

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
3040 N. PROSPECT, YPSILANTI, MI 48198  
TUESDAY  
JUNE 25, 2019  
7:00 P.M.  
AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. ADOPTION OF AGENDA
4. APPROVAL OF MINUTES
  - A. Approval of the November 29, 2018 minutes.
5. CITIZEN PARTICIPATION
6. COMMUNICATIONS
7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS
  - A. **ZBA #19-01 – 5757 Stonehedge Drive**  
Variance from Section 6.03(2)(b) (Accessory Structures and Uses) to allow an addition to the existing accessory structure. The property is located at 5757 Stonehedge Court and is zoned R1 (Single Family Residential).
8. OLD BUSINESS
9. OTHER BUSINESS AS NECESSARY
  - A. Election of Officers for 2019
10. ADJOURNMENT

**SUPERIOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DRAFT MINUTES  
NOVEMBER 29, 2018  
PAGE 1 of 5**

1. CALL TO ORDER

The meeting of the Superior Charter Township Zoning Board of Appeals was called to order by Chairman Rintamaki at 7:00 p.m.

2. ROLL CALL

The Zoning Board of Appeals members present were Dail, Deeds, Guenther, Lewis, Parm and Rintamaki. Heningburg was absent. Rick Mayernik, Building and Zoning Official, was also in attendance. A quorum was present.

3. ADOPTION OF AGENDA

A motion was made by Member Dail and supported by Member Deeds to adopt the agenda as presented. The motion carried by voice vote.

4. APPROVAL OF MINUTES

A motion was made by Member Dail and supported by Member Parm to approve the minutes of April 19, 2018 as amended. The motion carried by voice vote.

5. CITIZEN PARTICIPATION

There was no Citizen Participation.

6. COMMUNICATIONS

There were no Communications.

7. PUBLIC HEARINGS AND CONSIDERATION OF APPEALS

- A. ZBA #18-01 Variances from Section 3.101 (Dimensional Standards) to increase the maximum ground floor coverage and floor area ratio to allow an addition to the principal structure. The property is located at 8570 Old Oak Drive and is zoned A-2 (Agriculture).

Harv Singh, applicant, stated that he was seeking a variance for a 17'x28' addition onto the existing home for a golf simulator.

Chairman Rintamaki noted that the building permit was applied for and drawings were submitted to the Township. Several days later the building

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permit was revoked by the Township and the applicant then filed for a variance from the Zoning Board of Appeals.

Chairman Rintamaki asked the applicant what contracts, if any, had been drawn up between receiving the building permit and notification that the permit had been revoked.

Mr. Singh replied that two deposits were made - one to the builder and one to the golf simulator company. He added that the golf simulator would not fit into any other part of the home due to the height.

Member Dail asked the applicant if the proposed addition had been discussed with the neighbors.

David Schmitzerle, 8610 Old Oak Drive, stated that he lives directly east of Mr. Singh and is in support of the proposed project.

Mr. Singh also stated that he had spoken to the neighbors to the west and they did not have an issue with the addition.

Rick Mayernik explained that the issue date on permit was October 26, 2018 and the revocation date was November 1, 2018. He also explained that when the house was originally built, the floor area ratio (FAR) exceeded the maximum 5%. However, the home complied with the maximum 5% ground floor coverage (GFC). With the addition, the home would be approximately 300 feet over the allowable limit for the GFC.

Mr. Mayernik added that the property is zoned A-2 (agriculture), but if you were to drive through the subdivision it would appear to be zoned R-1 (residential) because there is no real agricultural component to the sites. Both zoning districts require a minimum lot size of two acres, but the maximum allowed GFC and FAR in the R-1 zoning district is 10%.

Chairman Rintamaki asked what zoning districts surround the subdivision.

Mr. Mayernik replied that the property adjacent is zoned R-1, the property directly west is mostly developed subdivisions, and there is A-1 and A-2 in small pockets along Plymouth Road.

Chairman Rintamaki noted that the ZBA is constrained with what it can do, and the constraints are set forth Section 13.08 of the Zoning Ordinance. All the following standards must be met.

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Chairman Rintamaki reviewed the following standards in Section 13.08. He noted it is a unique situation because the building permit had already been issued.

1. *Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:*
  - a. *The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.*
  - b. *The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.*
2. *Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.*
3. *Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.*
4. *A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.*
5. *The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.*

Member Guenther questioned if the Zoning Board of Appeals was the correct forum for the case, and if granting a variance from the Zoning Ordinance the remedy.

