025

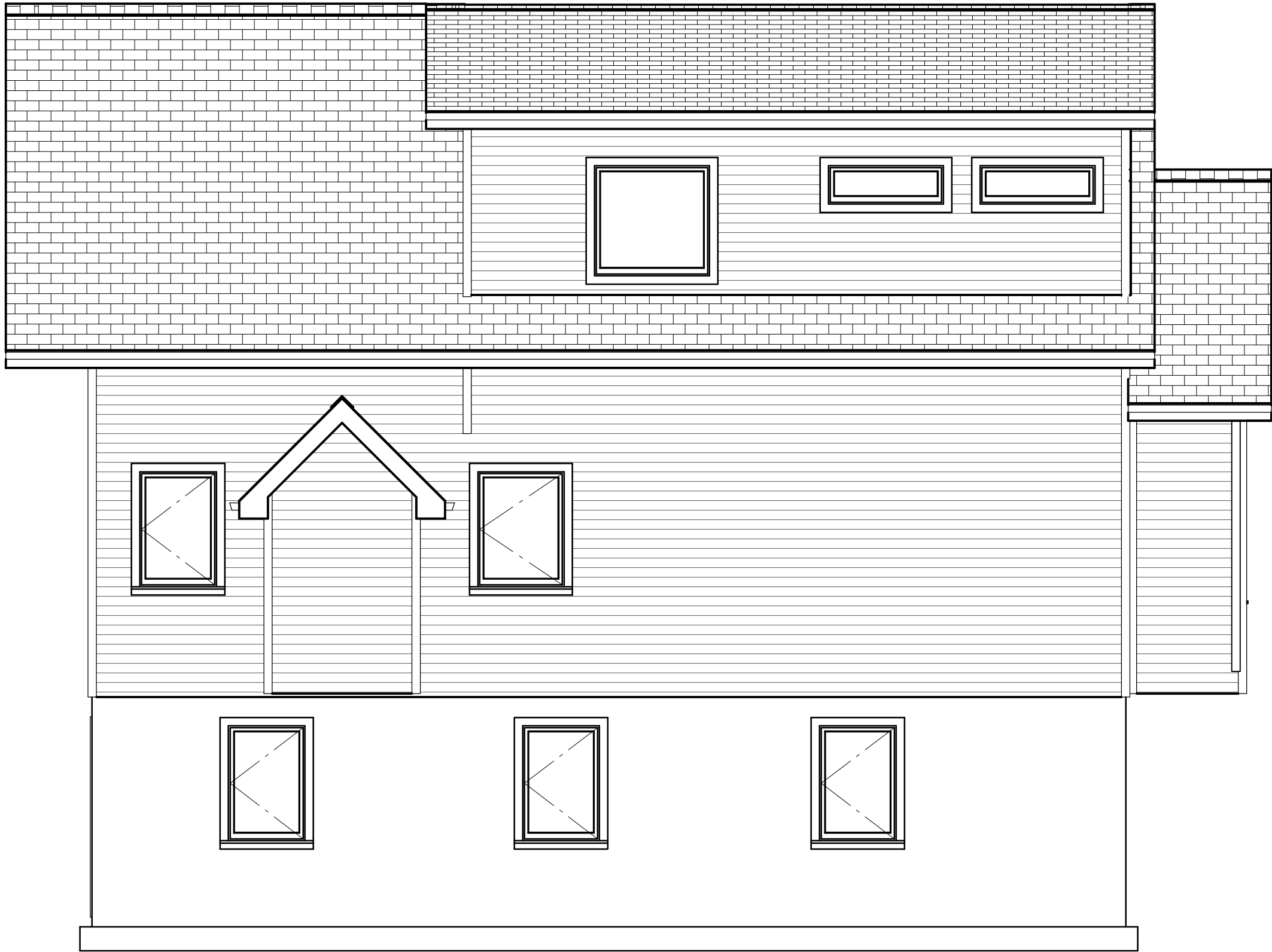
SCALE:  
1/4"=1'

SHEET:  
A-1





REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION

DRAWINGS PROVIDED BY:

PROPERTY OWNERS

SHEET TITLE:

CHOUNARD CUSTOM HOMES LLC  
932 SUNRISE PARK ST  
HOWELL, MI 48843

DATE:  
4-21-2025

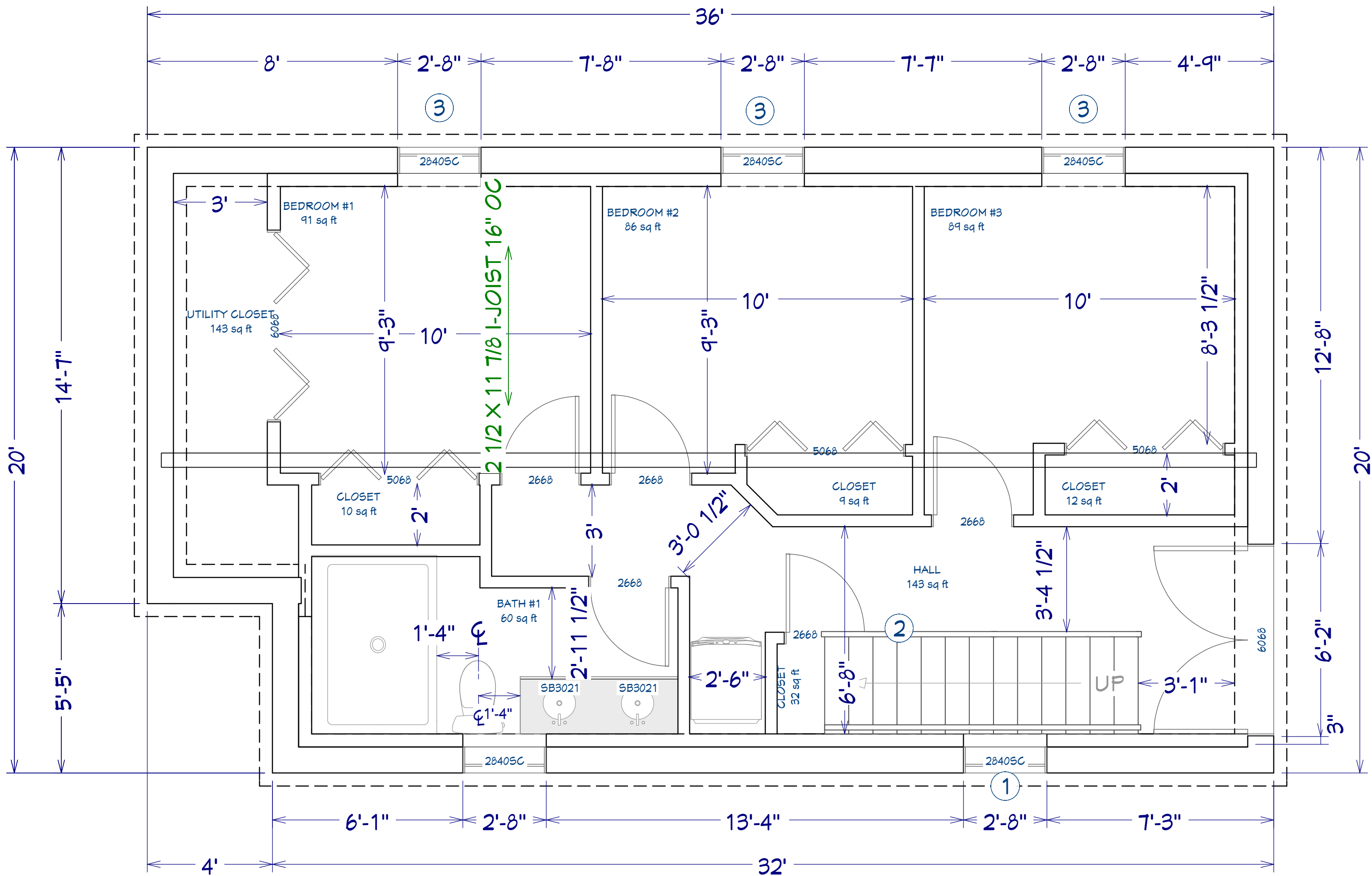
SCALE:  
1/4"=1'

SHEET:

A-2

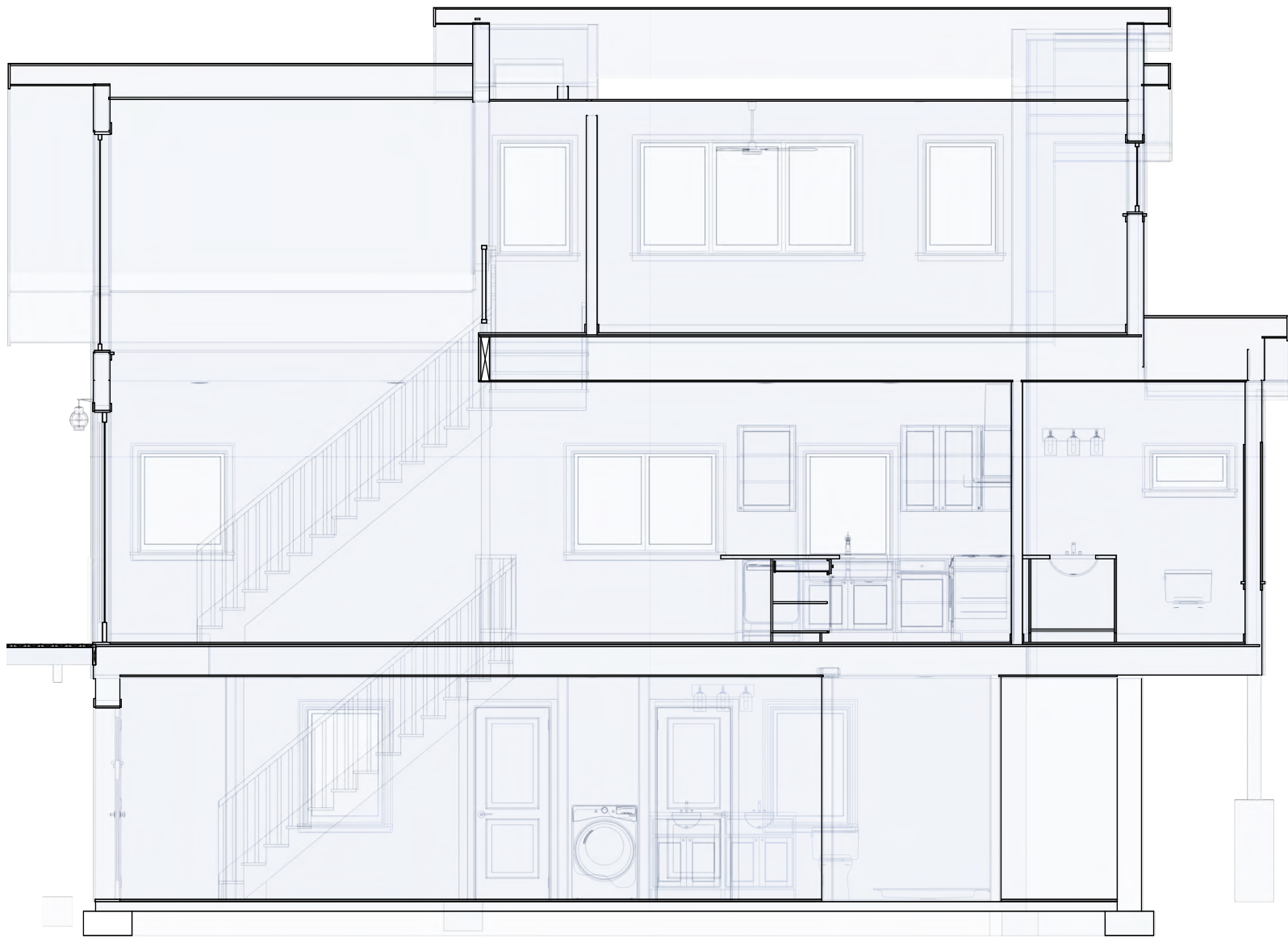
MIKE & MAGGIE FORSYTHE  
5405 WILDWOOD  
HOWELL, MI 48843

ELEVATIONS



GENERAL NOTES SCHEDULE	
①	REMOVE WINDOW, BLOCK OPENING
②	CUT CONCRETE 16"X16" DIG DOWN 16" POUR FOOTING FOR NEW POINT LOAD
③	REMOVE WINDOW CUT OPENING FOR LARGER EGRESS WINDOW, TOP OF SILL MUST NOT BE MORE THAN 44" FROM FLOOR

LIVING AREA  
698 SQ FT  
**BASEMENT FLOOR PLAN**  
**SCALE 3/8" = 1'**



**SECTION VIEW #1**

SHEET TITLE:  
**BASEMENT FLOOR PLAN  
SECTION VIEW #1**

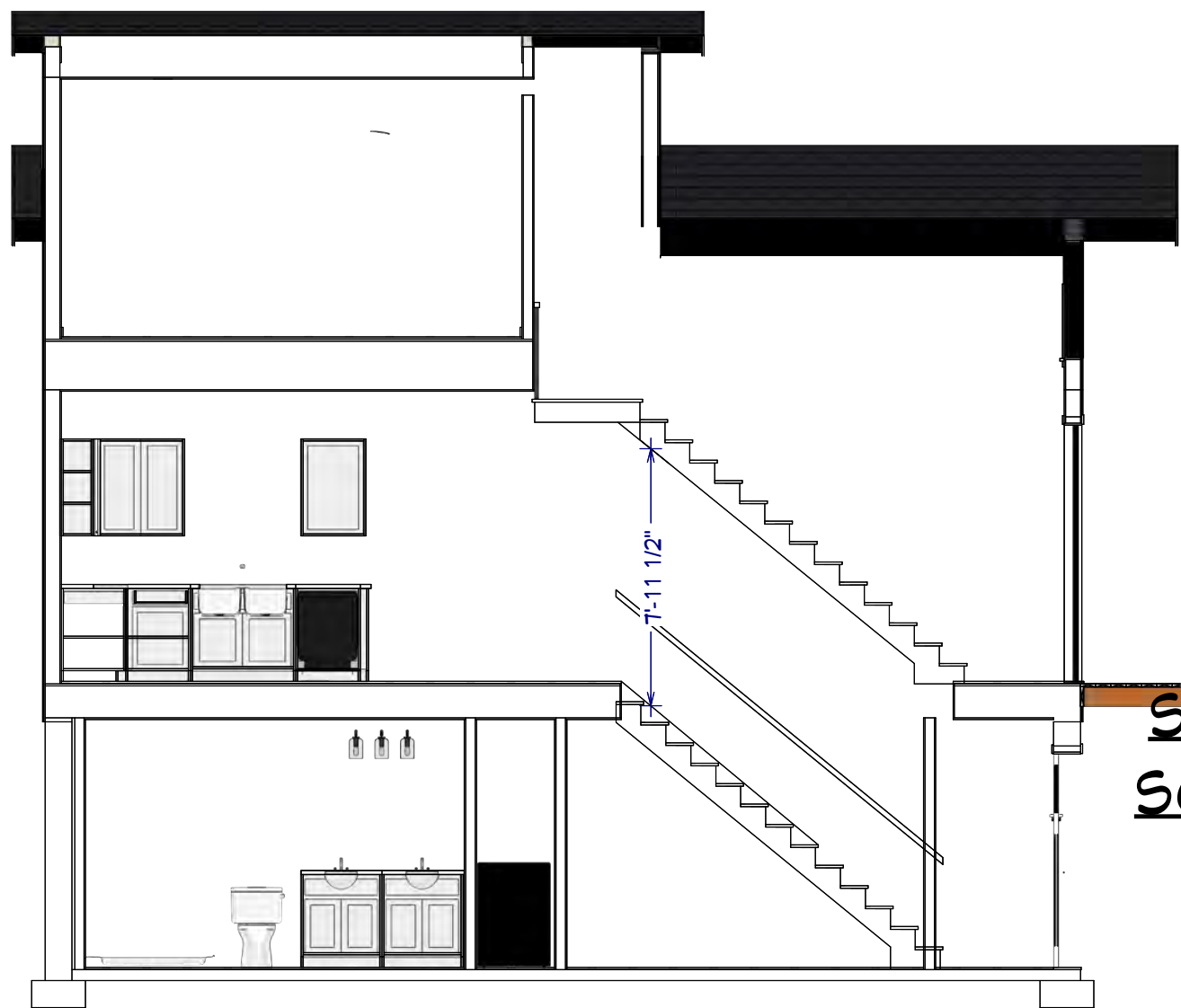
PROPERTY OWNERS  
**MIKE & MAGGIE FORSYTHE  
5405 WILDWOOD  
HOWELL, MI 48843**

