

# Addition to Variance 14-17, 824

## Pathway:

1. Updated Summary
2. Updated Site Plan
3. Letter from arborist regarding tree concern.
4. Additional information provided by neighbor regarding tree preservation during construction.

**Charter Township of Genoa**  
**ZONING BOARD OF APPEALS**  
**June 17, 2014**  
**CASE #14-17**

**PROPERTY LOCATION:** 824 Pathway

**PETITIONER:** Tim Chouinard

**ZONING:** LRR (Lake Resort Residential)

**WELL AND SEPTIC INFO:** Public Sewer, well

**PETITIONERS REQUEST:** Shoreline Setback Variance, Front Yard Setback Variance, Side Yard Setback Variance to construct an addition to a single family home.

**CODE REFERENCE:** Table 3.04.01, 3.04.02

**STAFF COMMENTS:** See Attached Staff Report

|                     | Front | One Side | Other Side | Rear | Height | Shoreline |
|---------------------|-------|----------|------------|------|--------|-----------|
| Setbacks for Zoning | 35'   | N/A      | 10'        | N/A  | N/A    | 45.5'     |
| Setbacks Requested  | 7.5'  | N/A      | 6.7'       | N/A  | N/A    | 39.6'     |
| Variance Amount     | 27.5' | N/A      | 3.3'       | N/A  | N/A    | 5.9       |

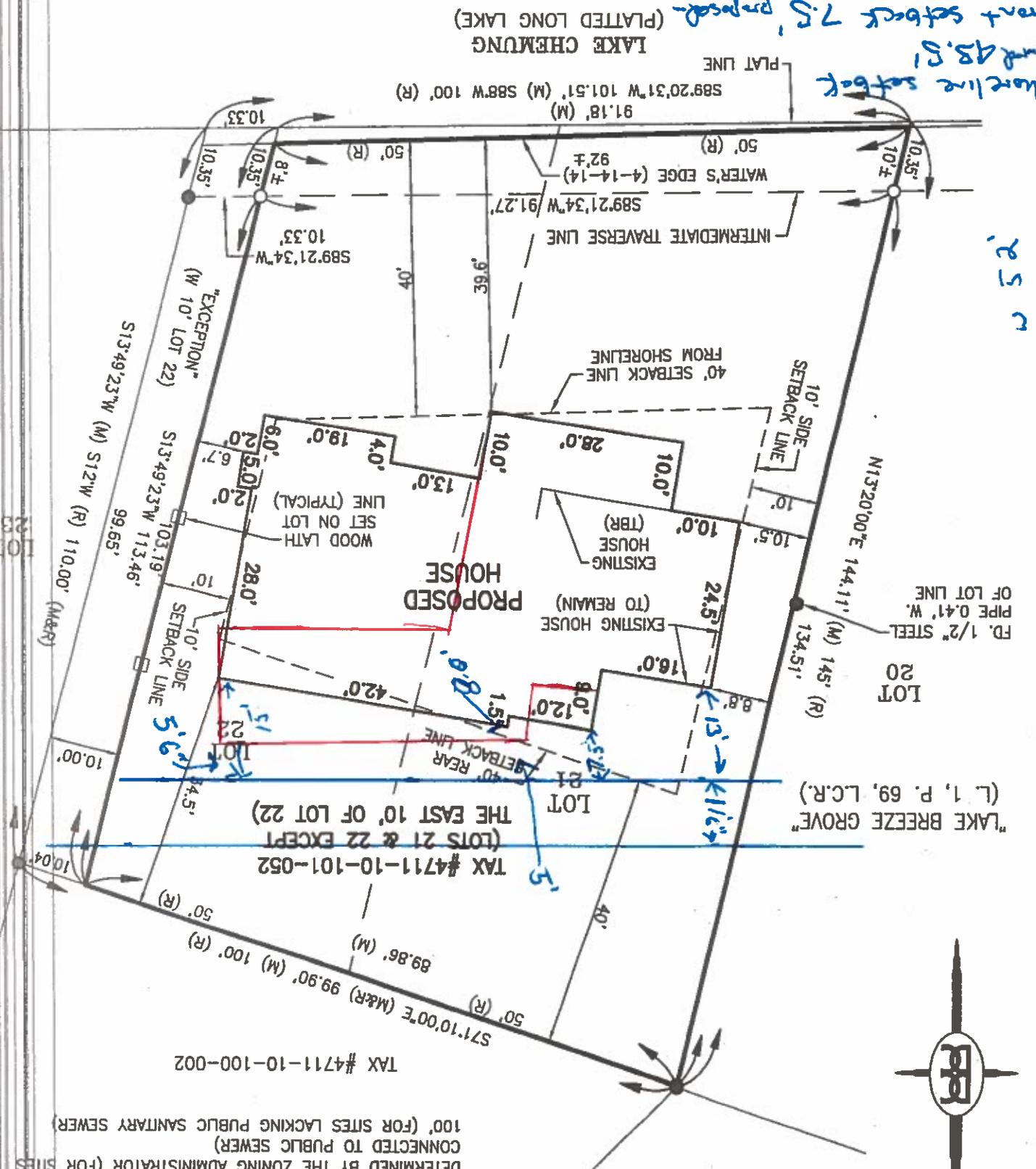
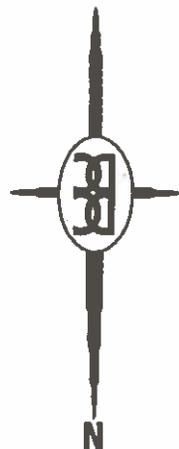
# SURVEY SKETCH