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Rintamaki stated that the applicant may be able to go directly to the Township Board and request the property be rezoned to R-1. If the Zoning Board of Appeals denied this, the circuit court could review it, but they will review it the same.

Member Guenther asked if granting a variance was the correct remedy, or would it be a better argument that the Township admits there was an error in issuing the building permit.

Member Deeds felt that 13.08B(1) and (2) were applicable, but (3) could confer special privilege upon the applicant.

Member Guenther stated that you could make an argument that with 13.08B(3), anyone who gets a building permit could build. However, he did feel that 13.08B(4) did not apply. He added that it seemed that the whole procedure doesn't fit and wondered if the correct procedure was to review the revocation of the permit.

Chairman Rintamaki read Section 13.06(6) of the Zoning Ordinance and felt that it could fit the situation.

6. *The Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.*

Mr. Mayernik explained that he revoked the building permit based on the building code, which relates to other jurisdictional bodies. When the permit was issued initially, he believed that all conditions had been met.

Member Deeds stated that he believes the Zoning Board of Appeals has the power to rule based on this administrative appeal.

Chairman Rintamaki replied to Member Deeds that what he is suggesting is that this body has two kinds of authority, Section 13.06, which deals with administrative appeals and Section 13.08 which handles variance requests. In order to grant a variance request under Section 13.08, the special conditions must be met. The standards for an administrative appeal under Section 13.06 are quite different. He stated that one action the Zoning Board of Appeals could take is to order the reissuance of the building permit.

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Members were in agreement.

Chairman Rintamaki stated that the request will be reviewed under Section 13.06 of the Zoning Ordinance – dealing with the building permit issuance and revocation. He went on to state that the Zoning Board of Appeals has determined to revoke the revocation of the building permit and it is reinstated effective immediately.

Motion by Deeds, supported by Dail, based on the powers and duties granted to the ZBA as defined in Section 13.04, to approve ZBA #18-01, as an administrative appeal of the Building and Zoning Official's decision to revoke PB18-0271 based on meeting the Standards for Administrative Appeal in Section 13.06 one through six, effective November 29, 2018.

Roll Call Vote:

Yes: Dail, Guenther, Heningburg, Lewis, Parm, Rintamaki.  
No: None.  
Absent: Heningburg.  
Abstain: None.

The Motion Carried.

8. OLD BUSINESS

None.

9. OTHER BUSINESS AS NECESSARY

None.

10. ADJOURNMENT

A motion was made by Member Parm and supported by Member Dail to adjourn the meeting at 7:46 p.m.

Respectfully submitted,

John Rintamaki, Chairman Zoning Board of Appeals

Laura Bennett, Recording Secretary Superior Charter Township  
3040 N. Prospect, Ypsilanti, MI 48198

## MEMO

**DATE:** June 4, 2019

**TO:** Superior Township Zoning Board of Appeals

**FROM:** Richard Mayernik, Building/Zoning Official

**RE:** 5757 Stonehedge Ct.

The subject parcel is located in the R-1 zoning district. The building permit for the construction of the existing 28x50 pole barn was issued in October of 1991. At that time, the parcel size was 20 acres. In June of 1993, the building permit for the single family dwelling was issued and the parcel size had been reduced to 13.74 acres. The current parcel size is 3.62 acres (aerial photo attached).

The Township's 1978 Zoning Ordinance was in effect during the time the pole barn and the dwelling were constructed. The 1978 Ordinance determined that "*The front of a lot shall be construed to be the portion nearest and abutting the street.*" The 1978 Ordinance further states that "*Detached accessory buildings may occupy a part of the required rear yard, and part of the required side yard, providing that all parts of such building shall be located behind the required front yard.*" It is my finding that the current pole barn location complies with the provisions of the 1978 Ordinance.

In 2008, the Township adopted a revised Zoning Ordinance (#174). In part, the 2008 Ordinance definition of Front Lot Line indicates that "*Where lots border on a lake or river, the front lot line shall be designated as that line fronting on the water.*" Further, Section 6.03 of the 2008 Ordinance indicates (with limited exceptions) that "*In the Rural and Rural Residential Districts, accessory structures shall be set back behind the front building line of the principal building.....*". Per the definition of Front Lot Line, the proposed addition will be located in the front yard.