DRAWINGS PROVIDED BY:  
**CHOUNARD CUSTOM HOMES LLC  
932 SUNRISE PARK ST  
HOWELL, MI 48843**

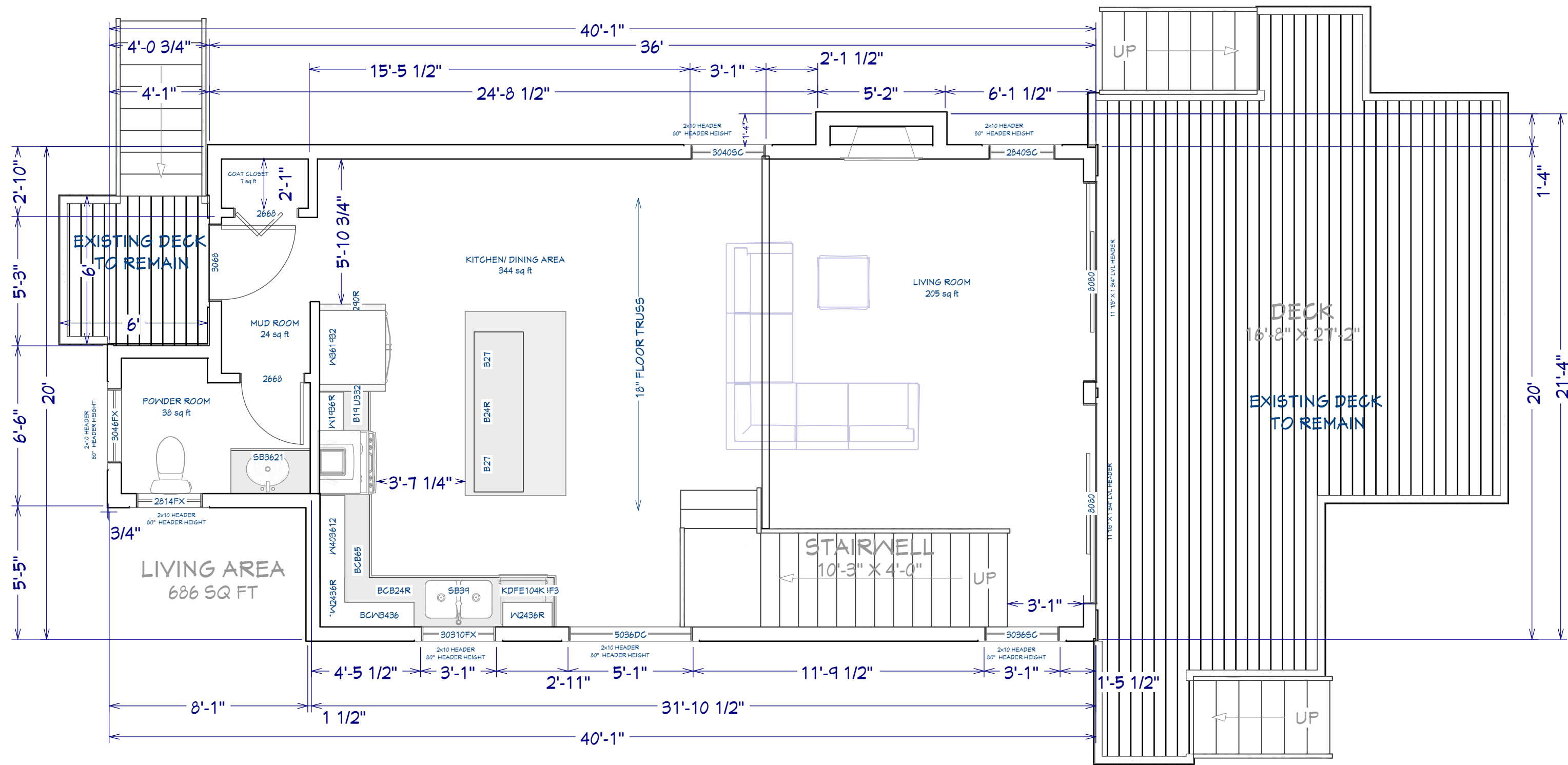
DATE:  
4-21-2025

SCALE:  
1/4"=1'

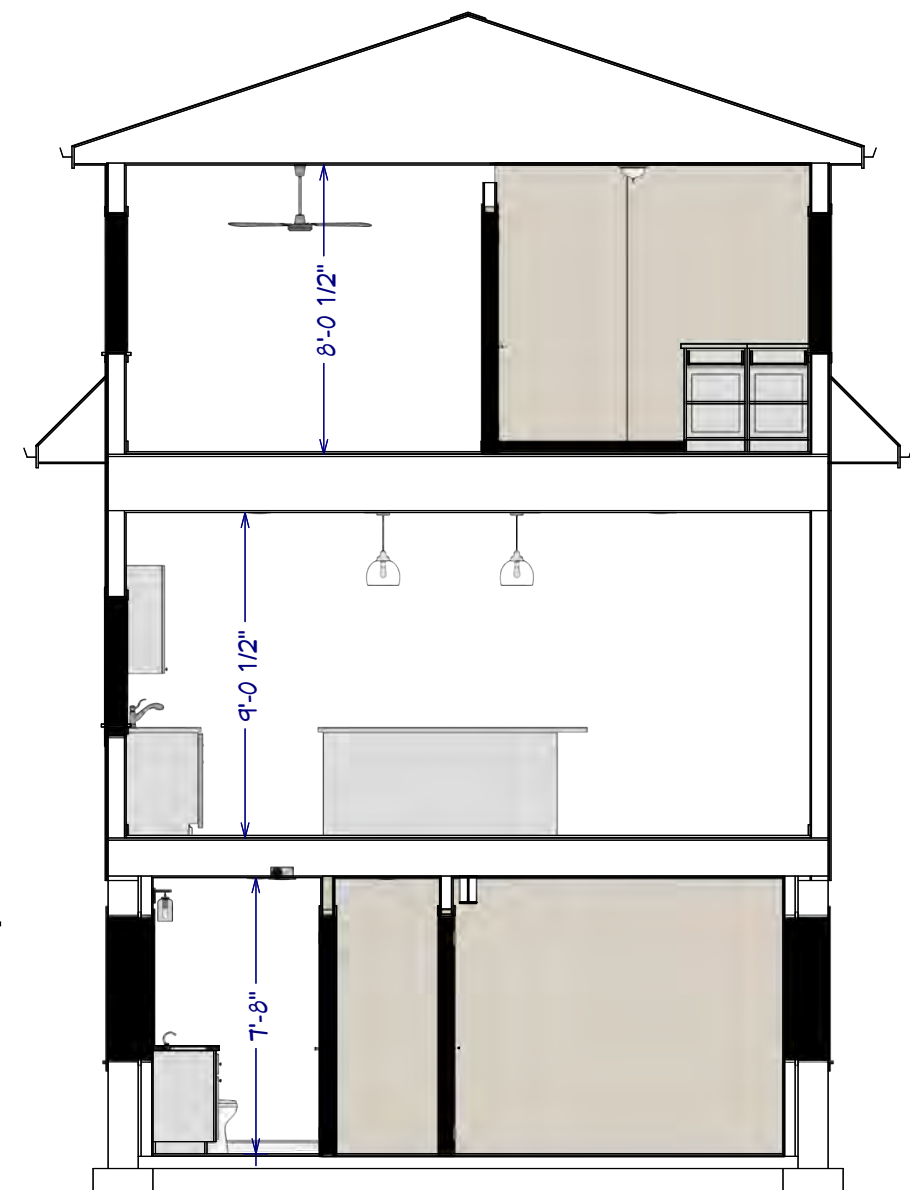
SHEET:  
**A-3**



SECTION VIEW  
SCALE 3/16" = 1'



FIRST FLOOR PLAN  
SCALE 1/4" = 1'



SECTION VIEW  
SCALE 3/16" = 1'

DRAWINGS PROVIDED BY:

CHOUNARD CUSTOM HOMES LLC  
932 SUNRISE PARK ST  
HOWELL, MI 48843

PROPERTY OWNERS

MIKE & MAGGIE FORSYTHE  
5405 WILDWOOD  
HOWELL, MI 48843

SHEET TITLE:

FIRST FLOOR PLAN  
SECTION VIEWS

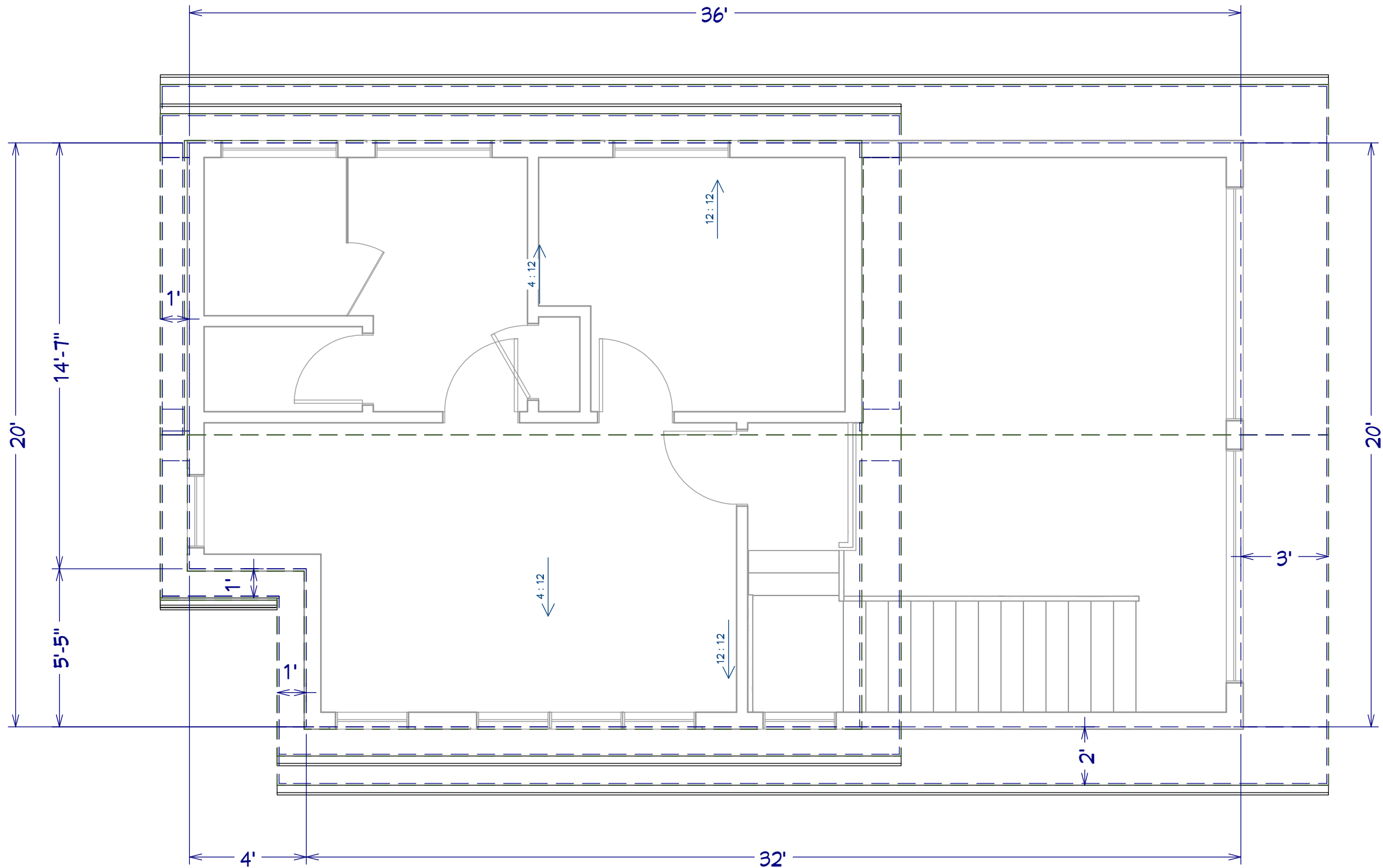
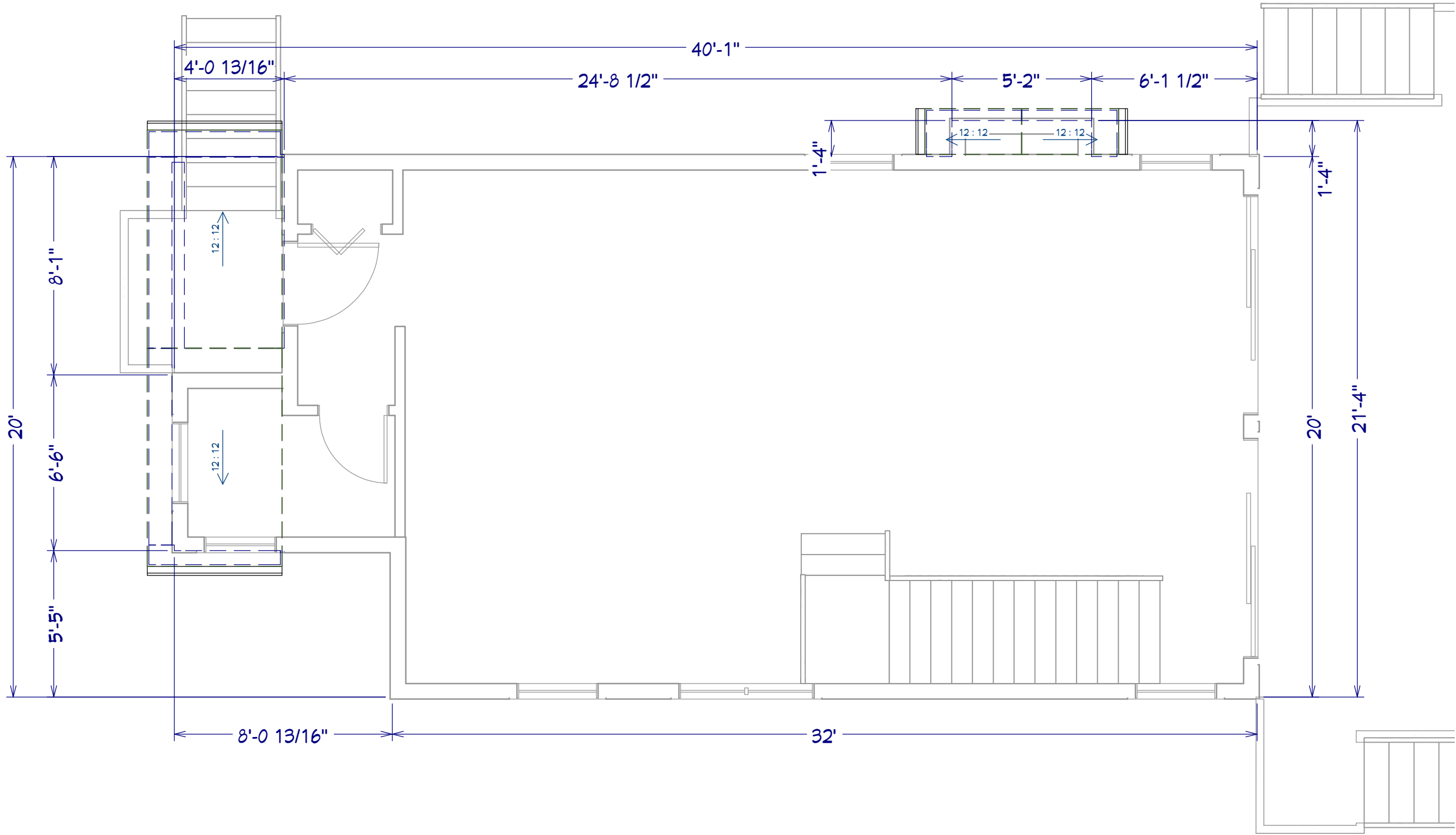
DATE:  
4-21-2025

SCALE:  
1/4"=1'

