

Submitted by: S. Longstreet

Approved: \_\_\_\_\_

**MARION TOWNSHIP  
2877 W. Coon Lake Rd., Howell MI 48843  
ZONING BOARD OF APPEALS  
SEPTEMBER 10, 2018**

**MEMBERS PRESENT:** Larry Fillinger, Dan Rossbach, Linda Manson-Dempsey, Dan Lowe, and Ed Galubensky (alternate)

**MEMBERS ABSENT:** Larry Grunn

**OTHERS PRESENT:** Dave Hamann, Zoning Administrator

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**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**

**August 13, 2018 Regular Meeting:** Linda Manson-Dempsey motioned to approve the minutes as presented. Dan Rossbach seconded. **Motion carried.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

**ZBA Case #03-18—Toratola Lane Site Condo, Garth Maxam, Tax ID #4710-26-300-018**

Jim Barnwell from Desine, Inc. was present on behalf of the property owner. The owner is requesting a variance for Section 6.20 c 1—Private Road Length and Section 6.11 C 4—Flag Lot Pole Length, and an interpretation of Section 6.20 C 1 c—Frontage on a Cul-de-sac. Mr. Barnwell said recent changes to the zoning ordinance won't allow a road longer than 750' because the ordinance defers to the Livingston

County Road Commission standards. He feels that the proposed road length of 1445' would be consistent with past policies and other developments in the township. Previously, the ordinance allowed roads up to 2000'. Dan Lowe had concerns about section behind parcels 10-13. Mr. Barnwell said it would be a limited common element; Timber Bluff has a similar situation and it was made a drainage easement.

### **Call to the Public**

Cathy Evans, 450 Triangle Lake Road, said she lives just east of the proposed development and is concerned about privacy. This proposed development is bigger than she thought and would like some type of buffer.

Dave Hamann said the owner originally wanted parcel splits; the previous assessor said that 11 lots would be allowed, and the current assessor says only four are available.

Kathy Del Greco, 155 Sunset Pines, had concerns about construction equipment through her neighborhood. She was told the equipment would not come through Sunset Pines.

Dan Lowe said he's concerned the site plan will be reconfigured due to the "wasteland" lot. He also said he would like both sides of the flag pole lot to be the same (both sides 129' instead of 104' and 129'.)

### **Motion for Section 6.11 C4**

Dan Rossbach motioned, for ZBA Case #03-18—Toratola Lane Site Condo, Garth Maxam, Tax ID #4710-26-300-018, to relax Section 6.11 C 4 by reducing the flag pole 129', granting a 71' variance, on Lot 9 as depicted on drawing 3236 ALX dated 9/7/18, 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. *The design has taken into account the topography and natural features of the property and will have minimal impact on 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. *As stated in #1 above, the reduction is minimal and would do substantial justice to the applicant.*
3. That the request is due to the unique circumstances of the property. *The situation is due to the topography and natural features of the property.*
4. That the alleged hardship has not been created by a property owner. *The property owner has worked within the boundaries of the surrounding area.*
5. That the difficulty shall not be deemed solely economic. *Economics is not a factor for this variance.*

Linda Manson-Dempsey seconded. Roll call vote: Galubensky—yes; Lowe—yes; Fillinger—no; Manson-Dempsey—yes; Rossbach—yes. **Motion to grant variance carried 4-1.**

### **Motion for Section 6.20 C 1**

Dan Rossbach motioned, for ZBA Case #03-18—Toratola Lane Site Condo, Garth Maxam, Tax ID #4710-26-300-018, to relax Section 6.20 C 1 by granting a 695' variance to allow a 1445' private road as depicted on drawing 3236 ALX dated 9/7/18, 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. *The only way to reach the northern part of this parcel is to extend the road beyond the current 750' requirement.*

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. *This variance would provide substantial relief and the length of the road is reasonable.*
3. That the request is due to the unique circumstances of the property. *This is a deep lot with a narrow entry.*
4. That the alleged hardship has not been created by a property owner. *The property owner created a design with larger lots.*
5. That the difficulty shall not be deemed solely economic. *Economics is not the sole factor, and this variance allows the owner to utilize the space in this large parcel and does not have a big impact on surrounding parcels.*

Dan Lowe seconded. Roll call vote: Rossbach—yes; Manson-Dempsey—no; Fillinger—no; Lowe—yes; Galubensky—yes. **Motion to grant variance carried 3-2.**

#### **Interpretation of Section 6.20 C 1 c**

Dan Lowe said he feels the intent of the ordinance was to limit the number of driveways on a cul-de-sac. Dan Rossbach, Linda Manson-Dempsey, and Larry Fillinger all feel that this proposal does not comply with the ordinance.

#### **CALL TO THE PUBLIC**

No response.

#### **ADJOURNMENT**

Linda Manson-Dempsey motioned to adjourn at 8:56 pm. Dan Lowe seconded. **Motion carried.**