It is my finding that the existing pole barn's location conformed with the Zoning Ordinance in effect at the time of construction however, has become non-conforming due to subsequent Zoning Ordinance amendments (16.02(B)(2)). Per section 16.05(2) (a), structural changes and alterations that do not affect the degree of non-conformity shall be permitted. It is my finding that the proposed building additions will increase the degree of non-conformity and, as such, a variance would be required to move forward with the proposed addition.

## ZONING BOARD OF APPEALS APPLICATION

(This application must be typewritten or printed. All questions must be answered.)

Request is hereby made for one of the following:

Variance from the requirements of the following Zoning Ordinance  
Section(s): 6-03(2)(b) P

Appeal of the decision of the Township Zoning Official

### APPLICANT INFORMATION

Name DOUG GOEDNER

Address 5757 Stonehenge Ct

Phone Number 734 646 5139 Email DGOEDNER@AOL.COM

Is the property owned by the applicant?  YES  NO

If "NO", what is the applicant's interest in the property? \_\_\_\_\_

Name, address and telephone number of owner(s): \_\_\_\_\_

### DESCRIPTION OF THE PROPERTY

Address 5757 Stonehenge Ct

Parcel ID# J-10-19-100-064 Parcel size 3.620

Size of the proposed building or addition, if any \_\_\_\_\_

Use of existing building (if any) and property \_\_\_\_\_

Zoning classification of property Res R-1 P

If a new building is proposed, has the Building Inspection department examined the plans for the proposed building?  YES  NO

Has the department refused a permit?  YES  NO

Has there been any previous land use application involving this property? YES NO

If "YES", state the date of filing, the character of appeal and the disposition.



**INFORMATION REQUIRED TO BE SUBMITTED WITH APPEAL**

The following must attached and submitted with the application:

- Ten (10) sets of drawings, all on sheets 8 ½ inches by 11 inches or 8 ½ inches by 14 inches, drawn to scale and showing all measurements, features and structures, including the general location of all natural features on the property, measurements to show distances between structures, measurements between structures and property lines, measurements for lot width and lot area, and height of structures. Rights-of-way and easements must also be shown.
- A letter of authority, or power of attorney, in the event the appeal is being made by a person other than the actual owner of the property.
- A complete legal description of the premises (as stated on the property deed or property tax bill.)

**APPLICANT'S DEPOSITION** – Must be completed by applicant.

*I hereby state that all of the statements and information contained in this application and the supporting documents herewith are true and correct.*

Signature of applicant  Date 5/22/19

**NOTARY PUBLIC** – Applicant's signature must be notarized.

Sworn to before me this 22 day of May 20 19

My commission expires \_\_\_\_\_  
(Notary Public, Washtenaw County, Michigan)

RICHARD J. WARREN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jun 6, 2025  
ACTING IN COUNTY OF Washtenaw

\*\*\*\*\*

*To be filled in by Township Clerk (or designated Township Officer/Personnel)*

I hereby state that this petition was properly received and filed on 5/24/19 (date)

Signature of Clerk (or designee)  
R. MAYERBANK

Fee paid \_\_\_\_\_

## Notice to Applicants for the Zoning Board of Appeals

### Filing Applications

You must call and schedule an appointment with the Township Zoning Official Richard Mayernik to file an application. He may be reached at the Township Office at (734) 482-6099.

### Meeting Schedule

The Zoning Board of Appeals does not have a regular meeting schedule. Meetings are called whenever there is an application for a variance. Because variance requests require a public hearing, it generally takes four (4) weeks from the date an application is received until a meeting of Zoning Board of Appeals can be held. This time is needed to schedule the meeting date and to mail out notices of the public hearing.

### Reasons for the Appeal

The Zoning Board of Appeals is required to use the standards listed in Section 13.08 of the Zoning Ordinance when considering the appeals. It is recommended that applicants review these standards and consider them in preparing a description of why the variance is needed.

### Site Visits

Filing an application gives the implied consent for Township officials and/or consultants to visit the subject site.

