

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 9, 2017**

MEMBERS PRESENT: Larry Fillinger, Larry Grunn, Linda Manson-Dempsey, Dan Lowe, and Dan Rossbach

MEMBERS ABSENT: None

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Dan Rossbach seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

June 6, 2016 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried 5-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #01-17—Patric & Stephanie Jobst, 395 Abby Brook Lane, Tax ID #4710-35-203-021

Mr. & Mrs. Jobst were present, along with the builder, Mitch Harris. A portion of the front of the house is four feet outside the building envelope. The owners are requesting a five-foot variance from Section 8.01 F 3 a. The builder said the wetlands in the rear of the property presented a problem, and the building was turned by accident. Linda Manson-Dempsey said the wetlands aren't depicted on the plot plan submitted with the land use permit.

Steve Ward, who owns the adjacent vacant parcel, said that moving the well has impacted the location of his drain field. Karen Leitch from Mitch Harris Builders said that sometimes the Livingston County Health Department requires them to move the location. Mr. Harris said the LCHD required them to move the well to the southwest corner, but the location can be changed.

Mr. Jobst asked the board members to focus on the variance request. Mrs. Jobst said they had letters from neighbors and the HOA. Scott Sada, 143 Abby Brook, is president of the HOA and he said no letter was sent.

Larry Grunn asked Mr. Harris what solution he could offer. Mr. Harris said most of the houses in the area are 103 feet from the center line of the road; however, because of the radius of the cul-de-sac, this house is actually 141 feet from the center line of the road. He also said the surveys will be done before the basement is dug in the future.

Call to the Public

No response.

Motion

Dan Rossbach motioned for ZBA Case #01-17—Patric & Stephanie Jobst, 395 Abby Brook Lane, Tax ID #4710-35-203-021, to relax the front-yard setback requirement, Section 8.01 F 3 a by allowing a five-foot variance, considering the following criteria:

1. That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use. *Not reducing the setback would present the owner from using the property as it exists based on the conditions that are present.*
2. That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property. *It would be impractical to move the house and would create a hardship to relocate.*
3. That the request is due to the unique circumstances of the property. *The property owner was not aware of the situation and the unique circumstances that were created, in part because of the wetlands in the back.*
4. That the alleged hardship has not been created by a property owner. *The situation was not created by the property owner; it was created by the builder.*
5. That the difficulty shall not be deemed solely economic. *The difficulty was not created by the owner and it isn't practical to move the house.*

The variance is granted subject to conditions and will be void if the conditions are not met. Screening will be placed in the front yard, three 4" caliper deciduous trees evenly spaced across the front. An escrow account with \$2000 will be created within the next eight days.

Dan Lowe seconded. Roll call vote: Rossbach—yes; Manson-Dempsey—no; Fillinger—yes; Grunn—yes; Lowe—yes. **Motion carried 4-1.**

ANNUAL ORGANIZATIONAL MEETING

Linda-Manson Dempsey motioned to nominate Larry Fillinger as the chairman. Dan Lowe seconded. Roll call vote: Rossbach, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes. **Motion carried 5-0.**

Larry Fillinger motioned to nominate Linda Manson-Dempsey as the vice chair. Dan Rossbach seconded. Roll call vote: Lowe, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

Larry Fillinger motioned to nominate Dan Lowe as secretary. Linda Manson-Dempsey seconded. Roll call vote: Lowe, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:32 pm. Larry Grunn seconded. **Motion carried.**