

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
ZONING BOARD OF APPEALS
AUGUST 13, 2018**

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

MEMBERS ABSENT: None

OTHERS PRESENT: Dave Hamann, Zoning Administrator

CALL TO ORDER

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

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

APPROVAL OF AGENDA

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

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

April 2, 2018 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #02-18—Pardiac Shell, 6000 Pinckney Rd., Howell, Tax ID #4710-35-400-058

Sandy Marhofer was present to request an 11' side yard setback variance to allow for construction of an addition. The Planning Commission has reviewed and recommended approval contingent on approval of the variance and that the property owner will combine the two lots. The applicant has applied for a Special Use Permit for the fuel station and for the auto repair. Dan Lowe had questions on the drainage;

Ms. Marhofer said that it is routed to the retention pond. Dan Rossbach had concerns about the quality of the drawing. Ms. Marhofer explained that she doesn't want to spend thousands of dollars for an architect if the project can't be completed. The ZBA members also had concerns that the proposed addition wasn't staked, and asked the zoning administrator to modify the application to include this step.

Call to the Public

No response.

Motion

Dan Rossbach motioned, for ZBA Case #02-18—Pardiac Shell, Tax ID #4710-35-400-058, to grant the applicant's request to relax Section 9.01 E 3 b and allow an 11' side yard setback reduction, reducing the setback to 14', as depicted in the drawing submitted with the ZBA application, and 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. *An 11' variance is minimal in relationship to the ordinance, is not intrusive and does not impact surrounding properties.*
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. *Bringing the building up to current building codes will benefit both the property owner and the township.*
3. That the request is due to the unique circumstances of the property. *The situation is due to the corner lot and surrounding properties, and is the only place to locate the addition.*
4. That the alleged hardship has not been created by a property owner. *The property owner did not create the hardship.*
5. That the difficulty shall not be deemed solely economic. *The request is not solely driven by cost.*

Linda Manson-Dempsey seconded. Roll call vote: Rossbach—yes; Manson-Dempsey—yes; Grunn—yes; Lowe—yes; Fillinger—yes. **Motion to grant variance carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:03 pm. Dan Rossbach seconded. **Motion carried.**