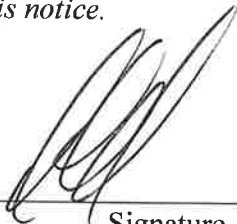
### Application Fees

An application fee must be paid when you file your application. The fees are as follows:

1. Appeals brought by the owner of a single-family dwelling for a variance from density and height regulations of the Zoning Ordinance = **\$175.00**
2. Any other appeal = **\$500.00**

### Applicant's Acknowledgement

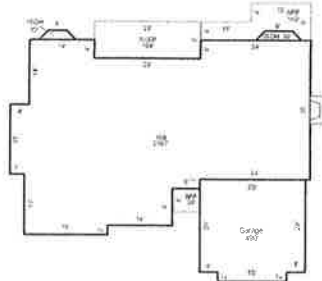
*I hereby acknowledge that I have read and agree to the above and that I have been given a copy of this notice.*

  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date

**5757 STONEHEDGE CT ANN ARBOR, MI 48105** (Property Address)

Parcel Number: J -10-19-100-064

**Property Owner: GEIDNER DOUGLAS & ANN GOODING**



Item 1 of 1      0 Images / 1 Sketch

**Summary Information**

- > Residential Building Summary
  - Year Built: 1993
  - Bedrooms: 3
  - Full Baths: 3
  - Half Baths: 1
  - Acres: 3.620
  - Sq. Feet: 2,195
- > Assessed Value: \$294,200 | Taxable Value: \$188,139
- > Property Tax information found

**Owner and Taxpayer Information**

<b>Owner</b>	GEIDNER DOUGLAS & ANN GOODING 5757 STONEHEDGE CT ANN ARBOR, MI 48105	<b>Taxpayer</b>	SEE OWNER INFORMATION
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**General Information for Tax Year 2020**

<b>Property Class</b>	RESIDENTIAL IMPRVD 401	<b>Unit</b>	J SUPERIOR TOWNSHIP
<b>School District</b>	ANN ARBOR	<b>Assessed Value</b>	\$294,200
<b>MAP #</b>	J-4	<b>Taxable Value</b>	\$188,139
<b>NUMERIC</b>	0	<b>State Equalized Value</b>	\$294,200
<b>DESCRIPTION</b>	<i>Not Available</i>	<b>Date of Last Name Change</b>	11/07/2017
<b>INSPECTION</b>	<i>Not Available</i>	<b>Notes</b>	<i>Not Available</i>
<b>Historical District</b>	<i>Not Available</i>	<b>Census Block Group</b>	<i>Not Available</i>
<b>MISC</b>	<i>Not Available</i>	<b>Exemption</b>	<i>No Data to Display</i>

**Principal Residence Exemption Information**

**Homestead Date** 09/01/2017

	June 1st	Final
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## Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
09/01/2017	\$575,000.00	LC	GOODING MARILYN S TRUSTEE	GEIDNER DOUGLAS & ANN GOODING	NOT ARMS LENGTH	L5221/L186
08/01/2017	\$1.00	PTA	GOODING JERRY	GOODING MARILYN S TRUSTEE	NOT ARMS LENGTH	

## Building Information - 2195 sq ft RANCH/ONE STORY (Residential)

### General

<b>Floor Area</b>	2,195 sq ft	<b>Estimated TCV</b>	\$403,842
<b>Garage Area</b>	490 sq ft	<b>Basement Area</b>	2,167 sq ft
<b>Foundation Size</b>	2,167 sq ft		
<b>Year Built</b>	1993	<b>Year Remodeled</b>	Not Available
<b>Occupancy</b>	Single Family	<b>Class</b>	B
<b>Effective Age</b>	21 yrs	<b>Tri-Level</b>	No
<b>Percent Complete</b>	100%	<b>Heat</b>	Forced Heat & Cool
<b>AC w/Separate Ducts</b>	No	<b>Wood Stove Addition</b>	No
<b>Basement Rooms</b>	0	<b>Water</b>	Water Well
<b>1st Floor Rooms</b>	7	<b>Sewer</b>	Septic
<b>2nd Floor Rooms</b>	0	<b>Style</b>	RANCH/ONE STORY
<b>Bedrooms</b>	3		

### Area Detail - Basic Building Areas

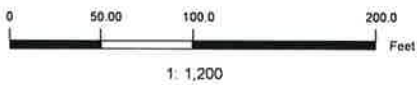
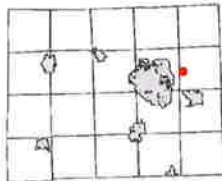
Height	Foundation	Exterior	Area	Heated
1 Story	Basement	Siding/Brick	2,167 sq ft	1 Story

### Area Detail - Overhangs

Area	Story Height	Exterior	Included in Size for Rates
28 sq ft	1 Story	Siding	0

### Basement Finish

<b>Recreation</b>	1,300 sq ft	<b>Recreation %</b>	0%
		<b>Good</b>	
<b>Living Area</b>	0 sq ft	<b>Living Area %</b>	0%
		<b>Good</b>	
<b>Walk Out Doors</b>	1	<b>No Concrete Floor Area</b>	0 sq ft



**NOTE: Parcels may not be to scale.**  
 The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

5/24/2019

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6682.