CURRENT ZONING: LRR (LAKESHORE RESORT RESIDENTIAL)

MINIMUM SETBACK REQUIREMENTS:  
 FRONT = 35 FEET  
 SIDES = 10 FEET  
 REAR = 40 FEET  
 SHORELINE OR ORDINARY HIGH WATER MARK = 40' OR CONSISTENT WITH THE SETBACKS OF ADJACENT PRINCIPAL BUILDINGS, WHICHEVER IS GREATER AS DETERMINED BY THE ZONING ADMINISTRATOR (FOR SITES CONNECTED TO PUBLIC SEWER)  
 100' (FOR SITES LACKING PUBLIC SANITARY SEWER)

TAX #4711-10-100-055

TAX #4711-10-100-002



"LAKE BREEZE GROVE" (L. 1, P. 69, L.C.R.)

LOT THE EAST 10' OF LOT 22 (LOTS 21 & 22 EXCEPT)

TAX #4711-10-101-052

FD. 1/2" STEEL PIPE 0.41" W.

LOT 20

PROPOSED HOUSE

EXISTING HOUSE (TO REMAIN)

EXISTING HOUSE (TBR)

WOOD LATH LINE SET ON LOT

LINE (TYPICAL)

10.0' SETBACK LINE

40' SETBACK LINE FROM SHORELINE

INTERMEDIATE TRAVERSE LINE

WATER'S EDGE (4-14-14) 92.±

50' (R)

91.18' (M)

S89.20°31'W 101.51' (M) S88.°W 100' (R)

PLAT LINE

LAKE CHEMUNG (PLATED LONG LAKE)

GENERAL SURVEY NOTES:

- BEARINGS WERE ESTABLISHED FROM THE PLAT OF "LAKE BREEZE GROVE", AS RECORDED IN LIBER 1 OF PLATS, PAGE 69, LIVINGSTON COUNTY RECORDS.
- 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.
- EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

DESCRIPTION:  
 TS 21 & 22, EXCEPT THE 10' OF LOT 22, "LAKE BREEZE GROVE" (L. 1, P. 69, L.C.R.), BEING PART OF C. 10, T2N-R5E, GENOA WNSHIP, LIVINGSTON COUNTY, MICHIGAN

