

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
ZONING BOARD OF APPEALS
MARCH 4, 2019**

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

MEMBERS ABSENT: Dan Rossbach

OTHERS PRESENT: Dave Hamann, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:37 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. Larry Grunn seconded. **Motion carried.**

APPROVAL OF MINUTES

February 4, 2019 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

NEW BUSINESS

ZBA Case #02-19—Joanne Esper, 3003/3025 Jewell Rd., Howell MI, Tax ID #4710-09-400-006

Patrick Esper, 5700 Emmons Rd., was present on behalf of his mother and said they are requesting a side yard setback variance to allow a land division between two buildings. Larry Fillinger said there is also a front yard variance that would need to be given. Mrs. Esper wants to split the property between her two sons, and both would still be operated as a farm.

Call to the Public

Paul Kraft, 3290 Sexton, questioned whether permits were given for the existing barns and he said they use the barns for personal vehicles, not farm equipment. He also objected to the signage in the front regarding not letting

officials on the property. Mr. Kraft does not support allowing the land division. Larry Fillinger thanked Mr. Kraft for his comments.

Motion

Dan Lowe motioned for ZBA Case #02-19—Joanne Esper, 3003/3025 Jewell Rd., Howell, MI, Tax ID #4710-09-400-006, to relax *Section 8.01 F 3 a* to grant a 48’ front yard variance to allow a split between family members in order to continue the farming business, 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. *Due to the existing barn that’s been on the property for 80+ years, the property owner wouldn’t be able to divide the farm without this variance.*
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. *For the same reason as number 1 above, the property owner wouldn’t be able to divide the farm among family without the variance.*
3. That the request is due to the unique circumstances of the property. *There is a hill in the front of the property that wouldn’t allow access without the variance.*
4. That the alleged hardship has not been created by a property owner. *This property owner did not create the hardship.*
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; Manson-Dempsey—yes; Fillinger—yes; Grunn—yes; Lowe--yes. **Motion to grant variance carried 5-0.**

Motion

Dan Lowe motioned for ZBA Case #02-19—Joanne Esper, 3003/3025 Jewell Rd., Howell, MI, Tax ID #4710-09-400-006, to relax *Section 8.01 F 3 b* to grant a 4’ variance on the east side yard setback, and a 2’ variance on the west side yard setback on the newly-created parcels which would allow family members to continue the farming business, 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 existing barns are too close together and the land division wouldn’t be allowed without the variances.*
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 existing barns wouldn’t be usable without the variance.*
3. That the request is due to the unique circumstances of the property. *The situation is due to the location of the existing barns, which were planned for use, not future splits.*
4. That the alleged hardship has not been created by a property owner. *This property owner did not create the hardship.*
5. That the difficulty shall not be deemed solely economic. *Economics is not a factor for this variance, and the property owner wants to continue running the family farm.*

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

OLD BUSINESS

Review ZBA Rules and Procedures: Larry Fillinger said he would like the entire to provide input for this item. This will be reviewed at the next ZBA meeting.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:04 pm. Larry Grunn seconded. **Motion carried.**