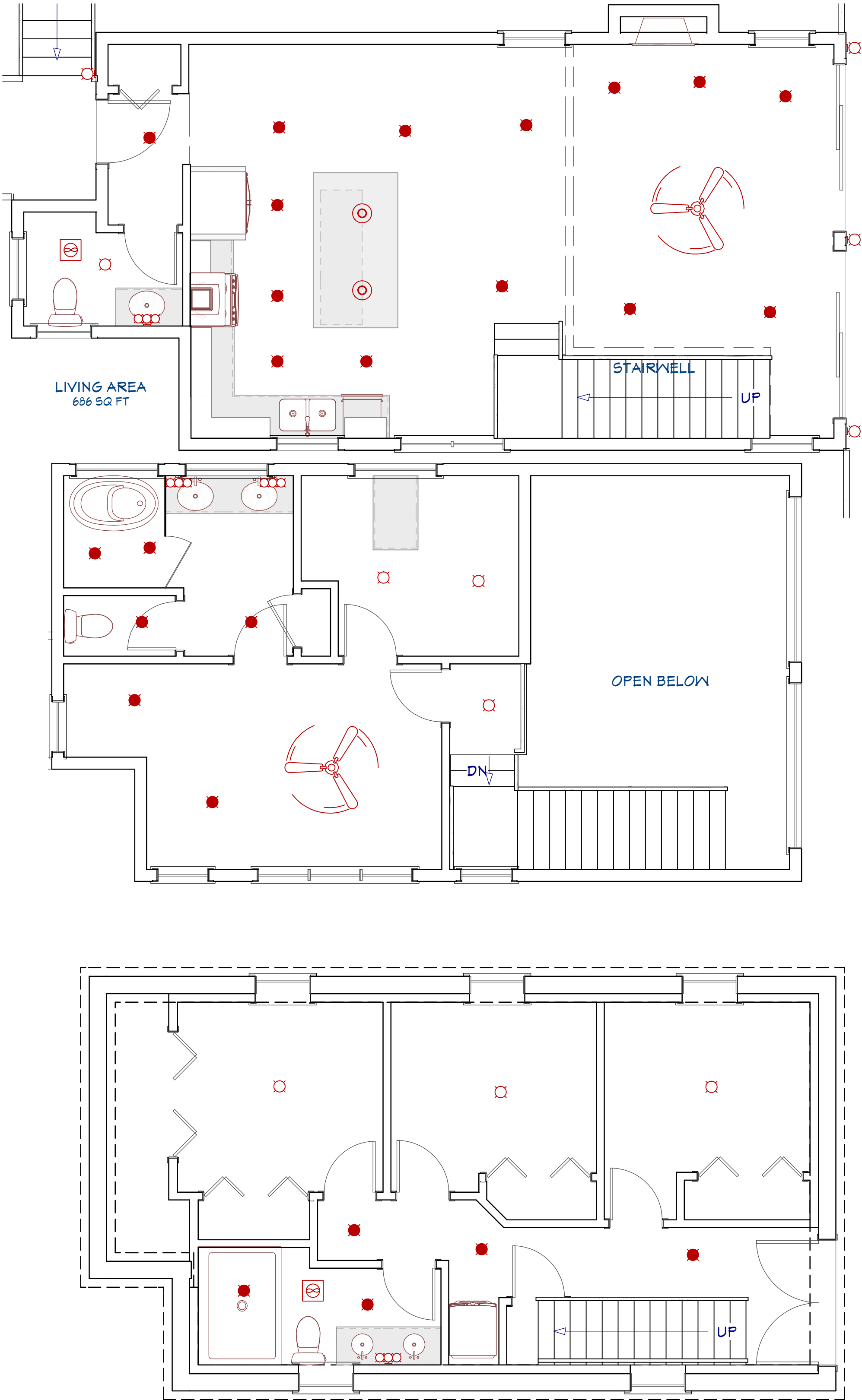
SHEET:  
A-4

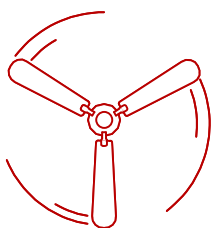












DRAWINGS PROVIDED BY:		PROPERTY OWNERS	SHEET TITLE:
CHOUNARD CUSTOM HOMES LLC		MIKE & MAGGIE FORSYTHE	ROOF PLAN
932 SUNRISE PARK ST		5405 WILDWOOD	
HOWELL, MI 48843		HOWELL, MI 48843	
DATE:			
4-21-2025			
SCALE:			
1/4"=1'			
SHEET:			
A-6			



ELECTRICAL SCHEDULE		COMMENTS
	3 BLADE CEILING FAN	
	EXHAUST FAN	
	MAIN STREET 3 LIGHT VANITY	
	RECESSED VAPOR LIGHT	
	TRADITIONAL FLUSH DOME	
	<a href="https://www.wayfair.com/mercury-row/C2%AE-ABAOKORO-1-LIGHT-MINI-PENDANT-MCRR6421.HTML?REFID=3D_CHIEFARCHITEC">HTTPS://WWW.WAYFAIR.COM/MERCURY-ROW/C2%AE-ABAOKORO-1-LIGHT-MINI-PENDANT-MCRR6421.HTML?REFID=3D_CHIEFARCHITEC</a>	
	OCEANSIDE SPHERICAL SCNCE	



# CERTIFIED SURVEY

**PROPERTY DESCRIPTION:**  
LAND SITUATED IN THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MICHIGAN IS DESCRIBED AS FOLLOWS:

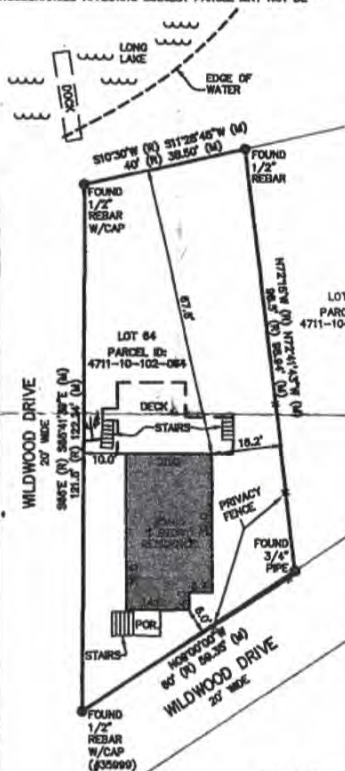
LOT 84: KIRK'S LANDING LONG LAKE SUBDIVISION, AS RECORDED IN LIBER 1 OF PLATS, PAGE 41 LIVINGSTON COUNTY RECORDS.

**NOTES:**

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE, EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



SCALE: 1"=20'



**LEGEND**

- SET 1/2" REBAR WITH CAP, #53409
- FOUND MONUMENT (AS NOTED)

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

DANIEL J. JACKSON, P.S. NO. 53409



**KEM-TEC & ASSOCIATES**

22556 GRATIOT AVE. EASTPOINTE, MI 48021  
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS  
(586)772-2222 \* FAX (586)772-4048

CERTIFIED TO: MAGGIE FORSYTHE

FIELD SURVEY: SJ MK

DATE: APRIL 4, 2018

DRAWN BY: HS

SHEET: 1 OF 1

SCALE: 1" = 20'

JOB NO.: 18-00880



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

## MEMORANDUM

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Carrie Aulette, Zoning Official  
**DATE:** May 5, 2025  
**RE:** ZBA 25-10

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**File Number:** ZBA# 25-10

**Site Address:** 5405 Wildwood Drive Howell MI, 48843

**Parcel Number:** 4711-10-102-064

**Parcel Size:** 0.116 acres

**Applicant:** Tim Chouinard/Mike & Maggie Forsythe

**Property Owner:** Forsythe Family Living Trust

**Information Submitted:** Application, site plan, building plans

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a front yard setback variance to demolish a home and rebuild a new home on the existing foundation.

**Zoning and Existing Use:** LRR (Lake Resort Residential), Single Family Residential

**Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday May 4, 2025 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 built in 1930.
- Permits were issued in 2024 to finish the basement & remodel the interior.
- Once work commenced it was found that the home was unable to be repaired as it currently stood.
- The property is serviced by public sewer and a private well.
- See Record Card.

**SUPERVISOR**

Kevin Spicher

**CLERK**

Janene Deaton

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

**MANAGER**

Kelly VanMarter



### Summary

The applicant proposes to demolish the existing residence while retaining the current foundation. A new home will be constructed atop this foundation. Additionally, the existing front and waterside decks are to remain in place. To proceed with the proposed construction, the applicant is seeking relief from the front yard setback requirement. The new structure will conform to all applicable side yard and shoreline setback regulations for the lot.

Applicant has consulted with staff to determine the least amount necessary for a variance request.

### Variance Requests

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

#### **Section 03.04.01 Residential Schedule of Area and Bulk Requirements.**

##### **Lakeshore Resort Residential (LRR)**

***Required Front Yard Setback: 35'***

**Proposed Front Yard Setback: 6'**

**Proposed Variance Amount: 29'**

### **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 requirement would prevent construction of the proposed home. The applicant is not seeking a variance that exceeds the existing conditions on the property. Additionally, several neighboring homes exhibit similarly reduced front yard setbacks. Granting this variance would provide substantial justice to the applicant and is essential to preserving and enjoying a significant property right that is consistent with those held by other properties within the same zoning district and surrounding area.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the narrow and small area of the lot. The variance request appears to be the least amount necessary. The variance request is not self-created.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would be of value to the neighboring homes and area by allowing the applicant to build a newer, safer, code compliant structure. Keeping the existing foundation will provide less disturbance to the area.

**Recommended Conditions**

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

1. Structure must be guttered with downspouts.







Aug 2-1918  
A. L. Hannon

Original

PLAT  
of  
**"KIRK'S LANDING  
LONG LAKE"**

Genoa Twp. Livingston Co. Mich.

Dedication

KNOW ALL MEN BY THESE PRESENTS, That we, John Kirk as proprietor, and Eva B. Kirk, his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Kirk's Landing" Long Lake, Genoa Twp. Liv. Co. Mich. and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of

John Kirk [L.S.]  
Eva B. Kirk [L.S.]

STATE of MICHIGAN } ss.  
County of Livingston }

On this 20 day of July 1918, before me a Notary Public in and for said county, personally came the above named John Kirk and Eva B. Kirk, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

John A. Hannon  
Notary Public Livingston Co. Mich.

My commission expires March 14, 1918.

Description

Beginning on the E & W 1/4 line 156.7 E. of the SW corner of the S.E. 1/4 of the N.W. 1/4 of Sec. 10, T.2 N. R.5 E. Mich, thence N. 20° thence N. 62° 30' E. 337'; thence N. 52° 30' E. 458'; thence S. 81° 30' E. 151'; thence S. 58° 30' E. 255'; thence S. 14° W. 12.8'; thence S. 10° 30' W. 140'; thence S. 23° 30' E. 72.10 to the E & W 1/4 line at a point 151' W. of the center of Sec. 10; thence N. 89° 30' W. 1012.3 on said 1/4 line to beginning.

Office of the County Treasurer Liv. County.  
Howell Mich July 26, 1918.

I hereby Certify that there are no tax liens or titles held by the State on the lands described above and that there are no tax liens or titles held by individuals on said lands for the five years preceding the day of July 1918, and that the taxes for said period are paid, as shown by the records of this office.

Oliver H. Bradley  
County Treasurer.

Certificate of Surveyor  
I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments, consisting of 3/4"x18" gas pipe have been planted at points marked thus o as thereon shown at all angles in the boundaries of the land platted, and at all intersections of streets, drives and alleys. All drives are 20 wide. Grant H. Dunning  
Surveyor.

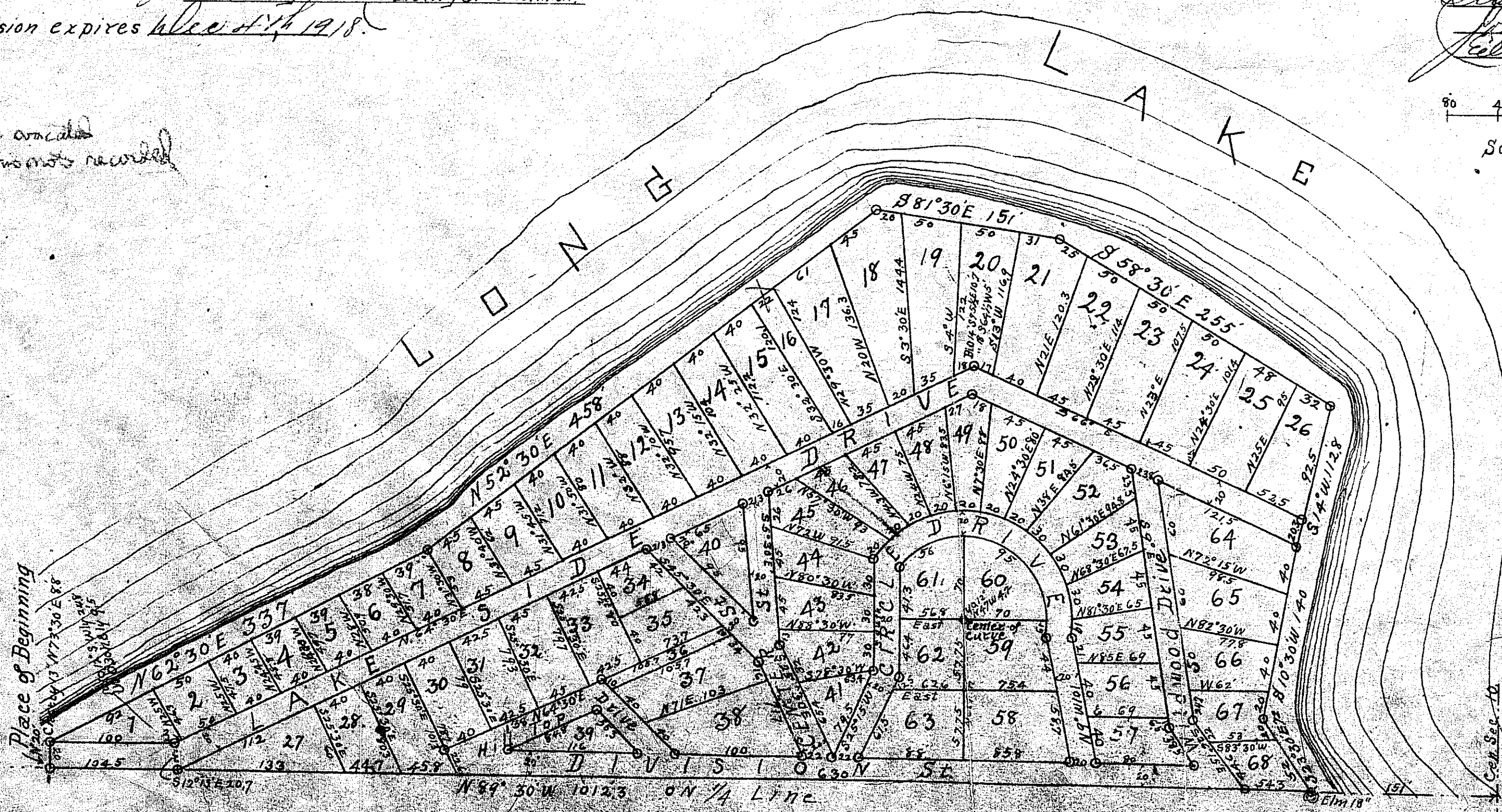
This plat was approved by the Genoa Township Board at a meeting held July-23 1918.

Carl Herbst  
Township Clerk.

This plat was approved by the County Board on the 27 day of July 1918.

Ernest A. Stowe Judge of Probate.  
John A. Hannon County Clerk.  
Oliver H. Bradley County Treasurer.

Scale of Feet, 1" = 80'



Received for record the 3rd day of Aug A. D. 1918 at 10 o'clock A.M. recorded in Leifer one Plat on Page 41 E. J. Dunning

2-1 road is located  
on 12.22 1/2 miles recorded

Post  
1/4 SW corner of S.E. 1/4 of NW 1/4 Sec. 10  
T.2 N. R.5 E. Mich.