JENT: CHOUINARD CUSTOM HOMES

SCALE: 1 INCH = 20 FEET

DATE 5-20-14

FB 532 CREW GFD

1 OF 1

14-113

14-113WB14-113\_S.dwg, 5/20/2014 8:59:36 AM, andy

**BOSS ENGINEERING**  
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- LEGEND
- IRON SET
  - IRON FOUND
  - ⊙ MONUMENT FOUND
  - \* FENCE
  - RECORDED
  - = MEASURED





# Family *Tree* Doctor

9974 Byron Rd. Howell, MI 48855  
famtreedoc@gmail.com  
517-545-3103 office 586-839-5444 cell

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Dane Dixon  
836 Pathway Dr  
Howell, MI 48843

Mr. Dixon

You contacted me to consult on a 28" DBH white oak on the border of your property. I met with Sue Measel on site, and we discussed the proposed construction that would impact the future health of this tree. Currently, there are no significant insect or disease issues to note, and the tree is in good health. Photos taken Wednesday June 11th, 2014.

The addition to your neighbors home will end 6 feet from the edge of the white oaks root flare. This will undoubtedly impact the tree in terms of lost/ damaged root system. It is my opinion that with some planning, the tree can be saved, and negative long term impact can be minimized.

Steps to minimize damage:

- 1) erect sturdy fencing as far away from the trunk as possible
- 2) begin a watering program where the tree receives supplemental irrigation at least once per week to a soil depth of 12-18 inches.
- 3) create a mulch bed around the tree, this will help minimize soil compaction, and help the soil retain adequate moisture. 4" depth of woodchip type mulch should suffice
- 4) communicate with all contractors about the importance of avoiding tree damage.
- 5) create a mulch road to minimize soil compaction when accessing the site 4-6" depth
- 6) Do not allow construction materials to be stored close to the trunk of trees.
- 7) place 2x4 boards on trees and erect fences for trees along path to construction site.
- 8) follow up with me regularly during construction process.
- 9) deep root injection of mycorrhizae prior to, and after construction may be warranted.

Please feel free to contact me to clarify any information contained within this letter. Thank you for the opportunity to serve your arboricultural needs.

Sincerely,

Jeremy B. Hertz  
Owner, Family Tree Doctor  
ISA Certified Arborist MI-3792A  
BS Forestry, MSU



# Avoiding Tree Damage During Construction

Possible ways in which existing trees may be damaged during a construction project and methods for planning and facilitating the prevention of tree damage.

*Homes are often constructed near existing trees to take advantage of their aesthetic and environmental value. Unfortunately, the processes involved with construction can be deadly to nearby trees. Proper planning and care are needed to preserve trees on building sites. An arborist can help you decide which trees can be saved. The arborist can also work with the builder to protect the trees throughout each phase of construction.*

## How Trees Are Damaged During Construction

**Physical Injury to Trunk and Crown.** Construction equipment can injure the above-ground portion of a tree by breaking branches, tearing the bark, and wounding the trunk. These injuries are permanent and, if extensive, can be fatal.

**Root Cutting.** Digging, grading, and trenching associated with construction and underground utility installation can be quite damaging to roots. A tree's root system can extend horizontally a distance 1 to 3 times greater than the height of a tree. It is important to cut as far away from a tree as possible to prevent damage that can compromise tree health and stability. Cutting under a tree's crown can reduce tree vitality. Cutting roots close to the trunk can severely damage a tree and limit its ability to stay upright in storms.

**Soil Compaction.** An ideal soil for root growth and development contains about 50 percent pore space for water and air movement. Heavy construction equipment can compact soil and dramatically reduce pore space. Compaction inhibits root growth, limits water penetration, and decreases oxygen needed for root survival.

**Smothering Roots by Adding Soil.** The majority of fine water-and-mineral-absorbing roots are in the upper 6 to 12 inches (15 to 30 cm) of soil where oxygen and moisture levels tend to be best suited for growth. Even a few inches of soil piled over the root system to change the grade can smother fine roots and eventually lead to larger root death.

**Exposure to the Elements.** Trees in a forest grow as a community, protecting each other from the elements. The trees grow tall with long, straight trunks and high canopies. Removing neighboring trees during construction exposes the remaining trees to increased sunlight and wind which may lead to sunscald or breakage of limbs and stems.