665'

N

LAKE DAMISIKOW

Jerry F. Gooding  
2800 GALE Rd  
Ann Arbor, Mi 4810.  
48-2-6569

(IN PLACE)

PRESENT Well

Building

TRUCK

Field

NEW

PROPOSED TANK

HOUSE (NEW)

DRIVE

PRESENT DRIVE

Expansion AREA  
Proposed FIELD

1346'

440'

110'

50'

150'

PARCEL D

VAC. 2.22 AC

PARCEL A

13.74 ACRES

STONEHEDGE CT.

PARCEL C

UNDER CONST.

2.48 AC.

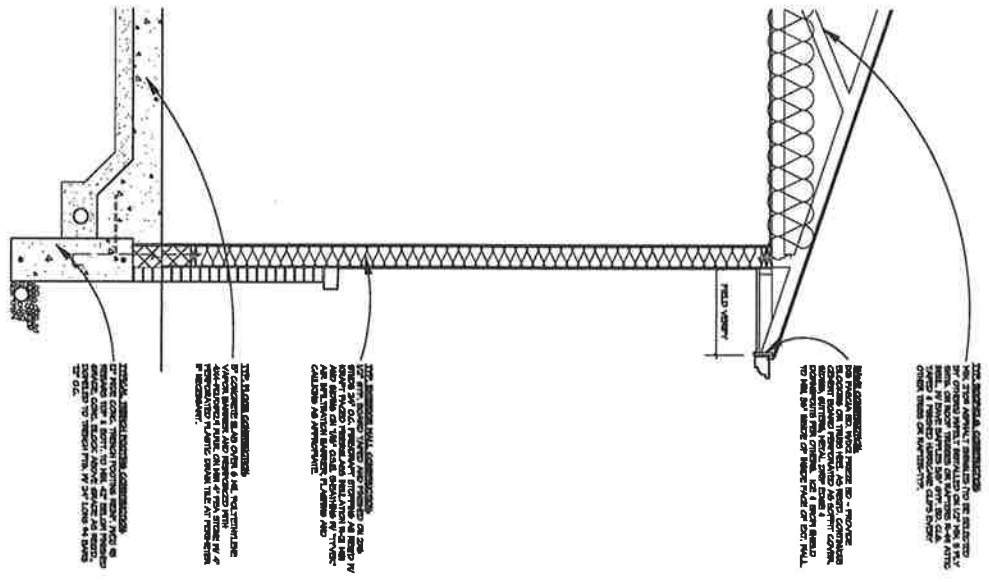
259'