Grantor	Grantee	Sale Price		Sale Date	Inst. Type	Terms of Sale		Liber & Page	Verified By	Prcnt. Trans.			
FORSYTHE MARGARITA	FORSYTHE FAMILY LIVING TRU	0		06/26/2024	QC	14-INTO/OUT OF TRUST		2024R-012237	BUYER/SELLER	0.0			
SMITH, THOMAS & BEVERLY	FORSYTHE MARGARITA	215,000		09/12/2017	WD	03-ARM'S LENGTH		2017R-029908	BUYER/SELLER	100.0			
WELDAY, DONALD JR. & BARBA	SMITH	160,000		01/02/2001	WD	03-ARM'S LENGTH		29020046	BUYER/SELLER	100.0			
Property Address		Class: RESIDENTIAL-IMPROV			Zoning: LRR		Building Permit(s)		Date	Number	Status		
5405 WILDWOOD DR		School: HOWELL PUBLIC SCHOOLS			Interior Work/Repairs		07/08/2024		PW24-091				
		P.R.E. 0%			Basement Finish		06/24/2024		PW24-080				
Owner's Name/Address		MAP #: V25-10			WOOD DECK		05/23/2018		P18-084	NO START			
FORSYTHE FAMILY LIVING TRUST 555 REED ST NORTHVILLE MI 48167-1157		2026 Est TCV 292,143 TCV/TFA: 434.09			REROOF		09/24/2007		W07-073	NO START			
		X	Improved		Vacant	Land Value Estimates for Land Table 4300.4300 LAKE CHEMUNG LAKE FRONT							
		Public Improvements			* Factors *								
Tax Description		X	Dirt Road		Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
SEC. 10 T2N, R5E, KIRK'S LANDING LONG LAKE LOT 64 CORRECTION 8/2017			Gravel Road		A LAKEFRONT	40.00	110.00	1.0000	1.0000	3400	100		136,000
Comments/Influences			Paved Road		B SURPLUS LF	6.00	110.00	1.0000	1.0000	2300	100		13,800
			Storm Sewer		46 Actual Front Feet, 0.12 Total Acres Total Est. Land Value = 149,800								
		X	Sidewalk		Land Improvement Cost Estimates								
			Water		Description	Rate		Size % Good		Cash Value			
			Sewer		D/W/P: Brick on Sand	18.66		260 50		2,426			
			Electric		D/W/P: Brick on Sand	18.66		175 50		1,633			
			Gas		Wood Frame	40.63		24 50		487			
			Curb		Total Estimated Land Improvements True Cash Value = 4,546								
			Street Lights										
			Standard Utilities										
			Underground Utils.										
			Topography of Site										
		X	Level										
			Rolling										
			Low										
			High										
		X	Landscaped										
			Swamp										
			Wooded										
			Pond										
		X	Waterfront		Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value		
			Ravine										
			Wetland										
			Flood Plain										
		X	REFUSE										
		Who	When	What	2026	74,900	71,200	146,100			123,180C		
4711-10-102-064 10/31/2024		JB	10/31/2024	INSPECTED	2025	74,900	71,200	146,100			123,180C		
The Equalizer. Copyright (c) 1999 - 2009.		JB	10/03/2018	INSPECTED	2024	64,500	69,100	133,600			119,477C		
Licensed To: Township of Genoa, County of Livingston, Michigan		JB	10/11/2017	REVIEWED R	2023	64,500	64,400	128,900			113,788C		

4711-10-102-06410/31/2024

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



Building Type				(3) Roof (cont.)				(11) Heating/Cooling				(15) Built-ins				(15) Fireplaces				(16) Porches/Decks				(17) Garage			
X	Single Family Mobile Home Town Home Duplex A-Frame			Eavestrough Insulation 0 Front Overhang 0 Other Overhang				X	Gas Wood		Oil Coal		Elec. Steam	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System				Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth 1 Wood Stove Direct-Vented Gas				Area 426 32	Type Red Wood/Cedar Treated Wood	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ?: Auto. Doors: Mech. Doors: Area: % Good: Storage Area: No Conc. Floor:			
X	Wood Frame			(4) Interior				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				Class: C Effec. Age: 40 Floor Area: 673 Total Base New : 154,473 Total Depr Cost: 96,026 Estimated T.C.V: 137,797				E.C.F. X 1.435				Bsmnt Garage: Carport Area: Roof:							
Building Style: C				Trim & Decoration																							
Yr Built 1930	Remodeled 0			Ex	X	Ord																		Min			
Condition: Good				Size of Closets																							
Room List				Doors: Solid X H.C.				Central Air Wood Furnace				Cost Est. for Res. Bldg: 1 Single Family C (11) Heating System: Forced Heat & Cool Ground Area = 673 SF Floor Area = 673 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=60/100/100/100/60 Building Areas Stories Exterior Foundation Size 1 Story Siding Basement 673 Total: 126,255 75,752  Other Additions/Adjustments Basement, Outside Entrance, Below Grade 1 2,650 1,590 Deck Red Wood/Cedar 426 8,801 8,625 *5 Treated Wood 32 1,454 872 Water/Sewer Public Sewer 1 1,547 928 Water Well, 200 Feet 1 11,124 6,674 Fireplaces Wood Stove 1 2,642 1,585 Unit-in-Place Cost Items CLASS D BSMNT ONLY 9 0 0 *5 Totals: 154,473 96,026				Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.435 => TCV: 137,797											
(5) Floors				(12) Electric																							
Kitchen: Other: Other:				0 Amps Service																							
No./Qual. of Fixtures																											
(1) Exterior				(6) Ceilings				No. of Elec. Outlets				Stories Exterior Foundation Size 1 Story Siding Basement 673 Total: 126,255 75,752  Other Additions/Adjustments Basement, Outside Entrance, Below Grade 1 2,650 1,590 Deck Red Wood/Cedar 426 8,801 8,625 *5 Treated Wood 32 1,454 872 Water/Sewer Public Sewer 1 1,547 928 Water Well, 200 Feet 1 11,124 6,674 Fireplaces Wood Stove 1 2,642 1,585 Unit-in-Place Cost Items CLASS D BSMNT ONLY 9 0 0 *5 Totals: 154,473 96,026				Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.435 => TCV: 137,797											
Wood/Shingle Aluminum/Vinyl Brick				No. of Elec. Outlets																							
Insulation																											
(2) Windows				(7) Excavation																							
X	Many Avg. Few	X	Large Avg. Small	Basement: 673 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 0.0				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				Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.435 => TCV: 137,797															
(8) Basement																											
Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens				Conc. Block Poured Conc. Stone Treated Wood Concrete Floor																							
(9) Basement Finish																											
(3) Roof				Recreation SF Living SF 1 Walkout Doors (B) No Floor SF Walkout Doors (A)				Public Water 1 Public Sewer 1 Water Well 1000 Gal Septic 2000 Gal Septic				Notes: ECF (4307 W. LK CHEMUNG LK FRONT) 1.435 => TCV: 137,797															
X	Gable Hip Flat	Gambrel Mansard Shed																									
Chimney: Brick				Joists: Unsupported Len: Cntr.Sup:				Lump Sum Items:																			
(10) Floor Support																											



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

Case # 25-11

Meeting Date: May 20, 2025 @ 6:30pm  
in Boardroom

☒ PAID Variance Application Fee

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

Applicant/Owner: TIM CHOUINARD/ DONALD AND MARYLEGAULT Email: TIMCHOUINARD@SBCGLOBAL.NET

Property Address: 1035 SUNRISE PARK ST HOWELL Phone: 517-404-6527

Present Zoning: LRR Tax Code: 4711-09-201-032

**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: THE VARIANCE WE ARE REQUESTING IS A 1'8" VARIANCE FROM THE  
REQUIRED 10' SETBACK TO ANOTHER STRUCTURE. WE ARE PROPOSING TO ADD A 12 X 32 AGING IN PLACE SUITE TO THE SIDE OF THE EXISTING  
STRUCTURE MAKING IT A THREE BEDROOM RANCH

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 PRACTICAL DIFFICULTY IS THE LOCATION OF THE NEIGHBORING HOUSE WHICH IS LESS THAN 3 FEET FROM THE PROPERTY LINE.

THE ADDITION WILL MEET SIDE SETBACKS FOR THE PROPRY BUT NOT TO THE NEIGHBORS HOME. GRANTING THE VARIANCE WOULD ALLOW THE OWNERS TO AGE IN PLACE IN THE HOME AND ON THE PROPERTY THEY LOVE, AND WILL BE SIMILAR TO ADJACENT PROPERTIES

**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 EXCEPTIONAL CIRCUMSTANCES FOR THIS PROJECT IS THE LOCATION OF A NEIGHBORING HOME AND WAS NOT SELF CREATED, GRANTING THE VARIANCE WILL MAKE THE PROPERTY CONSISTANT TO OTHER PROPERTIES IN THE VICINITY.

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

THE GRANTING OF THE VARIANCE WILL NOT IMPAIR ADEQUATE LIGHT OR AIR TO OTHER PROPERTIES WILL NOT INCREASE CONGESTION AND WILL DECREASE THE DANGER OF FIRE AND OTHER PUBLIC SAFTEY BY INSTALLING NEW CONSTRUCTION METHODS AND NEW FIRE ALARMS

**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.

GRANTING THE VARIANCE WILL NOT INTERFERE OR DISCOURAGE APPROPRIATE DEVELOPMENT, CONTINUED USE AND WILL INCREASE THE VALUE OF THE SURROUNDING NEIGHBORHOOD.

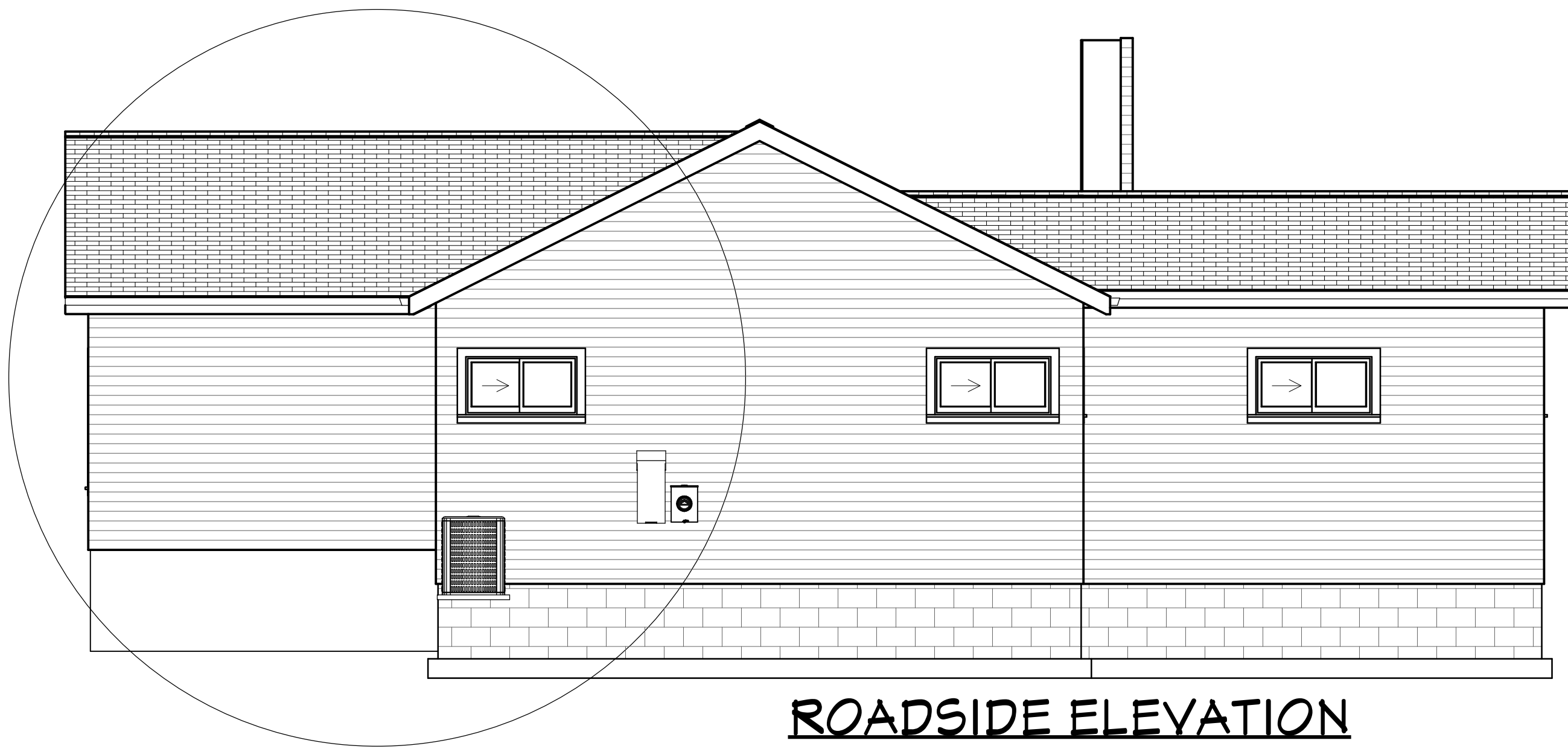
**Attendance by the applicant is required at the Zoning Board of Appeals meeting.**

**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).**

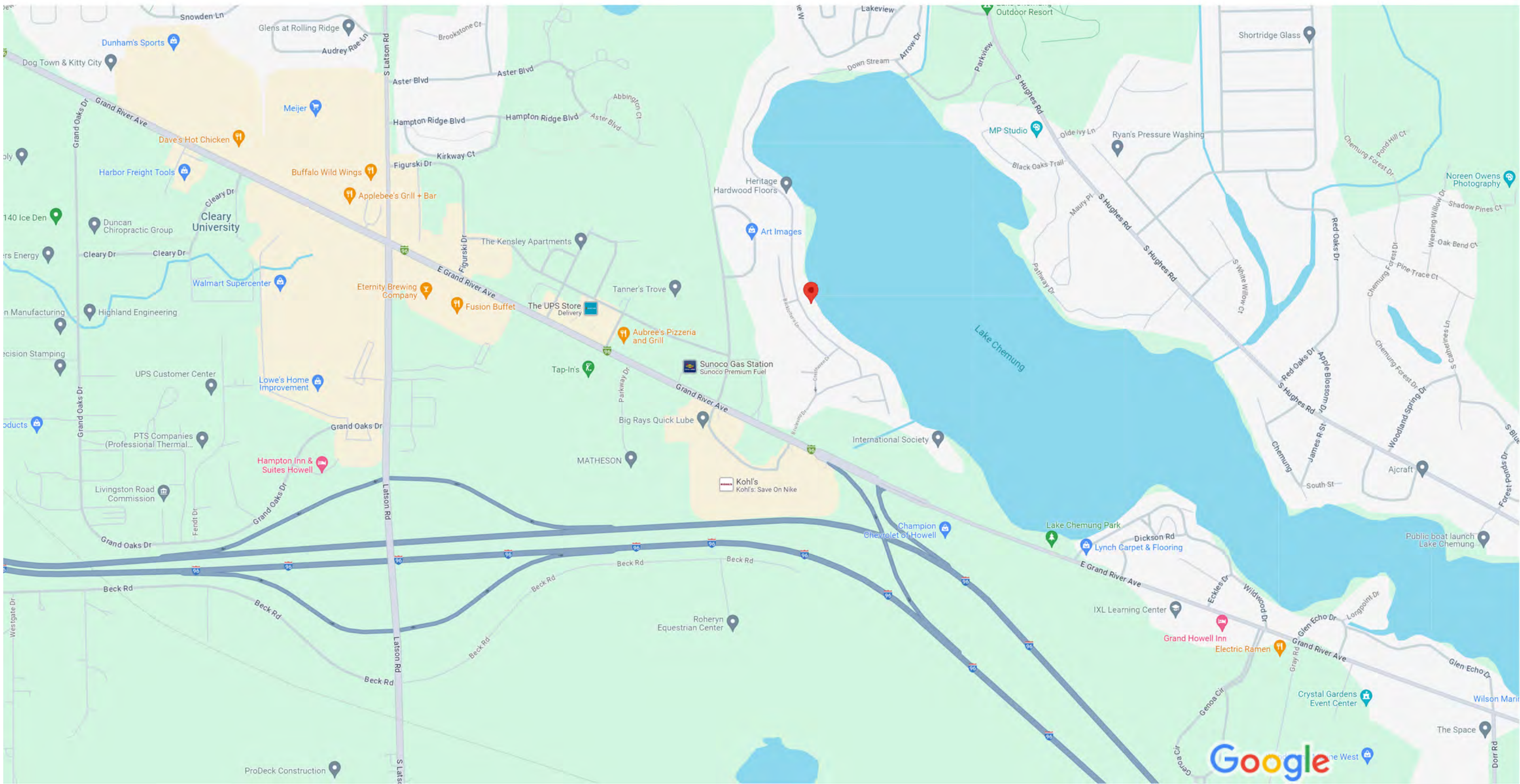
**After the decision is made regarding your Variance approval a land use permit will be required with additional site plans and construction plans.**