## Getting Advice

Not all trees on the building site can or should be preserved. Your arborist can assess the health and structural integrity of trees on your property and suggest measures to preserve and protect them.

When determining which trees to retain, consider the species, size, age, location, and condition of each tree. Your arborist can advise you about which trees are more sensitive to compaction, grade changes, and root damage.



## Planning

Your arborist and builder should work together early in the planning phase of construction. Sometimes small changes in the placement or design of your house or driveway can make a great difference in whether a critical tree will survive. Alternative construction methods can be discussed, such as bridging over the roots as a substitute for a conventional walkway, if flexibility in placement is limited. If utilities cannot be re-routed away from trees, less damaging tunneling and trenching installation techniques exist.

## Erecting Barriers



Treatment for construction damage is limited, so it is vital that trees be protected from injury. Set up sturdy fencing around each tree that is to remain, as far out from the tree trunk as possible to provide above- and below-ground protection. Place fence approximately one foot (0.3 m) from the trunk for each inch (2.5 cm) of trunk diameter.

Instruct construction personnel to keep fencing intact and the fenced area clear of building materials, waste, and excess soil. No digging, trenching, or other soil disturbance should be allowed in the fenced area.

### **Limiting Access**

If possible, allow only one access route on and off the property. All contractors must be instructed where they are permitted to drive and park their vehicles. Often this same access drive can later serve as the route for utility wires, water lines, or the driveway.

Specify storage areas for equipment, soil, and construction materials. Limit areas for burning (if permitted), cement wash-out pits, and construction work zones. These areas should be located away from protected trees.

### **Specifications**

All measures intended to protect your trees must be written into the construction specifications and should detail exactly what can and cannot be done to and around the trees. It is a good idea to post signs as a reminder.

Fines and penalties for violations should be built into the specifications. The severity of the fines should be proportional to the potential damage to the trees, and should increase for multiple infractions.



### **Maintaining Good Communication**



Communicate your objectives clearly with your arborist, builder, and all subcontractors. Construction damage to trees is often irreversible.

Visit the site at least once a day if possible. Your vigilance will pay off as workers learn to take your wishes seriously. Take photos at every stage of construction. If any infraction of the specifications does occur, it will be important to prove liability.

### **Final Stages**

Careful planning and communicating with landscape designers and contractors is just as important as avoiding tree damage during construction. Irrigation system installation, grading, and planting bed cultivation can damage root systems.

### **Post-Construction Tree Maintenance**

Your trees will require several years to adjust to the injury and environmental changes that occur during construction. Stressed trees are more prone to health problems, such as disease and insect infestations. Talk to your arborist about continued monitoring and maintenance for your trees.

Despite the best intentions and most stringent tree preservation measures, injury to your trees may still occur. Your arborist can suggest remedial treatments to help reduce stress and improve the growing conditions around your trees.



This brochure is one in a series published by the International Society of Arboriculture as part of its Consumer Information Program. You may have additional interest in the following titles currently in the series:

Avoiding Tree and Utility Conflicts  
Avoiding Tree Damage During Construction  
Benefits of Trees  
Buying High-Quality Trees  
Insect and Disease Problems

Mature Tree Care  
New Tree Planting  
Plant Health Care  
Proper Mulching Techniques  
Palms

Pruning Mature Trees  
Pruning Young Trees  
Recognizing Tree Risk  
Treatment of Trees Damaged by Construction  
Tree Selection and Placement

Trees and Turf  
Tree Values  
Why Hire an Arborist  
Why Topping Hurts Trees

E-mail inquiries: [isa@isa-arbor.com](mailto:isa@isa-arbor.com)

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E-mail inquiries: [isa@isa-arbor.com](mailto:isa@isa-arbor.com)



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# Correspondence



## MEMORANDUM

**TO:** Township Board of Trustees  
**FROM:** Ron Akers, Zoning Official  
**DATE:** 6-16-14  
**RE:** ZO Amendment

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

Please find attached the Zoning Ordinance Amendment that was passed by the Township Board on 6/2/14 regarding temporary and outdoor sales and events. Should you have any questions please feel free to ask me.

