

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
JULY 10, 2017**

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

MEMBERS ABSENT: None

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. Larry Grunn seconded. **Motion carried.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

February 6, 2017 Regular Meeting: Larry Grunn motioned to approve the minutes as presented. Dan Lowe seconded. **Motion carried.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #03-17—Timothy & Danita Ouellette, 4848 Vines Rd., Tax ID #4710-29-100-003

Mr. Ouellette said that due to the wetlands behind his house and the steep grade, he would like to put a 32' x 48' pole barn in his front yard with a reduced setback.

Frank & Sherry Hoffman, 4750 Vines, said they had no objection to the pole barn.

Dan Lowe said the barn could be placed on a pad behind the house. Larry Grunn said that a barn in the front yard generates complaints. Dan Rossbach said he feels the elevations and topography constitute a

practical difficulty. Mr. Lowe said the power pole would be a problem with the requested location, and feels there wouldn't be any drainage issue behind the house.

Call to the Public

No response.

Motion

Dan Lowe motioned for ZBA Case #03-17—Timothy & Danita Ouellette, 4848 Vines Rd., Tax ID #4710-29-100-003, to deny the variance request for an accessory structure in the front yard, 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. *There are other locations on the property for the building, and there are no elevation problems.*
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. *The building can be located behind the house.*
3. That the request is due to the unique circumstances of the property. *There is room for drainage to the east and is not a problem.*
4. That the alleged hardship has not been created by a property owner. *There is no hardship, and the building can be built behind the house.*
5. That the difficulty shall not be deemed solely economic. *The accessory building may be more expensive to build within the setback requirements.*

Linda Manson-Dempsey seconded. Roll call vote: Lowe—yes; Grunn—yes; Fillinger—no; Manson-Dempsey—yes; Rossbach—no. **Motion to deny the request carried 3-2.**

ZBA Case #04-17—Craig & Shannon Marshall, 4873 Jewell Rd., Tax ID #4710-17-100-006

Craig Marshall was present to request a side yard setback for a 30' x 40' accessory building, due to the location of his septic and reserve system, and wetlands. Dan Lowe said he thinks the proposed location is the only place it will fit. Linda Manson-Dempsey asked if he could buy additional property to the west; Mr. Marshall said he didn't know.

Call to the Public

No response.

Motion

Linda Manson-Dempsey motioned for ZBA Case #04-17—Craig & Shannon Marshall, 4873 Jewell Rd., Tax ID #4710-17-100-006, to relax Section 8.01 by granting a 10' variance with a 5' setback on the east side of the property, 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 relaxing the requirement would unreasonably prevent the owner from using the property for a permitted use due to the location of the septic and reserve fields.*

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. *The variance being given is less than what was requested.*
3. That the request is due to the unique circumstances of the property. *The property is unique due to the wetlands and septic system.*
4. That the alleged hardship has not been created by a property owner. *The situation was not created by the property owner.*
5. That the difficulty shall not be deemed solely economic. *The difficulty is not solely economic and is unique to this property.*

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

Call to the Public

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:30 pm. Larry Grunn seconded. **Motion carried.**