Date: 4-15-25 Signature: 





ROADSIDE ELEVATION

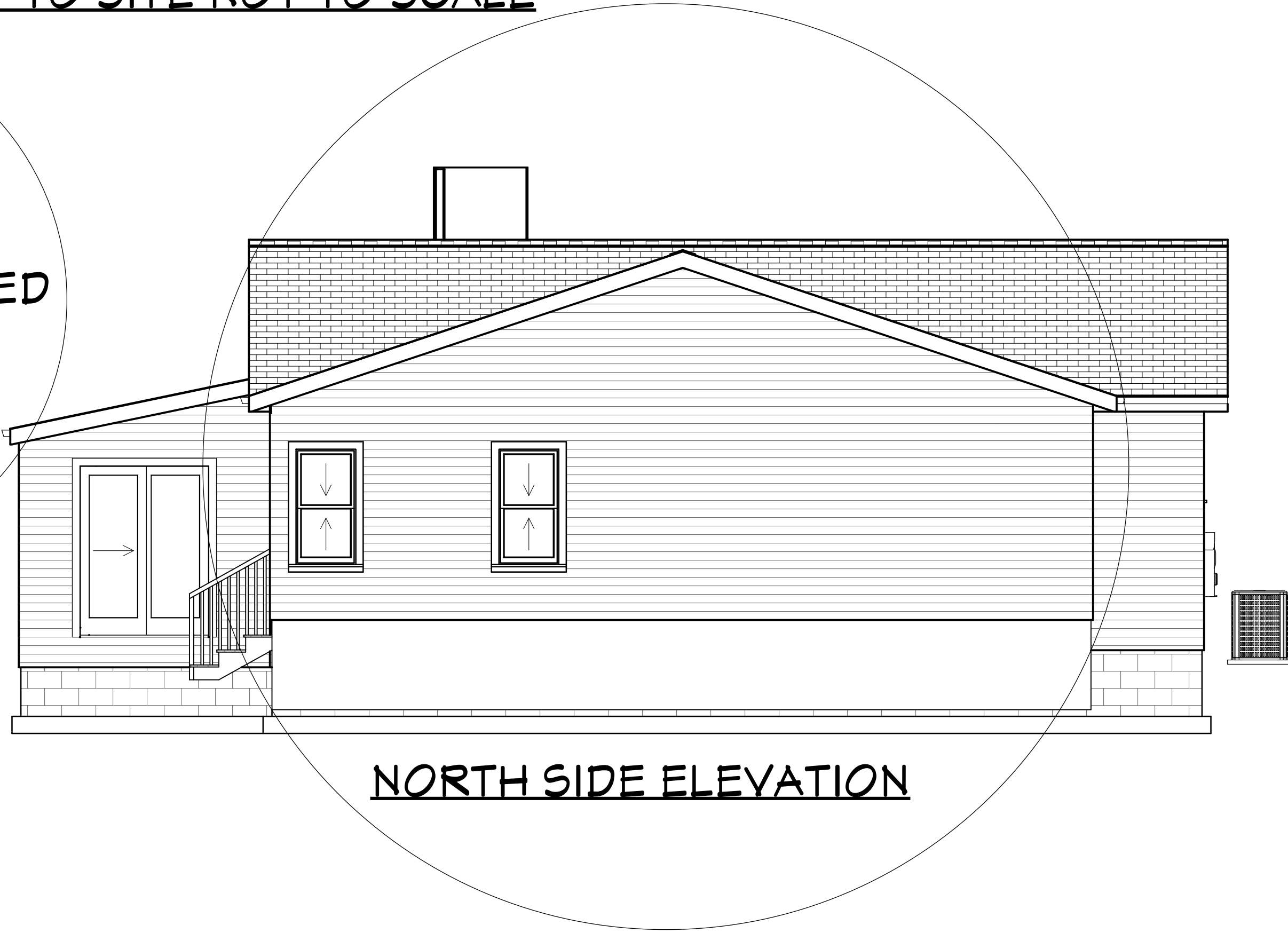


MAP TO SITE NOT TO SCALE

INDICATES PROPOSED  
ADDITION



LAKESIDE ELEVATION



NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION

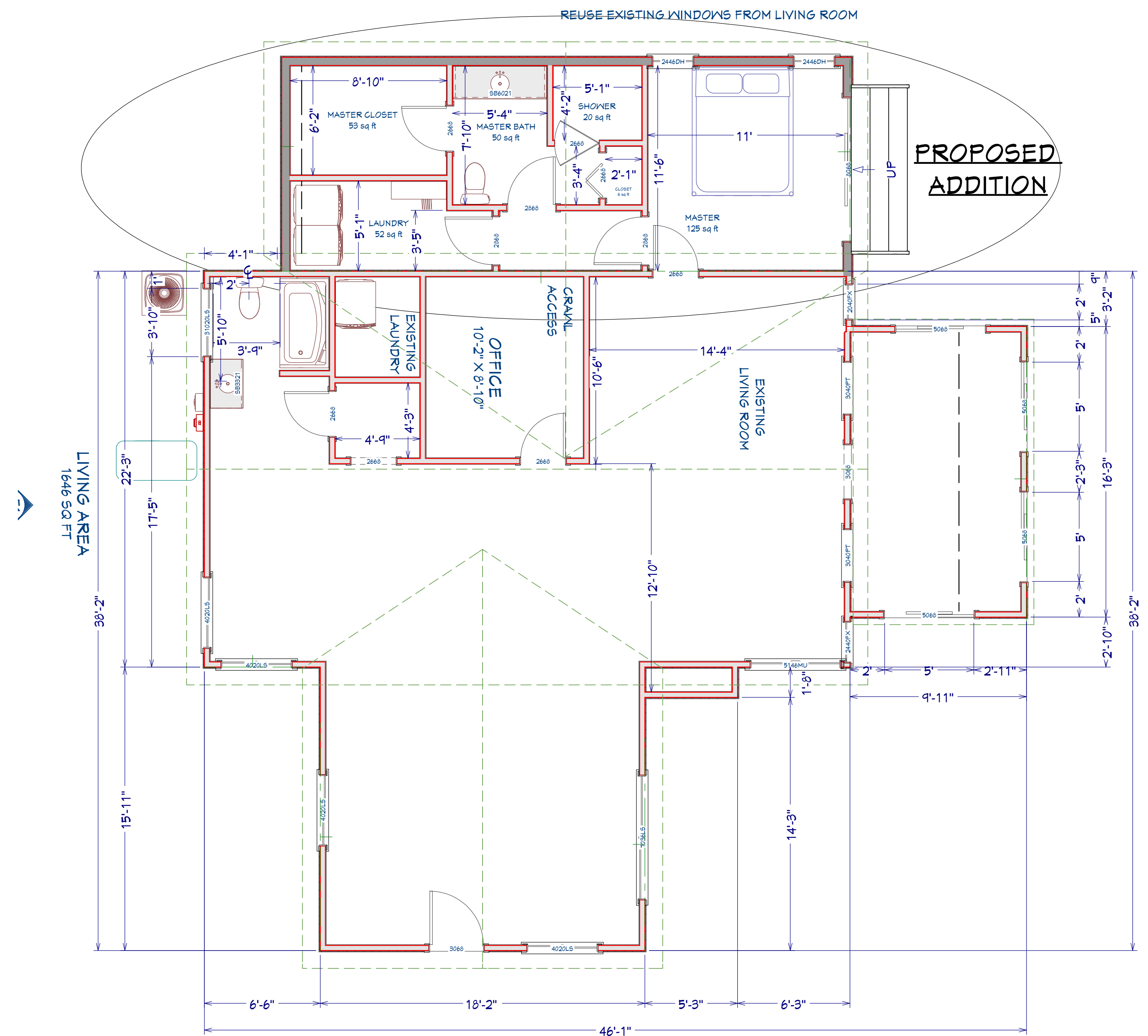
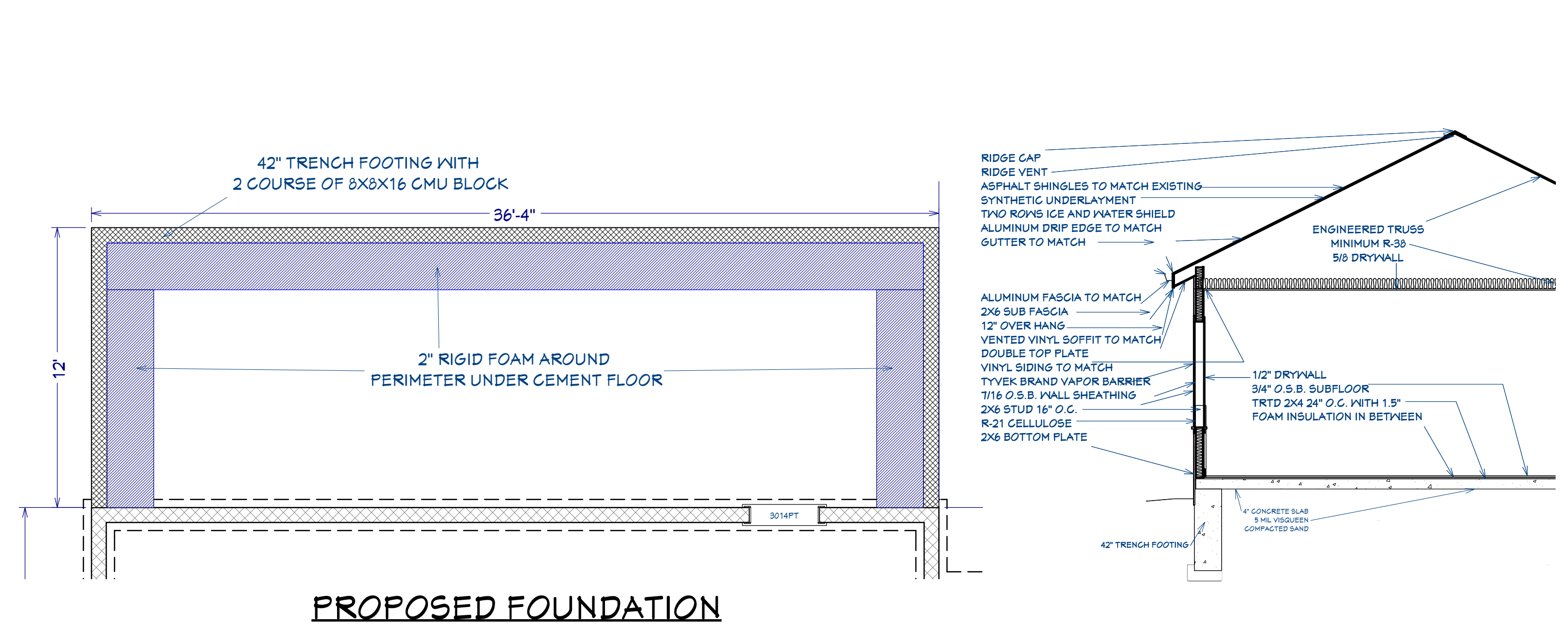
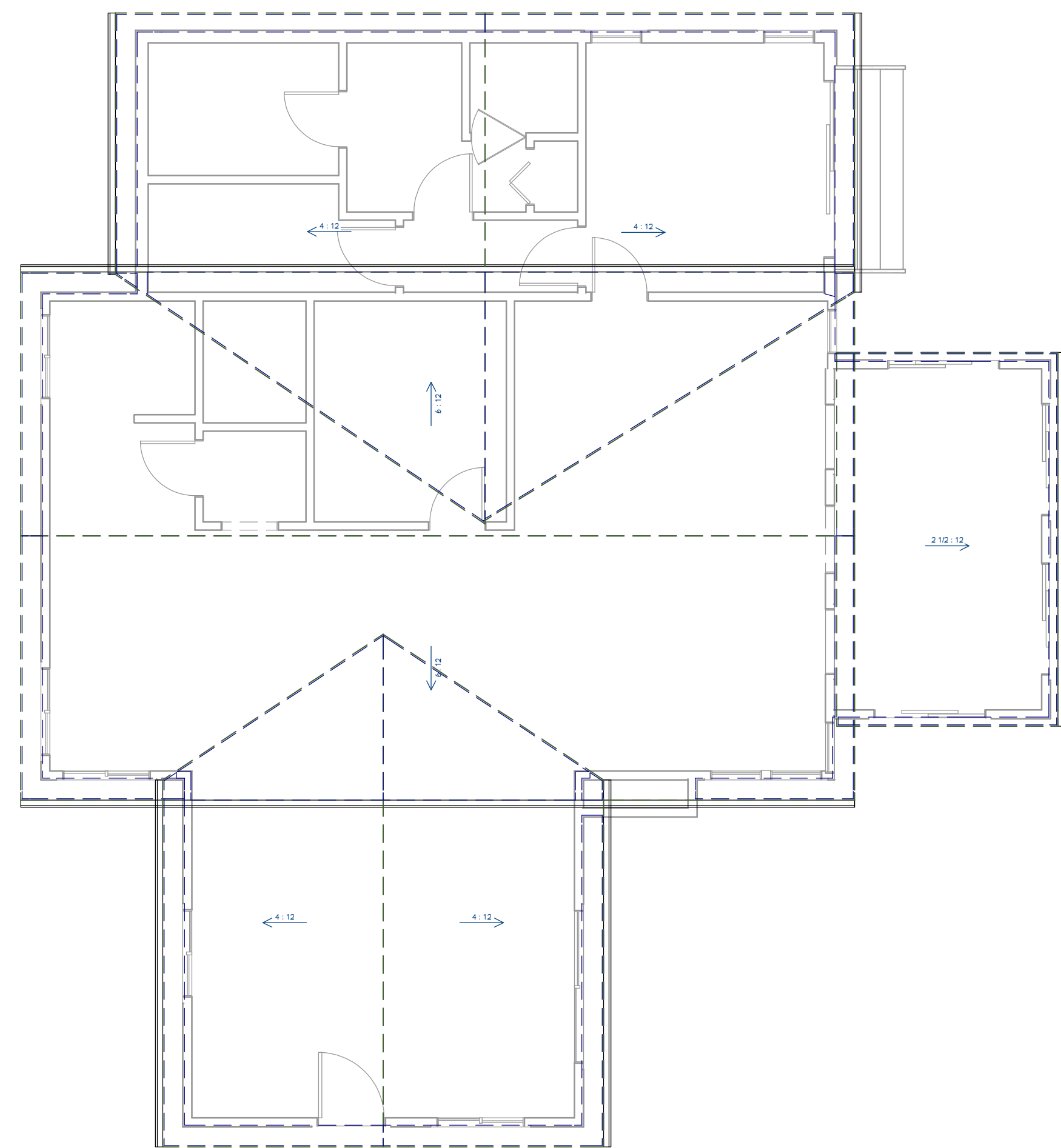
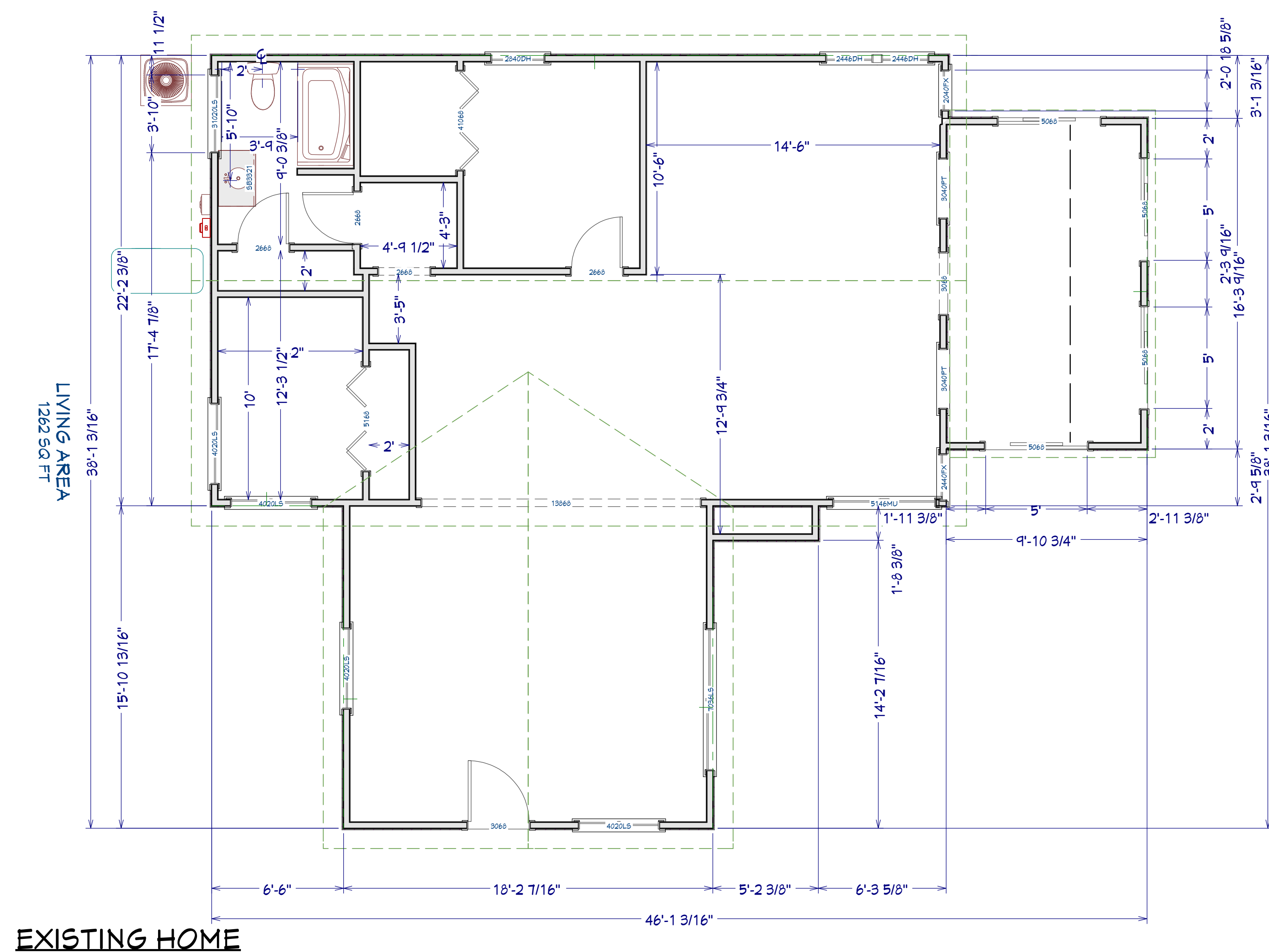
CONSTRUCTION NOTES