⊕

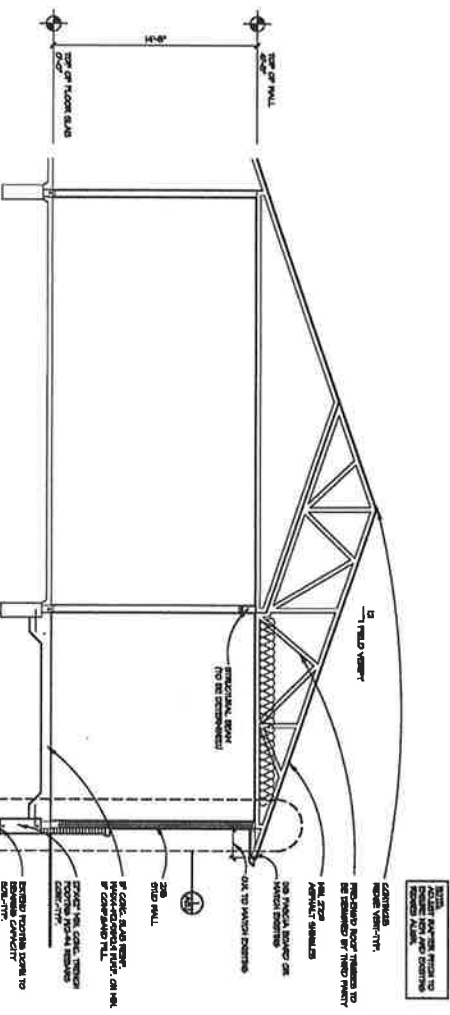
GALE Rd



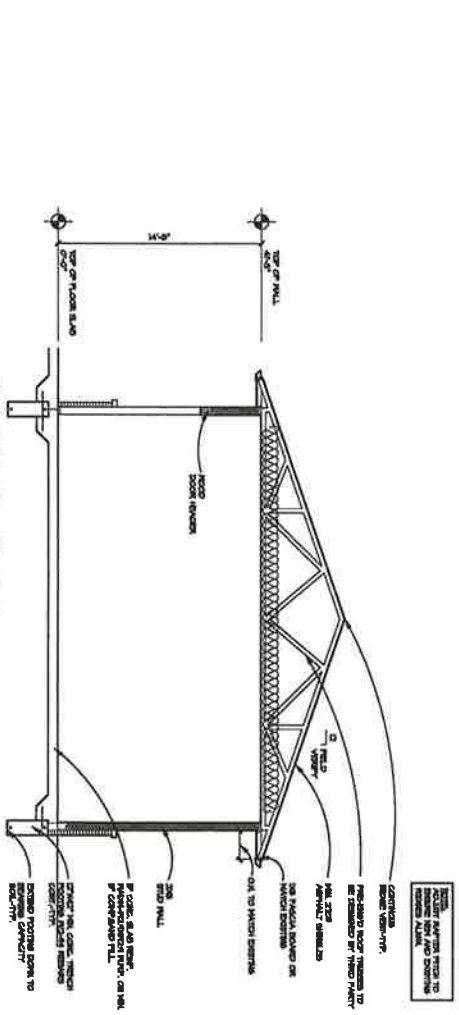
**A3.1** TYPICAL WALL SECTION  
SCALE: 1/8" = 1'-0"