**SUPERVISOR**

Gary T. McCririe

**CLERK**

Paulette A. Skolarus

**TREASURER**

Robin L. Hunt

**MANAGER**

Michael C. Archinal

**TRUSTEES**

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

**ORDINANCE NO. Z-14-02**

**AN ORDINANCE TO AMEND ARTICLES 7 AND 25 OF THE ZONING ORDINANCE  
OF GENOA CHARTER TOWNSHIP IN REGARD TO TEMPORARY  
OUTDOOR SALES AND TEMPORARY OUTDOOR EVENTS**

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**THE TOWNSHIP OF GENOA ORDAINS:**

**SECTION 1: SHORT TITLE:** This Ordinance shall be known as the “**Amendments to Zoning Ordinance Articles 7 and 25 Regarding Temporary Outdoor Sales and Temporary Outdoor Events**”.

**SECTION 2: SUMMARY OF ORDINANCE:** Pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), notice is hereby given that an ordinance to amend the Zoning Ordinance regulating the development and use of land in Genoa Charter Township has been adopted by the Township Board on 6/2/14. The Board conducted the second reading and approved Ordinance #Z-14-02 to adopt the ordinance and amend the Zoning Ordinance of the Charter Township of Genoa by amending Articles 7 and 25 in regard to Temporary outdoor sales and Temporary outdoor events. The following provides a summary of the regulatory effect of the ordinance.

*Article 7 of the Zoning Ordinance, entitled Commercial and Service Districts, Table 7.02 and Section 7.02.02(v), Use Conditions for Temporary outdoor sales and Temporary outdoor events are hereby amended to allow a total of such uses for a maximum of 28 days in a calendar year, require on-site parking with no impact on adjacent properties or surrounding neighborhood, uses shall not block streets, sidewalk or traffic, require approval of Health Department, require dust control measures, require approvals and allow inspections by other applicable public health agencies, limit impacts of sound, provide grounds to terminate approval, and include reference to preemption by State law.*

*Article 25 of the Zoning Ordinance, entitled Definitions, is hereby amended to add definitions for “Outside Vendor” and “Temporary outdoor sales and Temporary outdoor events”.*

**REPEALOR:** All ordinances or parts of Ordinances in conflict herewith are repealed.

**SEVERABILITY:** Should any section, subsection, paragraph, sentence, clause, or word of this Ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the Ordinance.

**SAVINGS:** This amendatory ordinance shall not affect violations of the Zoning Ordinance or any other ordinance existing prior to the effective date of this Ordinance and such violation shall be governed and shall continue to be separate punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**EFFECTIVE DATE:** These ordinance amendments were adopted by the Genoa Charter Township Board of Trustees at the regular meeting held on 6/2/14 and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.

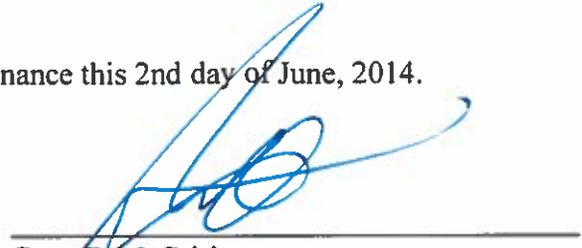
On the question: "SHALL THIS ORDINANCE NOW PASS?" the following vote was recorded:

**Yeas:** Ledford, Hunt, Rowell, Mortensen, Skolarus, and McCririe  
**Nays:** None  
**Absent:** Smith

I hereby approve the adoption of the foregoing Ordinance this 2nd day of June, 2014.



Paulette Skolarus  
Township Clerk



Gary T. McCririe  
Township Supervisor

Township Board First Reading: 5/19/14  
Date of Publication of Proposed Ordinance: 5/25/14  
Township Board Second Reading and Adoption: 6/2/14  
Date of Publication of Ordinance Adoption: 6/8/14  
Effective Date: 6/15/14