SOIL MUST BE TESTED BY ENGINEER SILTY SOILS ARE  
PRESENT IN THIS AREA

LARGE STUMP MUST BE REMOVED ON THE  
ROADSIDE OF PROJECT FILL HOLE SAND COMPACT EVERY 6"

NEWER ASPHALT DRIVEWAY MUST BE PROTECTED FROM  
TRUCKS AND EQUIPMENT







## PLOT PLAN

HOUSE AND FLOOR TO FLOOR DIMENSIONS ARE TO BE VERIFIED WITH DETAILED ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.

GENERAL SURVEY NOTES:

1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN UBER 12 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT EFFECTED ON THIS DRAWING MAY EXIST.
4. ELEVATIONS WERE ESTABLISHED WITH GPS USING OPUS GPS POST-PROCESSING. (NAVD83 DATUM)
5. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
6. PART OF SUBJECT PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN (ZONE A) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), FOR THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MICHIGAN, WITH A NUMBER 160303300, WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2008. ACCORDING TO THE FEMA MAP, ZONE A DOES NOT HAVE AN ESTABLISHED FLOODPLAIN ELEVATION. FEMA HAS ESTABLISHED A BASE FLOOD ELEVATION OF 961.5 (NAVD83 DATUM). THE BASE FLOOD ELEVATION CONVERTED FROM NAVD83 TO NAVD89 USING VERTCON CORRECTION IS 961.1. THE APPROXIMATE LOCATION OF FLOODPLAIN CONTOUR LINE OF 961.1 (NAVD83 DATUM) IS SHOWN ON THIS SURVEY.
7. THE LOCATIONS OF GAS MAIN & SANITARY SEWER, AS SHOWN ON THIS DRAWING ARE APPROXIMATE. THE LOCATIONS ARE BASED ON PHYSICAL FIELD LOCATIONS OF THE MAINS ALONG WITH DRAWINGS PREPARED BY MCANEE, PORTER & SEELEY AND MISS DIG MARKINGS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
9. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

**CURRENT ZONING: LRR (LAKEHORE SHORE RESIDENTIAL)**  
**MINIMUM SETBACK REQUIREMENTS PER GENOA TOWNSHIP ZONING ORDINANCE:**  
**FRONT: 35 FEET**  
**SIDES: 10 FEET**  
**(ONE OF THE SIDE YARDS MAY BE REDUCED TO A MINIMUM OF FIVE (5) FEET WHERE ALL THE FOLLOWING ARE MET):**  
1. The outer side yard must be at least ten (10) feet.  
2. The distance between the buildings and any building on the adjacent lot shall be no less than ten (10) feet.  
3. The roof shall have gutters.  
**REAR: 40 FEET**  
**NATURAL FEATURES/WETLANDS SETBACK = 25 FEET**  
**SHORELINE SETBACK FOR SITES CONNECTED TO PUBLIC SEWER:**  
Minimum 40 feet or more with the exception of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular lots, the setback shall be the average of lots within 500 feet along the shoreline or 40 feet whichever is the greater.  
**NOTE: THE DISTANCE FROM EXISTING HOUSE #1029 (LOCATED ADJACENT TO THE NORTH OF LOT 31) TO THE WATER'S EDGE IS 52 FEET, MORE OR LESS. THE DISTANCE FROM EXISTING HOUSE #1047 (LOCATED ADJACENT TO AND SOUTH OF LOT 31) TO THE WATER'S EDGE IS 49 FEET, MORE OR LESS. THE SHORELINE SETBACK REQUIREMENT FOR HOUSE #1029 IS 52 FEET, AND THE AVERAGE BETWEEN THE 2 ADJACENT HOUSES IS (52+49)/2 = 50.5 FEET.**  
**MINIMUM LOT AREA = 12,800 SQ.Ft.-1**  
**MINIMUM LOT WIDTH = 80 FEET**  
**MAXIMUM BUILDING HT. = 25 FEET OR (2) STORIES**  
**MINIMUM LOT COVERAGE = .35% (BUILDING); .50% (IMPERVIOUS SURFACE)**  
**EXISTING LOT COVERAGE = .20% (BUILDING); 41.6% (IMPERVIOUS SURFACE)**

PROPERTY DESCRIPTION PER LIVINGSTON COUNTY TAX ROLL:

**PARCEL #4711-09-201-032** (1035 SUNRISE PARK DR.)  
SEC. 9 T2N, R5E, SUNRISE PARK LOTS 31 AND 32.

MORE PARTICULARLY DESCRIBED AS LOTS 31 AND 32 OF "SUNRISE PARK", A  
SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 9 AND A PART OF THE  
SOUTHEAST 1/4 OF SECTION 4, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY,  
MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE APPROXIMATE AND NO GUARANTEE IS EITHER COMMERCE OR OTHERWISE MADE BY THE CONTRACTOR THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR THE LOCATION AND ELEVATION OF ALL EXISTING UNDERGROUND UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY UTILITIES ARE LOCATED AT A DEPTH OR LOCATION DIFFERENT THAN SHOWN SIGNIFICANTLY FROM THE PLANS.



**BE BOSS** *Engineering*  
Engineers Surveyors Planners Landscape Architects  
3121 E. GRAND RIVER AVE.  
HOWELL, MT. 49843  
517.546.4836 FAX 517.548.1670

**1035 SUNRISE PARK DRIVE**  
**CHOUNARD CUSTOM HOMES**  
932 SUNRISE PARK DRIVE  
HOWELL, MI 48843  
517-546-6587

**PLOT PLAN**

## PLOT PLAN

1111

NO	BY	REVISION PER	DATE
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DRAWINGS PROVIDED BY:

DATE:  
5-3-2024

SCALE:

SHEET:  
A-3

1035 SUNRISE PARK ST  
HOWELL, MI 48843

CHOUINARD CUSTOM HOMES LLC  
932 SUNRISE PARK ST  
HOWELL, MI 48843

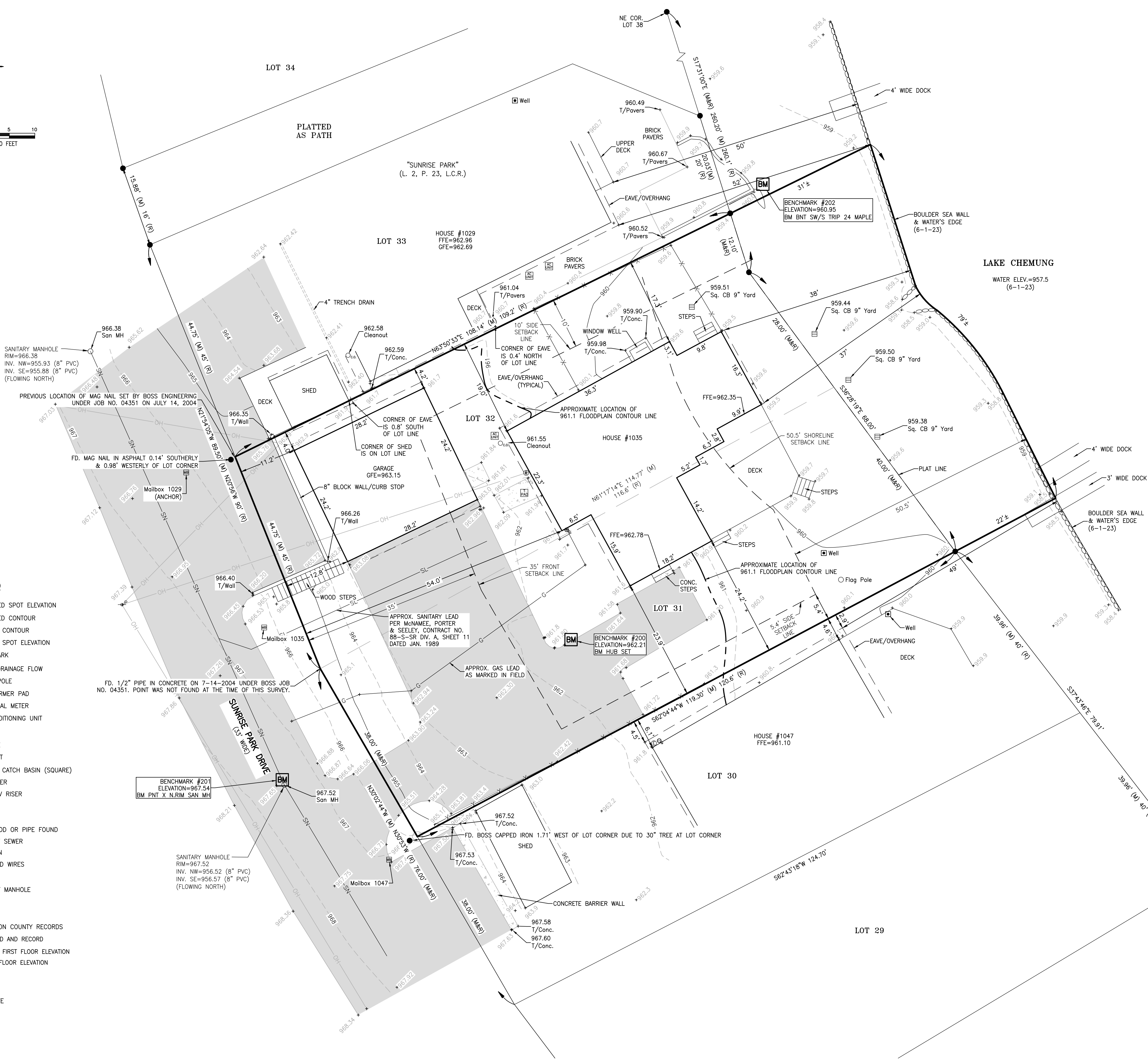
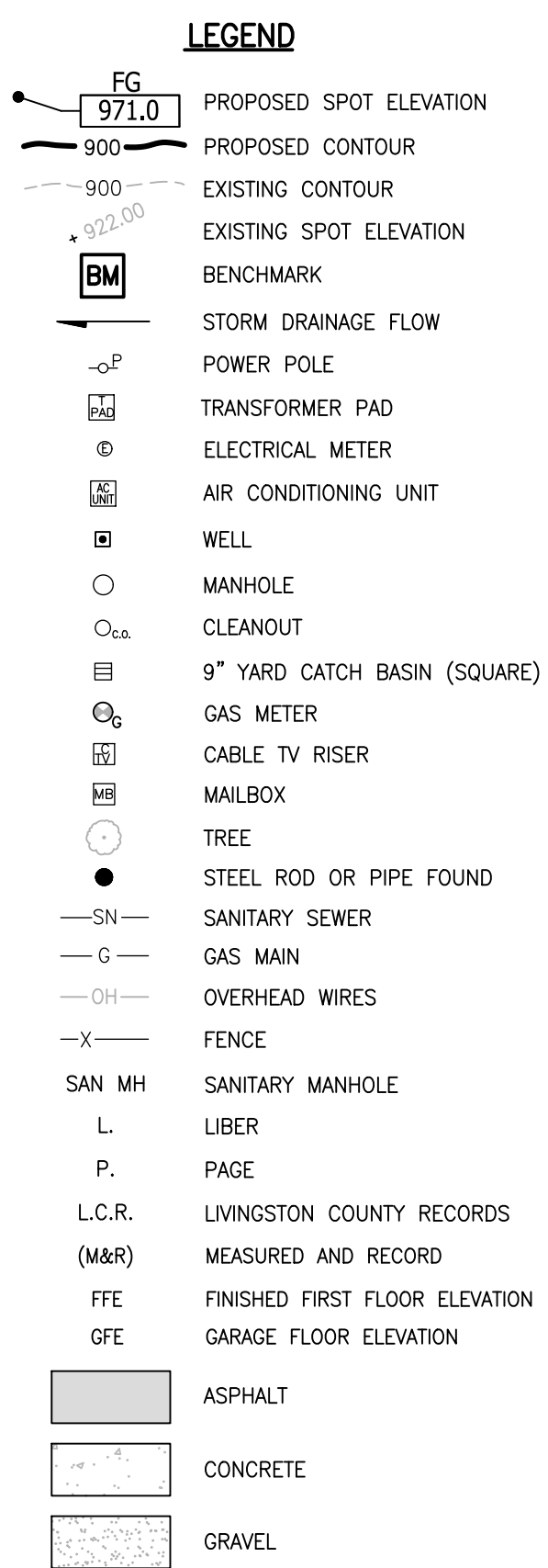
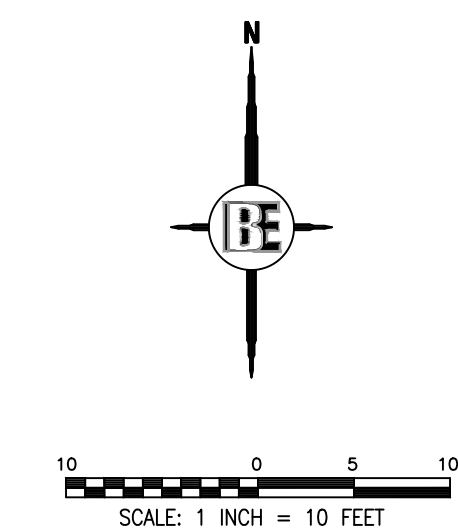
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G:\22-432\SURVEY\DWG\22-432\_PP.dwg, 6/8/2023 2:03:07 PM, andy

LEGAULT SITE PLAN BEFORE



HOUSE AND FLOOR TO FLOOR DIMENSIONS ARE TO BE VERIFIED  
WITH DETAILED ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.