**A** BUILDING SECTION  
SCALE: 1/8" = 1'-0"



**B** BUILDING SECTION  
SCALE: 1/8" = 1'-0"



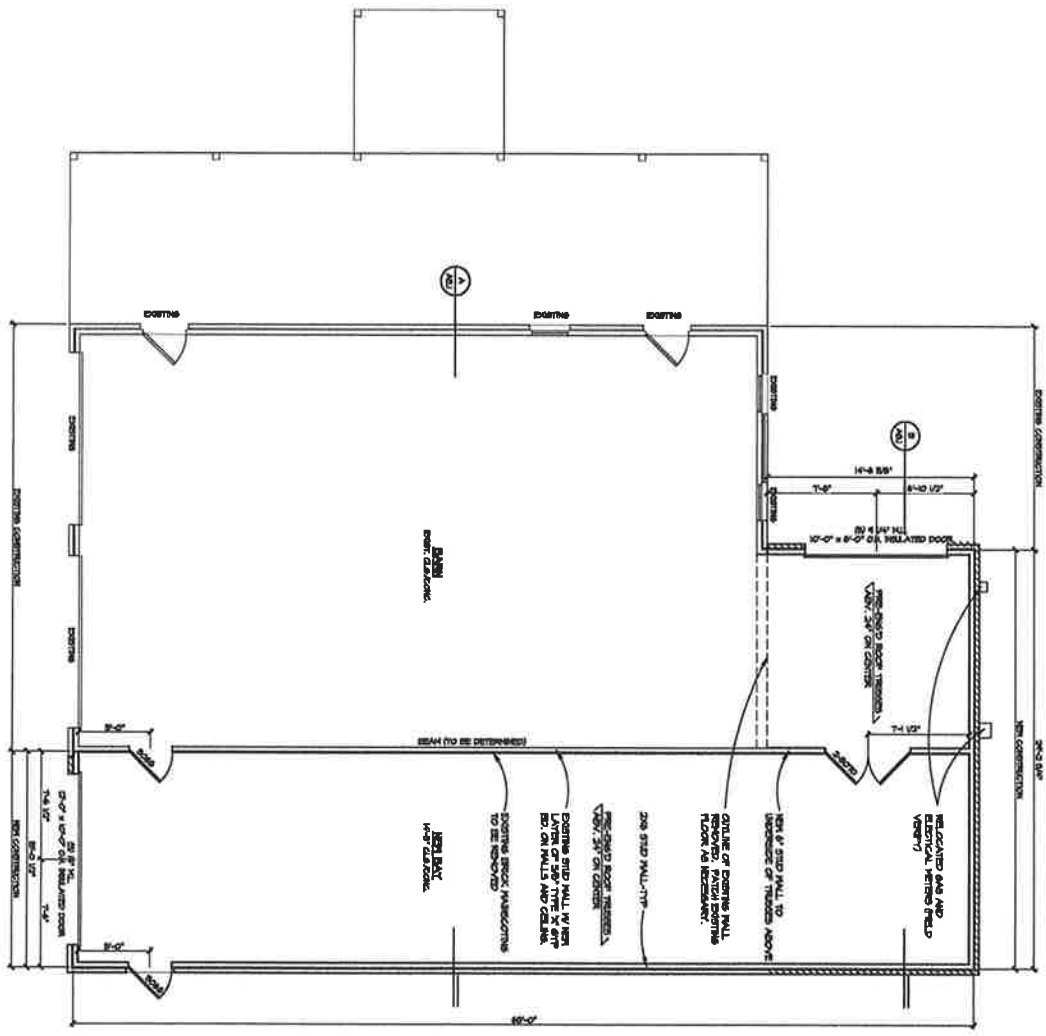
date: 10/29/18  
alt: A3.1

GEIDNER POLE BARN RENOVATION

PLANS, ELEVATIONS,  
AND SECTIONS







**MAIN FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**NOTES:**  
 1. ALL WORK RECOMMENDED TO BE FINISHED TO MATCH EXISTING MATERIALS, FINISHES, COLORS, AND THE TO BE IDENTIFIED BY OWNER.  
 2. REMOVE EXISTING, ATTC. VENTILATION F. FINISHED BY OWNER.  
 3. FIELD VERIFY ALL DIMENSIONS AND FINISHES.

**WALL TYPE LEGEND**

SYMBOL	DESCRIPTION
XXXXXX	DOORING TO BE REMOVED.
————	10'-0" x 20'-0" STEEL BEAM AND 2x6 STUD WALL AND 8'-0" x 10'-0" STEEL BEAM WALL 3/4" G.C.
————	EXISTING WALLS TO REMAIN



PLANS, ELEVATIONS,  
AND SECTIONS

GEIDNER POLE BARN RENOVATION



date: 10/29/16  
sheet: A1.2





June 17, 2019

To: Zoning Board of Appeals Superior Charter Township

From: Michael and Marlene Hamme  
5650 Stone Valley Dr.  
Ann Arbor, Mi. 48105

Subject: **ZBA #19-01** - Variance to Allow addition to accessory structure at  
5757 Stonehedge Court

**Request: We respectfully request that you deny this variance for the reasons listed below.**

Although we do not live within the 300 feet notification distance of this property, we are within sight of this property and have three serious concerns listed below.

1) **Purpose for the Addition.** We suspect that the purpose for this addition is to mask the existence of a business on R-1 property that is in violation of Township Zoning. The petitioner, Doug Geidner is a licensed builder. Currently, heavy construction equipment is parked openly on the property (see picture 1). Township Zoning does not permit a construction business on R-1 property. This property currently violates Superior Township "Use Standards" 5.204, 5.307, and 5.503. Please start enforcing existing Township codes and do not enable further abuse of R-1 zoning.

2) **Size of Accessory Structure.** 5.204 section A paragraph 4a and 5.307 paragraph 3c both state that an accessory building shall not exceed 20% of the square footage of the dwelling unit. The current accessory structure is already over 60% of the primary dwelling. With the proposed addition, the accessory structure will exceed the primary dwelling by 300 square feet.

3) **Flooding/Flood Control.** The existing accessory dwelling borders a lake and is in a form of flood plain. **This lake has no outlet.** There are an unknown number of inlets (12 inch pipes) into this lake. There was no engineering analysis done to predict lake levels. There are no engineering drawings on the drains feeding this lake. There were no permits or inspections at the Township or County level. The existing accessory building is at/near some of the lowest elevations around the lake. In the past, this area has taken excess water from snow melt and spring rains. Recently, Doug Geidner has been filling - in the lake with dirt and boulders by the accessory structure (see picture 2) effectively raising the risk of flooding for other homeowners around the lake (see picture 3). Adding to the accessory structure will likely increase existing flooding concerns around the lake.

Thank you for considering our concerns related to this matter.

*Michael Hamme*  
*Marlene Hamme*