1. BEARINGS WERE ESTABLISHED FROM THE PLAT OF "SUNRISE PARK", AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.
2. THE SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.
4. ELEVATIONS WERE ESTABLISHED WITH GPS USING OPUS GPS POST-PROCESSING. (NAVD88 DATUM)
5. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
6. PART OF SUBJECT PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN (ZONE A) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), FOR THE TOWNSHIP OF GENOA, LIVINGSTON COUNTY, MISS. MAP NUMBER 2609320330D, WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2008. ACCORDING TO THE FEMA MAP, ZONE A DOES NOT HAVE AN ESTABLISHED FLOODPLAIN ELEVATION. MDEQ HAS ESTABLISHED A BASE FLOOD ELEVATION OF 961.5' (NGVD29 DATUM). THE BASE FLOOD ELEVATION CONVERTED FROM NGVD29 TO NAVD88 USING THE DATUM CONVERSION IS 961.1'. THE APPROXIMATE LOCATION OF FLOODPLAIN CONTOUR LINE OF 961.1' (NAVD88 DATUM) IS SHOWN ON THIS SURVEY.
7. THE LOCATIONS OF GAS MAIN & SANITARY SEWER, AS SHOWN ON THIS DRAWING ARE APPROXIMATE. THE LOCATIONS ARE BASED ON PHYSICAL FIELD LOCATIONS OF STRUCTURES ALONG WITH DRAWINGS PREPARED BY McNAMEE, PORTER & SEELEY AND MISS DIG MARKINGS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY, THE COUNTY, AND THE STATE OF MICHIGAN.
9. ALLOW THREE WORKING DAYS BEFORE YOU DIG, CALL MISS DIG TOLL FREE 1-800-482-7171.

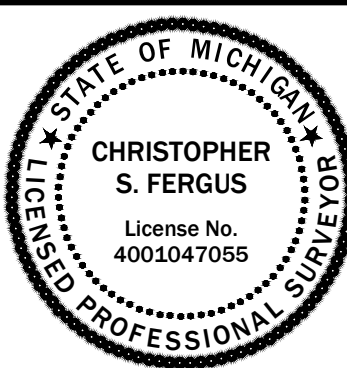
CURRENT ZONING: LRR (LAKEHORE RESORT RESIDENTIAL)  
MINIMUM SETBACK REQUIREMENTS PER GENOA TOWNSHIP ZONING ORDINANCE:  
FRONT: 15 FEET  
SIDES: 10 FEET  
(ONE OF THE SIDE YARDS MAY BE REDUCED TO A MINIMUM OF FIVE (5) FEET WHERE ALL THE FOLLOWING ARE MET):  
1. The outer side yard shall be at least ten (10) feet.  
2. The distance between the buildings and any building on the adjacent lot shall be no less than ten (10) feet.  
3. The roof shall have gutters.  
REAR: 40 FEET  
NATURAL FEATURES/WETLANDS SETBACK = 25 FEET  
SHORELINE SETBACK FOR SITES CONNECTED TO PUBLIC SEWER:  
Minimum 40 feet of setback with the minimum of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average lot width within 500 feet along the shoreline or 40 feet, whichever is the greater.  
NOTE: THE DISTANCE FROM EXISTING HOUSE #1029 (LOCATED ADJACENT TO AND NORTH OF LOT 32) TO THE WATER'S EDGE IS 52 FEET, MORE OR LESS. THE DISTANCE FROM EXISTING HOUSE #1047 (LOCATED ADJACENT TO AND SOUTH OF LOT 31) TO THE WATER'S EDGE IS 49 FEET, MORE OR LESS. THE SHORELINE SETBACK DISTANCE ESTABLISHED FOR HOUSE #1035 BY THE AVERAGE BETWEEN THE 2 ADJACENT HOUSES IS (52+49)/2 = 50.5 FEET

MINIMUM LOT AREA = 12,800 SQ.Ft.±  
MINIMUM LOT WIDTH = 80 FEET  
MINIMUM BUILDING HT. = 25 FEET OR (2) STORES  
MINIMUM LOT COVERAGE = 35% (BUILDING); 50% (IMPERVIOUS SURFACE)  
EXISTING LOT COVERAGE = 20.8% (BUILDING); 41.6% (IMPERVIOUS SURFACE)

PARCEL #4711-09-201-032 (1035 SUNRISE PARK DR.)  
SEC. 9 T2N, R5E, SUNRISE PARK LOTS 31 AND 32.

MORE PARTICULARLY DESCRIBED AS LOTS 31 AND 32 OF "SUNRISE PARK", A  
SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 9 AND A PART OF THE  
SOUTHEAST 1/4 OF SECTION 4, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY,  
MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS.

ON AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND ELEVATION OF EXISTING UTILITIES TO BE EXCAVATED. THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES OF THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES TO BE EXCAVATED PRIOR TO THE FIELD PRIOR TO THE EXCAVATION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY DISCREPANCY OR CONFLICT IS ENCOUNTERED OR IF THE LOCATION OR DEPTH DIFFERS FROM THAT SHOWN ON THE PLANS.



**BEBOSS**  
*Engineering*  
Engineers Surveyors Planners Landscape Architects  
3121 E. GRAND RIVER AVE.  
HOWELL, MI. 48843  
517 546 4836 FAX 517 548 1670

PROJECT: 1035 SUNRISE PARK DRIVE  
PREPARED BY: CHOUTINARD CUSTOM HOMES  
FOR: 932 SUNRISE PARK DRIVE  
HOWELL, MI 48843  
317-946-6587  
TITLE: PLOT PLAN

[illegible]



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

#### **SUPERVISOR**

Kevin Spicher

#### **CLERK**

Janene Deaton

#### **TREASURER**

Robin L. Hunt

#### **TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

#### **MANAGER**

Kelly VanMarter

## **MEMORANDUM**

**TO:** Genoa Township Zoning Board of Appeals  
**FROM:** Carrie Aulette, Zoning Official  
**DATE:** May 2, 2025  
**RE:** ZBA 25-11

---

**File Number:** ZBA# 25-11

**Site Address:** 1035 Sunrise Park

**Parcel Number:** 4711-09-201-032

**Parcel Size:** 0.220 acres

**Applicant:** Tim Chouinard/Donald & Mary Legault

**Property Owner:** Don & Mary Legault

**Information Submitted:** Application, site plan, building plans

**Request:** Dimensional Variance

**Project Description:** Applicant is requesting a setback to another structure variance and a shoreline setback variance to construct an aging in place suite to the side of an existing home.

**Zoning and Existing Use:** LRR (Lake Resort Residential), Single Family Residential

#### **Other:**

Public hearing was published in the Livingston County Press and Argus on Sunday May 4, 2025 and 300-foot mailings were sent to any real property within 300 feet of the property in accordance with the Michigan Zoning Enabling Act.

#### **Background**

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

- Per assessing records, there is no date built for the existing home. A detached garage was built in 2007, minutes in packet for the approved variance request.
- See Record Cards.
- The property is serviced by public sewer and a private well.

#### **Summary**

The applicant is proposing to construct an addition to the home. In order to construct the proposed addition, the applicant is required to request a setback variance from the neighboring home. The addition will be 8'4 ½" from the neighboring lots deck instead of the required 10'. The home meets the reduced side yard setback of at least 5'. The applicant is also requesting a shoreline setback variance of 49' instead of the required 50'5" (average of neighboring homes).

Applicant has consulted with staff to determine the least amount necessary for a variance request.

**Variance Requests**

The following are the various sections of the Zoning Ordinance that variances are being requested from:

**Section 03.04.02 (k) Residential Schedule of Area and Bulk Requirements.**

**LRR Side Yards:** In the LRR Zoning District one of the side yards may be reduced to a minimum of five (5) feet where all of the following are met:

(2) The distance between the building and any building on the adjacent lot shall be no less than ten (10) feet.

**Required Distance to Structure on Adjacent Lot:** 10'

**Proposed Distance to Structure on Adjacent Lot:** 8' 4.5"

**Proposed Variance Amount:** 1' 7.5"

**Table 3.04.02 Shoreline Setbacks**

Sites connected to public sewer in Lakeshore Resort Residential Dist.	Minimum 40 feet or consistent with the setbacks of adjacent principal buildings, whichever is greater as determined by the Zoning Administrator. If the setbacks of adjacent principal buildings vary because of irregular shoreline, the setback shall be the average of all lots within 500 feet along the shoreline or 40 feet whichever is the greater.
---	---

**Required Shoreline Setback:** 50' 6"

**Proposed Shoreline Setback:** 49'

**Proposed Variance Amount:** 1' 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 distance to a structure on the adjacent lot would prevent the applicant from constructing the addition. There are other homes in the vicinity that have reduced setbacks. Granting of this variance would do substantial justice to the applicant 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 in the vicinity of the subject parcel.
- (b) Extraordinary Circumstances** – The exceptional or extraordinary condition of the property is the location of the neighboring home not meeting the required side yard setbacks. The proposed addition meets the side yard setback for LRR but not the 10' to the neighbor's home. Due to an irregular shoreline, an average of the neighboring homes is used to determine the shoreline setback. The variance request appears to be the least amount necessary. The variance request is not self-created.
- (c) Public Safety and Welfare** – The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- (d) Impact on Surrounding Neighborhood** – The proposed variance would have 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 request staff recommends the following conditions be placed on the approval:

1. Structure must be guttered with downspouts.

**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
May 22, 2007**

**MINUTES**

Chairman Doug Brown called the regular meeting of the Zoning Board of appeals to order at 6:30 p.m. at the Genoa Township Hall. The Pledge of the Allegiance was then said. The following board members were present constituting a quorum for transaction of business: Doug Brown , Steve Wildman, Kevin Brady, and Joe Perri . Also present was Township staff member Adam Van Tassell and approximately 7 persons in the audience.

Chairman Brown gave a brief introduction of the board members and on why the Zoning Board of Appeals exists.

Moved by Brady, supported by Wildman, to approve the agenda as presented. **Motion carried unanimously.**

A call to the public was made for non Agenda items with no response.

**07-08...A request by Chris Halliday, Section 4, 630 Sunrise Park, for two side yard variances to construct an addition.**

Mr. Halliday stated he had redone his drawings to remove the need to for a side yard variance on the west side

A call to the public was made with no response.

Moved by Perri, supported by Brady, to allow a side yard variance of 2'9" for a setback of 7'3"

with the following findings of fact: Property is narrow and irregularly shaped.

**Motion carried unanimously.**

**07-09...A request by William and Mary LeGault, Section 9, 1035 Sunrise Park, for a front yard and side yard variance to construct a detached garage.**

A call to the public was made with no response.

Moved by Brady, supported by Perri, to allow a 5 foot side yard with a 5 yard setback and 2 foot

front yard variance with an 8 foot setback with the following findings of fact: the unusual topography of the lot. In addition, it preserves the characteristics of the neighborhood.

The

approval is conditioned upon the guttering of the garage.

**Motion carried unanimously.**

**Moved** by Brady, supported by Wildman, to approve the Zoning Board of Appeals minutes from

the April 17, 2007 meeting with correction of adding "topography" to the Spicher findings of

fact. **Motion carried unanimously.**

The meeting adjourned at 7:11pm.

Respectfully submitted:

Adam VanTassell



**GENOA TOWNSHIP  
ZONING BOARD OF APPEALS  
DECEMBER 13, 2005  
6:30 P.M.**

**MINUTES**

parking available for this lot and there is already a problem with this area in regards to parking on the road. All the homes in this area are on multiple lots and in regards to lot 115, he is already having problems with construction. Clark Lake Road was not constructed in the right place. It should have been placed closer to the lake. Mr. Neil Kandler- 1475 Clark Lake Road, there is a problem with cars being parked in the road and cars crashing thru our fence. It has happened so many times that the insurance company is not going to insure our fence anymore. Also, the house that he is currently building has been red flagged.

**Moved** by Figurski, supported by Perri, to deny petitioner's request for 05-45 on Clark Lake Road to split lots 113 and 114. The reason would be creating further non-conforming lots. Also, there was no practical difficulty and or hardship associated with the property. **Motion carried unanimously.**

**05-46...A request by Bill LeGault, Section 9, 1035 Sunrise Park Drive, for a front yard variance and rear yard variance to construct a new home.**

A call to the public was made with no response.

**Moved** by Figurski, supported by Wildman, to grant case# 05-46 at 1035 Sunrise Park Drive, for a 26' front yard variance with a 9 foot setback, 12.5' rear yard variance with a 27'.5" setback and a 9' waterfront variance with a 50' setback to construct a new home and attached garage. The practical difficulty is the topography of the lot and the house shall be guttered and two sheds will be removed prior to construction of the garage. **Motion carried unanimously.**

**05-47...A request by Raymond Gage, Section 21, 4894 Stillmeadow, for two front yard variances to construct an addition.**

A call to the public was made with following response: Mr. Gage read into the record letters from the neighbors. The following letters were read:

I, JoAnn Roelofs of 4916 Stillmeadow, believe that Ray Gage should be able to add a 3<sup>rd</sup> bay to his garage. It is a reasonable request as most the homes in this neighborhood have 3+ car garages. Furthermore, I would add that this would not have been an issue if this 3-car garage was built by Godair when the home was originally built in 1997. Godair would not have got a variance he would have simply built it. That is obvious by the number of homes that are currently not in compliance with the current PUD setbacks. You need to do the right thing and grant Ray a variance to allow him to accommodate his growing

ZBA 12-13-05 Approved Minutes

family needs and add value to his home. It is not going to impede any neighbors view and it will fit nicely with his home.

Marianne Augustyn- 3257 Mackenzie Ct., I support Ray, Patrice, Jack, Mitch, Mary and now baby Lea in their quest to expand their garage. For god's sake they need the room. Their recent home addition is beautiful and I'm sure the garage extension will be as well.  
Sharon Davis- 3979 Nicolette Drive, I have no problem with the Gage's adding on to





Sat Apr 6 2024

Imagery © 2025 Nearmap, HERE

10 ft

Nearmap



Approval  
This plat was approved by the Genoa Township Board at a meeting held June 7 1923  
Lillian L. Latham Township Clerk

This plat was approved on the 15 day of June 1923  
William L. Latham Judge of Probate  
John C. Latham County Clerk  
Pearl M. Latham County Treasurer

Register's Office } S. S.  
Livingston County }  
Received for record this 20th  
day of June A. D. 1923 at 4  
o'clock PM and recorded in Liber  
Two of Plate  
on Page 23  
G. J. Dunning Register.

# SUNRISE PARK

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN  
A Subdivision of A Part of the NE 1/4 of Sec. 9 and SE 1/4 of Sec. 4 T21 N R5 E.

## Dedication

Know ALL MEN BY THESE PRESENTS, That we Ernest Lawson as proprietor, and Kathryn M. Lawson his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "Sunrise Park" Genoa Township, Livingston County, Michigan. As shown on said plat, and that the paths, drives, land, and boulevard, as shown on said plat, are hereby dedicated to the lot owners.

Signed and Sealed in Presence of  
W. J. Gault  
G. H. Dunning

Ernest J. Lawson (LS)  
Kathryn M. Lawson (LS)

STATE OF MICHIGAN } S. S.  
County of Livingston }  
On this 4th day of June 1923 before me, a Notary Public in and for said County, personally came the above named Ernest J. Lawson and Kathryn M. Lawson, his wife, known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.  
My Commission expires Jan 31st 1927. Notary Public Livingston Co. Mich.  
Grant J. Dunning

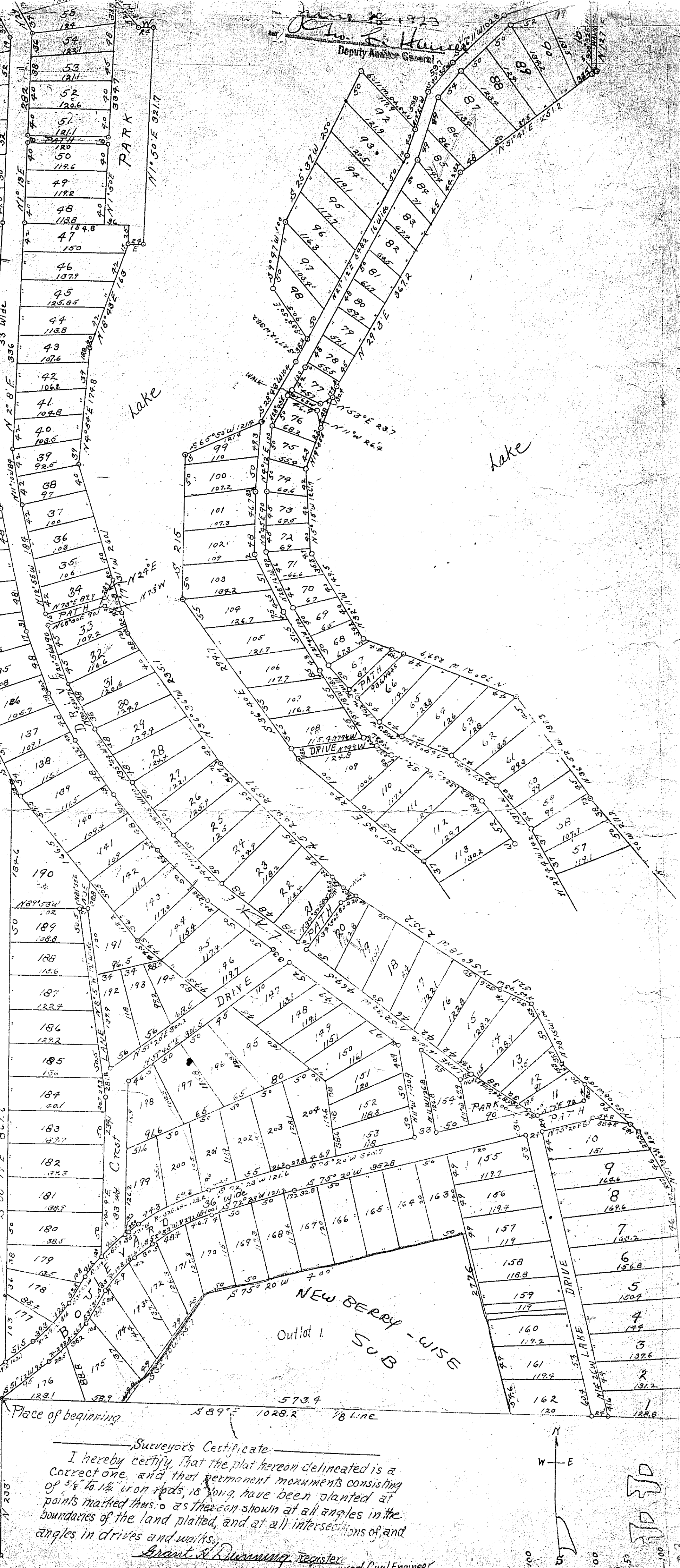
## Description of Land Platted

Beginning at the center of the NE 1/4 of Sec. 9 T21 N R5 E Mich; thence S89°E 1028.2' on 1/2 line; thence N6°10'W 345.5'; N3°36'W 100'; N50°08'W 154'; N28°15'W 100'; N65°43'W 52'; N56°18'W 275.2'; N45°20'W 259.7'; N36°36'W 235.1'; N7°31'W 260.1'; N7°52'E 174.8'; N18°46'E 163'; E 24'; N1°50'E 321.7'; W 24'; N4°50'W 211.2'; N36°52'W 187.3'; N70°21'W 239.9'; N23°11'W 149.5'; N5°15'W 126.7'; N19°55'E 130.4'; N29°3'E 367.2'; N1°19'E 251.2'; S72°20'W 145.5'; S46°11'W 102.8'; S40°35'W 59.7'; N43°45'W 117.9'; S25°37'W 250'; S0°47'W 100'; S3°50'E 90.5'; S27°12'W 38.2'; S28°43'W 104'; S65°50'W 121.4'; S215'; S36°40'E 294.7'; S31°35'E 240'; S37°39'E 146'; S4°26'; S12°45'E 271.5'; S27°10'E 146.5'; S00°17'E 861.6'; S52°49'W 506'; S14°51'W 215'; S60°E 104'; N23° to place of beginning.

## County Treasurer's Certificate

I hereby certify, that there are no tax liens or titles held by the State on the lands described above, and that there are no tax liens or titles held by individuals on said lands, for the five years preceding the 15th day of June 1923, and that the taxes for said period of five years are paid, as shown by the records on this office.  
Pearl M. Latham  
Livingston County Treasurer.

GRAND RIVER ROAD



Surveyor's Certificate  
I hereby certify, that the plat hereon delineated is a correct one, and that permanent monuments consisting of 5/8 to 1 1/2 iron rods, 16 long, have been planted at points marked thus: o as thereon shown at all angles in the boundaries of the land platted, and at all intersections of, and angles in drives and walks.  
Grant J. Dunning Register  
Red Civil Engineer



Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.							
LEGAULT W, PILARSKI D PEDD	LEGAULT W, PILARSKI D & PE	0	07/25/2005	QC	09-FAMILY	4866/0508	BUYER/SELLER	0.0							
LEGAULT W, PILARSKI D, PED	LEGAULT W, PILARSKI D, PEI	0	06/01/2005	QC	09-FAMILY	4821/0554	BUYER/SELLER	0.0							
LEGAULT W, PILARSKI D, PED	LEGAULT W, PILARSKI D PEDI	0	05/20/2005	QC	09-FAMILY	4812/0794	BUYER/SELLER	0.0							
LEGAULT, ETHEL	LEGAULT W, PILARSKI D, PEI	0	04/22/2005	QC	09-FAMILY	4784/0589	BUYER/SELLER	100.0							
Property Address		Class: RESIDENTIAL-IMPROV		Zoning: LRR	Building Permit(s)		Date	Number	Status						
1035 SUNRISE PARK		School: HOWELL PUBLIC SCHOOLS			GARAGE		05/24/2007	07-054	NO START						
		P.R.E. 100% 03/14/2018													
Owner's Name/Address		MAP #: V25-11													
LEGAULT W 1035 SUNRISE PARK HOWELL MI 48843		2026 Est TCV 426,721 (8,800 MCL 211.27													
		X Improved		Vacant	Land Value Estimates for Land Table 4300.4300 LAKE CHEMUNG LAKE FRONT										
		Public Improvements			* Factors *										
Tax Description		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.			Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value		
SEC. 9 T2N, R5E, SUNRISE PARK LOTS 31 AND 32					A LAKEFRONT	40.00	120.00	1.0000	1.0000	3400	100		136,000		
Comments/Influences					B SURPLUS LF	40.00	120.00	1.0000	1.0000	2300	100		92,000		
					80 Actual Front Feet, 0.22 Total Acres      Total Est. Land Value =      228,000										
		Topography of Site													
		Level Rolling Low High Landscaped Swamp Wooded Pond X Waterfront Ravine Wetland Flood Plain X REFUSE			Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value				
					2026	114,000	99,400	213,400			143,107C				
					2025	114,000	99,400	213,400			143,107C				
					2024	97,500	99,700	197,200			138,805C				
					2023	97,500	92,800	190,300			132,196C				
					Who      When      What										
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Genoa, County of Livingston, Michigan															

Building Type				(3) Roof (cont.)				(11) Heating/Cooling				(15) Built-ins				(15) Fireplaces				(16) Porches/Decks				(17) Garage					
X	Single Family Mobile Home Town Home Duplex A-Frame			0	Eavestrough Insulation Front Overhang 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 150 334	WGEP (1 Story) Composite		Year Built: 2007 Car Capacity: Class: C Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: Detache Foundation: 42 Inch Finished ?: Auto. Doors: 0 Mech. Doors: 0 Area: 672 % Good: 90 Storage Area: 0 No Conc. Floor: 0			
X Wood Frame				(4) Interior																									
Building Style: C				Drywall Paneled		Plaster Wood T&G																							
				Trim & Decoration																									
				Ex	X	Ord		Min																					
Yr Built 0	Remodeled 0							Ex	X	Ord		Min																	
Condition: Good				Size of Closets																									
				Lg	X	Ord		Small																					
Room List				Doors:			Solid	X	H.C.																				
	Basement 1st Floor 2nd Floor 2 Bedrooms			(5) Floors								(12) Electric																	
				Kitchen:								0 Amps Service																	
				Other:																									
				Other:																									
(1) Exterior				(6) Ceilings				No. of Elec. Outlets																					
X	Wood/Shingle Aluminum/Vinyl Brick									Many	X	Ave.		Few															
Insulation																													
(2) Windows				(7) Excavation																									
X	Many Avg. Few	X	Large Avg. Small	Basement: 0 S.F. Crawl: 1044 S.F. Slab: 0 S.F. Height to Joists: 0.0																									
	Wood Sash Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms & Screens			(8) Basement																									
					Conc. Block Poured Conc. Stone Treated Wood Concrete Floor																								
					(9) Basement Finish																								
(3) Roof																													
X	Gable Hip Flat		Gambrel Mansard Shed	Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)																									
X Asphalt Shingle				(10) Floor Support																									
Chimney: Brick				Joists: Unsupported Len: Cntr.Sup:																									


**GENOA CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
April 15, 2025 - 6:30 PM**

**MINUTES**

**Call to Order:** 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, Mike Hurley, Michele Kreutzberg, Bill Rockwell, Rick Soucy, and Carrie Aulette, Zoning Official.

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

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

**Conflict of Interest:** None

**Approval of the Agenda:**

**Moved** by Board Member Rockwell, supported by Board Member Kreutzberg, to approve the agenda as presented. **The motion carried unanimously.**

**Call to the Public:**

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

Chairperson McCreary reviewed the criteria necessary for a variance to be approved.

**OLD BUSINESS**

1. 25-04...A request by Steve Zacharias, 770 Sunrise Park, for front and rear yard variances, and any other variances deemed necessary by the Zoning Board of Appeals, to build a new single-family home with a deck.

Chairman McCreary stated that the applicant is only required to obtain one variance, a 23-foot rear yard setback.

Mr. and Mrs. Zacharias were present. Mr. Zacharias stated they own 770 and 780 Sunrise Park. They would like to demolish both of the existing homes, combine the properties and build one single-family home with an attached garage. The topography of the sites and the need to avoid the sewer line on the property is requiring them to place the home in this location. They will not be affecting the neighbors.

The deck will be 20 x 40 square off the back of the home with steps to the yard. They will meet the requirements of the railings for the deck.

Board Member Kreutzberg asked if there are any draining issues that will need to be repaired. The applicant stated that the neighbor is aware of this project, and they will work with him to ensure the drainage does not go onto his property.

Board Member Soucy stated that the setback will be less non-conforming than the current house.

Chairperson McCreary advised the applicant that permits for the deck and the retaining wall will need to be obtained by the Township.

The call to the public was made at 6:44 with no response.

**Moved** by Board Member Rockwell, supported by Board Member Soucy, to approve Case #25-04 for Steve Zacharias of 770 Sunrise Parking for a rear yard setback variance of 23 feet from the required 40 feet for a setback of 17 feet to build a new single-family home with a deck, based on the following findings of fact:

- Strict compliance with the front yard setback would prevent the applicant from constructing the new home. There are several homes in the vicinity that have reduced setbacks. Granting of this variance would do substantial justice to the applicant 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 in the vicinity of the subject parcel.
- The exceptional or extraordinary condition of the property is the topography of the lot. There is a steep drop-off on the east side of the property that limits the buildable area. There is also an 8" Livingston County Drain for storm sewer that bisects the lot. The variance request appears to be the least amount necessary and provides for adequate parking on the lot. The variance request is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- The proposed variance would have little or no impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The proposed new home will be an improvement of what was previously on both lots. It will also do away with a non-conforming lot (780 Sunrise Park).

This approval is conditioned upon the following:

1. Parcels must be combined.
2. Structure must be guttered with downspouts.
3. Any retaining walls must comply with Article 11.04.03 (J) Retaining walls section of the Zoning Ordinance.



4. Building height cannot exceed 25 feet.
5. Silt fencing must be installed through construction and final grade.

**The motion carried unanimously**

#### NEW BUSINESS

2. 25-07...A request by Scott Krueger, 4500 Clifford Road, for side and front yard variances and any other variances deemed necessary by the Zoning Board of Appeals, for the construction of a garage.

Mr. and Mrs. Kreuger were present. Mr. Kruger stated he is requesting two variances to build a two-car garage. They are requesting the additional 1,080 square feet for the garage so they can store items there instead of in the crawl space, which is where they are currently. They are aging and it is becoming difficult to have items down there. They will remove the existing shed if the garage is built. They will also be parking their new camper and truck in the garage. This wouldn't obstruct the view of any of the lake residents. They have letters from both of their neighbors who are in favor of this request. There are other homes on the lake that have attached garages that are on or over the lot lines.

Chairperson McCreary reiterated that one of the requirements of granting a variance is there is a hardship with the property and not for personal reasons. Requesting a larger size garage and closer to the road is more excessive than she would like to see.

Ms. Kreuger stated that the high water level of the lake creates very soft ground and items stored in the crawl space could be damaged by flooding.

Board Member Kreutzberg concurs with Chairperson McCreary.

Board Member Hurley questioned why the garage could not be moved further back. Board Member Rockwell agrees. He is not in favor of approving a variance for the additional square footage. Mr. Kruger stated the location was chosen because it is in line with the existing garage. Board Member Hurley does not see anything on the property that prohibits the applicant from building a garage that meets the ordinance.

Board Member Soucy stated that what the applicant is requesting is in line with the lifestyles of today. He is in favor of these requests. This is more of an asset to the property for the future.

The call to the public was made at 7:10 pm.

Ms. Cathy Cloke of 4490 Clifford owns the home north of this property and she has no concerns with the placement or size of the garage. It will not interfere with her view of the lake.

Genoa Township Zoning Board of Appeals Meeting  
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The call to the public was closed at 7:11 pm.

The applicant requested to have this item tabled this evening to allow him to amend his proposal.

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to table Case #25-07 for Scott Krueger of 4500 Clifford Road at the applicant's request until the Zoning Board of Appeals meeting of May 20, 2025. **The motion carried unanimously.**

3. 25-08...A request by John and Stephanie Prout, 4400 Brighton Road, for a use variance, and any other variances deemed necessary by the Zoning Board of Appeals, to allow chickens to be kept on the property.

Chairperson McCreary reviewed the requirements for granting a use variance, which are different from dimensional variances.

Mr. and Mrs. Prout were present. Mr. Prout stated their property is over two acres in size, but it is zoned suburban residential. If their property was zoned Rural Residential, they would be allowed to have chickens. They are proposing to place the coop furthest away from the other homes. Mrs. Prout stated their lot size is more consistent with RR, which is the zoning of properties down the road. Also, the entry to their property is separate from the drive for the other homes next to them. They have contacted their surrounding neighbors, and they liked the proposed location of the chicken coop. They would follow the requirements of the Rural Residential zoning regarding the number of chickens allowed.

Chairperson McCreary is not in favor of this request. Board Member Kreutzberg agrees.

Board Member Rockwell stated Michigan State House Bill 4049 has support for changing the ordinance on the state level to allow chickens on property as small as  $\frac{1}{4}$  of an acre. He suggested the applicant monitor this to see if it will change the requirements. He also recommends that the Township Ordinance be changed to allow animals on properties based on their size and not their zoning district.

Board Member Soucy is in favor of allowing chickens, noting that the surrounding cities of Brighton and Howell allow them.

The call to the public was made at 7:26 with no response. Chairman McCreary read two letters in support of this request, one from Deb Beattie and the other from Fred Nowak.

**Moved** by Board Member Kreutzberg, supported by Board Member Hurley, to deny Case #25-08 for John and Stephanie Prout of 4400 Brighton Road to allow chickens to be kept on their property, based on the following findings of fact:



Genoa Township Zoning Board of Appeals Meeting

April 15, 2025

Unapproved Minutes

- Strict compliance with the ordinance would not unreasonably prevent or restrict intended use of the property.
- The variance will not provide substantial justice and would make the property inconsistent with other properties and homes in the area.
- The variance is denied as there are no proven or unnecessary hardships and the need is self-created. The variance has not met standards of Section 23.05.04 of the Township Zoning Ordinance, mainly Section (e) as the character of the neighborhood could ultimately be altered. There are similar and larger sized properties in this suburban residential neighborhood, yet a majority are less than two acres and make up the average to comply with this zoning.
- Granting of this variance would not impair adequate light or air to adjacent properties, would not increase congestion or increase danger of fire or threaten public safety 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.

**The motion carried with Board Member Soucy voting no.**

**Administrative Business:**

1. Approval of minutes for the March 18, 2025 Zoning Board of Appeals meeting.

**Moved** by Board Member Rockwell, supported by Board Member Soucy, to approve the minutes of the March 18, 2025 Zoning Board of Appeals meeting as presented. **The motion carried unanimously.**

2. Correspondence

Ms. Aulette stated there will be four items on the May agenda.

3. Member Discussion

The Board discussed Board Member Soucy proposing changing the ordinance regarding the keeping of animals ordinance to the Township Board.

4. Adjournment

**Moved** by Board Member Soucy, supported by Board Member Kreutzberg, to adjourn the meeting at 7:48 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary

Genoa Township Zoning Board of Appeals Meeting  
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